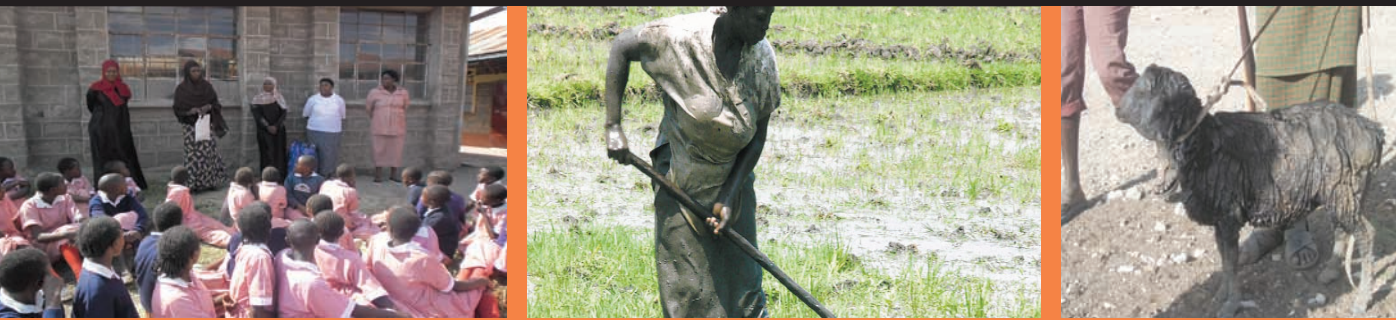


MIZIZI YA HAKI

“When duty calls, that is when character counts.”
- William Safire



Let the people speak

A Community Human Rights Initiative Newsletter

ISSUE NO. 14 MAY 2012

Peace Building Must Be a Priority in 2012 and Beyond

By Michael Murugi



Matatu tout tries to calm a crowd wielding machettes and crude weapons during the post-election violence of 2008. Picture courtesy AFP

The Constitution of Kenya 2010, spells hope that Kenyans can realize their dreams of improved standards of living arising from accelerated socio-economic and political development.

But we should not forget that the hard work of transforming the country is just beginning and we should not ignore the gigantic task that lies ahead.

We need to remind ourselves that although Kenya has enjoyed relative peace since its independence in 1963 compared to our neighbouring

countries, coupled with massive infusion of resources in the form of development grants and loans from western countries primarily, this has not translated into any enviable economic growth or raised economic status of the majority of Kenyans. It is now clear that instead of spurring economic growth, the peace we enjoyed only masked deep socio-political and economic rot that cancelled out any efforts to produce accelerated economic growth for the country.

The challenge before this country to undo the wrongs of the past and entrenched evils is enormous.

Topping the list is the culture of bad governance and corruption which have seriously undermined social justice, equity, national cohesion and unity.

Kenyans in general are disillusioned by the apparent failure of successive governments since independence in 1963, to secure decent living standards and socio-economic base for its citizens and especially against pressing livelihood challenges, and to bring about the reforms the country so desperately needs so as to uplift the masses from crippling levels of poverty and despair.

Consequently, possibly akin to pre-independence times, wide economic and social disparities persist between the rich and the poor and between the elite political class and the governed majority. The roots of these disparities can be found in a colonial governance legacy perpetuated by a cabal of political class governing the country almost without a break since independence, and capitalizing on the ethnic configuration of Kenya to perpetuate them in power.

Therefore, lest we make the mistake to equate the current euphoria with

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Editor's Note

As the country enters into an election mode despite there being a politically created uncertainty on the election date, the signs of elections being near are everywhere. Politicians are running around crisscrossing the country trying to woo voters while at the same time playing musical chairs with the political parties. The negative signs are also everywhere with a lot of ethnic violence being reported in numerous places. In this edition we have carried stories of violence resulting in serious injuries and deaths have taken place in various places including Isiolo which has been in the news. Some of the pictures are too graphic to display in a paper like this but the stories paint the picture. We also have stories of county concerns, most being around the boundaries delimitation exercise carried out by the Independent Electoral and Boundaries Commission (IEBC) and the subsequent review allowing for public participation both at national and county levels.

Another pertinent issue is the rights of the girl-child with reference to female genital mutilation (FGM) that is prevalent in certain parts of the country, such as among the Kuria people, despite numerous intervention efforts. Regardless of the grimness of the situation, there is light at the end of the tunnel as some of the people come up with their own solution to the problem while still on the rights of the girl-child, we also note that as the elections draw near, women need to take advantage of the provisions made by the Constitution of Kenya 2010 (CoK 2010) on representation.

We join with everyone who has women's best interest at heart to urge them to seek electoral seats at both county and national level. Further, this is the time for every woman to come out to protect what has been given to them through affirmative action. Affirmative action does not favour women but offers them opportunity to catch up with men as equal members of the society.

And while still on elections, it will be noteworthy to mention that there are provisions for what to look out for in candidates seeking electoral positions. Chapter Six of CoK, 2010 on Leadership and Integrity outlines what these are. It is necessary that all the electors familiarize themselves with these requirements as they will help in electing the people who will take us to the Kenya we want, rather than elect leaders based on ethnic inclinations.

As earlier mentioned, this edition has carried some stories on violence and ethnic clashes. The next edition will focus primarily on cattle theft, peace and security. We are welcoming contributions of articles from you, our dear reader, and from everyone. Send your articles with pictures (not more than 1000 words) to admin@khrc.or.ke with Mizizi 15 as the subject. So welcome to the 14th Edition of the Mizizi and enjoy.

Beryl Aidi

Editor

More Civic Education needed on Devolution

From Isiolo HURINET

The promulgation of the Constitution of Kenya in August 2010 gave Kenyans a reason to dream for a better and prosperous future.

Kenyans believed that the new constitution is an all round cure to all their problems. They believed that service delivery would be improved, issues of governance would be strengthened, equality and justices will be the norm and all of us would live happily thereafter.

Sadly, many Kenyans did not know that the implementation of the new constitution will be nightmarish. They are now faced by the reality of the difficulty of implementing a crucial document such as the Constitution.

This is largely true. Take devolution for example. Kenyans believe that devolution and federalism are the same. There is already talk of displacement of non indigenous communities; sharing of resources is a big challenge.

The government and Civil Society Organisations (CSOs) have not embarked on meaningful civic education to make people understand the merits and demerit of devolution, the difference between federalism and devolution, how devolution works and what it means to be devolved.

In the absence of civic education, politicians have taken it upon themselves to interpret the constitution and in the process misrepresent facts for their own selfish benefits.

Isiolo Lewa, Ngarendare and EwasoNyiro rivers originate from Mt. Kenya Aberdare and Mau water tower and they flow across various counties Isiolo county included. Burat community in Isiolo County is a beneficiary of this natural resource for they use this water for drinking and domestic use as well as for their animals and for irrigation purposes.

After the promulgation of the new Constitution, communities upstream decided to block and divert water claiming that every county should use its own resource.

In the process communities down-stream have been left suffering with no source of water.

Despite this, Isiolo Human Rights Network (IHRN) and other stakeholders appealed to the director of Water Resource Management Authority (WARMA) to intervene. However, the resolution which was developed at the time was never implemented because politicians and highly placed individuals derailed the whole process. Infact, human rights activists and WARMA team were stoned by youth hired by politicians and commercial farmers.

This forces one to wonder: will devolution work to the advantage of all Kenyans or will it create distrust animosity and suffering to section of the community?

The best way forward is to roll-out aggressive civic education programs so that the citizen can be educated on devolution so as to eliminate myths and ignorance of the supreme law.

Peace Building...

From page 1

peace particularly in the context of post-election violence of early 2008, we need to note that the sense of peace prevailing in Kenya is one normally referred to as negative peace, for it masks enormous socio-political and economic injustices and structural violence found in our institutions of governance, and attitudes that promote skewed development policies and corruption in public sector. These are the factors that hinder socio-economic and political development in Kenya for they push the majority of the population to the periphery of social and economic activities, thus aggravating poverty and the sense of marginalization.

The socio-economic and political situation described above and the potential for conflict applies equally to the Central Kenya region and Nyeri County in particular, with the difference that Central Kenya region has not received the attention accorded to other more conflict prone regions in Kenya. But the quickest way to turn Central Kenya into a conflict hot spot in the future is to ignore the issues precipitating poverty in the region. In addition, we cannot ignore the fact that post-election violence exposed the serious ethnic divides in Kenya, and only minimal healing and reconciliation has taken place since.

So, in order to consolidate national cohesion, unity and reconciliation in Kenya, there is need to focus on factors that precipitated the past

post-election violence so as to prevent a similar scenario as the country gears up for the next general election in 2012 or 2013.

In any case, stabilizing peace is in the long-term interests for Kenya; positive peace and development are two sides of the same coin and you cannot have one without the other. There is need also for strategic efforts to be put in place to reconcile Kenyan communities so as to restore fractured relationships, reintegrate Internally Displaced Persons (IDPs), in addition to demobilization and rehabilitation of all militia groups.

In addition, efforts must be put to accelerate socio-economic development and thus lift the status of the majority of Kenyans who are gripped in a cycle of abject poverty and disillusionment in an environment that seems only to favour the powerful and wealthy. We need a marshal plan to transform all sectors of social, judicial, institutional, economic and political structures and governance to guarantee the peace and stability the country so desperately needs and without which the country will continue to be mired in poverty, insecurity and instability.

It is expected also that the new constitutional dispensation will expand democratic space which inevitably will stir up conflicting interests at all levels of governance and sectors of economy. Hence we are likely to see more social conflict in the short term.

Because of this, we need policies and reforms that promote constructive engagement with conflict at all levels of society and especially at community level so that we can avoid situations which promote violent conflict among Kenyans, and hence promote and institutionalize mechanisms that transform negative energy created by conflict to creative positive change in society. Such mechanisms include mainstreaming policies relating to conflict sensitive programming in public and private sector structures, to promote conflict early warning and response especially at community level, education for peace which empowers people to embrace non violence approaches to conflict and inculcate peace values among the youth in learning institutions so as to cultivate a culture of peace in society.

Finally, the new Constitution is essentially a reform document, and if Kenyans are faithful to it and it is properly implemented there is no doubt it will transform this country for the better. However, we need to remember also that just because we have a new constitution does not mean that the enemies of reform have been subdued, so we must remain vigilant. And one of the ways to safeguard positive impacts of the new constitution is to ensure that Kenyans understand their rights and obligations under the constitution.

Michael Murugi is a Peace-building Consultant with PeaceNet.

Letters to the Editor....

It is time for the Community to take control of the elections process

Challenges still abound in the implementation of the new Constitution. Priority should be given to reducing poverty, insecurity, and negative effects of climate change, conflicts, crimes, land disputes, trade imbalances, diseases, illiteracy and other man-made disasters that curtail human development.

It's the democratic right for one to declare ambitions to the elective posts provided by the new constitution. However it's vital for the electorate to first identify those leaders that will serve them effectively after the 2012 elections.

The electorate, right from the village level should form structures to examine amongst themselves who is best suited to serve them either as the president, senator, legislator, governor, women representative and councillor.

If they are satisfied that Mr. X, Mrs Y or Ms Z is the best for the aforementioned position, then the identified potential candidate should be consulted and supported by the same electorate in registering as a candidate by contributions from them which should also be used in campaigning. Communities should not wait for persons to

declare and impose their candidacy on them. The electorate know best amongst themselves who can serve them. They know persons in their midst with a track record of selfless service, honesty, transparency and accountability. Such a person may have served as a manager of community development programs and projects in schools, health centres, water points, and factory.

Such a person may have been at hand to assist the community during crises like hunger, fundraising fees for bright students among other community needs.

Youths should use their numbers for the opportunity to elect credible leaders. It is estimated there are 6 million youths registered as voters. And since the minimum age for all the elective seats is 18, this is a great opportunity for the youth.

Once in office it's very unlikely for the elected representative to let down his electorate for he was voted in as an honour because of his/her ethical principles and good reputation which s/he would not be comfortable in spoiling while in office. Such is the leader who is enthusiastic to better his record of service to the community.

It's a real blessing to the communities for the new Constitution provides for independent candidates. In the past successive General Elections most communities have been denied by political parties the opportunity to elect credible leaders who possess integrity due to corruption during nominations.

Therefore, communities should invoke the provision of independent candidacy and start as early as possible to strategically consult amongst them on whom to serve them in the elective offices. The advantage of independent candidacy is the non-requirement of paying heavy dues to political parties in the form of permanent membership fees by candidates and expenses for primary party elections.

Otherwise if political parties undergo a transformation of sound nominative work ethics and charge reasonable fees for nomination expenses, the communities will not bypass them in electing candidates sponsored by their parties. If political parties do not change they will degenerate into the extinct state.

By **T.M.Kariuki**,
a local villager and raia wa
kawaida in the new Nyeri County

What happened to "Mututho Laws"?

There was a general sense of relief when the so called "Mututho" laws were gazetted. People were hopeful that the ugly scenes of youths with soiled trousers staggering their way home or collapsed in a ditch was a thing of the past.

For a short span of time, the "Mututho laws" seemed to be working. Youths started thinking of other ways of spending their time other than lazing around pubs and "watering dens" drinking illicit brews.

Central province bore the brunt of this vice and the laws seemed to be a relief to the area.

Slowly the pubs that were supposed to open from 5.00 Pm on weekdays and 2.00 Pm on weekends started opening at round 4.00 pm, then 3.00 Pm, then 2.00 pm and now some bars known to many including the police open

their doors as early as 9.00 am as if the laws did not even exist!

Some pubs are frequented by police officers who are the same ones supposed to enforce the law. Brazenly playing music in the middle of the day on a weekday, the so called "protected" pubs continue to operate, sinking our youth into greater depths of hopelessness.

We need to know who is being paid not to interfere in the pubs operations and which police officers are being bribed to turn a blind eye towards this open violation of the law.

We are calling on the Provincial Administration and the Kenya Police to work together in order to arrest the situation. Needless to say Mututho and his "men" should also conduct impromptu visits to these pubs to prevent a return to the old drunken days.

Anonymous in Nyeri

Girls rescued from FGM rejected by parents

I am writing this as a key campaigner in the fight against FGM in kuria. I know we have come a long way and we still have more challenges to cover in this journey despite the newly adopted FGM law.

I wish to bring the following to your attention.

After the closure of the two rescue camps (St Mary's-Mabera and Ntimaru), nine girls who could not go back to their home, were relocated to Komotobo Mission on 2nd January 2012.

We have tried to exploit all avenues of negotiating with their parents/guardians through the provincial administration on the need to accept their daughters back home so that they can continue with their schooling, but all in vain. They have been totally ostracized by their community.

We have been successful in getting 3 girls out of this place, two are back

home while one got a sponsorship and joined form 1.

The children's department through the D.C.O Kuria West finally went to court for a court order to try and compel the parents of the girls to take them back but unfortunately the 5 parents never showed up in Court. Next step? Warrant of arrest! To be arraigned in court on 16th February 2012.

However, it has been a big challenge taking care of these girls and still we are not sure of the outcome on 16th February.

The most important intention as at now is getting these girls in schools.

Thank you and God bless you as you prepare to do something.

Julius Maroa,
Komotobo Mission Manager

Komotobo Maranatha Faith Assemblies

Women urged to capitalize on gains in the new Constitution

By Mahmoud Barroh

The year 2011 marked the 21st Anniversary of the 16 Days of Activism against Gender Based Violence.

The Kwale Community joined the rest on the world to celebrate the day at Vingujini primary School where 30 participants attended a forum hosted by Msambweni Human Rights Watch, a member of the Kwale Human Right Network.

Participants from women groups, youth groups, CBOs and FBOs resolved to be in the forefront in fighting gender discrimination.

Msambweni Human Rights Watch Chairperson Asha Chimweri opened the forum by highlighting gains of women in the Constitution especially in the Bill of Rights. She informed the participants that women will have sizable representation, including 47 women representatives and 12 nominated slots for women apart from other opportunities for elective seats like senator, governor, youth and people living with special needs.

“Let us compete with men in the elective posts and capitalize on other special seats” She urged. She also declared that she is set to vie for the Msambweni Ward representative seat.

In his remarks, Kwale Human Rights Network Chairperson Mahmoud Barroh challenged men to give women necessary support and lauded the constitution for being Human Rights friendly. He gave examples of women heroes including freedom fighters Mekatilili wa Menza from Coast and Professor Wangari Mathai, the late first African women Nobel laureate.

Sauti ya Wanawake Diani Chairperson Zaituni Dzivwa said days are long gone where a woman’s place was in the kitchen. The same

sentiments were echoed by Youth leader Salama Chiboga and Religious leader Rama Mwazumo who said Islam recognized equal rights and justice to all human beings.

Abdallah Sopai who is blind chided those calling other human beings “disabled” as not being human.

“I have achieved what those claiming to be ‘able’ have not been able to achieve. Women can achieve what men can, so we have to change our attitude about the so called ‘marginalized’ members of the community,” he said to rousing applause from the participants.

The forum was facilitated by Fahamu Network for Social Justice. Fahamu Program Officer Patita Tingoi who was the chief guest at the forum was impressed at the discussions and gave an insight of her pastoralist community that used to look down upon women. “We have proved them wrong now, many women in my community hold big positions and are doing very well” She said.

The theme for the 16-days of activism against gender-based violence was “*From peace in home to peace in the world. Let’s challenge militarism and end violence against women*”.

The 16 days of activism is an annual international campaign that began in 1991 initiated by the Women’s Global leadership institute sponsored by the Centre for Women Global leadership. It runs from 25th November to 10th December of each calendar year and with different themes.

The writer is Chairperson of Kwale Human Rights Network



Jawabu Women Self-help Group-Diani, Kwale in a session during one of the women empowerment forums

Influx of camels threatens security in Isiolo

By Isiolo Human Rights Network

Threats of renewed clashes loom in the outskirts of Isiolo town and its environs. This follows the influx of large herds of camels which have caused considerable hostilities and suspicions among the yet to be reconciled warring Turkana, Borana and Somali communities.

Fresh clashes broke out recently, when a shootout between warring communities left at least two people dead, at **Chumvi area**, near a military installation School of Artillery.

During the skirmishes, a middle-aged man **Lokorimoe Loliit** was shot dead after he was forced out of a van, while an unidentified camel herder was reportedly killed during the brief fire exchange which was only halted by an unprecedented military intervention from soldiers from the nearby school of artillery.

The genesis of the confrontation was traced to a misunderstanding between the Somali and Turkana herders over camels which were driven away by Turkana herdsman from Isiolo where they were herded together with camels from Ewaso Nyiro North Authority Camel project.

The Somali herders had mistaken the camels to have been stolen and hence decided to follow up, then a fierce exchange of fire ensued causing several deaths.

The recent incident is an eye-opener on the potentially explosive clashes in the area due to what one of the communities feels is an invasion by a large herd of camels which is destructive to pasture land, there is also the problem of proliferation of small arms.

The herders are suspected to be the leading gun-runners and their presence in the area has always led to unrest. They have persistently been accused of driving a wedge between various communities in Isiolo in a bid to create violence and hence create a market for their merchandise.

(Cont. on page 6)

A case of ethnic cleansing in Isiolo

By Emmanuel Achuka

Pastoralist and nomads live a hard, dangerous and unpredictable lifestyle. They have to constantly contend with hazardous situations such as persistent drought, wild and dangerous animals like lions and cattle rustling.

Cattle rustling per se was the traditional way of restocking and the conflicts that arose out of it never amounted to tribal cleansing or genocide. It was only the warriors who were involved and it never resulted in the killing of the vulnerable sections of society like the aged, women and children.

The current killing in Isiolo and Moyale does not fall into this definition and has taken a different course all together. It is something between ethnic cleansing and genocide.

One is left to wonder what fuels the desire to burn houses, kill women and children, kill people indiscriminately including those who are mentally challenged

and the urge to uproot and displace sections of the community.

For someone who understands the culture of pastoralists, it is only prudent to conclude that the prevailing situation does not crop up because of cattle rustling. There is much more to it and it has political and ethnic connotations.

The whole insecurity saga lies in the following:

- Political strategies, that is, to displace certain sections of the community that are perceived to be hostile or unsupportive to the current political dispensation and pave way for tribal and clan alliances.
- Security apparatus being controlled by politicians who also want to vie for presidency in the forthcoming general elections and therefore unable to take decisive

actions against the perpetrators of the violence.

- A corrupt and incompetent provincial administration. This is the same system that gives arms to certain communities and the guns end up being used to perpetuate violence.
- Lax policing of our porous borders leading to proliferation of small arms and light weapons from neighbouring countries.
- Illicit wealth whose source cannot be easily explained. For example, a person who is well-known in the community as struggling with life suddenly wakes up with sixty camels, a wholesale store and driving a big car. The source of this wealth acquisition is obviously questionable.

The fear is that the wealthy who are financing the war in Isiolo might be linked to piracy money. The challenge is to get to the bottom of who is doing what in the whole scenario.

Kenyans are keenly following the post-election violence cases at the International Criminal Court (ICC) in the Hague. At least there is hope that justice will finally be served. Since Kenyans have no faith in the local investigations process, the ICC prosecution team should pitch a tent in Isiolo and Moyale to investigate the senseless killings and ship the guilty to the Hague to face charges!

The killings in Isiolo resemble the pattern of killings before the eruption of the post-election violence of 2007 and 2008. ■

Security threat in Isiolo

(From page 5)

The massive invasion of camels is already causing conflict and tension among various communities, especially agro-pastoralist in Tigania East whose crops have been destroyed by the animals, while the heavily armed herders intimidate locals and get-away without paying compensation for losses.

Local village headmen and other leaders in the area argue that camels should be moved away from people's settlements and townships to avoid confrontation and conflict due to their destructive nature.

The camel owners, whose currently flourishing camel milk business is booming, are adamant, vowing to stay put, eager to stay near the tarmac to cash in on the market where milk can easily be transported to Nairobi reducing the overhead costs.

The provincial administration is currently in a quagmire, torn between the pleas by well-heeled powerful cabal of camel owners and security concerns of the larger communities. One thing is clear though, unless the "camel invasion" is thoroughly addressed, a security nightmare is waiting to happen. ■



Isiolo - George Morara(left) of the Kenya Human Rights Commission visits with a family of victims of violence in Isiolo

Understanding the Sexual Offences Act 2006

By Tom Mwanje

A majority of the Luhya community lack knowledge and understanding of the Sexual Offences Act 2006. This ignorance is costing them a lot.

According to the Luhya cultural beliefs, sexual disputes are solved through traditional applications. Most of those who still follow this belief are the elderly who have a great influence on the community.

However, the community is now facing the reality of the law when it comes to sexual offenders. Most of those convicted for committing sexual crimes are now behind bars or out on heavy bails of not less than 50,000 Kenya shillings.

The Luhya community, especially the elderly, needs to understand that the sexual offences law does not allow local negotiations. It is now illegal to settle a sexual offense through paying fines of cows, goats or sheep. Neither does the Law tolerate cleansing of victims and perpetrators as a means of settling sexual offences disputes.

The Sexual Offences act is very clear and no one is exonerated as an offender.

The Act also convicts the following group of persons;

- a) Religious leaders who are believed to be in positions of trust.
- b) Officers of jail, remand, homes, and other institutions of custody.

- c) Managers of hospitals and hospital staff
- d) Head teachers and teachers or employees in primary or secondary schools or special institutions of learning.

Incest and defilement are the most common cases found. Poor parents of the victims have often failed to attain justice for their defiled daughters or children. Because of poverty, some are compromised to silence by receiving a small bribe.

Understanding defilement and rape;

The definition of rape and defilement causes confusion within the understanding of the local people from the Luhya community.

Rape: is the act of having intentional, forced sexual penetration with a person without their consent. Rape is often obtained by force by means of threats or intimidation of any kind. This applies to victims above 18 years.

If convicted one faces imprisonment of not less than ten years or even life imprisonment.

Defilement: A person who commits an act which causes sexual penetration with a child is guilty of an offense termed defilement.

Defilement penalty categories are as follows;

- a) With a child of less than eleven years upon conviction, the perpetrator will be sentenced to life imprisonment.

- b) With a child of between the age of twelve and fifteen years upon conviction, the perpetrator is imprisoned for a term not less than twenty years.
- c) With a child of between fifteen and eighteen years upon conviction, the perpetrator will be liable to imprisonment for a term of not less than fifteen years.

Attempted Defilement

Community members and leaders need to know that attempted defilement is also a serious offence. If found guilty of the offence, the penalty is not less than ten years imprisonment.

Incest

For many years, the community has not been convicting victims of incest using the legislations in place. They have always applied local medicines, (herbs) for the cleansing of the offenders. Incest was traditionally "remedied" through cleansing.

The only punishment meted on the perpetrators of incest was exposing them to the public in a traditional ceremony of cleansing known as "Khumosia Makhutu" (to crawl the tortoise).

There are two levels of incest; Incest with a child and incest between adults. Article 20 of the Sexual Offences Act 2006 states that:

- a) Any male person who commits an indecent act or an act which causes penetration with a female person who is to his knowledge his daughter, sister, mother, niece,

aunt or grandmother is guilty of an offence termed incest and is liable to imprisonment for a term of not less than ten years.

- b) If the male attempts the offence and is guilty of an offence of attempted incest then he is liable upon conviction to a term of imprisonment of not less than ten years.
- c) The same provision applies to a female who commits an indecent act or an act which causes penetration with a male who is to her knowledge her son, father, grandson, grandfather, brother, nephews or uncles.

The law on sexual offences is clear. It is time that the Luhya community familiarized itself with the law and work together towards fully stamping out sexual offences. The old traditional ways of seeking redress for sexual crimes are outdated. The Sexual offences Act is now in place. The enforcement of this legislation will bring respect to unlawful sexual acts in our communities.

Tom Mwanje works for Kakamega HURINET

HUMAN RIGHTS DAYS

- International Day Against Torture - June 26th
- Day of the African Child - June 12th
- World Refugee Day - June 20th
- International Human Rights Day - Dec. 10th
- International Day Against Corruption Dec. 8th
- Freedom of Information Week - Sept. 23rd - 28th
- World Aids Days 1st December

Maintaining Vigilance on the Implementation of the Constitution

By Vumbi Aziz

The Constitution of Kenya 2010 is arguably the biggest achievement for Kenya since the agitation for the *second liberation* began two decades ago.

The Constitution provides enormous opportunities for the citizens in recognition of fundamental rights and freedoms as is detailed in chapter four on the Bill of Rights.

The supreme law has also created more room for enhancement of gender equity and provided ample room for citizens' participation in development programs. The significance of the new law is that it addresses the pertinent issues that were left out in the old Constitution.

It however appears that despite the gains made so far, there are desperate efforts by a section of the political elite to stop the wheels

of change from moving forward. This is illustrated by the laid-back manner in which both the Executive and the Legislature are handling the process of implementing the constitution. Cabinet for example, has hardly complied with the time-frame provided to develop the bills that are intended to facilitate the transition from the old order to the new one. Legislators on the other hand, have failed to treat such bills with the seriousness they deserve

even when they are finally tabled in parliament for debate.

Indeed, Kenyans have reason to worry after the immediate former Justice and Constitutional Affairs Minister Mutula Kilonzo stated that more than 100 bills passed into law have serious flaws and some do not conform with the provisions of the new Constitution.

Cont. on page 9

Kibwezi residents lament injustices in the delimitation of Constituencies

By Citizen Land Network

The people of Kibwezi have experienced a high sense of injustice in the recently split Kibwezi Constituency.

Firstly, we thank the Independent Electoral and Boundaries Commission (IEBC) for splitting Kibwezi Constituency into two constituencies namely Kibwezi West Constituency (No. 87) and Kibwezi East Constituency (No. 88).

We take cognizant of the fact that Kibwezi had the necessary population and land mass that warranted a split.

Kibwezi Constituency comprises of four divisions namely Makindu division, Kibwezi division, Machinery division and Mtito-Andei Division. Makindu division which is very large is already a district and Kibwezi, Machinery and Mtito-Andei divisions' make-up Kibwezi district.

Kibwezi Constituency is one of the largest constituencies in Makueni County with a population of 248,704 people according to 2009 census and area of 3,985 sq kms.

It is by this reason and other specific geographical, community interest and demographic details that the IEBC considered splitting Kibwezi Constituency into two namely Kibwezi West and Kibwezi East constituencies.

Over the years, the residents of the now two new constituencies have shared common resources such as:-

- Rivers Athi and Umanyi springs
- Schools, hospitals and dispensaries
- The National parks namely Tsavo East and Kyulu National Parks
- The new Mombasa Road
- Business centres

It is notable that the IEBC's preliminary delimitation report indicates that the split of Kibwezi Constituency was done in the most unacceptable manner possible due to the following reasons:-

1. Most of the natural resources are not equitably shared for example the parks and the rivers.
2. Most of the resources funded through the constituency development fund are not regionally balanced, for instance, literally all main hospitals such as Kambu Hospital currently under construction through ESP and CDF, Mtito-Andei Hospital, Kibwezi Sub-District Hospital

or even Kiboko. There would definitely be a lot of disparity, alienation and marginalization.

Some questions then need answers:

- While Makindu and Kikumbulyu have all along shared a common border, why would they not wish to be combined to co-exist and leave out areas which have never associated in any way with them to live harmoniously with areas which they have all along lived with?

- Why would in any case, an area like Kikumbulyu south (35,838) and Kikumbulyu north (20,314) be left out from being combined with Makindu District (70,312) to make a new constituency of 126,464 people?

- Why would IEBC punish the people of Thange and Ivingoni/ Nzambani wards (55,626)

by moving them long distances to Makindu instead of moving Kikumbulyu south and North (56,152) to join their neighbours?

among others are all in one proposed constituency namely Kibwezi East (as per the preliminary report by the IEBC).

3. The people of Kibwezi East Constituency have never imagined nor thought that they would ever be victimized to the extent done by the proposed delimitations. (A person at the farthest end of Mtito-Andei on the East side would make a lot of effort to reach out for his/her Member of Parliament (MP) if such a person comes from Kalii area, Ngakaa, Makindu, Kavete

- Why has the commission created an impression that Mtito-Andei Ward (444,30sq. km) as a massive area knowingly that it indeed has 775.8sqkm of an un-inhabited area (game park) whereas the other constituency so created has a very huge land mass?

- Why doesn't the IEBC elaborate the buffer zone created by the west area

with a perimeter electric fence between Thange and Nguumo wards in the same constituency whereas there would have been a way out of such quagmire?

CONCLUSION

1. The people of Thange, Ivingoni, Masongaleni and Mtito-Andei wards (as per IEBC report) have always lived together and in terms of proximity, they are closer to each other thus the commission and the parliamentary legal committee should not separate these people.
2. Introduction of an alien area cannot be considered as an option for formation of a new constituency because of the nature of our terrain, means of communication and above all, community interests.
3. We can only appreciate the demarcations IF Thange, Ivingoni, Masongaleni and Mtito-Andei wards are lumped together as one area to form a new constituency namely Kibwezi East because they meet the threshold for the formation of such electoral unit.
4. Resources such as River Athi, Kyulu National park, main roads, schools and hospitals have an equitable distribution and access thus making this proposal acceptable to both the citizens and politicians.
5. That the buffer zone of an uninhabited area which has perimeter electric fence between Thange and Nguumo wards would create a sense of alienation between the two areas. It is advisable that such areas should not share elected leaders due to the large uninhabited area in between the two wards. ■



Wajir residents living in fear of Al Shabaab and the Kenya Defense Forces

By Wajir HURINET

Insecurity in Wajir County is on the rise. Since the explosion of remote-controlled devices planted on the roadside that exploded on a military vehicle in late 2011, fear of insecurity has escalated. The residents face the wrath of attacks from both sides that is, Al-shabaab and Kenya Defense Forces (KDF) in the “*Operation Linda Nchi*.”

After the explosion, the KDF started arbitrarily beating innocent civilians causing them severe bodily harm. Some suffered fractured limbs and internal injuries. More are psychologically and emotionally tormented by frequent police crack-downs that have left a trail of anguish and uncertainty.

People are wary about what is going to happen next should another explosion targeting Kenyan security personnel happen after what they have witnessed as ramifications by the Kenyan military forces. From this projection, it is evident that the KDF are targeting innocent local Kenyans who have nothing to do with Al-shabaab.

The KDF should pursue the perpetrators up to their hideouts and stop torturing local Wajir County Residents. ■

Maintaining Vigilance

From page 7

Even though the constitution states clearly when the next general elections should be held, politicians have taken it upon themselves to interpret it in a manner that suits their interest.

For example, debate as to whether or not the International Criminal Court (ICC) suspects-Eldoret North MP William Ruto and his Gatundu South counterpart Uhuru Kenyatta should participate in the forthcoming elections has provoked mixed reactions in spite of what the chapter on Leadership and Integrity says.

Supremacy battles witnessed between constitutional institutions such as the one pitting the office of the Attorney General and the Commission for the Implementation of the Constitution has left a lot to be desired regarding co-ordination between various organs involved in the implementation.

The controversy surrounding the establishment of the commission to oversee police reforms and the debate whether or not the Inspector General of Police should be a civilian has only contributed in dragging the country backward. It should not be lost on Kenyans that the reasons for which we voted “yes” in the referendum was to change the way things were done in this country.

Kenyans voted to widen the democratic space, so we could all exercise our freedoms and rights without segregation based on tribe, religion or political affiliation. However, with all the current happenings, it seems as if the reverse is happening.

There is need for ordinary citizens to take up a leading role in the constitution implementation process. *Wanjiku* must start asking why it is taking too long for Kenyans to start gaining from the constitution they so overwhelmingly voted

for. What she needs is vigorous and sustainable empowerment by civil society organizations. CSOs must be more focused now that elections are so close.

In its effort to remain relevant in the constitutional agenda, *Kwale Hurinet* is engaging citizens in the grassroots to help them understand and own the constitution. The Hurinet, through the committees on Devolution, Land and Natural Resources has been able to involve citizens in interactive forums as a means of getting them to participate in the implementation process.

The devolution committee within the Hurinet for example, critiqued the six devolution bills last December and documented its recommendations which it channeled to the Commission on the Implementation of the Constitution.

The committee on land and natural resources has been working in collaboration with the Coast Land Non-State Actors (CLNSA), to look at the three Land bills currently before parliament for debate.

Of equal concern is the national policy on slum up-grading which *Kwale Hurinet* in collaboration with other like-minded organizations, under the Umbrella of CLNSA recently petitioned the Ministry of Housing to include representatives from Coast region in the Steering Committee charged with developing the policy on slum up-grading.

Vumbi Aziz is a former chair-Kwale Hurinet and ward rep aspirant for Ukunda Ward.

Innocent villagers tear-gassed in pursuit of MRC

By Ali Kigarimbwe and Abbas Salim

On 23rd October 2011 the Mombasa Republican Council (MRC) was having its meeting in Shikaadabu Vijiweni, two kilometers away from California Video Spot.

This meeting which was termed “illegal” by the police was actually legal according to the MRC.

Soon the police stormed the meeting hurling teargas canisters and gunshots rent the air.

One fisherman was beaten to death in the incident resulting in more anger from the villagers who included the MRC members.

It was alleged that the police tore into the MRC meeting because they were allegedly administering an oath which is illegal. Riots ensued. One passerby, who is an old fisherman in the area, was arrested and was accused by police of being the one administering the illegal oath.

A few kilometers away, at the California Video Spot, the police stormed the hall where some youths were watching a football match and sprayed it with tear-gas.

It is said that there were about 200 people in the hall when the incident occurred, 17 children among them. Many of them suffered injuries and some had to be rushed to hospital.

In this incident, 17 youths were arrested as well as a deaf old man accused by police on being the witchdoctor initiating oaths.

The youth and the old man were charged for being MRC members and organizing an oath with the aim of disrupting peace in the area. The condition for their release was to pay a bond of Kshs300,000.00 cash bail. Only two people with the help of their family members were able to pay and were released.

The case hearing was initially to be on 7th November 2011 but was changed because some two people, accused with the same group were said to be missing. Another date was set but was not honored either. So far, the hearing dates have been changed three times. It is yet to be seen if the case will be heard at all.

The authors work for Mombasa Network for Human Rights- Likoni Chapter

Why the education sector in Isiolo is in shambles

By Isiolo HURINET

The worst kind of violence that a community can encounter is the violence of ignorance and poverty. Of all forms of warfare, the education warfare is the worst you can set against a people.

The Kenya Certificate of Primary Education (KCPE) exam results were disappointing for the people of Isiolo. In some schools, the top students scored a mere 250 points.

What is ailing the education system in Isiolo? The problem cannot simply be explained as under-staffing.

There are some schools in the urban centres over-flowing with teaching staff and yet they perform so poorly it is hard to comprehend. The problem is simply that the education system has its priorities wrong.

There is also the issue of political meddling where powerful politicians have invaded the education system to punish communities they deem not supportive to their political ambitions. In a cartel-like manner some teachers never get transferred and they are so “powerful” that they even undermine the authority of the District Education Officer.

Some teachers have abandoned their profession and embraced other interests. They run kiosks, bars, *mitumba* (second-hand cloths) businesses, butcheries and so on; and therefore spend most of their time in supervising and running their business rather than teaching.

The above factors have immensely contributed to the collapse of education in Isiolo. Something needs to be done fast before everything is lost. ■

Why schools in Kwale posted poor exam results

By George Jaramba

The Coast region once again posted disappointing outcomes in last years’ Kenya Certificate of Primary Education (KCPE). The region was positioned almost at the tail-end of the 2011 KCPE results with five counties (out of six) from the region placed in the worst performers list.

Despite this dismal performance though, it would only be fair to appreciate that each county has its own peculiar challenges which can only be addressed by the leaders and residents. Take Kwale for example; the county boasts of enormous natural wealth, some of which are known or unknown.

Tourism, one of the country’s major foreign exchange earners is concentrated in Kwale’s Tiwi, Diani, Galu Kinondo, Chale, Funzi and Wasini islands.

A recent study carried out in the vast county presents amazing revelations of wealth marked by the availability of natural resources. In *Poverty In the Midst of Wealth: The Case of Natural Resources in Coast Province*, Ilishe Trust, a Mombasa based civil society organization identifies Kwale as the second wealthiest county in terms of natural resources in the entire Coast province after Taita Taveta. Some of such resources are concealed in land, water, wildlife, fishery, mining and forestry. Whether these resources are managed well enough to improve the livelihood of Kwale

communities and if their availability affects the education development of potential beneficiaries, is yet to be established.

Early in the year, Uwezo-Kenya, a non-governmental organization, conducted a national survey to assess



Pupils in a typical school in rural Kenya.

PICTURE COURTESY Compassion Beyond Borders

the literacy and numeracy level of children aged between six and sixteen years. The study had damning revelations. Released in the second half of 2011, the report bears a close relationship with this year’s ranking of KCPE results.

For example, Kirinyaga County which topped this year’s national ranking appeared third nationally in the Uwezo-Kenya report after Nairobi and Mombasa in that order.

At number seven out of 47 counties, Taita Taveta came second in Coast, followed by Lamu (13), Kilifi (18), Tana River (29), while Kwale held the

tail end at position 36. The ranking was based on class three pupils who could do class two English, Kiswahili and Mathematics.

According to the report, nine out of ten children in class three from Kwale cannot read a class two story

percentage of girls and boys aged between six and sixteen who can do class two work is 41% and 48% respectively.

While the Ilishe report advocates empowering the communities and establishing effective structures to safeguard ownership and exploitation of natural resources in the region, the Uwezo report urges all stakeholders to read, get informed, discuss, take action and make the difference.

Whereas the recommendations of the two organizations may not be the panacea to the challenges Kwale and Coast in general is facing, there is need to start from somewhere. One fact must not be taken for granted though. Some of the most highly educated Kenyans hail from Kwale’s three constituencies of Matuga, Kinango and Msambweni. This challenge should therefore be taken up by Kwale professional caucuses whose membership comprises respected men and women both in the public and private sector.

As players in various parts of the country ponder on the poor KCPE results, all leaders in Coast region should perhaps start by addressing issues raised in the Uwezo-Kenya report as one way of enhancing education standards in the six counties.

The story had been published in the Star in February 2012.

The disclaimer should read: Story first published in the Star Newspaper, February 2012.

written in English; neither can three out of four children in class three do class two mathematics divisions. The report also indicates that the proportion of out of school children in Kwale is higher than the national average.

“Learning levels are very low. Only one out of ten class 3 children can read a class 2 story,” reveals the report. Learner absenteeism, says the report, is also very high. “Nearly half of the children are missing school daily.”

The report titled: *Are our children learning?* Also indicates that the

A glimpse into the Nyeri blue print for development based on environmental management

By Capt. Job Kareithi

The new Nyeri County has been carved out of the former larger Nyeri district that existed in 1966.

Politically it is divided into 6 constituencies – Tetu, Othaya, Mukurweini, Nyeri Town, Mathira and Kieni.

Geographically, the area is clearly defined by various landmarks such as a plateau stretching high from the peak of Mt. Kenya (over 12,000ft above sea level), touching Nanyuki Municipality, westwards running to the environs of Nyahururu along the Nyeri – Laikipia County border, turning southwards along the Nyeri – Nyandarua County boundary and symmetrically sharing the Aberdares Ranges.

The southern boundary with Murang'a County is defined by Rwarai Valley whose waters drain into the Tana River at Sagana. The western boundary with Kirinyaga County stretches northwards back to the peak of Mt. Kenya.

The county is endowed with rich deep high silica volcanic soils and undulating hills whose valleys carry perennial streams of clean water. Water from this county is adequately balanced in minerals and qualifies as mineral water as is the case with Chania River that feeds the Highlands Water Company. The County water resources include Chinga Dam in Othaya, Thagana, Chania, Gura River, Honi, Kagumo, Gikira

rivers among others.

Baseline data collected to estimate Tetu District carbon stocks showed high volumes of carbon sequestered in the district per hectare.

In order that we tackle the issues affecting the Nyeri County like lack of focused leadership, poor economic planning strategies, lack of industries resulting in youth unemployment, inadequate resource trading strategies, and abject poverty. A people-centred approach to these serious issues is the solution that

Did you know that you have a right to recall your MP?

The electorate under Articles 97 and 98 (in the Constitution) have the right to recall the Member of Parliament representing their constituency before the end of the term of the relevant House of Parliament.

For details see The Elections Act, 2011 available on the KHRC website on http://www.khrc.or.ke/component/docman/doc_details/39-the-elections-act-2011.html

Nyeri County needs to permanently succeed.

The future senator needs to take a central role in building an alliance with the farmers and youths to provide solutions on Nyeri County

resource development through capacity building, creating and coordinating a wide range of business and consulting activities related to resource development.

In addition, the senator will have to engage consultants in environmental and green energy initiatives including clean development mechanism (CDM) and implementation relating to biomass degradation, solid municipal waste management and recycling, waste water management, sewers and anaerobic oxidation, methane capture and biogas recovery systems, renewable energy development from waste materials and other sustainable resources.

What is the objective in this kind of resource development? The answer is simple. To begin with; to customize the resource development project into achievable objectives with time schedules in line with Rapid Results Initiatives (RRI). Secondly, it will involve using world class state-of-the-art information management systems lobby and build capacities within all the stake-holders both locally and abroad to harmonize the project implementation by utilizing communication technologies that deliver cutting-edge information and real-time data to all Strategic Partners.

The people of Nyeri county need to find ways that are unconventional and modern to raise revenue to improve their way of life and sustain the county activities.

My suggestion is to use the Kyoto Protocol rationale which is based

on the Kyoto Declaration and recognises that the developed and industrialized nations are the greatest contributors of carbon emissions in the air, and hence causing global warming; a situation that endangers life on earth and needs to be reversed. The developing countries who are the least emitters, bear the brunt of climate change. The Kyoto protocol therefore established Clean Development Mechanism projects that would help achieve means of maintaining a favourable global climate control and carbon emission reduction (CER) also known as carbon credits.

China, Mexico, India, Brazil and South Africa have benefited immensely through CDM projects. Nyeri County carbon credits value is estimated at Ksh. 25 billion per year. If our county can sell their carbon credits and bank the Ksh.25 billion in a our county fund the county government would then be in a position to fund and create sustainable youth trust funds in all County locations. Furthermore, a sustainable farmers trust fund could be created to facilitate guaranteed minimum return (GMR) payments to farmers individually and collectively on all agricultural and livestock produces including coffee, tea, milk, macadamia and poultry, prior to value addition activities.

These resources will be used as raw materials by the County to develop sustainable commodity trading strategies, to brand and market county produces and create mass employment.

(Cont. on page 20)

Unexpected improvement of exam performance in Wajir County

By Mohamed Hassan

With the promulgation of the new constitution in 2010 and its diverse effects in the social, political and economical spheres, there has been changes in Wajir on matters of education too.

After the Ministry of Education ranked K.C.P.E examination results on a county basis, Wajir County excelled by becoming

number 13 out of the 47 counties. For the first time, Wajir was only one rank behind Nairobi. This tremendous improvement epitomizes the challenges ahead for the county in KCPE performance. In previous rankings, Wajir used to be ranked at the tail end of districts and municipalities next to Tana River or Lamu.

From the above results the competition has been revived afresh to all stakeholders in the education sector including the pupils, parents, teachers and education officers. Exuding confidence, when the results were re, the local stakeholders raised the issue of this triumph in every forum like local barazas, DSG meetings, workshops etc.

The message here is crystal clear that we are very capable of presenting better results and we should focus on working harder. The past dismal exam performance will resurface and our glory be relegated to the periphery if we relax. ■

Hunger and starvation ravage a family in Ugunja

By Siaya Human Rights Network

The little boy was laid to rest. Finally, he would be free from hunger, free from the biting pangs of an empty stomach every night.

In Ulwani Village, Ugunja Sub-location of Uholo West Location of Ugunja District, Siaya County, with poverty and hunger ravaging, three-year old Chrispine Odongo, a young boy from a family of five brothers, stood no chance of survival.

The tragedy of malnutrition struck the family of Carolyne Odero after her husband, a motorbike transport operator, was sentenced to a three-month jail term or an option of Kshs. 8,000 court fine by an Ukwala magistrate.

The family was unable to raise the fine and so they watched helplessly as the breadwinner was whisked away by the police.

With her husband absent and with no means to find food for her family, Carolyne watched helplessly as the health of her children deteriorated. They suffered from severe malnutrition deficiencies. Even as she struggled to get food support and donations from well-wishers, Carolyne knew that it was only a matter of time before the

hands of charity would run dry. Since everyone was struggling for survival people could not help her much.

All her children seemed to suffer from a similar disease. It was something to do with the fact that they were not getting adequate food to eat. The young Odongo succumbed to the conditions at dawn of Friday 11th November, 2011.

He was buried in a maize plantation behind his grandfather's house. His twin brother, Opiyo, and the other brothers have all the signs and symptoms confirming Marasmus – a malnutrition deficiency that mostly ravages children.

Ulwani Human Rights Club under the patronage of Konaka Philemon who is also the head teacher of Ulwani Primary School sounded an alarm to the Provincial Administration on the devastating hunger and starvation in Ugunja.

Ulwani Primary Staff members tried to assist but were overwhelmed. It forced the head teacher to announce and declare a hunger disaster at Ugunja Anglican Church during a Sunday Service. He called upon well-wishers and individuals to come up and save the remaining children of mama Carolyne Odongo.

On Monday the 14th November 2011, the Equator Round Table – Special School for the Mentally Challenged Children intervened and took the children and their mother to their compound for a week.

After consultation, the Ugunja Community Resource Centre (UCRC), through the director Mr. Aggrey Omondi also responded to the call to help and donated medication and other food stuffs.

Ulwani Human Rights Club is calling upon duty-bearers and well-wishers to take responsibility and to come up with a sustainable strategy to solve the hunger problem in Ugunja. ■

Thanks to the Human Rights Club and Ulwani staff for the action that has made it possible to save the remaining members of the Odongo family. Many similar cases still exist in Ugunja. There is urgent need to act to prevent the loss of more lives. We propose the establishment of a **Rescue Centre** to address the cases of the vulnerable persons such as the very old and the young who always fall victim to the ravages of hunger and starvation.

The plight of rice farmers in Nyando

Rice farmers in Nyando remain the poorest of the poor in the region even after toiling for years in their rice farms.

This is because there is no clear policy on marketing of their produce and yet rice is in great demand in neighboring Uganda where it is later exported to Saudi Arabia at a very high price compared to the buying price from local farmers in Nyando.

Women do a lot of work in the rice farms but earn very little or nothing because the farms and their proceeds belong to men in the community.

Child labor is also very rampant as it is considered to be cheap labor and they are very fast in transplanting chores at the farms.

Small children from the rice growing community in Nyando are badly malnourished and neglected.

Their diet is made of only one meal per day and consists mostly of carbohydrates, that is, rice soup. This begs the question: How can we help the poor rice farmers of Nyando to flourish from their produce that is in such high demand?



A woman working on a rice farm PICTURE courtesy Google images

Unmasking the dark underworld of money-laundering

By Mwangi Muray Wanyambugi

Kenyans have become familiar with the term 'money-laundering' after Chief Justice of the Island of Jersey, United Kingdom, issued a warrant of arrest in April 2011 to the former Finance minister Chris Okemo and former Kenya Power boss Samuel Gichuru. The two were picked on charges related to corruption and money laundering.

Mr. Okemo faces 15 counts of money laundering which were allegedly committed between 1998 and 2002 while his accomplice Mr. Gichuru faces 40 charges. They are said to have benefited from kickbacks from firms taking part in the energy sector during the Moi regime. These charges can attract a jail term of up to 14 years, and/or fine or forfeiture of their property.

Another incident that popularized the term "money laundering" was when US president Barack Obama used the U.S. Foreign Narcotics Kingpin Designation Act of 1999 which freezes U.S.-based assets of international drug traffickers as well as denying them travel access or access to their financial systems. Two Kenyans were amongst five foreigners accused of drug trafficking and money laundering under this US Act.

Money laundering as adopted by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) (Vienna Convention) and the United Nations Convention Against Transnational Organized Crime (2000) (Palermo Convention) has the following definitions:

- i. The conversion or transfer of property, knowing that such property is derived from any (drug trafficking) offense or from an act of participation in such offense for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offense or offenses to evade the legal consequences of his actions;
- ii. The concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from an offense or offenses or from an act of participation in such an offense or offenses, and;
- iii. The acquisition, possession or use of property, knowing at the time of receipt that such property was derived from an offense or offenses or from an act of participation in such offense or offenses.

Stages of Money Laundering;

The process of money laundering consists of three stages, namely:-

- i. **Placement:** Dirty money being inserted into the financial system through a process like deposits, wire transfers, or other means. (Introduction of unlawful proceeds into financial institutions)
- ii. **Layering:** separates the proceeds from their criminal origin by moving them through a series of financial transactions. (Making it harder to establish a connection between them)
- iii. **Integration:** creating a legitimate explanation for the source of funds, allowing them to be retained, invested or used to acquire goods or assets

Origins of Money Laundering

When the American government passed the Eighteenth amendments outlawing alcohol, people who enjoyed their liquor became criminals simply for drinking. It was organized crime that supplied the booze.

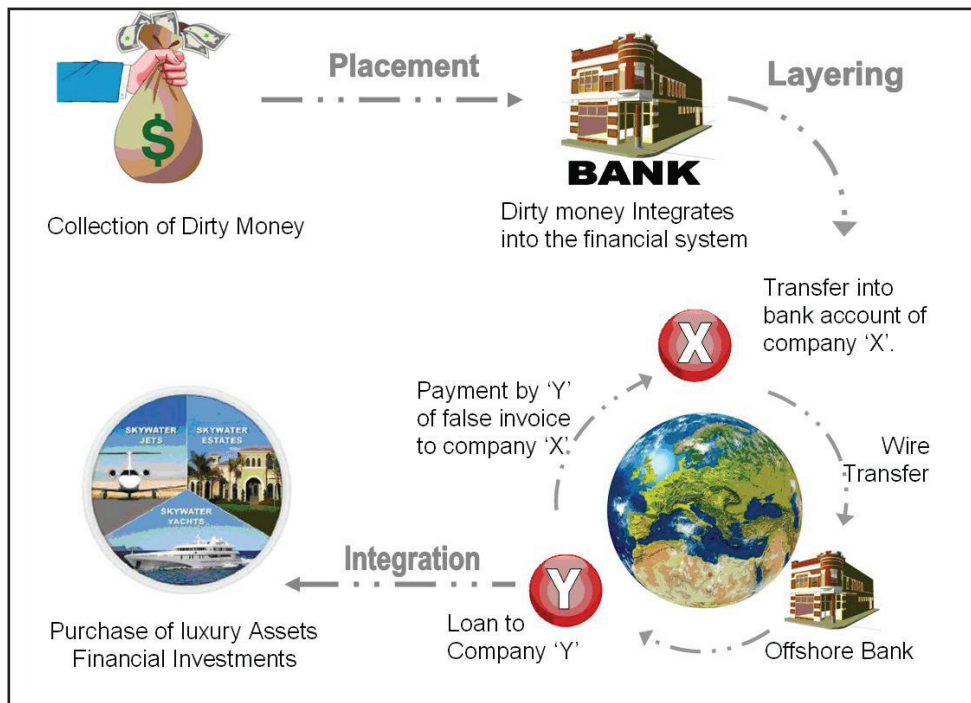
In January of 1920, the American government banned the sale and supply of alcohol, the

The objective of drug traffickers was to convert typically small denominations of currency into legal bank accounts, financial instruments, or other assets. Today, ill-gotten gains are produced by a vast range of criminal activities; among them are political corruption, illegal sales of weapons, illicit trafficking and exploitation of human beings.

Why fight Money Laundering?

Legitimate business: Where a launderer uses a front company to hide his illegal funds, it is possible that the operations of the front company may be subsidized which enables the front company to sell products at or below cost driving the legitimate competition out. The launderer gets an opportunity to bring more illicit funds to the chagrin of the majority.

Kenya which shares a 500-mile border with Somalia has in the last five years seen property prices in Nairobi soaring increasing between two to three times making the ownership of a house extremely out of reach for many. The reason for this escalation in property prices can also be blamed on the country's lax laws on money laundering. This perhaps could explain where the hefty Somali piracy ransoms go!



A typical money-laundering trail

government thought that this would curb crime and violence as the world was in an economic depression. Contrary to what the US government wanted to achieve, the people turned more and more to criminal activities. Organized criminals such as the American mobsters and European crime syndicates thrived. Most common people looked upon these criminals as heroes. Criminals like Al Capon, Bonney and Clyde and John Dillinger were headliners of the era.

Wes Gill, enterprise risk manager for SAS Canada, estimates that US\$500-billion to US\$1.5-trillion is laundered globally on an annual basis. The initial concern over money laundering began with its early connection to illegal trafficking in narcotic drugs.

Misinterpretation of Economic data: Due to the mortgage bubble bursting and other global pressures, real estate prices dropped sharply in the developed parts of the world unlike in Kenya. Such distortions can mislead the government in making decisions that are not in the best interest of the country.

Destabilization of the Economy: When conditions that suit the launderer are over, he gets his money out as quickly as possible causing an economy collapse and a ripple effect that hits the wananchi. Loans are defaulted and banks collapse

Initial Victims: Those people who are victims of the lost funds as a result of this predicate crime may suffer adverse physical, psychological and financial losses.

Corruption in the government: In order for money laundering to flourish, criminals will ensure that prominent heads in government are compromised; a factor that increases corruption scams and the government ends up neglecting its citizens.

Increment of poverty, crime and impunity: When the corruption increases it leads to poverty which encourages crime. Since the people at the

(cont'd on page 16)

The bleeding scar that is FGM in Kuria District

By George Chacha

One early morning along the Migori-Sirare highway, clots of blood dot the beautiful tarmac highway leading to Mwanza town, Tanzania.

At intervals, there are larger lumps of blood littered by the road. One is not certain whether it is the blood of a slain animal, a mauled animal or blood of a human being resulting from an attack or an accident. It is very bizarre.

“Long live our community! We have nurtured yet other adult!” came a startling remark from the road side. On the opposite side of the road stood an elderly woman, clad in an old *lesso* (a versatile wrap around piece cloth used by women for many purposes), hoe dangling from her shoulder grinning from ear to ear as she proudly pointed at the clots of blood on the tarmac.

“Those marks make us proud, don’t they? Why stare at them?” I heard the girls sing their hearts out this morning as they headed to the “surgeon”; it might have been three in the morning.

“They are women now, proudly recuperating after crossing the bridge of childhood,” she gloated.

Indeed; why stare at the marks? I thought. These are the incredible marks that have branded the Kuria girl-child a “pariah” - different from girls in the rest of civilized Kenya.

It is circumcision season in Kuria district. The blood by the roadside confirms it. It is a time when the harsh reality of cultural violation befalls the Kuria girl-child.

A Swahili saying goes; *siku njema au mbovu hujulikana asubuhi* (A good day is known at dawn). This was definitely going to be a bad day for me. All energy drained off me, I walked on, towards the office where I work, engrossed deep in thought. What intervention could I possibly make at this point? I wondered.

Lost in thought, a young lady called out to me, “Baba Israel, what is the matter? You seem to be unaware of where you are.” Dryly, I smiled back with a wave lamenting over the “curse” of my community Suba-Kuria - the home of female genital mutilations.

I walked on. Suddenly I could hear music; very common beats played during this *dark season*. Oh, no! Not again! I dreaded the reality that was

now unfolding. There was dancing and ululating; whistles and stringed instruments could be heard from yonder. The sound grew louder and the crowd gradually grew bigger as it emerged from around the bend of the highway. I was now a few meters from the *celebrations* and just then, right there in front me, were five tiny little girls hardly 12 years of age; one of them being supported by some women.

Hanging from their hats, held with pin were few packets of 5-shilling biscuits, a few 50-shilling notes and different colors of balloons; the “trophy for FGM”.



The circumciser (seated) under arrest at the Maberera DO's compound

They were absently chewing gum, just as many other “graduates” I had encountered before. Their feet clad in sandals were all bloody. They struggled to walk feet astride, signs of pain and anguish registered all over their angelic faces. It was the smallest girl of all who captured my attention. She walked supported by older women on both sides.

Her pink *shuka* (*lesso*) was all bloody from the feet almost to the stomach level. She looked tired and sleepy, hardly moving her feet. She was almost unaware of her surroundings.

The dancing and ululating grew even louder. The highway had been converted into a cultural dance-hall with trailers and other vehicles on transit held hostage to a traffic jam.

They stopped right in front of me and I could see the tarmac begin to change color turning cherry red; the formation of more blood clots. Instinctively, I

felt the surge of courage from deep within me and stepped forward for a fight. I went for my G3 rifle, imagining it to be dangling from my shoulder so many years after I left it behind but only to find my laptop! Gnashing my teeth, I clenched my fists. I grappled for help to grab the little girls from the madness unfolding but no help was available as all around me seemed to be enjoying the scene and were drowned in the celebration!

I went for my digital camera to capture these images that would be campaign tools but alas! The battery was low and could not even switch on. Stepping aside in defeat, the dance moved on as I turned around to see it disappear just as it had appeared.

Later sitting in our office on a swivel chair, hands behind my head, I sobbed bitterly. My mind re-wound more than 30 years before.

I was barely 7 years old, herding my grandfather’s animals along a river in the village. Suddenly the quietness of the habitat was pierced by a sharp shriek - a cry of anguish and

groaning of a girl.

Armed with a stick and a sling I had tip-toed to the river bank from where the noise was coming. Pinned down by about six women was a young girl kicking, biting and struggling with all her tiny might. I moved closer, to a nearby thicket. It was my aunt! The only sister of my mother; the women were forcibly “cleaning” her wounds/scars as a result of genital mutilation that had just taken place. Her cry was piercing as it was shattering. I still remember it to this day.

As tears freely ran down my cheek, I regretted that so many years later the girls in Kuria have to undergo the same ordeal every circumcision season.

Still lost in thought, a local female teacher furiously strode into the office, startling me out of my memories. “Men have always made laws for us women; we have had to bear the weight

of these lawless laws. Like oxen, we have had to carry these yokes that you have made for us. Look! You don't care! Just sitted here while little girls are being ravaged out there by the laws that you made for us and made them be part of identity! Hah! Don't you care? Shame on you!" she shouted, almost hysterical.

I realized that she is my ally in the war against genital mutilation. I offered her a seat and started to tell her my encounter but she cut me short, "I have met with three girls. They have been cut already. We must stop this menace, with speed. I am still housing three runaway girls; all at my expense. They are running away from the one who should be protecting them - their father."

The message was short and terse: The convoy of terror is moving north; lots of dance; and the destination is XYZ.

We swung into action – the teacher and I. We dashed to alert the authorities. Swiftly, the DO dispatched his security team and within fifteen minutes, a rare figure that with the swipe of a blade changes the lives of innocent Kuria girls forever was arrested. She is the circumciser or "surgeon".

said I did not know. She grabbed me by the left ear and asked another double edged question; "Is your wife circumcised?" I needed the Wisdom of Solomon to handle this old woman who had by now attracted so many people who were now jeering at the unfolding scene. To this I said, "Mama, please it is not good to talk about these things in front of people. This is *tabia mbaya* (bad manners)." she let me go with a smile of victory over her face.

A young man next to me shouted; "A woman who is not cut (circumcised) cannot open the cow-pen! As such she is redundant; with no value". A young lady nearby lamented; "Who will marry us if we are not cut? Tell us. Will you marry all uncut ladies in Kuria?"

A middle aged woman had this to say: "Our ancestors did it so why shouldn't we?"

By now some local leaders had arrived and the crowd was becoming charged and unruly. The local leaders leaned towards the community and even lamented that the act of arresting the "surgeon" was an affront on the community. Shortly the DCs East and West drove in with heavy contingent of police, who immediately took strategic positions lest the event became violent.



A section of the crowd that turned up at the DO's Office to demand the release of the circumciser

At the DO's office, the multitudes were eager to voice their views; each trying to outsmart the other. Quickly I sought to interview both the old and the young; males and females, to get their views on the arrest and on FGM as a whole.

An elderly woman in her eighties came up to me and shouted, "Is your mother circumcised?" Ouch! That was a difficult one!

"I'm asking you, is your mother circumcised?" she repeated in obvious fury.

Whatever answer I gave would bruise me. I

It was very sad that the very leaders who are supposed to lead people out of hopelessness were the ones, who are not only leading them there but also making sure that they remain there for ever; if just to ensure translation into a few votes. Thanks to the presence of the DCs; the surgeon was whisked away in a police van amid tight security as the local leaders mobilized the community against the police.

Philosophies/Myths about FGM

1. It aerates the vagina of a woman by ventilating it and keeps her clean and free

of smell

2. It keeps a woman's libido down; hence curbing promiscuity.
3. If a girl conceives before FGM she is accursed, no dowry should be given for her.
4. This could spell a curse on the entire family; with consequences of wiping away the family.
5. Because she is not cut, she cannot serve food to her father-in-law
6. An uncut girl cannot open the cow shed/pen.
7. No man will propose marriage to her.
8. Laid down customs must be followed.

Facts about FGM as shared by a medical expert:

It causes painful scars which tend to tear during delivery with consequent pain which last longer. This scar of FGM hardens and is just but a surface of dry dead cells which is painful during sexual intercourse.

When having sexual intercourse, the girl/woman is unable to enjoy or achieve orgasm.

As circumcised women advance in age, especially in Kuria, the wife will always politely keep off having sex with her husband by inviting her grandchild to be sleeping on her marital bed between her and the husband. (I slept on my grandparents' bed for quite some time. Now I know why!)

To change the monotony, she sometimes makes unnecessary journeys to visit her children in various parts of the country; a trip lasting several months all in a bid to avoid sexual intimacy.

The practice of FGM also leads to excessive bleeding during delivery. FGM is in itself terrorism against defenseless little children - kind of cultural violence meted on people amidst celebrations and partying.

The war against FGM must bring on board all the stake holders including boys, the girls themselves and their parents. Changing the attitude of boys about the *uncut* will be the first score against FGM because many boys in Kuria district still believe that an uncut girl is not suitable for marriage.

Finally, it is counterproductive to wait until every December to start FGM campaigns. On the contrary anti-FGM campaigns should be all-year round activities with anti-FGM lessons slotted in between normal lessons.

George Chacha is formerly a KHRC Kuria community intern. He is a Member of Kuria Human Rights Network and a Human Rights defender.

Citizens must demand accountability of devolved funds

By David Ngige

With the introduction of the new county governments, Wananchi will have access to the new 3 billion **County Revenue Fund**. But before Nyeri residents get mesmerized with the new funds, they must first demand accountability for the already existing 17 gazetted devolved funds. The people in constituencies must organize and mobilize to carry-out citizen social audits and report cards to demand accountability and gauge performance of members of parliament and their committees

Civil Society groups must work together at the County level to raise awareness on these funds. Our research shows that the majority of residents, citizens and even MPs themselves are not conversant with devolved funds and the rights of the people to access the funds.

Most MPs lack the capacity to ensure that their constituents benefit from these funds. For years, many county residents are still living in abject poverty; many are disillusioned by the government's failure to provide essential services yet these devolved funds are meant to bring social and economic development closer to the people.

Before the end of each financial year, citizens must compel their members of parliament to release a score card of all devolved funds at the constituency level. Then, with the assistance of civil society, citizens should carry out independent audits to verify and monitor success stories or in worst cases, expose ghost projects within the devolved funds.

An example of social audit questions may include; was the community involved at inception of the project? Do expenditure records support expenditure claims?

Is the bill of Quantities accurate, does it reflect market rates? Was the tender process free and fair? What is their basis in awarding bursaries? Do expenditure records correspond with the financial records such as the cash and vote held by the DDO?

Does the CDF committee prepare monthly expenditure records as required? Do they correspond to financial records and work done on the ground?

Other funds coming to constituencies are the **Economic Stimulus Package**. This is a Ksh 100 Million cash transfer annually to each of the constituencies in a given county.

The concept "**Economic stimulus Program or package (ESP)**" came into existence and public limelight in the 2009/10 Budget speech to parliament. The Budget premised on the theme, '**Overcoming today's challenges for a better Kenya tomorrow**', aimed at urgently jumpstarting the Kenyan economy towards long-term growth and development. The government allocated a total budget for the Economic stimulus programme of **Kshs.22Billion**.

The key objectives of the ESP are to: boost the country's economic recovery, invest in long-term solutions to the challenges of food security, expand economic opportunities in rural areas for employment creation, improve infrastructure and the quality of education and health care for all Kenyans, invest in the conservation of the environment, expand access to and build the ICT capacity of the people of Kenya and to promote regional development for equity and social stability.

What is the way forward?

Credible Civic education on devolved funds is needed to increase clarity and distinction of the over 17 gazette devolved funds, ESP funds and now the county revenue funds.

There should also be a system of helping the community write winning proposals to increase their chances to access these funds. Another major challenge to the devolved funds is lack of capacity amongst grassroots citizens especially in CDF to do project prioritization and needs assessment; if this is done, it will impact more on the lives of citizens and greatly develop the county.

Why a Social Audit?

Citizens must demand accountability of devolved funds. The social audit is a process that aims to ensure transparency and accountability in the implementation of all development projects in the county.

It also enables people to exercise their rights by increasing public participation at all stages of the project cycle. A social audit ensures that there is effective completion of projects and feedback to the constituents regarding project development.

When Wananchi are actively engaged and involved in the social audit, they will prevent abuse of funds and corruption by identifying, controlling and reporting irregularities. In conclusion they may also carry out an impact assessment of the projects being implemented and evaluate how well public resources are being used and how to improve performance. ■

Money-laundering

(from on page 15)

top are insulating the higher criminals, justice becomes selective where some criminals are "immune to the law".

The role of the International Community in combating money laundering

In the mid-eighties, international concerns about the growth in illicit drugs and the corresponding concentrations of wealth and power among criminal organizations led to a movement toward a new international convention.

The result was the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The Convention came into force On November 11, 1990 after it had been ratified by a minimum twenty governments.

The Convention requires that signatories make money laundering a criminal offense.

States are also required to eliminate legislative bars to effective investigation and especially international co-operation in investigation. Thus the Convention stipulates that States who are party to the agreement must facilitate the identification, tracing, seizure, and forfeiture of the proceeds of drug trafficking and money laundering. Such facilitation would include mutual legal assistance in all aspects of investigation, prosecution and judicial proceedings.

This would include: the taking of evidence; the service of judicial documents; searches and seizures; the examination of objects and sites; the provision of bank, financial and business records; and the identification and tracing of proceeds. With respect to extradition, the Convention requires that the offenses listed therein be extraditable and it envisages enhanced co-operation in the extradition process.

Another influential international mechanism has been the Financial Action Task Force or FATF. FATF was created following the 1989 Paris Summit of the Heads of State or Government of former seven major industrialized nations (Group of Seven or G-7). It mandated some experts to assess the steps to be undertaken so as to prevent the utilization of the banking systems and financial institutions for purposes of money laundering, and to consider additional preventative efforts in this field, including the adaptation of the legal and regulatory systems so as to enhance multilateral judicial assistance.

In 1990, the experts came up with a report which has become a landmark in anti-money laundering efforts and the 40 recommendations for action have been hailed by most observers as the single most important prescription for effective controls on money laundering.

The 40 recommendations encompass and enhance the provisions of the 1988 UN Convention and are designed to cover all aspects of money laundering. They cover the criminal justice system and law enforcement, the financial system and its regulation and international co-operation. Moreover, the recommendations are meant to be universal; they are guiding principles that give states the flexibility required by different legal traditions and constitutional arrangements.

Owing to article 2(5) of the Constitution of Kenya which states that "The general rules of international law shall form part of the law of Kenya", those who stashed loot from *Wanjiku* or minted it from illicit means and thought the West would "clean/wash/laundry it", they should start worrying or heed former Anti-corruption czar PLO Lumumba call to "BOMB"! (Bring Our Money Back).

Parliament should also move very fast in enacting the Proceeds of Crime and Anti-Money Laundering Act 2008. In doing this, the country will be on a sure path to prosperity and accountability without crimes of impunity such as institutionalized money laundering.

The author is a Human Rights Defender in Nakuru County and a student at Kenya Institute of Studies in Criminal Justice (KICJ) pursuing an Anti-Money Laundering Diploma.

Advocating for the rights of the pastoralist girl-child

By Ekuwam Adou

Her childhood experience as a pastoralist girl-child is what pushed her towards advocating for the rights of the pastoralist girl.

She was oppressed and discriminated against as a child but now she is working to make sure no girl or woman goes through the same kind of discrimination.

Shoba Liban, 48, is a name to reckon with in Isiolo County.

“When I was growing up, the girl child was viewed only as a possession – a piece of bride price that was waiting to be sold. She was rated a second-class citizen. Taking her to school was a mere dream. No efforts were made to empower her,” laments Shoba as she recalls her childhood.

However, she defied repugnant cultural practices that threatened to push her backwards and now she has taken up the responsibility of changing this detrimental perception towards girls by her community. She is an epitome of the successful pastoralist woman. She has succeeded in her educational and career aspirations and now is back home trying to salvage other girls who may not be so lucky.

Shoba quit well paying jobs twice to concentrate on her passion to rescue the girl-child from the jaws of inherently repugnant traditional cultural practices that have worked against women’s emancipation among pastoral communities.

Shoba founded the Pastoralist’s Women, Education and Health (PWHE) organization, to champion the rights of women and girls among the pastoral community.

“The motivation behind the formation of PWHE was the high illiteracy levels, widespread poverty and unjust social systems that are an impediment to girl-child growth and women’s development in general,” she pointed out.

In less than six years, her organization has registered sterling success where girls have been rescued from early marriages and given a second chance to pursue their education.

With funds from Action-Aid Kenya, Africa Medical Research Foundation (Amref), Grass

Root Alliance for Community Development (Grace Africa) and Cordaid among others, PWHE runs a centre for early childhood education in Bula Pesa estate, Isiolo Central.

Here the Centre has had the opportunity to support 97 vulnerable girls, 12 of them orphans or destitute.

The Centre pays school fees for the girls and provides necessities like uniforms and textbooks. So far, six of the girls have completed their secondary education of which four are enrolled in colleges.



Shoba Liban: A woman of substance fighting for the Girl-children’s rights

Shoba is extremely proud of the Center’s achievements as she gives examples of success. “We rescued Maimuna from early marriage days after she completed her class eight examinations. With assistance from Action-Aid, this girl has now completed Form Four and she is waiting to join college,” said Shoba with a look of accomplishment on her face.

At the centre, educated women from the pastoralists’ communities volunteer to give lectures and mentor villagers on the importance of educating the girl-child.

“Our members who are educated visit the centre where they give lectures to parents who are discouraged from marrying off their daughters at an early age and encouraged to take them to school,” she added.

There are 7,145 boys and 6,728 girls enrolled this year in primary schools in Isiolo while at Secondary level the boys are 937 and girls are 797.

According to Shoba, almost 50 per cent of girls from the pastoralist communities drop out of school to get married.

Through awareness campaigns, the organization has moved from village to village in the county to appeal to parents not to subject their daughters to the brutal Female Genital Mutilation with much success.

Another major component of PWHE is peace building and conflict management where the NGO has formed peace monitors across Isiolo County and established peace clubs in schools.

“We have peace monitors in all volatile areas of Isiolo where we get timely reports on attacks like banditry and cattle rustling. We pass the information to the police and the provincial administration for action,” said Shoba.

Conflict in Isiolo Central in areas such as Gambela, Kilimani, Shambani, Kambi Garba, Kambi Juu and Eremet has badly affected primary schools where pupils from different tribes take sides with their parents, thereby affecting the learning

environment.

The school Peace Clubs formed by PWHE in conflict prone areas provides a platform where pupils, teachers and parents are taught virtues of peace so as to foster harmony and create a conducive atmosphere for learning.

“Conflict in Isiolo Central had strained relationships even amongst pupils and their teachers. Through the peace clubs in these schools, pupils, teachers and parents listen to lectures from our volunteers on the need to keep tribal conflict out of schools,” said Abdia Mohamed of Isiolo district Peace Committee and a member of PWHE.

Although the interventions are bearing fruit, Shoba laments over a lack of finances, cultural practices, high poverty levels of the communities and conflict among the pastoralists as a huge challenge.

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Gender mainstreaming a must in achieving women's emancipation

By Timothy Kiprono

Gender Mainstreaming is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality.

Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programs and projects.

The concept of bringing gender issues into the mainstream of society was established as a global strategy for promoting gender equality in the Platform for Action adopted at the United Nations Fourth World Conference on Women, held in Beijing (China) in 1995. It highlighted the necessity to ensure that gender equality is a primary goal in all area(s) of social and economic development.

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated.

The ultimate goal of mainstreaming is to achieve gender equality.

As a strategy for achieving gender equality, gender mainstreaming involves a process of incremental change in policies, strategies and activities. The long term objective is that attention to gender equality will pervade all policies, strategies and activities so that women and men influence, participate in, and benefit equitably from all interventions.

Documenting good practice in mainstreaming gender equality entails recording positive steps made towards achieving this goal, in addition, it requires documentation of comments and recommendations to improve and strengthen the strategy.

Although the policy, project or activity may not yet be perfect from a gender equality perspective, it is still possible, and important, to record, critique and make recommendations aimed at positive steps in the right direction.

Good practice examples should document how gender equality concerns were made central to policy-making, legislation, resource allocation, planning implementation and monitoring of projects and program. They should, if possible, document the transformational aspect of mainstreaming -the impact that consideration of gender equality aspects has in terms of changes to goals, strategies, actions, outcomes and impacts.

Mainstreaming includes gender-specific activities and affirmative action, whenever women or men are in a particularly disadvantageous position. Gender-specific interventions can target women exclusively, men and women together, or only men, to enable them to participate in and benefit equally from development efforts. These are necessary temporary measures designed to combat the direct and indirect consequences of past discrimination

Gender mainstreaming is not about adding a "woman's component" or even a "gender equality component" into an existing activity. It goes beyond increasing women's participation; it means bringing the experience, knowledge, and interests of women and men to the development agenda.

It may entail identifying the need for changes in that agenda. It may require changes in goals, strategies, and actions so that both women and men can influence, participate in, and benefit from development processes. The goal of mainstreaming gender equality is thus the transformation of unequal social and institutional structures into equal and just structures for both men and women.

Some Basic Principles of Mainstreaming

According to Carolyn Hannan, Director of the UN Division for the Advancement of Women, the responsibility for implementing the mainstreaming strategy is system-wide, and rests at the highest levels within

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Advocating for rights...

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Her experience in similar fields is vast thus preparing her efficiently for her role as the head of PWHE.

Shoba first worked as an Advocacy and Gender Assistant with Action-Aid, North-East regional office whose headquarters are in Isiolo before she quit to become a volunteer with local NGOs working to help the girl-child in Isiolo County. "My job at Action-Aid was too demanding as I travelled all over northern Kenya. I quit after five years concentrating in helping the girl child and women of Isiolo County," she said.

In 2007, she joined Isiolo Water and Sewerage Company (Iwasco) as a Public Relations Officer and was later promoted to be the Administrations Manager. She however quit the well-paying job in December 2010 to focus fully on helping the girls and women from the pastoral communities.

Shoba is also the founder and Programme Coordinator of Pastoralists Women for Health and Education (PWHE), an organization that started as a community based organization in 2005 and later transformed into an NGO a year later.

On the family front, Shoba is happily married to Mohamed Liban blessed with four children. Her husband works with the Independent Electoral and Boundaries Commission (IEBC) as regional coordinator, Eastern province. Two of her children are currently at University, while the eldest has just finished university, and the youngest is in form three.

"I want all the girls from the pastoral communities to get what my husband and I give to our children – a decent education. This is why I am at PWHE," says Shoba who holds diplomas in public relations and community development and has currently enrolled for a degree course at a local university.

Shoba challenges the girl-child and advocates for the rights of the girl-child to take advantage of the new constitutional provisions which have outlawed gender discrimination and created room for women's rights.

"The two-third gender principle for consideration for public and elective positions will give women leverage and reduce gender disparity," she comments on the provisions in the Constitution on affirmative action.

Shoba believes that the provisions in the Constitution offer a bright opportunity for women and girl pastoralists in the future. ■

Gender Mainstreaming...

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agencies. It therefore requires that women be part and parcel of these levels to ensure:

- Adequate accountability mechanisms for monitoring progress are established.
- The initial identification of issues and problems across all area(s) of activity are such that gender differences and disparities can be diagnosed.
- Assumptions that issues or problems are neutral from a gender-equality perspective are never made.

- Advocacy efforts;
- Legislation;
- Research and other analytical work;
- Statistics- greater sex disaggregation, improved gender analysis of data, or identifying gaps in the data base;
- Development of indicators and improved monitoring;
- Medium-term plans and budgets;
- Procedures and processes.

A good practice example could also document positive organizational changes necessary to promote gender mainstreaming,

discussion of the usage of these guidelines and the impact on day-to-day work.

Good practice examples can also be documented on changes made to develop national environments conducive to the implementation of the mainstreaming strategy. These could entail:

- Provision of training on mainstreaming for line ministries;
- Developing the capacity of the national machinery to advocate for mainstreaming.

Suggested format for documenting good practice examples

A format for documenting good practice examples has been discussed.

1. *Background* on the overall intervention in which the good practice process/ activity takes place.

2. *The reason changes in relation to gender equality were required*-related to achievement of social justice/human rights and/or effective achievement of the goals of the program.

3. *The objective* of the process / activity being recorded as good practice.



Salma Uledi (Mt. Kenya Human Rights Network) and Loise Kimirri (Laikipia Human Rights Network) display "Equality for All" khangas in the equality campaign, a paradigm shift initiative to mainstream equality. Looking on is Yusuf Hajji of Wajir Human Rights Network

- Gender analysis is always carried out.
- Clear political will and allocation of adequate resources for mainstreaming, including additional financial and human resources if necessary, are important for translation of the concept into practice.
- Gender mainstreaming requires that efforts be made to broaden women's equitable participation at all levels of decision-making.
- Mainstreaming does not replace the need for targeted, women-specific policies and programs, and positive legislation; nor does it do away with the need for gender units or focal points.

Documenting good practice examples on the mainstreaming strategy:

A good practice example of gender mainstreaming could be actions which lead to a positive change in:

- Policies;
- Strategies / approach;

such as:

- Competence development on mainstreaming;
- Establishment of a gender unit or focal point with a clear mandate and necessary resources to promote and support mainstreaming;
- Indication of management commitment to mainstreaming;
- Establishment of accountability mechanisms;
- Development of guidelines, manuals, and other tools to support mainstreaming;
- Establishment of a resource base of relevant gender equality expertise for mainstreaming.

Documentation of organizational change to support the mainstreaming process must go beyond simply describing the changes implemented to a discussion of the anticipated and achieved impacts of the changes. In the case of development of guidelines, for example, there should be

4. The *strategy* adopted to achieve this objective.
5. The *outcome* - specific changes as a result of the process /activity, and how these relate to the objectives set.
6. The *factors contributing to / hindering the success* of the process / activity.
7. Any ways in which the good practice activity *could have been improved*.
8. Plans to *follow-up* the good practice activity and the potential / constraints in relation to moving forward.
9. Any other lessons learned from the process.
10. The possibility for replication or *spin-off effects*.

Timothy Kiprono is a Programs Officer with the Kerio Center for Community Development and Human Rights.

The Irony Of 'Development Projects': Farmers of Eldume Irrigation Scheme in Marigat District to Lose Millions of Shillings

By Moses Lemeluk

Farmers who are members of Eldume Irrigation Scheme in Marigat District (EISMD) together with the Baringo Human Rights Consortium (BHRC) are taking the management of the scheme to court over what they have termed as the "irony of development project" in a looming crop failure due to non-cooperation from their irrigation scheme.

It all began around October 2011, when Godana Sauroki, Moto Lenaguenyi and others were informed by the local irrigation management committee of EISMD that the scheme would be distributing seeds of maize beans, paw paws and watermelons. These seeds were donated by Kenya Seed Company (KSC), the Food and Agricultural Organization (F.A.O) and the Ministry of Agriculture (M.O.A) through the National Irrigation Board (N.I.B) on condition



Wilting maize crop following the closing of the irrigation canals

that they would plant them at Eldume Irrigation Scheme only and within the dry season. It had been a perfect timing, or so thought the 52 farmers of EISMD, to make use of the abundant waters of Molo River in the prevailing dry season to plant crops in their plots.

On 13th December, 2011, the farmers visited their irrigation management committee offices after planting medium and faster maturing crops and were informed that the water canals would be open and made available for their use for the duration their crops would take to mature. They went on tending for their crops.

It was with great shock and amusement that members learnt of a rumor went round that the irrigation committee was considering closing the canals for rehabilitation and maintenance as the National Irrigation Board had received a grant for the same purpose from F.A.O. On 20th December, 2011 their worst fears were confirmed through a 21-day notice posted by the Irrigation Management Committee warning farmers in

the area that water canals would be closed for rehabilitation and maintenance barely seven days after the same body gave a go ahead to the farmers to plant their crops. The notice elapsed on 10th January, 2012.

Still believing that the notice did not affect their part of the scheme, as the notice addressed only farmers planning to start planting and not the ones who had crops maturing in their farms already, they went back on 10th January 2012, to inquire and plead with the management to rethink their decision, if it was indeed true that they intended to close the canals that fed their farm crops with water. The inlet canal was not closed but the management committee extended the notice to 16th January, 2012.

A meeting of all the 52 farmers took place on 15th January, 2012 and a resolution to seek audience with the Management Committee of the Irrigation Scheme was reached. Mr. Godana Sauroki, who is also the secretary of the farmers, was instructed to write a letter outlining their grievances and suggestions to the committee. That letter was delivered the same evening to the Chairman with a request to call a meeting between his committee and the farmers, the letter was copied to: the District Commissioner, Marigat; the Manager, National Irrigation Board; the Ministry of Agriculture; the O.C.S Marigat Police Station and the Chief, Illchamus Location.

The committee chairman agreed to meet the farmers the following day immediately after a meeting planned by his committee with the representatives of the M.O.A, F.A.O and the N.I.B. It was encouraging to the farmers that the agencies responsible for the rehabilitation of the canal would be there and probably their concerns would be addressed.

However, they failed to turn up and the Committee chair suggested the new date of 18th January, 2012 a day that M.O.A, N.I.B and F.A.O officials led by the Provincial Agricultural Officer turned up as well. Finally, 27th January, 2012 both the management committee and the farmers met but no resolution was reached. Instead the farmers were branded as anti-development for appearing to resist commencement of the canal rehabilitation project yet all they were asking for was that the management committee would allow their crops to mature before closing down the canals.

Their pleas to be compensated for the loss of their crops and the expenses they had incurred were

completely ignored and dismissed altogether. On 31st January, 2012 the complainants approached our offices, the Baringo Human Rights Consortium (BHRC). A letter advising the management and local leaders to find an amicable solution to the dispute was issued with copies to the parties addressed by the initial letter from the farmers. That same evening the water canal was shut off and the farmers told to count their losses silently.

Farmers have suffered a lot seeing their crops drying up not for lack of water but due to insensitivity of the management committee, the same committee that had initially donated seeds to the farmers and encouraged them to make use of the dry spell!

Having exercised a lot of restraint and offered the management an opportunity to resolve the dispute it had dismissed as a non-issue, the aggrieved farmers in collaboration with BHRC will sue the management in the courts of Law for damages that run into millions of shillings. Suit papers are currently being prepared for the same purpose.

The writer is a Programme Officer at the Baringo Human Rights Consortium

A glimpse into the Nyeri blue print

(from page 11)

Unemployment can thus be solved through the creation of youth jobs such as tree nurseries and planting of trees. The County will be able to take advantage of its water resources and develop an environmental initiative to lead in regional and national tree nursery development and afforestation through Agriculture Forestry and Other Land Uses (AFOLU) and Land Use Change and Forestry (LUCF), for carbon credits.

If we can use this approach then I can guarantee that we will be funding the Nyeri county economy with our own money and the creation of 500,000 middle income, management, administration and international employment opportunities for the youth coupled with intensive technical training across the County will be a reality. Moreover Nyeri will become a net food exporter.

The County of Nyeri has been likened to the Garden of Eden as a food basket and the only way to tap into its enormous potential is to elect the leaders who have a similar vision for the county.

The author is an aspiring senator for Nyeri County

Maridadi Re-usable Pads

By Salma Uledi

Did you know that in a year some students attend classes on average of 35-65 days less than others yet they sit the same exam and are expected to perform as well as the rest? Well, this is the reality on the ground especially for poor students.

It is quite unfortunate that something as natural as menstruation to a girl or a young woman would be the reason for her missing out on her education.

With the free education program now in motion, it is even sadder that these girls still miss school at a critical time in the month.

It is with the plight of these girls in mind that the Alsubra Womens' Group decided to conduct a fact-finding mission in Nyeri slums to ascertain the extent of the problem.

From their findings, the women endeavored to find a cheaper and accessible solution to the problem so as to assist the girls.

Bearing in mind that most of the girls' families live in slums and cannot even afford a decent meal a day let alone afford buying pads. Alsubra women sought the help of a good friend from Canada who offered to assist them with the idea.

Alsubra Women Group comprises of 15 women all of whom reside in Majengo, Witemere, Kangemi and Kiawara Slums of Nyeri.

The Canadian friend was able to bring on board a trainer from an NGO based in Nairobi to conduct training for a period of 4 months on how to produce a cheap version of sanitary towels.

Armed with the training the women launched the project in July last year with five machines all donated by the Canadian sponsor.

Maridadi Sanitary Pads are high quality, cheap, re-usable, hygienic, breathable pads that are environmentally friendly and can be washed and re-used.

They cost 250 Ksh for a bag of five pads that could be used for four months as compared to Ksh 600 for the conventional ones in the market.

So far the group has been able to donate the

Most women are house-wives but not poor and that is why they have to take care of their children. This puts a great dent in their productivity.

From around 9.00 am the women work until 1pm, 4hrs is hardly enough to meet their targets. Fifteen women sharing 5 machines presents yet another problem as work is slow. If the women had their project site and enough machines they would go a



Salma Uledi, chair of Al Subra Women's Group and her two colleagues join pupils from a local Nyeri primary school to celebrate the maridadi re-usable pads

pads for free to many primary schools and children's Homes in the Nyeri slums all with an average of 100 girls each.

Feedback from the user is extremely encouraging and the demand for more of the pads is rising.

The commercial side of the project targets slum dwellers who say that the price is more manageable than the conventional ones.

Being situated in the "Masjid Qubah" which is the main mosque inside Nyeri's Majengo slums presents a challenge in itself. Naturally the mosque has its own schedules and as the women use the mosque hall as the project site they can only be accommodated for the morning session.

long way in providing these cheap re-usable pads. Presenting the pads to the schools and demonstrating to the teachers and pupils how to use and clean the pads accords the women with a great forum to educate the children and other women on their human rights.

"Our vision is to create a vibrant project with about 30 machines with an equal numbers of workers trained in both production and marketing to be able to meet our targets and to work from our own site. God willing with more help on board we will be able to accomplish this. It is quite fulfilling to know that we are doing the little we can to help just like Wangari Maathai's proverbial humming Bird" Says Salma Uledi, the Coordinator of Mt. Kenya Human Rights Network and the author of this article.

A technology boost for Isiolo's visually challenged

By Ekuwam Adou

Visually impaired persons from the upper Isiolo region have a reason to smile. They will soon get an opportunity to enjoy the benefits of technology by communicating and connecting with their loved ones through a special computer technology.

Thanks to an ultra-modern information communication technology centre (ICT) specifically designed to handle visual deficiency, the visually challenged will now be able to interact through popular social sites such as facebook, twitter and at the same time acquaint themselves with the latest information in the world wide web.

Isiolo Welfare Group for Disabled (IWGD), a Community based organization with the support of the National fund for the disabled is set to launch the state -of- the art ICT centre for use by visually impaired persons in this region.

According to IGWD program director Elly Owuoti, the computers at the centre will be fitted with "JAWS software" which will

enable the users to connect with what they are typing on the computer keyboard through the sound generated to identify keyed letters.

Job Access With Speech (JAWS) software makes it possible for the blind to use computers that use Microsoft Windows. The programme allows users with access to information displayed on the screen via text-to-speech or by means of a Braille display and allows for comprehensive keyboard interaction with the computer.

The users are guided by commands relayed through the earphones which transmit sounds of letters that corresponds with every key typed.

According to Mr. Owuoti, the project estimated to cost about 250,000 shillings will be set in Isiolo town and will serve Marsabit, Moyale, and neighboring Samburu East area.

This project is timely to integrate the physically challenged members of the community to information communication technology in line with the government's vision 2030 economic blue print.

"Disability is not inability, we need to re-integrate the visually impaired to modern technological

advancement for them to positively contribute to the country development" observes Mr. Owuoti.

The would-be beneficiaries of the project are enthusiastic and are eagerly awaiting its launch. Retired teacher Reuben Oyan who is visually impaired says the internet facility will enable him to open up to the rest of the world.

"I will be able to interact with my donors and friends and well wishers whom I will be in constant communication" says Oyan, the chaplain of the Salvation Army run Olympiac Primary School.

Reuben who has been teaching for the last 35 years has been waiting for such a technology for a long time. "I am told through Microsoft-excel programs, I will be able to record data on students' performances which can automatically be produced in order of merit, unlike the current manual system," he observed.

The selected first batch of thirty visually impaired members will undergo three week basic computer training to induct them with skills to enable them use the facility. ■

Poverty and lack of information fueling new HIV infections

By Duda Makumi

Despite notable progress in the fight against HIV and AIDS, there is concern that new infections are still occurring in Central Province.

Several reasons have been cited over this trend.

Poverty is obviously one of the chief contributors. Infection has risen most rapidly amongst low income earners and those with much lower levels of education. Many poor women for example exchange their bodies for favors or for material gain due to abject poverty.

The social and economic circumstances of widows and orphans after the death of their husbands makes them highly vulnerable to economic sexual activities and thus sexually transmitted diseases and HIV.

We have seen cases where widows are thrown out of the family homes by the late husband's relatives. The widow goes away with her children most often to urban areas, slums or streets where she is exposed to even greater risks of being infected and sinks deeper into poverty.

Women and orphans who have been cut off from their normal sources of income may find that selling their bodies is the only way they have left to survive. Some have been heard to say that they do not fear being infected with HIV because if they do not sell themselves to get food they will die of hunger.

Unprotected sex and drug abuse is another reason. Many women and girls complain that they have very little or no control whatsoever over their husbands or partners and hence have no say on whether or not to use protection with some being forced into unprotected sex.

Unemployment among the youth means that they lack meaningful ways to earn an income and find ways to occupy themselves and the idleness leads them to engage in casual sex increasing the risk of HIV infection.

Some myths and beliefs also propagate new infections. One common belief is that when an infected adult has sex with a young virgin then the former will rid themselves of infection and be cleansed which is obviously not true.

The stigma associated with HIV and AIDS prevents people from getting tested. This also gives rise to new infections.

NGO's and the civil society and indeed all stakeholders have their work cut out for them to lay spirited campaigns to educate the masses about these dangers.

The writer is from Nyeri county.

Taita Taveta residents take the government to court over ownership of land

By Jasper Mrutu

The people of Taita Taveta are an unhappy lot and are taking the government of Kenya to court over what appears to be fraud in land deals. In late 2007, the government through the Settlement Fund Trust (SEFT) purchased 15,000 acres of land to settle landless squatters in Taita Taveta County.

For a long time, the people of Taita Taveta have been landless and thus were elated that at last the government was responding to their plight.

After the official announcement of this acquisition, the government conducted massive campaigns to sensitize the people on the process of securing this land.

They were urged to pay booking fees of two thousand shillings for plots carved out of some 2,000 acres piece of land axed from the purchased 15,000 acres. The 2,000 acres was then sold to the Taveta Town Council.

Local leaders went round Taveta and convinced people to book the land even if it meant selling their goats and chicken since eventually, everyone would be given an opportunity to at least own one town plot.

People were ecstatic. They responded positively. At least 14 million shillings was raised in these campaigns.

But the people, in their haste, did not read the fine-print of this lucrative land deal. Most of them acquired plots but with tough conditions and ultimatums which they could not meet.

In this frenzied confusion, over one thousands plots were re-possessed. On the other hand, the remaining 13,000 acres were being distributed without the involvement of the public or even a committee to oversee the distribution.

Public participation was totally ignored. Squatters of Taita Taveta were not involved yet this was presumably land that ought to have been solely owned by the squatters themselves.

Disgruntled people started questioning this sale of land in public forums and relevant offices but all in vain. This is why the Taita Taveta Human Rights Network and other human rights defenders started a community empowerment campaign to sensitize people to stand-up for their rights. The intervention was urgent.

Subsequently, a number of Taveta residents have filed an application in court restraining the government or its agents from distributing or allocating land from the 15,000 acres.

The application was filed on the following grounds;-

That nobody should deal in anyway with the land until the case is heard and determined

The application sought to restrain Taveta Town Council from selling plots emanating from the land until the case is heard and determined.

The application sought to direct the Ministry of Local Government and Ministry of Lands to investigate and file in court a detailed report on how much money was collected and how it was spent.

To give a list of beneficiaries by their names and ethnicity.

To produce a list of government officials who benefited from the project by their names and ethnic background.

To account for the money collected from the sale of the sisal crop which was formerly owned by former Member of Parliament, Mr. Basil Criticos which is now being harvested by a private company but no one knows who benefits from the proceeds.

The case is set to be heard on 10th February 2012. In support of this process, over three thousand names and signatures have been collected accompanied with copies of identity cards. This show of public activism by the affected masses is significant in public interest litigation processes and shows the degree of rights awareness by the people of Taveta. This

kind of response was not possible two years ago.

However, there are gaps at the grassroots level regarding processes such as these because there are still people who believe it is impossible or even taboo to petition the government.

This is compounded by fears of insecurity as the advocates to this intervention are constantly being threatened and some have even been victimized.

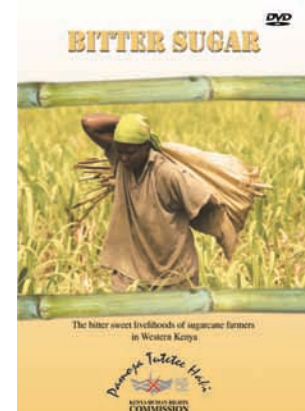
Sadly, the same people that the human right defenders are fighting for have also in some incidences been compromised and are a "sell-out" to the justice process. This is a gap that calls for intensive capacity building at the grassroots level to sensitize the communities about their right to land ownership and processes to seeking redress incase these rights have been violated.

Jasper Mrutu is the Chairman of the Taita Taveta Human Rights Network.

New Release!

BITTER SUGAR

Imagine for a moment, that you own something that the world yearns for. From east to west, doors keep knocking demanding this treasure. But when all is said and done, the world is able to satisfy its needs, but you are left to merely survive; your needs barely met. This is the story of the sugarcane farmers in Western Kenya.



Now available at the KHRC on order!
See snippets on YouTube or the KHRC website
<http://www.khrc.or.ke/media-centre/videos.html>

China Construction Firm leave trail of destruction

By EkuwamAdou

While the majority of the motorist and business community from upper eastern region continue to celebrate the completion of the first part of greater Isiolo-Moyale highway, Chokaa villagers living off the busy highway are counting their losses attributed to negligence of the Chinese contractor.

Villagers are crying foul over the deaths of their livestock, following what they term as 'adverse environmental neglect' by China Wu Yi road Construction Company' after failing to clear away tar and other by-products used in making tarmac.

"We have lost more than 200 goats that plunged into the tar that was carelessly left behind at the former construction site," cried John Doctor Kikai, Chairman of Ngaremera Natural Resources and Environmental Management (NGAREM), the environmental lobby group pushing for compensation of affected villagers.

Goats wandered into the site that was formerly used in the production of tar and other by-products where most of them got stuck.

Residents are now up in arms demanding action against the road construction company, whilst exploring legal redress over issues concerning their compensation and environmental damages.

They are frustrated that their efforts to seek audience from

the management of the road construction company have come to naught.

"The unfortunate thing is that the management of China Wu Yi Company has not cared even to listen to our grievances. We have been chased away by armed administration police when we want to report our grievances," lamented Judy Ledeura who lost ten goats.

partners in civil society to take the matter to court, as issues on environment are well taken care of in the Constitution," explained Kikai, NGAREM chairman, who is consolidating the case.

Parading the affected goats, enraged villagers accused the management of the company for not giving them a hearing and arrogantly chasing them away but vowed to remain steadfast in their resolve to seek

seek justice and compensation for our livestock which have been affected by their neglect," warned Thomas Eyanae who has lost 15 goats.

Chokaa village is located next to the headquarters of China Wu yi Company, who were the contractors of 136kms Isiolo-Merille first part of Isiolo-Moyale highway.

On their part, NGAREM,



Chinese company impunity: One of the goats affected by tar carelessly left behind by Chinese road construction company China Wu Yi, at Chokaa area in Isiolo. The company was using Chokaa base for production of tarmac.

The affected villagers have now vowed to seek legal redress for compensation of their goats and general environmental damages.

"We are working with our

compensation for the goats that have died and those affected.

"We will mobilize ourselves and pitch a tent at the gate of China Wu Yi Road Construction Company to

which has been mobilizing the community on issues surrounding environmental concerns have written a letter to China Wu Yi company raising

Human Rights Goes Hi-Tech: New Opportunities for Public Participation

By Beryl Aidi

In January 2011 the world witnessed as street protests ended the reign of some of Africa's longest serving presidents namely President Zine El Abidine Ben Ali of Tunisia and President Hosni Mubarak of Egypt. Pretty soon a number of other Middle East countries began to experience street protests and the subsequent replacement of oppressive or non-democratic regimes, in what is now popularly known as the Arab spring. The common and unique thread in the Tunisian and Egyptian revolutions is that they were considerably peaceful and were coordinated through social media before the people took to the streets.

The impact of these initiatives leaves no doubt that social media, a major component of Information and Communication Technologies (ICTs) is increasingly playing a key role in the way business is conducted the world over. ICTs cover a whole range of technologies to access, process and distribute information (through text, sound, images etc). It is most commonly used to denote digital media and communication technologies, especially computers, internet and mobile phones.

The development, democracy and human rights fields have not been left behind either. ICTs are being used to support democracy and human rights in the world today. In a recent workshop, 22 participants

drawn from various grassroots community-based human rights networks learnt different ways in which they can enhance their work using ICTs. The workshop, organized by the Kenya Human Rights Commission (KHRC) under a project dubbed ICT4D, aimed to equip the grassroots human rights advocates with basic knowledge of new media tools that can be deployed to increase public participation in governance and democratic processes.

The acronym ICT4D is becoming

example of how the mobile phone is revolutionizing health care especially in the HIV and AIDS care and support programmes where mobile phone applications have been developed to specifically improve drug adherence among people living with HIV and AIDS who are on anti-retroviral therapy. The same potential is available for other aspects of social development including democratic processes and human rights work.

In the human rights and democracy field a lot can be achieved if ICTs

and blogs to monitor government performance as well as social organizing and mobilization.

ICT4D for example improves public participation on various platforms such as citizen journalism, where the public find a voice beyond the mainstream media through the internet to express sentiments through polls; using the email list-serves to rally people to discuss and organize protests and then feed into the traditional mass media through call-ins and SMSes in radio and TV talk shows.

Speaking during the workshop, George Chacha, a human rights advocate based in Kuria said, "I never knew that social media, especially Facebook, is a powerful tool when used positively. I am now going to open my account to improve the work that I am doing in Kuria, especially on FGM."

Mr. Chacha said this after learning how simple tools like uploading a video clip taken from a digital stills camera on YouTube and then be able to publicise it on Facebook. He does

extensive awareness and behavior change work among the Kuria community on harmful cultural practices such as female genital mutilation (FGM). The video shot in Kiswahili shows the defensive attitude the Kuria people have toward FGM.

ICT4D also creates opportunities to increase government accountability through monitoring service delivery at both county

an increasingly used lingo among development practitioners. ICT4D simply stands for ICTs for Development, and is a relatively new and highly dynamic field of development intervention. It can also refer to ICT for democracy.

What ICT4D Can Do

ICTs offer great opportunities for economic and social development including human rights work. There have been reports for

are properly deployed. Civil society organizations (CSOs) can tap the potential of ICTs to increase citizen participation, monitor human rights violations, monitor the electoral processes, monitor government fulfillment of promises, carry out campaigns and also to inform and educate their constituents and the public on various human rights and governance issues. CSOs can indeed work with the public and take advantage of social networking platforms such as Facebook, Twitter



Chacha demonstrates his crowdmap deployment to the participants attending the ICT4D training organised by the KHRC

and national level. For example, there are web platforms being developed that are dedicated to monitoring service delivery and government budget down to the constituency level. At the ICT4D workshop participants were introduced to platforms known as crowd sourcing platforms such as *Ushahidi* and *Uchaguzi* that have been deployed during disasters and elections respectively. *Ushahidi* for example has been used to locate where resources can be found and dispatched to where it is needed during earthquakes like the January 2011 earthquake in Haiti. In Zambia and Tanzania, *Uchaguzi* was deployed to monitor elections and report on any fraud or electoral violence.

One can now upload photos of the status of development projects funded through public funds and put the duty bearers eg respective Members of Parliament to task should there be discrepancies between the reality and the MPs' report.

The beauty of all this is that the platforms are easy to deploy and anyone with internet can deploy them. For example through crowdmap, on www.crowdmap.com, one can build one's own *ushahidi* type platform for any use.

Mr. Chacha deployed one on peace building called Kenya Our Home found at www.ruralchange.crowdmap.com. The KHRC's own crowdmap called The Haki Report, www.hakireport.crowdmap.com is up and running and available to the public to monitor utilization of public funds.

Besides these tools, special websites and blogs are now in use to engage dutybearers including MPs. Participants at the workshop were able to log on to www.mzalendo.com to see how the performance of their MPs have been rated and how they can engage with their MPs. Coming soon is the KHRC run www.civicaction.or.ke where the public would be able to see the demands people are making of their MPs from various parts of the country, their score cards and also monitor devolved funds as the country transitions to a devolved government in the next general elections.

The beauty of these tools is that they are accessible on any internet enabled mobile phone so this



Eva Kaloki, a KHRC Media and ICT Programme associate explains the use of mobile phone for development using social media

makes them accessible to anyone.

Tom Mwanje, coordinator of Kakamega Human Rights Network says, "Thank you KHRC for introducing us to these technologies. Now more people will be able to see the work we are doing and join us to demand for government accountability."

"I have also learnt that social media are very powerful tools that will help us do our work better and they are things one can learn quickly," he added.

Using a modest grant from the Swedish Programme for ICTs in

Developing Regions (SPIDER), the KHRC has been able to equip ten networks with desktop computers, modems and cameras in order get them started off in the ICT4D project.

Beryl Aidi is the Media, Communications and Publicity Programme Officer, KHRC

China Construction....

From page 24

pertinent issues on neglect at the construction site.

In the letter, copied to National Environmental Management Authority (NEMA) Isiolo County offices, the organization threatens to take legal action over environmental degradation cost by the road construction company.

They complained that apart from the tar which was being used to make tarmac being carelessly left behind, big burrows which were excavated to get hardcore have been left dangerously open endangering both human and livestock in the grazing fields.

"The affected areas have been rendered useless after burrows have been dug and left open hence the need for compensation," read part of the letter signed John Kikai. Health concerns have also been raised, after pit latrines which were used by the casual workers

were left open, exposing villagers living around the construction site to dangers of contracting water-borne diseases.

Isiolo County NEMA boss, Abdikadir Hassan, acknowledged receipt of the letter, saying that he forwarded the same to China Wu Yi company for appropriate remedial action.

"I am waiting for an environmental de-commissioning report from the company to enable me to respond accordingly," promised Abdikadir.

China Wu Yi officials declined to comment when contacted, with the administrative secretary who received the call saying her superiors are not willing to talk to the press.

The company is winding up their work at the Chokaa base, after successfully finishing 136 kms Isiolo-Merille first phase of the Great North Highway. ■

Ten Requirements for Candidates Vying in Elections

Tom Kagwe, J. P. Nairobi

Whereas some Kenyans have expressed their aspirations to seek elective offices, such as to be the president, governor, senator, or members of the national or county assemblies, there seems to be very little debate about what is needed to vet those who are seeking these offices. The Chapter on Leadership and Integrity, read together with the Chapter on Representation of the People, gives fair but firm principles, which we could rely on to vet all candidates. This should be done from national to county levels. We propose that before anyone appears on the ballot paper, they present the following 10 certificates or letters of clearance to the Independent Electoral and Boundaries Commission (IEBC).

Without ranking, the first should be a Tax Compliance Certificate from the Kenya Revenue Authority. This should be a clearance that these aspirants have paid all their taxes that are due, and also have not participated in tax evasion. All those who seek these State Offices, should demonstrate that they are committed to contribution to government revenue. The second certificate should be from the Ethics and Anti-Corruption Commission, which should provide a clearance that those seeking elective office have not participated in any fraud in the past and are not under any investigations for both present and past scandals.

The third clearance should be from the Criminal Investigations Department of the Kenya Police. The "Certificate of Good Conduct" should be evidence that the persons vying to lead us, have no past criminal records (in both their private and public

lives) and are not undergoing present criminal investigation. Related to this certificate is a fourth clearance letter, which should be acquired from the Chief Registrar of the Judiciary. This letter should inform us whether there is any ongoing criminal or civil case and the nature of the cases. For example, we should know whether



Parliament building in Nairobi

the aspirant has any civil or criminal case involving some dishonesty to disclose interest to a private company or has simply stolen from it respectively.

The fifth clearance should be acquired from the Credit Reference Bureau Africa Limited, which should detail to us whether the aspirant has any financial delinquencies, has issued bounced cheques, has fraudulent cases, or whether they have any legal suit. Indeed, we should know whether the aspirants have inadvertently defaulted in repayment of bank loans or whether they have deliberately refused to pay such loans.

The sixth clearance certificate should be from the Higher Education Loans Board, which should point to us whether the aspirant has paid back

the principal loan gotten from the body and the interest that accrued from the college/university loan. The seventh certificate should be gotten from the relevant/respective professional associations, such as accountancy, law, architecture or doctors associations, showing proof that the aspirants are paid-up

of some pre-existing mental problems with some of our leaders. Remember mental infirmity or incapacity is a ground for removal from leadership, and so, lack of it should be a ground for candidacy.

The ninth certificate should be issued by the National Intelligence Service, which provides intelligence material on individuals who are likely to sabotage our country either politically, economically, or socially. We would know which aspirants are involved in illicit trade, such as import and sale of drugs, or those who are dumping industrial or other waste (including dumping sub-standard goods) in our country.

The final certificate should be a joint letter from three public bodies (Commission for Administrative Justice, Kenya National Commission on Human Rights and National Commission on Gender and Equality) indicating the 'public and human rights metre' of the aspirant. These are public complaints bodies, and

if the aspirant has been accused of human rights abuses, including women's human rights, or is facing a probe about holding bank accounts outside the country, the aspirant should be blocked from public office.

If these public institutions work effectively, efficiently and independently, then we should be able to lock out cabals, charlatans, thieves and fraudsters among others from public office, as Kenya undertakes the first general elections under this Constitution.

members and also, they have not committed any 'professional crime'. For example, we may want to know whether the so-called architect has been part and parcel of any of the collapsed buildings in Kenya or elsewhere.

The eighth clearance should be to send the applicants to psychologists under the Kenya Counselling Association to get a mental check-up, for purposes of knowing whether the aspirant suffers from any of the stress disorders, mental imbalance, and so on. Indeed, there are instances where we have seen so-called leaders do flip flops that are not explainable and not related to a normal human person. Just watch TV news or programmes such Heka Heka, Bulls Eye or News Shot, which are evident

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MIZIZI YA HAKI

The High Priests of Hypocrisy

By George Jaramba

Like the biblical high priests, they shouted from the rooftops,
Condemning the ills bedeviling the society
Their forums- the streets,
Market places and funerals, were filled with mammoth
Gatherings of curious audience, yearning for the elusive
change

Like the biblical high priests, they shouted from the rooftops
Poisoning the mind of the innocent citizens, to view them as
Reformers, while condemning their competitors as parasites
Out to suck the blood of *innocent* citizens.

Like the biblical high priests, they shouted from the rooftops
Calling on the poor citizens to reject impunity and autocracy,
They used all the nasty adjectives to describe the ruling
class: anti-reformists,
Corrupt and rigid to embrace democracy

Like the biblical high priests, they shouted from the rooftops
Calling for the arrest and prosecution of their opponents,
Whom they accused of stashing money in foreign accounts
They called on the citizens to vote them in so they could
show

Their rivals the true meaning of good governance

Like the biblical high priests, they shouted from the rooftops
And the *ordinary* citizen had no reason to doubt them
But when they were voted in, the perennial wrangles that
followed
Resulted in bitter rivalry and bloodbath, displacements and
heightened tribalism

Like the biblical high priests, they shouted from the rooftops
And when they finally settled on the throne,
Like their dethroned counterparts, they squeezed the
economy, nicknamed the *ordinary* citizen *Wanjiku* and
subjected her to starvation

Like the biblical high priests, they shouted from the rooftops
But nothing changed for better for *Wanjiku*
Instead they increased their salaries at will and engaged in
worse scandals than the *devils* they toppled using *Wanjiku's*
vote
The constitution they so claimed to be the epitome of their
struggle, became the fountain of their enmity

Like the biblical high priests, they shouted from the rooftops
But are they for real?

“Mizizi ya Haki” is a bi-annual community newsletter published by the KHRC on behalf of community members. Contributions and comments on the editorial content, design and layout are welcome. However, the editor reserves the right to edit any comments and articles submitted for clarity.

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