

Country Report: Kenya
**Breaking the Cycle of Violence: Women as Catalysts for Social
Transformation in Kenya**

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THIS AFCAST WORKSHOP COMES AT A TIME when Africa has just earned its twin historical premiers: Ellen Johnson-Sirleaf of Liberia as Africa's first elected woman president (2005) and Dr Wangari Maathai of Kenya as the first African woman to win a Nobel Peace Prize (2004).

In Kenya, the role of women in conflict resolution was elevated by Maathai's international recognition. It gave a moral boost to those who fight against structural injustices which dehumanise and marginalise women and the poor. The recognition also brought worldwide attention to the weaknesses in Kenyan society: the cultural, social and political marginalisation of women; manipulation of ethnic identities for political gains; and economic discrimination of the poor. While she defended the environment, Maathai was harassed, beaten up, imprisoned and despised as a woman. By standing up for her conviction, she asserted that women cannot continue to be on the periphery when they are at the same time the immediate victims of policies, attitudes and cultural practices that marginalise women. Hence, Maathai, the director of the Green Belt Movement and now Member of Parliament, while committing her life to the preservation of the environment, was equally fighting systemic violence against women within Kenyan society.

The first part of this discussion will focus on the role that women in Kenya have played in conflict resolution and the institution of a culture of peace. Conflict resolution will refer to multifaceted actions geared toward addressing or bringing an end to various forms of conflicts and violence, both those directly affecting women and those concerning the entire Kenyan society. The second part will examine violence against women in Kenya, while the last section will explore effective and sustainable approaches to resolving conflict. The latter will take a close look at transition from conflict resolution to conflict transformation.

Women in Conflict Resolution

Women in most African societies, like in other parts of the world, form the backbone of the social, economic and political structure, whether directly or indirectly. At the same time they are the most marginalised victims of structural injustices as well as the most vulnerable to repercussions of war and conflict.

Over the last decade, more women have been educated to take an active role in countering violence against women. Women's groups have been formed to carry out this endeavor. Women in Kenya have been at the forefront of conflict resolution and advocacy for human rights and sustainable economic policies. The ethics of peace has been upheld by many African women who "have drawn upon the moral authority granted to them by virtue of their being creators of life (mothers) and nurturers of life (mothers, wives, daughters), to call for peace..."¹

Women in Kenya engage in conflict resolution for various reasons. Florence Mpaayei, the Coordinator of Capacities for Peace Program at Nairobi Peace Initiative-Africa (NPI-A) believes that every human person must be committed to changing structures and conditions that prevent the development of the human person to his/her fullest potential. She asserts that her commitment for peace is grounded in solidarity with the suffering and the marginalised.

Antoninah Njau, a social worker and graduate student in Peace and African Studies, and Judith Pete of Peace-Tree Network Nairobi affirm that they are engaged in peace building not because they are women but because they believe it is their vocation and moral obligation. Njau adds that if she does not counter violence against women now, she could be a victim of it, directly or indirectly, in the future. Martha Okumu of Peace Tree Network Nairobi asserts that as a woman she has something different than men to bring to the arena of peace building. Her

observation is that women are willing to make compromises and commit their lives to peace building with conviction as they search for resolution to conflict and violence.

In Kenyan traditional society, conflict resolution is very much characterised by women's participation in mitigating conflicts. For example, in the traditional Samburu and Maasai pastoral communities of northern Kenya, women are considered neutral agents in conflict. When Maasai women want to stop a conflict they cut grass and hold it up for the warriors to see. This motivates the men to stop fighting. The mothers of warriors are revered and never attacked in times of war. This favorable code of ethics places women in a better position against any attacks. Their plea for an end to war and advocacy for peace are normally respected. However, in recent conflicts in northern Kenya between the pastoralist communities, contrary to this tradition, woman and children have been indiscriminately killed.

Grassroots women's initiatives for peace have increased women's capacity for peace building. Unlike in typical traditional African societies, Kenyan women have defied the male domination, becoming more expressive and confronting oppressive systematic forms of governance. In the late 1980s and early 1990s, the then incumbent government led by Kenya African National Union (KANU) repressed any dissenting voices and imprisoned political activists. Kenya was still a one party state. Many Kenyan women remained helpless as the government imprisoned their sons, husbands and fathers. They subsequently organised a non-violent protest against the government's repression by gathering in Nairobi's Uhuru Park. Although harassed and beaten by the police, they kept vigil and did not disperse. When their pleas for the release of their families went unheard, the women cursed the government by stripping naked and eventually their loved ones were released.

In Wajir District, Northern Kenya, where cattle raiding conflicts among the nomad communities are common, women have been in the forefront of the peace process. They have defied the traditional cultural practice of leaving conflict resolution to male elders. Initially they were looked down upon and were not given an opportunity to play an active role. Wajir women initiative for peace targeted various sectors of the community: women, youth, non-governmental organisations, chiefs, clan elders, district officers and members of parliament. From this women's initiative several peace groups formed: The Wajir Peace Group, Wajir Women Association for Peace and Youth for Peace.

Numerous women's organisations have been at the forefront in advocating for the rights of women and against all forms of violence. These include the Coalition of Violence Against Women (COVAW), the Kenya Women Caucus (KWC), Federation of Women Lawyers (FIDA) and Kenya Women Political Alliance (KWPA). There are also many individuals, groups, institutions and NGOs that directly or indirectly work for the empowerment of women.

Kenyan women have played an active role in response to violence against women through campaigns and advocacy. In early 1999, the media reported increases in cases of violence against women. The African Women and Child Feature Service (AWCFS) undertook a yearlong campaign to stop violence against women. In collaboration with the local media house, The Daily Nation, they began the "End the Violence" campaign which culminated in the Attorney-General tabling the Domestic Violence Bill in parliament, part of which stipulated that women had a right to prosecute their husbands for marital rape.² Other bills followed such as the Affirmative Action Bill and Equality Bill. Though these bills have not passed into law yet, they give an indication of the level of awareness and commitment to ending violence against women.

Various groups of women have been active in educating the public about the repercussions of female genital mutilation (FGM). They have mobilised communities to see the dangers of engaging in FGM practices. Their campaigns bore fruit when, in 2003, the government passed a law against this practice. Several communities have adopted alternative forms of rites of passage to replace FGM.

Women have also taken an active role in decision-making structures within the Kenyan government. The Convention on the Elimination of Discrimination Against Women (CEDAW) at

its 28th session in January 2003 reiterated that the Kenyan government ought to promote gender equality as a necessary prerequisite to development. The government has made some efforts towards affirmative action by nominating women MPs into parliament and appointing some as ministers and assistant ministers. The number of women in parliament has risen from 3.6 percent (8 women) after the 1997 election to 7.6 percent (17 women) after the 2002 general elections. However, there is still lack of a deliberate constituency within government bureaucracies, the media, lawyers and members of the judicial system in the country.³

Violence Against Women

The underlying social structures that lead to direct or structural forms of violence against women are often enshrined within cultural practices, gender expectations, and poor governance structures that are both male dominated and insensitive to the democratic rights of citizens. Economic policies that favor multinationals and the rich continue to widen the gap between the rich and the poor, pushing women to the periphery of the society.

Proverbs are expressions of the religious and cultural values of the community as well of the identity of its members. Sayings among different cultures in Kenya reaffirm the treatment of women as second-class citizens. For example, “A woman is the middle bone that the clan chews after her husband’s death.” This Luo proverb justifies the practice of wife inheritance. A Kipsigis proverb states, “do not tell a woman secrets.” Echoing this proverb, a Kikuyu one affirms, “Women have no upright words, but only crooked ones.” These proverbs perpetuate concepts that marginalise women.

Even women themselves may be key perpetrators of violence against other women, whether intentionally or by omission. Many African mothers teach their sons that men must be masculine and authoritative. They will even cane their sons if they return home crying that they have been beaten by a girl. Subsequently, boys grow with a superior mentality which can sometimes turn violent against women.

Many cultural practices are based on historical prerogatives; the society’s ethical and philosophical code; and the religious and social values that the practice seeks to achieve. However, as communities are introduced to modern ways of life and cross-cultural interactions, certain cultural practices are viewed more critically. Some tend to perpetuate violence and may be practiced outside of their traditional context. These include initiation rites, patriarchal domination and oral pronouncements.

Despite the government ban on female circumcision, the practice continues in some communities. This rite exposes women to HIV infection and is often brutal, or even fatal. Several community-based organisations have mobilised women to find alternatives to these initiation rites.

Domestic violence has often been vindicated by traditional practices that recognise the man as the head of the family, part of whose role is to ‘discipline’ the woman. Wife battering is justified as the duty of the man. In several communities in Western Kenya, disciplining a woman may entail beating her or forcing her to go back to her parents for further instructions. She may be beaten for poor cuisine or a questioning attitude toward her husband. She may also be accused of witchcraft.

The HIV/AIDS pandemic’s effect on Kenyan women is another violence. Scientific research has shown that women are more susceptible to contracting HIV than men. In Kenya, various cultural practices such as female genital mutilation done in unhygienic conditions; wife inheritance; the misconception that HIV can be cured through ritual sex with infants and virgins; rape; and domestic violence have made women vulnerable to the pandemic.

One of the most common cultural practices that spreads the HIV virus in Kenya and other African countries is wife inheritance. Criticised by activists, government officials and leaders, the practice has decreased in the last few years. Still, in several parts of Kenya, women continue to be victims of wife inheritance.

Inheritance rights of widows and orphans have not been respected in many African countries. When the husband dies, they are often denied inheritance. While men always have an opportunity to remarry, many Kenyan women are only allowed to be inherited by the late husband's brother. Thus, a "woman can never reconstitute the institution of family even though she was a key performer in its construction."⁴

According to Kenyan law, when a person dies without leaving a will and is survived by children under eighteen years old, the property left behind may only be inherited by an adult who has an authorisation letter from the government.⁵ However, if there is no one else to administer the property, the public trustee, who is usually a government official, ensures that the property is put in trust until the eldest surviving child comes of age.⁶ In spite of these legal protections, many women in Kenya still lose their property to relatives, while others are ignorant of the legal advantages or perhaps aware of them but without any financial means to hire a legal expert.

Kenya has made formidable steps towards the democratisation process such as increasing freedom of speech and political freedom; the election and nomination of 18 women to parliament out of 222; empowerment of women through various civil and social responsibilities; the legislation of laws against domestic violence targeting women; free primary school education; and the banning of female genital mutilation. Still, there is room for improvement.

The various forms of violence against women are stunning. For example, the Nairobi Women's Hospital reports that "a person is raped every half an hour in Kenya."⁷ Domestic violence, particularly in poor neighborhoods and the refugee camps in northern Kenya, has been on the increase. Wife battery and an increase in rape cases have equally rendered women more vulnerable.

The increase in the number of reported rapes and child molestation has alarmed the nation. These incidences occur in families, in community conflicts, during armed robberies or in children's homes. In 1998, 1,329 cases of rape were reported to the police. By 2003, that number increased to 2,308.⁸ Hundreds of other cases go unreported.

One Kenyan woman lawyer asserted that there are various lacuna in Kenyan laws meant to protect women, though some are outdated. For example, the Married Women Property Act dates back to 1882. Currently there are inconsistencies between Transfer of Property Act, the Law of Succession Act and the Marital Act.⁹

Peace Building: Beyond Conflict Resolution to Conflict Transformation

Conflict resolution is the process of resolving conflicts as they occur. While effective in dealing with particular symptomatic expressions of conflicts or practices of violence against women, conflict resolution rarely resolves the root causes. For this reason, women in conflict resolution must focus deeper than simply the management of cases of violence. They must engage in peace building, understanding the root causes and proposing ways of instituting sustainable solutions to the violence.

Conflict transformation is a peace building process that envisions and responds to multilevel dimensions of conflict, viewing conflict as a life-giving opportunity for justice-based constructive change which addresses concrete life problems in human relations. Conflict transformation is crisis-responsive rather than crisis-driven; it entails solving the immediate conflict while reflecting on past patterns and restoring justice to effect personal, cultural and structural changes towards a "shared vision for desired future".¹⁰ Thus, this process involves detailed analysis of the conflict, the parties involved, the historical background and the root causes.

The search for sustainable peace calls us to look beyond categorisations that divide humanity into sexes and instead embrace those that bridge gaps by emphasising experiences that unite us in our various differences and identities. A human being is bound within a matrix of diverse lives of other people. For a society to function, one's personal identity and values have to find expression within the society.

As a result of social discrimination, education for girls is given minimal attention. The role of women in influencing societal change is downplayed. Furthermore, men remain at the top of decision-making structures. As a result, women continue to be victims of social-economic violence.

In rural areas, women tend to work harder than men in providing for basic needs, while at the same time they are exposed to extreme domestic violence and sexual abuse. Often educated professional women tend to prescribe their ideal world on the rural, less educated women. In some cases, the strategies have been ineffective at countering violence against women, and have even caused more conflicts.

Before female circumcision was declared illegal in Kenya, women non-governmental organisations (NGOs) attempted to mobilise women in the villages to stand up against the ritual. To their surprise they faced resistance from a section of women in these villages who considered the practice a vital component of initiation. These NGOs lacked in strategy by prescribing the answer for rural women. Other NGOs, by entering into dialogue with the major stakeholders of communities, found alternative practices to FGM and increased women's participation in changing various forms of violence against women in the society.

Florence Mpaayei observes the necessity for peace advocates to let those affected by violence own the process of change. One has to be invited to share in the journey and experiences of those affected and walk at their pace. Mrs Agnes Pareyo, a Maasai woman from Kenya, won the UN Person of the Year Award in 2005. She was recognised for her commitment to fighting gender inequality in her Maasai community and defending the rights of the girl-child. She campaigns against female genital mutilation by negotiating with parents.¹¹

The challenge is to help the affected group of women overcome the disabling situations of violence and reach a level of reflection that is not just reactive, but constructive in attaining comprehensive solutions. This process entails identifying the key actors in the conflict and analysing the conflict at the local and larger structural levels. For example, domestic violence may be tolerated against women in particular regions of the country even though the law is against such practices. In this case, while advocating against such domestic violence is important, equally effective is conscientising lawmakers, lawyers and politicians about this practice so that the appropriate law-enforcement apparatus could be mobilised to address the conflict.

However, the process would be incomplete if it did not incorporate reconciliation, especially in situations where violence against women has broken families or disintegrated harmonious coexistence in communities. Living with trauma that is coupled with hate and anger can sometimes be much more devastating than physical violence. Assisting victims of violence through psycho-social support helps them rejuvenate themselves and live a full life.

With the increase of rape and sexual abuse cases in Kenya, the parliament recently passed a Sexual Offenders' Bill that protects the rights of women and children. Still, it is important to address the root causes of violence against women and put in place practical methods to eradicate these abuses. We must also protect human dignity and refuse to dehumanise the perpetrators. We must understand why people do the things they do, unraveling layers of reasons to reach the core of the problem.

Conclusion

Increasing the capacity of Kenyan women for peace and development is key to working toward sustainable solutions to violence against women. It would however be naive to think that just because women share the same gender there are no differences among them. The social, economic and political divide among women is one of the factors that retards their progression and integration as active participants in Kenyan society. Political manipulation as well as economic, educational and cultural disparities have contributed to divisions among women.

Violence against women is not exclusively a women's problem but a problem for the whole of the Kenyan society requiring concerted efforts by both women and men, youth and old. Catholic Social Teaching affirms that:

the fact that human beings are social by nature indicates that the betterment of the person and the improvement of society depend on each other... For the more closely the world comes together, the more widely do people's obligations transcend particular groups and extend to the whole world.¹²

Thus, there is need for an effective strategy that conscientises society, addresses the root causes and provides opportunities for women to be active participants not only in the institution of just structures but also in the development of skills that contribute to national economic growth.

Women form the backbone of economic production in Kenya. Expanding their participation in institutions that make economic policies would ensure that such policies take into consideration the empowerment of Kenyan women. The church affirms that:

excessive economic and social differences between the members of the one human family or population groups cause scandal, and militate against social justice, equity, the dignity of the human person, as well as social and international peace.¹³

There is need, therefore, to increase opportunities for women to participate in micro-credit facilities, grow in technical skills, gain equal opportunities for business enterprises and expand their knowledge of trade and agriculture. Most Kenyan women survive on subsistence farming yet lack skills to increase productivity. This could be done by training women in modern ways of farming, experimentation with new crops in the market and loan facilities to improve capital.

The church defines the common good as "the sum total of those conditions of social living, whereby people are enabled more fully and more readily to achieve their own perfection."¹⁴ Ensuring that more women are formally educated is a long-term investment toward increasing the capacity of women in nation building, governance and development. Free education was re-introduced in Kenya in 2003. Since then, the enrolment of children in schools has increased tremendously. The education of the girl-child has been emphasised as one of the primary objectives of free education.

In Kenya, women form 51 percent of the population and constitute the majority of the country's electorate both in parliament and civic elections. They should, therefore, be fully integrated into the decision-making structures of Kenyan society. Violence against women can only be transformed at a deeper level by addressing the institutional and cultural structures that sustain these acts of violence. Women must not be seen merely as victims in need of assistance, but rather as active participants ready to undertake the challenge of transforming conflicts and instituting a just society.

Endnotes

1 Mazurana D. E., and McKay, S. R., *Women and Peacebuilding*. (Montreal, International Center for Human Rights and Democratic Development, 1999) p.18.

2 Southern Africa Development Corporation (SADC), "Report: Media Training Workshop. Covering Violence Against Women." (Lesotho, SADC, December 2000) p.21.

3 AWC Features, "A Journey of Courage. Kenyan Women's Experiences of the 2002 General Elections" (Nairobi, AWC Features, 2004) p.10-12.

4 The United Nations Development Fund for Women and African Women in Crisis Umbrella Programme (UNIFEM/AFWIC), "Strategies for Peace. Proceedings, African Women for Conflict Resolution and Peace Strategy Workshop" (Kampala, UNIFEM/AFWIC, 1999) p.13.

5 The law provides that no one except for the representative appointed by the court to administer the estate "shall, for any purpose, take possession or dispose of, or otherwise intermeddle with, any free property of a deceased person." Cf. Law of Succession Act of 1981, § 45(1).

6 Law of Succession Act of 1981, § 41. The court appoints the legal guardian or another individual to administer the estate under a procedure outlined in section 7 of the Fifth Schedule to the act.

7 Youth Noise, "Rape in Kenya", <http://www.youthnoise.com/page.php?page_id=1954>

8 African Woman and Child Feature Service (AWCFS), "Treatment and Discussion of Rape in the Kenyan Newspapers Today. Content Analysis" (Nairobi, AWCFS, December 2004).

9 The Transfer of Property Act stipulates that a woman who has a child with a man has a right to claim money for child-support from the man, while the Marital Act recognises only legally married women to have such rights. In further contradictions, the Succession Act affirms that as long as a woman has been living with a man for a long time, she has the right to inheritance provided she can prove that her child belongs to the man.

10 Lederach, John Paul, Building Peace. Sustainable Reconciliation in Divided Societies (Washington D.C., United States Institute of Peace Press, 1997) p.127.

11 Pareiyo runs Tasaru Ntomonok Initiative project, which she started in 1999. "Tasaru Ntomonok" means "rescue the woman" in the local Maasai language. The center is a temporary home for rescued girls as negotiations are carried out with their parents and eventual reconciliation is realised. The girls go through alternative rights to FGM and women who perform circumcisions for a livings are introduced to income generative activities.

12 Second Vatican Ecumenical Council, Pastoral Constitution Gaudium et Spes 25, 30:AAS 58 (1966)

13 Ibid, 29.

14 John XXIII, Encyclical Letter Mater et Magistra, 65: AAS 53 (1961).