

**NATIONAL CIVIC EDUCATION PROGRAMME PHASE II
URAIA**

REPORT

GENDER LEARNING PLATFORM - EASTERN REGION

4 – 6 December 2006,
Garden Hotel, Machakos

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Executive Summary

The Gender Learning Platform in Machakos covered the five themes of Uraia: Gender with regard to Nationhood, Democracy, Constitutionalism, Good Governance and Human Rights. The facilitation methodology involved PowerPoint presentations by the facilitators, group work, group presentations (gallery walk), plenary discussions, two video presentations and hand outs of cartoons for discussions. The platform was attended by over forty CSO representatives.

Its objectives were:

- To increase awareness and share experiences on how gender issues can best be addressed in civic education;
- To discuss governance and rights issues from a gender perspective;
- To create linkages between the related on-going programmes in gender and governance;
- To come up with key learning and action points that can be used to enrich the Uraia Resource File.

From the ensuing discussions, the participants felt that some of the factors which inhibit women's participation in decision making are: high illiteracy levels, ignorance, and lack of confidence amongst women, lack of socio-economic empowerment, cultural and traditional values. It emerged that a lot of women are not aware, or are ignorant of, statutory laws. Participants felt that the justice system in Kenya favours the rich; it is long, tedious and costly. The language used acts a hindrance because it is too technical and complex. On the issues of customary and religious laws, historically, they oppress women. Gender-based violence was felt to include wife battering, forced marriages, female genital mutilation (FGM), emotional abuse and rape.

The agreed way forward was that nationhood can be achieved amongst women and men through equal distribution of resources. A feeling of nationhood should start at the family level, building up to the national level. By promoting intermarriage, tribalism will take a back seat and allow real nationalism to flourish. Civic education is needed to empower people. Gender disparities can be addressed by making sure that the constitution making process yields a gender responsive document, at the same time ensuring that politics is separated from the process. Women political aspirants should be encouraged and they should be included in policy making processes. Government policies should be formulated that will ensure equal representation of women, men, youth and other minority groups in all levels of governance. Oppressive religious and cultural laws need to be reviewed.

The law governing local funds needs to be reviewed, and MPs should not be at the centre of managing the funds. The clause on recalling non-performing MPs should be included in the new constitution. The media should be used to shame MPs who misuse devolved funds. The Acts governing the use of these funds should be translated into local languages and simplified for easy understanding.

One example involves the Maasai community. Here, the man is the custodian of his wife's voter's card and decides who she votes for. Now, a politician who knows a man who has four wives will attempt to influence him since that will mean 5 votes from one household.

Introduction

The platform started at 8.45am with over forty CSO¹ representatives present. It covered the five themes of Uraia: Nationhood, Democracy, Constitutionalism, Good Governance and Human Rights. Introductions were done and the participants were asked to mention their expectations of this platform. The facilitators then stipulated the objectives of the one-and-a-half day platform. The participants were given the opportunity to formulate the norms and responsibilities that would guide the platform. The facilitation methodology involved PowerPoint presentations, group work, group presentations (gallery walk), plenary discussions, two video presentations and hand outs of cartoons for discussions.

Expectations

The participants gave the following as their expectations:

1. To learn more about gender mainstreaming;
2. To learn how to spread the message on gender issues;
3. To learn how to address gender issues;
4. To address issues of women and disability;
5. To address the impact of negative traditions;
6. To learn the linkage between gender and human rights;
7. To share experiences on gender issues;
8. To mainstream gender into Uraia;
9. To learn more about how human rights issues are impacting on pastoralists, the girl child, women and minority groups.

Objectives

The platform objectives were noted down as follows:

- To increase awareness and share experiences on how gender issues can best be addressed in civic education;
- To discuss governance and rights issues from a gender perspective;
- To create linkages between the related on-going programmes in gender and governance;
- To come up with key learning and action points that can be used to enrich the Uraia resource file.

¹ Civil Society Organisations

Gender & Nation Building

In response to a group work question: *“How do the national symbols capture the aspiration of women and men as equal stakeholders in Kenya?”* The participants responded by naming the symbols as: The national flag, national anthem and coat of arms. From their discussions, they felt that these symbols bring unity and pride. They capture the aspiration of women and men as equal stakeholders in Kenya, with one vision, which is to have peace in the country and the need to make sacrifices in order to achieve this. However, others said that the coat of arms sometimes instils fear; it is masculine and creates the impression that power belongs to men. The National Assembly creates a feeling that it is a man’s world. On the other hand, by learning what our national symbols stand for, they help young people understand nationhood better.

Gender and ethnic stereotypes impact on Kenyans’ journey to nationhood negatively because they create the impression that power belongs only to men and some selected ethnic communities. This has led to discrimination in decision making processes, representation and distribution of resources. It has created political patronage, which is the use of an ethnic group or politically powerful person to gain undue advantage over others. It has created a feeling amongst the marginalised groups that they are second class citizens.

Gender & Democracy

For group work, a question was posed: *“How do women and men in your regions experience the goals of democracy (equality, equal opportunity, justice and the greatest possible freedom?)”*, the participants said that, in some communities, women are not seen as being equal to men; they are sometimes associated with children. Moreover, women have no property rights and are not represented in various “kangaroo courts”. In terms of equal opportunities, men have more in terms of resources, property, education, land and inheritance. Women have more household tasks, and hence no time to participate in roles outside the home. This extends to the girl child whose education is affected by many chores at home. The electoral process is not favourable to women, and the leadership is still dominated by men.

The justice system is perceived to favour the rich and well-connected people. In Kenya there is only one women’s prison. In addition, women fear giving evidence in sensitive cases for fear of violence and victimisation.

Some of the factors which inhibit women’s participation in decision making at the family, community and state level are: high illiteracy levels, ignorance, lack of confidence amongst women, lack of socio-economic empowerment, cultural and traditional values, biological factors, low level of technological know how among women, use of election gangs to cause violence, slow process of passing laws, low status in the household, insults against women politicians, lack of moral and family support, lack of relevant policies on women and their participation in politics and gender bias within the judiciary and media.

Gender & Good Governance

The participants were asked to share their experiences on the management of the devolved funds in their communities. They had several responses; they said that the committees appointed to manage these funds are too political and that makes it hard to do social auditing which would foster accountability and transparency.

The legal framework of managing the devolved funds is not clear, resulting in a lack of professionalism in management of the funds. There exist “ghost projects”, whereby there is double allocation of funds to one project and funds are channelled to individual’s pockets.

There is no community participation on how the funds should be used and a lot of devolved funds committee members are allies of the sitting MPs. This facilitates the MPs’ use of the funds for political mileage, and the few community members who may be sitting on these committees may feel cowed by the MPs’ friends’ presence.

Gender & Constitutionalism

In relation to the Constitution, various responses came out of the group work. The question was: “*What are women’s and men’s experiences in your region with regards to statutory, customary and religious laws?*” They said that most women are not aware or are ignorant of statutory laws, so they do not use them to protect themselves. The process of statutory law is long, tedious and costly. The language used is technical and complex, making the whole process beyond the reach of an ordinary *mwananchi*.

The majority of the participants agreed that customary laws are oppressive, especially to women; however, this varies from region to region due to cultural practices. Most cultural laws do not have provisions for women and children with regard to inheritance, and women are not involved in decision making processes.

In terms of religion, the participants said that Christianity and Islam are discriminatory against women. For example, women cannot be priests in the Catholic Church, whereas they constitute close to 75% of the congregation. Church leaders, that is priests and pastors, quote from the bible, “Women be subservient to your husbands” but they omit to mention that the verse goes on to say “Men, love your wives as Christ loved the church” Christ loved the church so much that he died for it. If men did like Christ, women would not have a problem submitting to them.

Islam does not allow women to attend funerals or to lead in prayers in the presence of a male Muslim. However, some of the Muslim women and men in the room did not find this discriminative, and agreed that some religious laws actually favoured women and in the case of funerals, men and women each have their role to play during the occasion. Further, according to Islam, men are supposed to provide for women regardless of how much they earn, although in reality this is not what happens.

Gender & Human Rights

Some of the experiences on gender based violence in the community and family are wife and husband battering, forced marriages, female genital mutilation (FGM), rape, sodomy, defilement, sexual harassment, early marriages, forced marriages and emotional violence. Another form of violence on women is forced abortion in girls who get pregnant out of wedlock.

The impact of culture and religion on the realisation of women’s rights involves discrimination when it comes to property ownership, exclusion of women in decision making processes, limiting of women’s movements by their husbands, inequality in duty allocation within a household, women being regarded as property and so on. Traditional cultures generally favour men more than women. There is the conflict between culture

and religion leading to discord, for example, with regards to reproduction the Catholic Church is against the use of modern family planning methods and polygamy, while Islam and African traditions allows polygamy, though they have no clear stand on modern use of family planning methods.

There were a lot of discussions around the video “Neria” (shot in Zimbabwe).

It is about a woman who lives in the city., When her husband dies the brother-in-law takes all her household furniture, and the family wants her to be inherited according to their culture. She is ignorant about her legal rights but, following a friend’s advice, she eventually takes the brother-in-law to court where she wins the case and gets her property back).

The participants said that the movie revealed how women are discriminated against in terms of inheritance due to the fact that they do not know their legal rights. Women also take too long before they seek legal justice because they fear hurting their families.

Key issues arising from the platform

Gender cuts across all the themes in Uraia and unless they are mainstreamed, then the resource file cannot be said to be gender responsive.

It is important to put in place legal machinery to address the various forms of discrimination because unless this is done, it will be difficult to achieve a sense of nationhood.

CSOs should provoke discussions around the negative aspects of culture, glean from the discussions, what the people feel about them and propose the ways forward on how to tackle them.

Through civic education, the raia (citizens) can be asked to propose alternative ways of providing fair and quick justice. The current judicial system suffers from a backlog of cases, the hearing or a ruling takes a very long time.

Learning points

Culturally, women get married and they are expected move away from their homes; Therefore, they are considered to be tribeless and therefore have the capacity to act as a unifying factor in the nation. If there were more women in positions of authority, then Kenya would be a much better country economically, socially and politically.

Dissemination of information is critical if Kenyans, and especially the marginalised groups, are going to make informed choices. The CSOs will play a critical role in this aspect by ensuring that they share information available with the *wananchi*. Government papers are not under copy-right and can be reproduced freely for information.

Civic educators are vessels and they should put their own value systems aside to facilitate learning and awareness that will create action and provoke change.

The Way Forward

Proposals were made on the way forward in addressing the issues of gender as it relates to the five themes of Uraia.

- The goal of “Nanjivunia Kuwa Mkenya²” can be achieved amongst women and men through equal distribution of resources.
- It is necessary to create a level playing field for all through affirmative action where necessary. CSOs can advocate for Government policies that are gender sensitive.
- A feeling of nationhood should start at the family, building up to the national level. It is necessary to give adequate civic education to empower people.
- Disparities can be addressed by making sure that the constitution making process yields a gender responsive document and ensuring that politics is separated from the process.
- There is need for intensive civic education and to develop appropriate communication systems.
- Women political aspirants should be encouraged and they should be included in policy making processes where there should be equal representation of women, youth and other minority groups.
- The government should ensure access to education for all sexes and fair distribution of jobs by employers to all.
- Stakeholders (the local community) should have a say in the management and utilization of devolved funds therefore eliminating the existence of ghost projects. The policy of managing funds should deliberately involve participation of women and other marginalized groups. The law governing local funds needs to be reviewed and MPs or their cronies should not manage the funds. The communities should use the media to name and shame MPs³ who misuse devolved funds. The Acts governing the use of devolved funds should be translated into local languages and simplified for easy understanding. CSOs should try to make copies of the devolved funds acts and distribute them as widely as possible to the mwananchi.
- The clause of recalling non-performing MPs should be included in the new constitution.
- Religious and cultural laws need to be reviewed. It is time we disregarded retrogressive cultural practices through civic education on women human rights and provision on legal aid clinics i.e. clinics educating the marginalised on how to go about demanding legal redress. On the issue of payment of dowry, when CSOs convene their civic education forums, they should try and open up the debate on, “*Is it still necessary in this day and age to pay dowry?*”
- CSOs implementing civic education should start as far down as primary schools so that as children grow up, they are already aware of their rights and how to tackle issues affecting them as far as service delivery by the government is concerned.

All the issues raised above should form part of the discussions that civic education providers provoke during their activities.

² Ninanjivunia Kuwa Mkenya – Swahili word meaning – I am proud to be a Kenyan

³ MPs – Members of Parliament

Memorable Quotes

“Beating a woman is a sign of love.”

“In Islam, a wife’s money is her’s and a husband’s money is for the family.”

“There is a conflict between tradition, socialization and the modern way of doing things.”

“To women, politics is a dirty game.”

“When it comes to politics, women are their own worst enemies”

“A woman is never allowed to say no to sex. It brings down a curse from God and the ancestors.”

“It is a stupid woman who breaks her home.”

“Marry a woman for a reason; let her be educated, beautiful or rich”

“A woman is a man’s property: how can property own property?”

“In advertising, what is the role of a woman’s leg appearing in the advert?”

“If women were given the opportunity to rule this country, even North Eastern could become a tropical Island.”

Case Scenarios

A participant said that while she was at the university together with other university students, they tried to make an appointment with an MP on how they could access bursary funds. They then went to the constituency to see the MP because they knew that he had visited the constituency and they saw this as the opportune time to talk to him. However, when they tried to get an audience with him, the MP instructed his bodyguards to chase them away. They then made an appointment through the MP’s Personal Assistant to see him in his Nairobi office, but when they went for the appointment, the MP was in the office but declined to meet them. After several such visits, they eventually gave up and decided to look for funds elsewhere.

A boy in Turkana District passed very well in his exams and was invited to Mangu High School but his parents couldn’t afford to pay his school fees. His parents approached their area MP for a bursary. The MP promised to pay the fees, but after one term, he said the fees were too high and he couldn’t afford it, so the boy was kicked out of school. The parents then approached him again for assistance and he told them to take the boy to Lodwar High School and they did. The MP again paid only for one term and again the boy was kicked out of school. Consequently, the boy stopped his education. This is a clear case of citizens who were not aware or did not have information on how bursary funds are supposed to be utilised. The MP behaved as though he was doing them a favour instead of providing a service that he’s been mandated to provide to his constituents.

Some participants said that when they were facilitating meetings or seminars and they sent out letters inviting women to attend within certain communities, on the day of the meeting, they would be surprised to see the men coming with their wives letters to attend the meeting on their wives’ behalf. They claimed that their wives were not allowed to go to public places by themselves. Or in certain instances, the men would accompany their wives to a seminar, and when they were asked why they had come, they said that they were not used to sleeping alone. It took the facilitators quite some time to understand these communities’ cultures and to persistently beg the men to allow their wives to attend the meetings. When the men in these communities got to know these facilitators well and understood their motives, some of them later allowed their wives to attend the meetings alone.

A participant gave an example of the November 2006, Maendeleo ya Wanawake⁴ country wide grassroots elections, which was marred by claims of bribery and also saw women screaming and shouting at each other. Most comments which were being made especially by men were “look how noisy and chaotic these women are, that is why women cannot be leaders”. They said this forgetting that only a few months before during the City Council elections, which were dominated by male Councillors, incidents of bribery and violence, with people throwing around chairs and all sorts of other bits of furniture were the order of the day. Other examples are during the referendum and also the Kenya African National Union (KANU) elections, there was violence i.e. screaming, stone throwing, claims of bribery and insults especially by men on men, but no one said anything just because that involved men and it is normal for them to behave like that especially when they want leadership.

A participant from Mombasa region said that the bursary allocations discriminated against minority groups within some communities. She gave an example of the Makonde, a minority tribe in Kenya who migrated from Tanzania and Mozambique over 40 years ago but are still not recognised as a legitimate tribe in Kenya. The Makonde live at the coast among the Digo. There was a Makonde boy who had passed very well in his Kenya Certificate of Primary Education (KCSE) and had been admitted to Kaimosi High School, but the parents could not afford the school fees. The local MP refused to give the boy a bursary because he was not a Digo and therefore considered an alien/foreigner. The boy had to drop out of school.

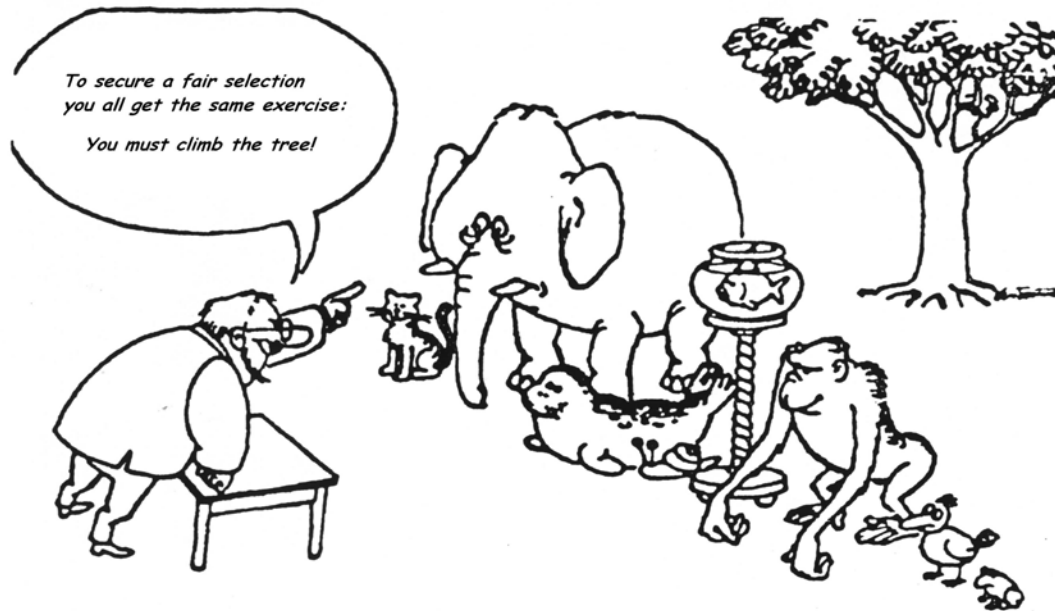
A participant gave an example where some time back, employed women were not entitled to house allowance. It was assumed that their husbands were earning a house allowance and after all, a man is the breadwinner for the family. It is only recently in the early 1990s that women in Kenya started getting house allowances. In reality, some women are the “family bread winner” and some men, when they are paid, spend the money on other things which are not related to the family. The times have also changed and not all women are married.

The facilitators showed the participants a movie (produced in Kenya). It is about a woman District Officer who goes to a meeting with her male driver. When they arrive, the driver is welcomed and the DO is told to wait outside. When they realise that they have welcomed the wrong person, the men in the meeting are hesitant to go and apologise to the DO because “*How can a man apologise to a woman*”. When the tea lady sees the DO standing outside next to the car, she asks her whether she has accompanied her boyfriend to the meeting. The DO tells her that she is the man’s boss. The tea lady asks her to excuse her while she serves tea to the men, but she would be back to give her a cup afterwards. The participants said that the movie revealed how the society perceives leadership and the role of women.

A participant told how once, their chief came to a meeting in the company of a lady whom he introduced as the District Officer (DO). The community members who had attended the meeting refused to stand up to honour her due to the fact that she was a woman; they said “*si tukisimama, huyu mama ataanguka*”. This is because in that community, women are not allowed to stand in front of sitting men, it’s considered to be

⁴ Maendeleo ya Wanawake – Swahili-which means development of women. It is one of the biggest and oldest women organisations in Kenya with grassroots offices all over the country.

very disrespectful. Currently in Kenya, electing leaders is based on gender, ethnicity, social status, age, circumcised or not circumcised and so on. The following cartoon was used to depict the kind of playing field we have when it comes to electing leaders.



A participant said that among the Maasai, it is common for a male visitor to ask at the door of a Manyatta (Maasai house) "is anybody home?" and if the man is not in the house, the woman will reply that only the children are around. The visitor will then ask her how the children and the livestock are doing. This is supposed to include her because she is placed in the same category as children. This is a common scenario.

Who is a person?

Man knocks:	Hodi! Hodi!
Mama:	Karibu!
Man:	Who is here?
Mama:	There is nobody... It's only the children and I.
Man:	In that case I will come back later.

Evaluation of Participants Perception on the Seminar

The evaluation questions on the seminar had the following response:

- The venue was conducive and hospitable, the staff was supportive and the food was good.
- The expectations were met.
- The facilitators were knowledgeable and well coordinated; they made good use of illustrations: videos and cartoons which made the discussions very participatory.

- The topics were well covered and were relevant to the scenarios on the ground, though more time was needed to exhaust them fully. A minimum of two days could have been better.
- The topics were relevant but were trying to use western values as a yard stick on gender issues and human rights. There is need to develop African values.
- It is necessary to give the participants a narrative record of participating CSOs for further networking.
- It would be important to put more effort on materials which can empower the marginalised people i.e. on pastoralist women issues.
- Frequent workshops would be necessary to enlighten the facilitators who would then empower the people at the community level.
- The participants should get allowances to honour their tireless contribution for the positive change in the community.
- Those travelling far should be given out of pocket money for the meals on the way.

Christine Kamau – IntermediaNCG – who coordinated the seminar thanked the participants for attending the platform; it ended on Wednesday 6 December at 1.30pm.

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