

Damaaja Tutetee Haki



KENYA HUMAN RIGHTS
COMMISSION

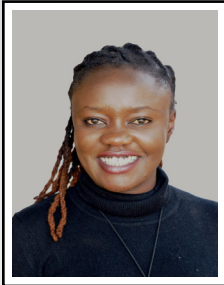


MIZIZI YA HAKI

Edition 1

September 2015

THANK YOU



The Kenya Human Rights Commission is the premier human rights organization in Kenya established in 1991. Currently, the work being done by the institution is grounded on the 2014/2018 Strategic Plan whose Vision is to secure human rights states and societies.

The journey towards the production of this first issue of Mizizi ya Haki in 2015 has been enthralling as it has been challenging. This newsletter is a compilation of articles from Human Rights Networks from across the country. Each story is testament of the human rights situation in Kenya, an apt reflection of the human rights discourse that takes place far from the cities, conferences and roundtables. True to its name, Mizizi ya Haki gives human rights defenders working in communities a chance to share their successes, challenges and experiences. This edition highlights issues of Gender Based Violence (GBV), from Nakuru County where a group of human rights defenders have worked tirelessly to address this issue. Devolution has introduced more avenues for public participation in governance. Read about the women in Kwale who are participating the budget making process in their county. Even with several new opportunities created for the public, many people still do not understand most sections of the constitution, according from Machakos County. A HURINET from Uasin Gishu County also documents human rights violations which are captured herein. Kitui County also features with an article documenting the process in addressing alleged financial misappropriation. The use of advocacy in Nyandarua County is a lesson in how best to use facts in creation of awareness on human rights issues. The police recruitment exercise in Kakamega is also questioned herein. Mizizi ya Haki is available to all HURINETs upon request from KHRC, and to the public on www.khrc.or.ke. The second edition of Mizizi ya Haki shall be released at the end of 2015. Enjoy!

Audrey Kawire Wabwire-Communications and Knowledge Manager



It is with great honor and joy that I take up the role of chief editor for this Mizizi Ya Haki Edition. It is my hope that despite all challenges faced in the continuity of the news

letter the articles of this production will create knowledge and enlightenment on what Kenya Human Rights Commission's (KHRC) Human Rights Networks (HURINETs) are working on. Drawing on original data and photos from partners, HURINETs who KHRC has continuously empowered, this newsletter showcases the work which the partners have continued to do with an aim to fight and defend human rights all over the country. This issue gives the reader a chance to interact with interventions of human rights violations and the views of the partners on how best to deal with such cases. Mizizi Ya Haki- will seek to carry out well packaged articles that demonstrate information in the areas of women empowerment, county engagements, community, internally displaced persons and gender based violence. The edition will therefore help us to keep abreast with human rights issues. In particular it will bring out experiences, best practices and show case real life success stories and events that are an inspiration for you. In this regard I want to thank KHRC Management, HURINETs in particular those who have contributed the content and Medika Medi for the superb design and layout. I hope you enjoy reading this edition as we enjoyed producing it.

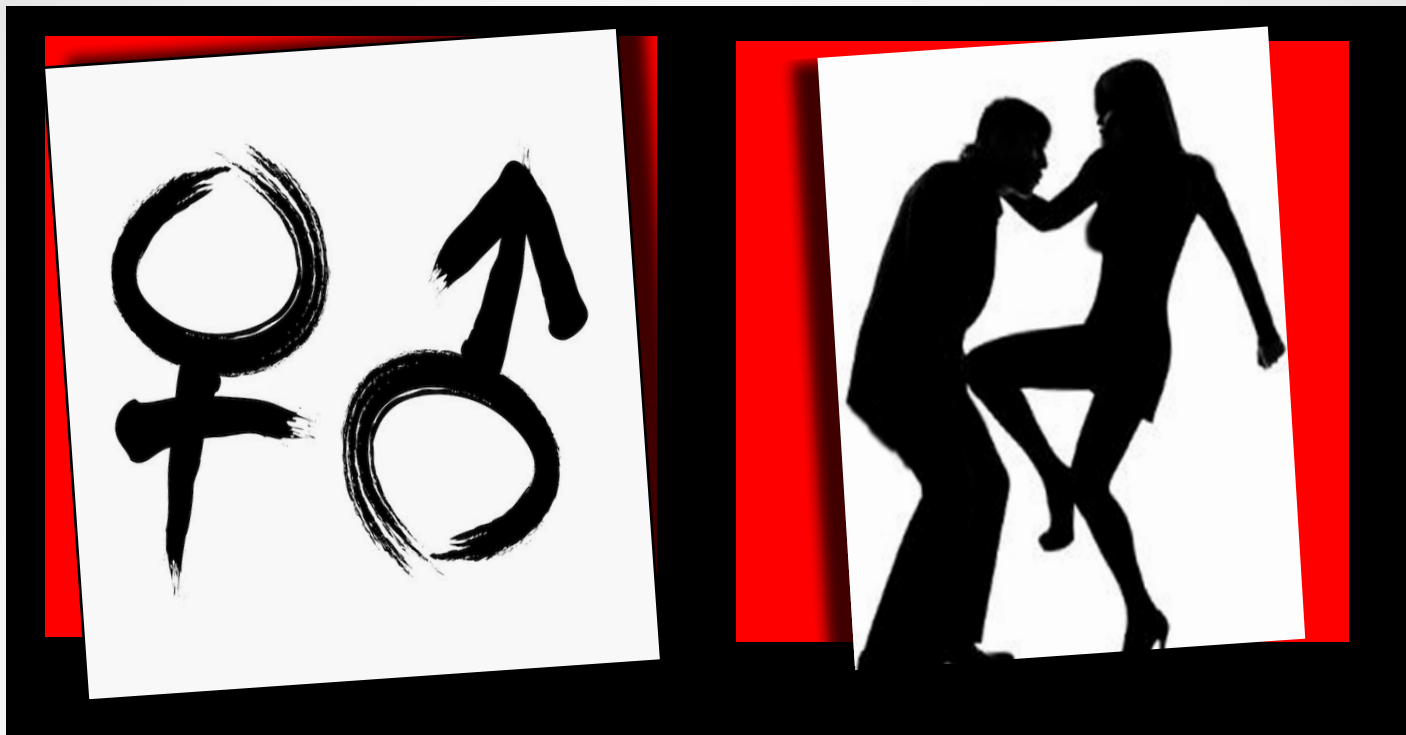
Regards

Catherine Kamatu -Communications Assistant

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Championing Gender-Based Violence in Nakuru

Midrift Human Rights Network



Clare Obora

The discourse on Gender-Based Violence (GBV) is dominated by cases of abuse against women and children. This is not to say that others are not affected, as the members of MidRift HURINET, Nakuru County, recently witnessed when a young man approached the organization for assistance after he was allegedly raped earlier this year. The 26-year-old Julius (not his real name), approached Midrift HURINET several days after the alleged incident as he did not understand how he could receive justice for such a case. After gathering his courage, he went to the MidRift HURINET office and spoke candidly about his experience. He was comfortable as he shared his experience as he was made to understand that this particular network is a human rights champion in the area. Members of the network swiftly jumped to action and recorded details of the assault which was allegedly meted upon Julius by a prominent man in Nakuru County. The network also helped Julius to understand how his

rights are protected within the law in such scenarios. Following this, the network reported the incident to the police and followed up to ensure that Julius had his day in court. In the beginning, it was difficult since nobody in the courtroom took the network seriously, since indeed it does not have a history in championing court cases. However, since all the facts were well laid out and due processes followed in reporting the case, the network members supported Julius in his initial appearances in the court. MidRift HURINET went on to seek pro bono services from a lawyer to aid Julius in this process. After securing the lawyer, the networks further reached out to other interested organizations and launched a formal report with the Kenya National Commission on Human Rights. This network has been at the forefront of several human rights issues in Nakuru. The network prides itself as a group that has constantly checked the county government to ensure better delivery of services through fiscal accountability discussions. Agree with the writer? Share your views:- erialchobora@gmail.com

From On-lookers to Active Participants: How the Voice of Citizens has Transformed Governance in Kwale

Kwale Human Rights Network



Women follow proceedings during a public meeting called by the County Government in Kinondo Ward



George Jaramba

Before the promulgation of the Constitution of Kenya in August 2010, the Kwale woman was a frail, shy being who would sit in public meetings throughout the session and leave without uttering a word, save for the self-introduction session. But with the coming to force of devolved government, the Kwale woman has steadily grown from a mere spectator and cheerleader of her male counterparts to active participant in the public affairs.

The difference between the pre-devolution woman and the current Kwale woman can be measured in one major way: The budget making process of 2014-2015 fiscal year saw only a handful of women present in the equally poorly attended meetings organized by the county government. In contrast, during a similar exercise this year, there was a tremendous increase in the number of female participants in the various wards. Women of all ages did not only attend the forums, they also had a big say in how they wished their welfare should be factored in the proposed budget. A number of women this writer spoke with during the process attributed the huge presence of women in the budget making process and other public forums to the sensitization and awareness that has been created by Kwale Human Rights Network. "Elimu ambayo tumekuwa tukipata kuhusu masala ya kijinsia imetujenga mno, na sisi wachache ambao tumefanikiwa kupata hiyo nafasi, tunaendelea kusambaza ujumbe kote, kwani sisi kina mama tumegundwa kuwa habari ndiyo silaha ya kupigana na ujinga"... "Education we have been getting on gender issues has built our capacity a great deal; and the few of us who have had this opportunity have

continued to share the information we get with other women. As women, we have discovered that information is the weapon with which to fight ignorance," says Asha Bakari Chimwari, the chairperson of Sauti ya Wanawake-Msambweni Chapter. Kibibi Rashid Mwaka, the chairperson of Kwale Human Rights Network stunned a gathering during the International Women's Day celebrations at Nyumba Mbovu in Kinondo Ward, when she opened her hand bag and asked the audience if they had seen the little book she was holding. When the crowd answered in the negative, she took that opportunity to give the gathering a short lecture. "This book is called the County Integrated Development Plan (CIDP)," she informed the startled audience which included the Msambweni Member of Parliament Suleiman Dori and a host of Members of the County Assembly.

This book, she explained, "contains a comprehensive development plan for the next five years and it is a pity that you may not have contributed to its development," she warned and urged women to ensure that they took part in the development agenda of the county by giving their views on issues affecting them. But women empowerment has not ended in governance issues.

The women saccos in Kinango Sub-county have transformed dramatically since they began associating with Kwale Hurinet in the citizen's voice project. "We have bought assets for our members and helped members to educate their children through loans apart from being capacity built to aim higher," Says Blandina Tatu, chairperson of Kinango Women Sacco. Other areas where women have done well following the inception of the project in Kwale include agriculture and cottage industry. The project's success is also attributed to the cooperation of the leaders of the decentralized units and the cordial relationship the funding agency-The Aga Khan Foundation enjoys with the county government.

Agree with the writer? Share your views:- maishapoa@gmail.com

Comprehension of the New Constitution

Machakos Human Rights Network



Joseph Kitaka

A gender analysis in Yatta and the greater Machakos area conducted recently has shown that many local people do not understand the new constitution. The survey carried out by Machakos Hurinet Yatta Paralegal Network showed that on average men had a better understanding of the constitution than women. Data indicated that more than half of both the male and female respondents interviewed could not comprehend the constitution. There were also significant differences as to the exact levels of understanding in both genders. Of the men interviewed only over a quarter understood most parts of the constitution which is much higher when compared to a quarter of the women interviewed. Regardless of their understanding most of the residents are hopeful that the new constitution will change their lives positively with majority of the respondents agreeing so. Over a quarter thought it would impact negatively on their lives and small fraction did not know what to expect with the enactment and implementation of the new dispensation. A community member from Matuu Ward and Ikombe said: “The Yatta Sub County would be more accountable to the citizenry especially with the knowledge that it is possible to recall MPS.” “To me it is a bit difficult to benefit because Kenyans are led on proposals but implementation is poor. Kenya has been reborn through the new document but Kenyans are still the same. It will be important for leaders to accept and change what is in their hearts especially if they had no intension of bringing change since 1963,”

said a youth leader from Christian Impact Mission (CIM). “It will affect people positively only if it’s implemented because it has been sometime since promulgation and still no noticeable change around.” said a church priest, Machakos County. Less than a quarter of the respondents mentioned gender inequality as the major issue facing women in almost all the sub counties of Machakos. Other issues were illiteracy and unemployment which affected their decision making although this would be resolved through empowerment. “Women in most parts of the sub counties travel long distances in search of clean water and the situation is made worse during the drought when poverty and diseases are also affecting them,” said a community member from Katangi ward Kyua zones. Over a quarter of the respondents noted that early marriage is a major issue facing girls in the area. Insufficient education was also mentioned as another big challenge many young girls are involved. “They get married but staying together is a problem and after 2 or 3 years they are separated leaving the burden of the children to their parents. The government should emphasize on protecting young girls until they are educated and mature enough to get into marriage,” a member of Yatta paralegal stated. Unemployment, drug and substance abuse are the major issues affecting boys within Machakos Sub County, Yatta zone. Other issues mentioned were lack of education, peer pressure and insecurity crime. Drug abuse was attributed to lack of employment. “Unemployed youth are idle especially those from Masinga and Yatta sub counties engaging mostly in miraa chewing and sand harvesting. This also exposes them to misuse by the politicians because they would like to use the money politicians give to satisfy their addiction,” said a resident from Kithimani ward. “The youth do not have work so they resort to stealing to get money to buy alcohol. The government should try to open factories in rural areas like for packing sand and stone cutting in places like Kyasioni, Kisiiki, Kambi Mawe and Katangi which can be a partnership between the county government and national government,” said a women leader from Ikombe ward.



Agree with the writer? Share your views josephkitaka@yahoo.com

PICTORIAL

FALLEN HEROINE



The Human Rights Fraternity celebrates the life of Evelyne Kiwerwa from Taita Taveta Human Rights Network who passed on after a brief illness. The KHRC remains forever grateful for her selfless work on women and children's rights



Grace Were of KHRC training HURINET members on KHRC's digital library



Moses Mwangi of North Rift HURINET visits internally displaced persons at Moiben camp in Uasin Gishu County



Catherine Kamatu of KHRC delivers a generator to Centre for Human Rights and Civic education in Mwingi



Faith Kirui of KHRC conducts an ICT clinic to members of Citizen Land Network Kibwezi



Christopher Chege Thande Nairobi HURINET during the Launch of Baseline Study on Emerging Trends on Human Rights and Governance in Counties

Squatters of Moiben Evicted

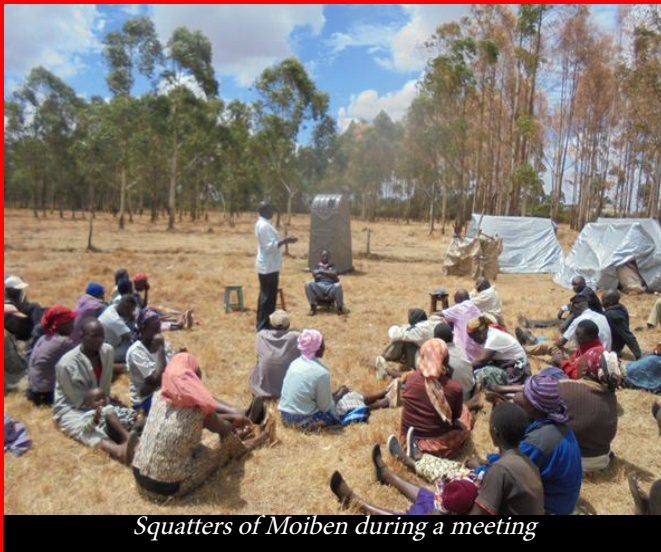
In December 2014, the county government conducted evictions. The aftermath of the whole process resulted to destruction of property.

Uasin Gishu County Human Rights Network



Kiptoo Simon

Citizen Centre for Development and Human Rights (CCDHR) mandate stems from solving family disputes through mediation and deliberation, legal and political issues. In the early hours of 2nd of April 2015 a group purported to be representatives of Moiben Squatters (Uasin Gishu County) visited CCDHR offices claiming to have been subjected to human rights violations. In December 2014, the county government conducted evictions.



Squatters of Moiben during a meeting

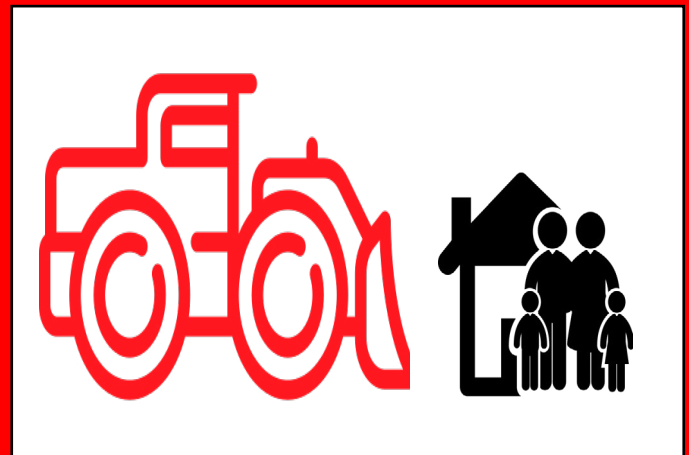
The aftermath of the whole process resulted to destruction of property and blatant violation of human rights. Initial findings documented by the Red Cross indicated that more than 81 houses were set ablaze and or demolished by hired or otherwise belonging to the County Government of Uasin Gishu Bulldozers. All these undertakings rendered a substantial percentage of household and families homeless. Records have it that more than 450 people were affected including young children, sick people living with disabilities in addition to vulnerable groups i.e. the elderly, women and pregnant women.

To build upon the case, CCDHR conducted an investigation of the matter with an aim to acquire factual information.

These were the findings of the study;

1. There exists a substantial percentage of squatters within Moiben area
2. Houses and property belonging to squatters worth millions of shillings was destroyed
3. The County Government of Uasin Gishu was the architect in the whole process
4. The County and Central government mechanisms were used in the illegality
5. The area chief and ward administrator were supervising the whole eviction and destruction of property.
6. Video and photographs clearly establish the existence and ruins of demolished houses and property.
7. Plight of the vulnerable was not taken into account
8. Victims were psychologically tortured.
9. School going children stopped attending schools due to the long distance created by evictions.
10. The process was carried out without following procedure. i.e. no court ruling, no written notice to the squatters.

From the findings, CCDHR concluded that the squatters suffered prejudice and arbitrary violation of their human rights. The victims suffered mental, financial and psychological torture. CCDHR recommended that Uasin Gishu county government compensate the victims immediately in consideration of the poor conditions they (victims) are living in.



Agree with the writer? Share your views :-kibsim@hotmail.com

Police Recruitment: Is It Free and Fair?

Kakamega County Human Rights Network



National Police Service Chairman Johnstone Kavuludi addressing the media when he visited Isanjilo police recruitment center.



Tom Mwanje

The Kenyan Constitution 2010, confers on the National Police Service Commission (NPSC) the mandate to recruit and appoint persons to hold or act in offices in the National Police Service. On 14th July 2014, the recruitment of 10,000 police constables was set but owing to many challenges the process spilled over to the next day. There were however alleged irregularities with the exercise with some of the major complaints being; Corrupt practices, Ethnicity and Nepotism and political interference. The process was cancelled due to the corruption allegations and a similar one carried out on 20th May 2015.

A Case of Isanjilo Center-Kakamega

The police recruitment exercise at Isanjilo center started at 8:00am with recruits registering their requirements for the day's activity. The exercise was carried out following a previous one that had aborted as a result of corruption, which led to nullification of 36 notable stations, Isanjilo being one of them. Kakamega Human Rights Network participated in monitoring the proceeding of the police recruitment exercise and filed a report. Isanjilo's target was to recruit 28 people, a total number of 11 (10 male and 1 female) for Administration police recruits and 17 (11 male and 6 females) for regular police. During the recruitment, Johnstone Kavulundi, Chairman, National Police Service visited the center. He patrolled the facility taking comments from the recruits, members of the public and the media. "I strongly urge the officers in charge of the recruitment to carry out a free, fair and transparent exercise." stated Kavulundi.

The recruitment was carried out with the main objective, building public confidence and trust in the National Police Service, and to ensure that the Service complies with chapter six of the new constitution. As a result of monitoring the process, the Human Rights Network sort to find out what are some of the issues that contributed to a recruitment process that was branded as full of corruption. The findings included; poor use of assessment forms, regular and administration police taking independent charge of the process, lack of official accredited observers. Recommendations.

1. To do away with assessment forms deemed to discriminate genuine candidates.
2. To have independent monitors from Civil Society Organizations.
3. To have police officers reshuffled to other counties to ensure transparency.



Agree with the writer? Share your views: -tomwanje@yahoo.com



Clare Obora

Human rights defenders have always taken pride in the work they do. They are seen as champions of the weak, vulnerable and the lowly in society. In Kenya the defenders have come out openly to protect human rights to the extent of ensuring violations are curtailed. Being a researcher, issues of the LGBTI have always taken my interest. This led me to conduct a desk top survey on “an African perspective to sexual orientation”. The conclusions from my study changed my perception on the way I viewed individuals with different sexual orientation. With change in perception I become more embracing towards the LGBTI community. During one of KHRC reflection moments that I attended we were grouped in different thematic areas in order to effectively articulate issues faced by different categories of human rights defense. There were three themes, equality and non-discrimination, Civic and political Rights, Economic and Social Rights. Being in charge of gender and development issues at MIDRIFT HUMAN RIGHTS NETWORK I was grouped with others under the thematic area equality and non-discrimination. The introductory session included talking about the work that each organization does. Members of Gay and Lesbian Coalition of Kenya (GALCK) an association that deals with LGBTI whose major aim is to provide legal advice and assistance to LGBTI people who are victims of Kenya’s existing anti-LGBTI laws or who are victims of physical violence or any form of discrimination that may be related to their known or presumed sexual orientation shared on the work that their organization does and articulated the areas in which they felt their human rights were traipsed upon. The session was charged with participants differing on issues of sexual minorities which was very emotive leading to some members walking out of the room as they did not want to be associated with the LGBTI. The opportunity availed by the KHRC reflection was used to better understand the LGBTI and the issues they undergo and what can be done to at least make the environment they live in to be safe. This led to formation of friendships that I always looked forward to sharing meals with the members of GALCK as this availed an opportunity to ask questions that enabled me understand their worldview and experiences. I must say my curiosity and research thirst got the best out of me. This action led to watchful eyes from other human rights defenders attending the reflection. I could hear whispers and spite from other members saying apparently “I am one of them”. The last day of the reflection, a member from a HURINET in Garisa approached me and was curious why I had changed my orientation suddenly, this was followed by laughter on my part without any answer leaving him confused and at liberty to formulate an answer that befitted him. Being the last day we parted but it was obvious there was blood between members of the HURINETS that considered themselves oriented in the “normal way” from those of the LGBTI. While the members of the LGBTI embraced the issues and challenges faced by the other HURINETS, the same was not expressed to them. The experience from the reflection led me to further research, I stumbled upon the “story of our lives” a documentary by the nest collection

Defining Human Rights



which highlighted the plight of the LGBTI in Kenya. My interest in advocating for the rights of LGBTI was made know to my HURINET and there was no opposition hence a component of advocating and ending violence among LGBTI was introduced. Baring in mind that MIDRIFT HURINET had implemented projects on reduction of violence in urban areas, it was easy to have a tailor made concept on how we intended to end violence amongst the LGBTI. On 26th and 27th February there was a two day training courtesy of KHRC. Afternoon sessions would be marked by launching and having sessions on the national action plan for women at Safaricom’s Kasarani sports center. The last day of the session saw a group of individuals going out at night. I had work deadlines to finish so I was up till 3.00 am. While working, I had the group return while making noise, they all went to their respective rooms. The last member was shouting so much it was apparent she had taken too much to handle as she was yelling and arguing with the receptionist. When I had her coming to the stairs I opened my door and inquired what the problem was, she explained her query and I closed my door ready to embark on my work. After close to ten minutes, I had her knock my room and she claimed there was something she needed to show me in her room, I wrapped a towel and followed her, she was also in her towel. Upon entering her room she unwrapped her towel and was stark naked and it was obvious she was making sexual advances to me as she beckoned me to join her. I ran out of the room, it was not expected and I had to knock on Cecilia** my neighbors room who was also a lady. I explained all that had happened. Meanwhile the other lady (let’s call her Annette) was screaming and calling on names of people. Soon people started coming from their rooms and Cecilia prompted that we also go. Annette being very drunk was begging if she could be allowed to have sexual release, apparently she was calling my name and the crowd now become furious. Since these members knew I supported the rights of LGBTI they started alluding that I was promoting lesbian tendencies. Several Muslims turned to me and it was obvious they would not spare my life. Cecilia had to beg them and even explained that I was oriented in the straightway. The crowd only stopped when I threatened to report the matter to KHRC. Back to my room, I could not hold back my tears. I cried myself to sleep but it was a moment of soul searching and reflection. This opened my eyes on the violence the LGBTI face. I had a lot of questions; is one entitled to violence, rape, prejudice and other inhuman acts just because of their sexual orientation? As I am writing this, the words of president Obama still echo in my conscious, what if one is a law abiding citizen and doing everything right as a citizen, are the entitled to violations just because of who they chose to love? The experience brought with it trauma, what if they could have injured me badly in the process of alleging that I was spreading lesbian tendencies? If I had to report such a matter at the police station, would they treat me fairly or they would segregate me basing on the allegations of the crowd? I embarked on writing a proposal to UHAI EASHRI an organization that deals with the rights of sexual minorities with the aim of ending violence amongst the LGBTIs through coming up with solidarity initiatives that would introduce LGBTI communities to other HRDS. It was apparent that since most HRDs were not comfortable with LGBTIs then it would imply the fight towards upholding human rights and prevention of violation of these rights would not be effective if human rights defenders chose the rights they would defend and those they would not.

Agree with the writer? Share your views:-erialchobora@gmail.com

Finance Act Woes In Kitui County

Kitui County Human Rights Network



By Christine Kalikanda

The Mwingi business fraternity in June 2014, requested for the enactment of the finance, the demand was a result of came soon after stopping the Kitui government officials from collecting illegal fees and charges after elapsing of the June 30th financial year. The county government enacted the law without involving the residents of Kitui county, contrary to the constitutional provision of public participation on matters that affect the people. The county government delayed the new legislation up until January 2015 and later gazzeted the new finance act 2014/2015. Centre for Human Rights and Civic Education (CHRCE), facilitated a meeting with the Kitui business community to discuss the fee increament and as a result there was an agreement to petition the government in order to reduce the fees. The team also demanded for the previous finance act to remain operational until there was consensus from the county government and the business community. CHRCE supported a peaceful demonstration to present a memorandum to the County Government. A seven day notice was given for the Governor to act on the demands and a lawyer was engaged to challenge the Governor in court. A court decision to pay the same rates in the finance act 2014/2015 by the business community was agreed and businesses are currently operating peacefully.

Agree with the writer? Share your views:- christinekalikanda@yahoo.com

How is your County dealing with issues of

**Integrity and Transparency
and Accountability?**



Talk to us on:

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The Power of Advocacy

Nakuru County Human Rights Network



Internally Displaced Persons Participate in Advocacy



By Keffa Menganyi

Since its formation, Internal Displaced Policy and Advocacy

Center (IDPAC's) mandate has been to engage in policy development on internal displacement and to institutionally serve as a focal point for information and advocacy efforts with and on behalf of the displaced themselves in all phases of displacement. In the recent past, IDPAC has engaged in enhancement of community participation in advocacy by ensuring that the National and County governments are aware of the existence and struggles of IDPs. On 25th January 2015, IDPAC team together with National IDP Network and Integrated Internally Displaced Persons (IDPs) leadership held a prayer meeting at Olkalau grounds with an aim to sensitize the government on integrated IDPs and the challenges they face. The over 8,000 integrated IDPs recommend



that Nyandarua County leaders declare the IDP situation as a challenge in the county and challenged the government to initiate a policy to clear all IDPs within the shortest time possible. They further requested that Members of Parliament take a step and introduce the motion in the parliament to debate all IDPs grievances. As a result of the prayer meeting, the Senator, Nyandarua County formed a committee of 20 IDPs from amongst the Nyandarua integrated IDPs leadership whose mandate was to seek an appointment with the National government in particular

the president to pass their grievances directly. IDPAC also took part in a peaceful demonstration in Kisii- Nyamira that was organized by Nyamira Internally Displaced Persons in collaboration with Inform Action, Kenya Human Rights Commission and National IDPs – Network. The group of IDPs organized the demonstration to; seek recognition by the government for consideration of resettlement, show solidarity with other IDPs and present a Memorandum to the President through the County Commissioner.

Agree with the writer? Share your views:-
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Stop Human Rights Violations

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Article 1

Universal Declaration of Human Rights-UDHR



What is your story as a human rights defender in Kenya?

Write to us: admin@khrc.or.ke