

2011

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GENDER AND CONFLICT

A report highlighting the different impact of conflict to both men and women

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ACKNOWLEDGMENTS

First we acknowledge all the references most of which formed the basis of this report. This publication, to a certain extent, informed and inspired by some of the existing materials in the field of Gender.

"We wish to appreciate the support accorded to us by International Center for Policy and Conflict (ICPC) Director, Mr. Ndung'u Wainaina, ICPC Deputy Director Paul Mwaura, the IDPs leaders from the different camps that we visited, and the members of the working group on transitional justice. Finally we are grateful for the financial support from our development partner Norwegian Embassy through CSVR, without which this project could not be a reality.

EXECUTIVE SUMMARY

Gender-based violence is perhaps the most widespread and socially tolerated of human rights violations. The cost to men, women, their children, families and communities is a significant obstacle to reducing poverty, achieving gender equality and ensuring a peaceful transition for post-conflict societies. This, in conjunction with the mental and physical health implications of gender-based violence, impacts on a state or region's ability to construct or reconstruct a stable and productive society in the wake of conflict. As a result, gender-based violence, its root causes and myriad consequences, becomes vitally important to tackle in any period of transition.

This report highlights the impact of post election violence which occurred in Kenya after the disputed elections of December 2007, to both men and women. This concept of gender and conflict is more useful for understanding how and why violence was manifested in particular ways. The point is not to divide men and women into the dichotomous categories of victims, but to recognize that both men and women can be/were victims of gender-based violence.

Women and young girls were targeted especially because of their vulnerability. Forms of the violence perpetrated against women during conflict included: Murder and injuries, Rape and indecent assault, Trauma, Carrying extra burdens, deprived conjugal rights and privacy, Lack of medical care, contraception and poor hygiene, In addition, women faced domestic violence, and extreme economic vulnerability

However, men were also victims of gender-based violence during the post election violence, although in different and complex ways. Most of them were killed because they were of fighting age and were therefore viewed as potential combatants and a threat, sodomised and tortured sexually, circumcised forcefully, their wives and children raped and killed, their property destroyed and in addition, victimized when they were forced to rape or to watch their loved ones being raped.

The consequences of this violence are devastating. Survivors are experience life-long emotional distress, mental health problems and poor reproductive health. Most of the abused women and men acquired HIV/AIDS and other sexually transmitted diseases, men and women were displaced and most were still living in IDP camps by the time of this study, children who witnessed abuse,

were victims themselves or were born of the abuse suffered by their mothers (such as children born of war time rape), will suffer lasting psychological damage.

INTRODUCTION

Gender is a general term that refers to girls, boys, women and men. Gender can also be defined to include the roles of males and females in the society. A gender perspective in conflict would look at the way in which the considerations of these different groups of people will be dealt with during the transitional justice process. Female's experience of conflict and transitions however differ from that of males due to gendered patterns that define different roles and experiences during both conflict and post-conflict.

Gender-based violence occurs across all socioeconomic and cultural backgrounds, and in many societies, including Kenya, women are socialized to accept, tolerate, and even rationalize domestic violence and to remain silent about such experiences. Gender and conflict then, refers to the ways women and men are affected in times of conflict. A key focus of this report is to explore the impact of conflict on gender relations in terms of how power dynamics between women and men were affected by the distinct types of disadvantage that the conflict imposed. Existing analyses of conflict and post-conflict resolution are weak in various ways – some ignore men while others take a gender-blind approach or define the role of women in stereotypical ways. Still others look at women or men without considering gender relations.

Where the term 'gender' appears, its usage often implies that women (and girls) are predominantly 'victims' who experience 'special' circumstances and have 'special' needs, while men are depicted as the 'perpetrators'. But the term 'gender' should not be used in such a limited fashion. Rather, it should allow us to understand that women and men function in a variety of roles – stereotypical or otherwise – and to examine how changes in these roles affect gender relations during and after conflict.

BACKGROUND TO THE REPORT

Kenya is a patriarchal society, which each ethnic group has its own identity, realized through its culture and traditions. In Kenya, the husband is the head of the household and customarily, women do not own property or the land. Their place is often seen to be in the 'kitchen', subjecting them to economic hardship and places them in positions of dependence.

Recent post election violence that threatened to tear Kenya apart after the disputed election of December 2007 and witnessed the greatest human rights injustices in Kenya, require analysis that go beyond ethnicity as portrayed in the media and current analyses that attempt to explain the situation. More correctly, emphasis and focus should be placed on the interpretation of historical and current political developments whose origins can be traced in the early stages of State formation in Kenya.

Security and human rights are conditions and expectations to which every person, by virtue of his or her existence as a human being, is entitled. Such rights are inherent and inalienable. They are so fundamental in a human being that any derogation undermines humanity.

The inherent nature of human rights means that they are not granted by the State but recognized and demand protection, which duty falls squarely on the State. The Universal Declaration of Human Rights, article 3 provides for the right to life, liberty and security of person. Kenya by virtue of being a member of the United Nations has subscribed to the cardinal principles. Chapter V of the Constitution of Kenya provides for the protection of fundamental rights and freedoms. Whereas the right to security is not explicitly provided for, this right traverses other rights including life, liberty, and protection of the law

Security is the state of feeling safe, protected and secure for both person and property. Security provides an enabling environment for citizens to live and work in, and it stimulates social, economic and political development. In societies where there is high respect for human rights the sense of security is high and vice versa.

CAUSES AND CONTEXT OF VIOLENCE KENYA

In Kenya, public administration has historically undermined the respect of human rights. The colonial government, as part of its scheme to control and subjugate Africans, provided little or no security for indigenous Kenyans and their property. As the use of coercive force was central to its management of public affairs, it made no credible response to human rights violations. Context

Amongst many objectives, the desire to be independent was founded on the belief that human rights would be restored under a public administration in independent Kenya. The successive governments of Kenyatta, Moi and Kibaki may have come at different times with different promises but shared one major characteristic: abuse of human rights and insecurity were used as means of retaining power.

The violation of human rights under Kenyatta was characterized by land grabbing. This not only threatened people's means of livelihood but had the negative consequence of increased crime and insecurity. Detention without trial, political assassination and disrespect for human rights were instruments of enforcement. The consequences, high crime rate and public riots, were to deepen insecurity and poverty.

This culture of authoritarianism and oppression/suppression led to the clamour for change, deemed possible only through multi-party politics. Given the economic and political benefits accruing to the 'big wigs' in the single-party system, resistance to calls for pluralism was rife. Politicians warned repeatedly that the re-introduction of multi-party politics would polarize the country along ethnic lines, threaten state security through anarchy and lead to ethnic violence.¹ However, the opposition continued to get more support from Kenyans, especially because international attention on states' respect for the human rights of their citizens and the wave of democratization was sweeping across the continent.

¹ J. Klopp, "Ethnic Clashes and Winning Elections: The case of Kenya's Electoral Despotism" (Unpublished)

Politicians in the ruling party 'predicted' that multi-partism cannot work in a multi-ethnic society, arguing that the perception by each community that it was its 'time to eat' would lead to a greedy struggle for power resulting in violence and disintegration of the state. They argued that ethnicity, rather than issues and policies, would be used by the electorate to vote for opposition parties, which were formed along ethnic lines. However, increased internal and international pressure led to the repeal of Article 2(a) which had introduced the de jure one-party state in 1982, and saw to the return to multi-partism in December 1991.

With the return to pluralism, violence referred to as 'ethnic cleansing' or 'land clashes' erupted in many parts of the country, including multi-ethnic regions in the Rift Valley, Coast and Western provinces. Tensions that often resulted in violence were also prevalent in areas of common borders like Gucha, Trans Mara, Migori, Tigania and Tharaka Nithi, among others. This violence caused the displacement of thousands of people and undermined their civic and political rights, especially their right to vote. The bloody confrontations between supporters of different parties, and the indifference of the government to the violence drew international attention to the elections, which were described by monitors and observers as massively flawed.²

The intensity/magnitude and motives of the violence in the run up to and during the multi-party general elections of 1992 and 1997 is what drew national and international attention. Violence in the single-party system was mainly between supporters of different candidates in the same party, and hardly pitted communities against each other. The violence was of low intensity and people forgot all about it shortly after the elections. This changed during 1992 and 1997 general elections. Communities that had lived side by side were suddenly at war.

Over time, it has come to be widely accepted that this high intensity violence was used as a tool and instrument by the ruling party to reassert its political power and dominance over all sectors of the society.³ This view is popular because while it is difficult to point an accusing finger directly at the government, its reluctance to address reports of violence⁴, reduction of police personnel from clash areas⁵, as well as refusal to punish the instigators⁶, or to help those affected by the clashes indicates a certain degree of compliance⁷.

Various scholars and Non Governmental Organisations (NGOs) have studied the so-called land and ethnic clashes with the aim of highlighting what really happened, the perpetrators of the violence, and the motives behind hostilities between communities. During the Multi-party general elections in 1992 and 1997, there was a perceived complacency and inaction by the security forces to reports of violence, intimidation or threats of violence. Human rights agencies, have highlighted the government's indifference and lack of political will to respond to the bloodshed in spite of having adequate resources to do so⁸. Concern has also been raised by journalists, politicians and academics over inaction to inflammatory statements by some individuals, especially those who

² National Election Monitoring Unit (NEMU), *The Multi- Party General Elections in Kenya, 29th Dec 1992* (Nairobi: NEMU, 1993) pp.7-8.

³ Norwegian Institute of Human Rights, 'Kenya's Hobbled Democracy Revisited' *Human Rights Report*, No.2, 1998, pp. 1-8.

⁴ Kenya Human Rights Commission, *Killing the Vote*, op. cit., p. 6

⁵ Bishop Njue, 'Politicians Behind Clashes' *Daily Nation*, Dec 12, 1997, p. 4.

⁶ 'Chelang'a, AG Linked to the Clashes' *The East African Standard*, 24th July, 1998.

⁷ Mutua, J., 'Kamotho's Terror Gangs' *Finance*, Dec 8, 1997, p.3.

⁸ KHRC, *Quarterly Repression Report*, July- Sept, 1997.

warned members of certain ethnic groups to leave and predicted that there would be violence of ethnic orientation⁹, or those who called for the forcible removal or expulsion of ethnic groups viewed as opposition supporters from specific electoral zones¹⁰. At the coast, up-country people referred to as wabara or wakirienge, were killed, raped, their property looted, and ordered to leave¹¹.

In truth, December 2007 was a culmination of cumulative resentment and glorification of ethnic separateness. The ethnic spectacles were no longer for the exclusive use of politicians. The media, professionals and religious leaders sought to institutionalize and glorify negative ethnicity.

The consequences for human rights were devastating. Militia groups emerged to restore community assets, mainly land or to protect attacks against their community. Ethnicity was a resource to rationalize violence. The security forces in response to deal with ethnic violence rationalized extra judicial killings. The country, albeit for a brief moment, entered a spiral of violence. Over 600,000 people were left displaced and 1,133 dead following the violence. Most of those displaced from their farms were forced to seek refuge in camps and police stations. School life was interrupted and often disrupted for those who went into internally displaced persons camps. The post election violence also affected the economy adversely.

Two years down the line, the government has failed to start genuine processes of peacebuilding and cohesion within the areas affected by the violence. It has abdicated its primary responsibility of bringing to justice those behind the violence.

METHODOLOGY

This research was carried out in IDPs camps in Rift Valley Province in Kenya for a period of one month (March 2010). Among the camps visited were; Giwa camp in Rongai, Pipeline camp in Nakuru, Ebenezer camp in Kikopey, Vumilia camp in Naivasha and the largest IDP camp in Kenya-Mawingu camp in Ol-Kalao. The field researchers, with the help of leaders from different IDP camp, advice and logistical assistance from International Center for Policy and Conflict, we were able to identify and interviewing 33 men and 44 women various IDPs camps. These people (interviewed) were among those whom were adversely affected during the post election violence.

PART 2: DATA AND INFORMATION SAMPLING

⁹ See for example 'Clashes: KANU Plot Exposed: Senior Politician Tells of Pre-Poll Rig Scheme, *The Star*, Dec 9-11, 1997; 'Elections '97' *Daily Nation*, Jan 4, 1998.

¹⁰ Human Rights Watch, *Divide and Rule: State-Sponsored Ethnic Violence in Kenya* (New York: HRW, 1993)

¹¹ Kenya Human Rights Commission, *Quarterly Repression Report*, July-Sept, 1997

1. CRITICAL VIOLATIONS AGAINST WOMEN DURING KENYAN'S POST ELECTION VIOLENCE

Increasingly in today's conflicts, civilian populations have become the targets of warring parties. Men and women, adults and children alike, can become victims of abuse, violence, torture and exploitation - but it is women who suffer particularly from gender-based violence. Reports 2007/08 post election violence by the Kenya National Commission on Human Rights and other human rights agencies indicate that women were increasingly targeted with rape and other forms of sexual violence as a weapon of war. As well as the obvious pain of the act itself, this often leads to unwanted pregnancies, a high prevalence of HIV/AIDS, and ostracism within the community. Moreover, women are rarely provided with remedial health care or psychological trauma services. Nor are there systematic gender-specific programmes in humanitarian and post-conflict reconstruction processes.

i) Murder and injuries-

Unlike in other conflicts in Africa and even closer home during the infamous 1992/97 tribal clashes in most parts of Rift Valley in Kenya where women, children and the elderly were spared by raiders, many women were either killed or maimed during the 2007/8 post election violence in Kenya. Raiders went against culture and killed women and children something that caught many unawares. A case in hand was at the Kiambaa -Kenya Assembles of God- church AT Eldoret in North Rift Kenya where women and children were hiding. Raiders torched the church and among the many women and children who died was an elderly disabled woman on a wheelchair. At Pipeline IDP camp, a woman whose heel was partly chopped off as she ran for dear life during the violence in Molo is still nursing the wound more than two years down the line. "The raiders killed my husband as others chased me and my children. One of them cut me with a machete and the wound is yet to heal. I do not have the money to seek for proper medical care for it," she said. Many others are living with physical disabilities sustained during the violence.

ii) Rape and indecent assault-

Rape has been widely used as a weapon of war whenever armed conflicts arise between different parties. Kenya fell prey during the post election violence.

Rape occurs in all social and ethnic groups. It is a crime that shocks and traumatizes the victim and reflects the acceptance of discrimination against women in Kenyan society. Yet it is largely suffered in silence. Many women and young girls were raped and gang raped by raiders. Some of them were even humiliated before their families.

*Wanjiru (not her real name) narrated of how she was gang raped in the presence of her daughter who also went through the same ordeal. The incident took place as her husband and sons watched. The raiders asked them to strip naked and one after the other raped them continuously. She says she cannot even remember how many they were as she passed out. She woke up in hospital where she was to learn that her husband and sons were later hacked to death.

3% of the women we interviewed, who were raped got pregnant and even got infected with the deadly virus of HIV/AIDS and other sexual transmitted diseases out of the ordeal. The rape survivors are still carrying the scars; some say that those children are time bombs in the sense that their position in households and the community is very difficult because – like their mothers – they are often not at all welcome in the household and in the community.

*Nancy (not her real name) from ¹²Kericho recalls the day her husband was slaughtered like a chicken as she watched. They were having dinner just after arriving back home from the voting centers when a group of people ambushed their home. They acted so fast that the only thing she remembers is seeing one slash her husband's neck with a panga. They later descended on her and raped her in turns until she passed out. It happened so fast that she couldn't even explain clearly what happened or who was involved or why they were doing it. Nine months later she gave birth to a child out of the ordeal and now has to live with the constant reminder.

Some women narrated tearfully how the assailants opted for sodomy on claims that their front side had been used and tired, some women were ironically raped by the security forces ostensibly deployed to the conflict areas to protect lives and property. Other women were stripped and left naked or had objects inserted in their private parts.

iii) Trauma

Loss of husbands and children and loss of property left lasting trauma among many women. A woman At Mawingu IDP Camp in Central Kenya who was kicked out of her home in Kericho in Rift Valley narrated how the raiders attacked her house, and killed her husband before raping her and leaving her for dead. The raiders struck at about 7pm and attacked her husband as he watched TV. Her pleas to them to spare her husband were ignored. They even had the guts to drop the child head down. After committing such crimes they then turned on her and raped her repeatedly before leaving her for the dead. Before leaving they helped themselves with the food she had prepared. Miraculously her son survived. The constant reminder of that ordeal was that 9 months later she gave birth to a HIV + child. These events continue to torment her to date.

iv). Carrying extra burdens

Women's burdens after post election violence became heavy as they took responsibility for household work and obligations, about 40% of those interviewed said, they had to assume the role of the head in their families as well as supplement the finances of absent male relatives, whom either were killed, deserted them or went missing during the violence.

While a man and a woman have their different roles in catering for their families, the situation in IDP camps has changed leaving women overburdened. Their men who were either thrown out of their farms where they used to eke out a living or former employment like the tea farms of Kericho and Nandi Hills and small business in other towns have been reduced to idlers. The men have become a bitter lot who spend their days idling and taking illicit brews and come home to the camp, in their tattered tents to vent their stress on the poor women. Seventy percent of the women

¹² Kericho is in Rift Valley Province in Kenya

interviewed said their men get angry at the slightest or no provocation and result to violence. Others said their men had left them in the tents on claims that they had gone to look for jobs never to return while others return empty handed and after a long time. Some women were left widows with their children to take care of on their own, others have taken up the role of taking care of the children whom their parents died at the time of violence or those whom were displaced and still don't know where their family members are.

v). Separation and broken marriages

During the research we came across 4% of women who were married to men from the rivaling communities, whom were forced to separate either for the security of their spouses while others were forced by their relatives. Wanjiku* of Ebenezar IDP camp in Gilgil Division of Naivasha district of Rift Valley said she was forced to separate from her husband of 10 years, she was a kikuyu married to a Maasai, she was chased together with her seven children out of their matrimonial home in Ildamat area of Narok North district during the violence. As if that was not enough, her children almost perished after her tent was set ablaze by arsonist.

vi) Deprived conjugal rights and privacy-

There is no privacy in the tent since children of all ages share the small living space with their parents. Some of the women interviewed were bold enough to say that their men have resulted to infidelity due to unfriendly living conditions. Others said they were subjected to shameful situations where their men force them to have sex regardless of whether the children are asleep or not. Women in the camps claim that their men are coming home drunk only to force themselves into them.

vii) Lack of medical care, contraception and poor hygiene-

Proper Hygiene is very crucial to a woman. Lack of water is a major concern in the camps. Although there has been attempted intervention by the government and humanitarian agencies to provide water and most of the camps, women have to trek long distances to look for water. They cannot even afford to shower on every day basis. Women at the camp have no money and therefore cannot access medical care and contraceptives therefore the birthrate within the camp is alarmingly high. The children born in the camp are increasing on a daily basis. Most of them deliver in poor and unhygienic conditions in their tents because they are afraid of incurring medical bills. This becomes a major risk to both the mother and the new born child who need proper medical care. Most dangerously are those whom have HIV/AIDS as they can transmit the disease to the baby during delivery. They result to using rags as sanitary towels during their menses because they do not have money to buy sanitary towel.

2. CRITICAL VIOLATIONS AGAINST MEN DURING THE POPST ELECTION VIOLENCE IN KENYA:

There are many reasons why we don't know more about abuse against men during the post election violence in Kenya. First of all, the incidence of abuse reported in men appears to be so low that it is hard to get reliable estimates. In addition, it has taken years of advocacy and support to encourage women to report violence. Virtually nothing has been done to encourage men to report abuse. The idea that men could be victims of abuse and violence is so unthinkable that many men will not even attempt to report the situation after or during the violence that rocked Kenya after the bungled 2007 presidential elections.

i) Murder and Injuries-

90% of the men interviewed said that, most men killed during the post election violence, was because they were of fighting age and therefore viewed as potential combatants and a threat. Many were surrounded by raiders and killed while others were maimed. The injuries they sustained will last their whole lives.

Those who were maimed undergo daily torture as they have been rendered dependent since they cannot work and provide for their families as they used to.

During the violence men from the non-circumcising communities of Nyanza province had their genitals mutilated in Nakuru, Narok, Nyahururu, Naivasha and Nairobi by members of other communities whom according to their tribes circumcision is a must practice. In some cases the sexual organs were chopped off while some were forcefully circumcised with broken bottles leading them to bleed to death. Although there were media reports to this effect, none of the people at the camps said that he had been subjected to the initiation ordeal.

ii) Sodomy and sexual abuse-

Men were also the victims of sexual violence- sodomy and sexual torture- during the post election violence. Though majority did not want to talk about it 9% of those interviewed admitted that some men sodomised, forced to rape or to watch their loved ones being raped. One man from Kipkelion in Rift Valley narrated how the raiders attacked his home and raped him while at the same time forcing his wife to watch. He said the raiders claimed they were afraid of women as they seemed to carry many diseases and they canals were not compact. Of more worrying is that about 90 percent men confirmed that they never and will never report those incidences.

*Francis (not his real name) narrated of how he was sodomised as his wife watched. He said his wife was very pregnant and the raiders said men and women are supposed to help each other, so they said it was his turn to help her and instead of them raping her, they opted to rape him. Francis said that It was such a painful ordeal that he would love to forget. But was quick to add that he warned his wife to never say a word to anyone about what happened to him.

iii) Trauma-

Most men who survived the post election violence in Kenya remain traumatized by the events that they witnessed during the fighting. Some watched as their women and little girls were raped to death, some watched their families burnt alive and others as their properties went up in flames.

While men are also known to be the breadwinners; this vital role was taken away when they were thrown out of their farms, businesses, and jobs during posts election violence thus reducing them to beggars who are dependent on government relief and handouts from well wishers. This has affected their ego with most of them resulting to abusing illicit brews and consequently, domestic violence. Others have left their families to escape the shame.

iv) **Displacements and loss of livelihood**

Most men feel helplessness in the face of inability to support their families and the resultant violence to their spouses, as they are threatened by the revised roles where women eke a living and feed their families. Some are working hard to purchase land and become independent again.

v) **Deprived conjugal rights-**

Because of the bad living conditions and lack of privacy in the tents, men lack an opportunity to have sex. About 90% of those interviewed said that they wait until their children fall asleep so that they can hurriedly enjoy the vital right. Some even confessed to having resulted to extra-marital sex due to the situations in the camps

3. IDPS PERSPECTIVE ABOUT THE VIOLENCE AND THEIR VIEW ON THE JUSTICE AND SOCIAL ECONOMIC IMPACT:

The people displaced during the 2007 post election violence in Kenya blame political leaders, tribalism and unresolved land issues for the post election violence. They feel that the violence was politically instigated and blame the government for not arresting the situation before it went out of hand despite having had intelligence information on the same. They blame the security forces and the administration, some attacks occurred a few meters from a chief's camp, a District Officer's office, an Administration Police camp or a police station.

The interviewees said the attackers claimed that they had taken their ancestral land and enriched themselves and they/the natives wanted to send the IDPs back to their mother land. The respondents felt that the locals were jealous of their achievements. They wanted to know why the natives were so angry with them yet they were reaping the fruits of their sweat. They felt that the locals were using elections as a ploy to implement a long time plan of ejecting them from the province. The violence in Rift Valley which went on unabated for a whole month was more on land than election fraud. The flawed poll was just a scapegoat.

They wondered how their long time neighbours and friends could turn up against them. On the other hand the natives who spoke to the researchers felt that the violence was motivated by long term injustices whereby the victim community had through its leaders taken up their ancestral land. They claimed that the Kenyatta government had helped the perceived outsiders acquire land that was meant for the natives. They also claimed that the "outsiders" were selfish since they only voted

for a person of their tribe. They added that the victims were well-off and always derogatory language when referring to them.

It is Also emerged that most of the victims were not willing to return to their land arguing that the situation is still volatile and the government has put no measures in place to protect them incase of reoccurrence. They are not also willing to work together with the people from the community that attacked them in any way; they don't even want their children to school there.

Most respondents said the violence left them jobless and turned them into beggars. The IDPs who were mostly farmers and small scale traders said their social economic statues were immensely messed up since they had been reduced to poor people dependent of government rations and handouts from well wishers. They said they were not efficiently compensated or at least empowered to restart their lives. They appealed to the government to quickly resettle them so that they could be independent again.

Wanjohi (not his real name) said he used to own and operate a shoe shop in Eldoret town, this shop, he said was generating enough income to sustain his family, but when the raiders came, they burnt down his shop together with the stock. Wanjohi said that life had become unbearable in the IDP camps as there were nowhere to look for at least casual work to sustain his family. He said he felt useless being there and being called a father by children whom he could not even provide for.

The victims are of the opinion that something must be done before the next election or a repeat of the 2008 violence will occur.

6. HOW RELEVANT ARE THE PROPOSED MECHANISMS TO THE VICTIMS?

Most of the victims have given up hope of ever getting justice and are turning their wrath to the media or any organisations that wants to get their views. At Pipeline IDP camp in Nakuru, the leaders who are purported to represent various districts where different IDPs came from barred the researchers from talking to anyone saying that people were taking advantage of them and enriching themselves with documentaries and photos of IDPs. They said they did not care about the all the mechanisms being put in place for justice adding that they had resigned their fate to God.

An elderly woman from ¹³Ebenezer camp who have suffered multiple clashes said she lost her husband during the Mau Mau war, some of her children had also died during the 1992 and 1997 clashes; recently her two sons died at a camp in Naivasha still in Rift Valley as a result of the post election violence. She said she would only talk of justice if it would bring her children and her husband back to life.

Surprisingly many of the interviewees are not aware of the role of the **Truth Justice and Reconciliation Commission (TJRC)** while those who have information believe it will not bring about the much desired change due to the credibility question facing some of the commissioners.

¹³ Embenezer camp is an IDP camp located in Gilgil Kenya.

They argue the violence hotspots are still volatile and that such a commission would do nothing to reconcile the warring communities. It appears if the matter could be different if the government addressed the issue of IDPs with the urgency it required. Some could have forgiven their attackers after the violence but since they are still suffering in the camps, they have changed their minds.

*Njeri from Vumilia IDP camp said, " I would really love to forgive and forget, but when I remember of the friends and relatives I lost, and when I look at where my husband and children are sleeping today and the conditions in these tents the pain come back. To add salt in the injury, there is nothing that the government is doing in helping us."

About the **Special Tribunal for Kenya (STK)** police reforms and judicial reforms, the larger populations have lost confidence in the local judicial mechanisms. They claim the perpetrators will buy their freedom if arrested. Their argument is based on the fact that most of the post election violence cases have either been dismissed in court and known perpetrators are still holding public office.

An IDP from Vumilia camp in Kikopey said, they had no confidence with the national judicial system as no reforms have been implemented. He said, most of them recorded complaints with police over the violations that meted them but police have never acted in those complaints two years later. Another IDP from Giwa Camp in Rongai said, that most post election violence cases were dismissed on grounds of shoddy investigations by the police and some of the police who are alleged to be perpetrators are still holding office in the same stations they were in, in time of violence and hence could not trust them.

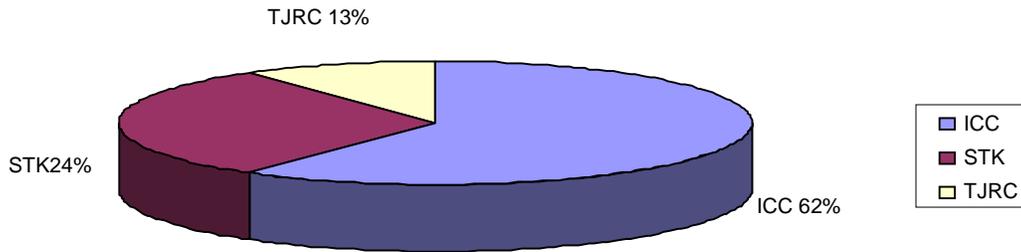
The IDPs are still worried by the state of insecurity in their camps. Some of those who willingly testified before the justice Philip Waki commission on the post election violence are being threatened and some of them have gone into hiding.

However majority seems to welcome the idea of a local tribunal to try those who bear less responsibility in the PEV. However majority of the IDPs interviewed wanted the perpetrators prosecuted at the **International Criminal Court (ICC)** at The Hague saying that it was more capable of delivering justice. They said the perpetrators should be tried at the ICC to deter like minded people from instigating violence.

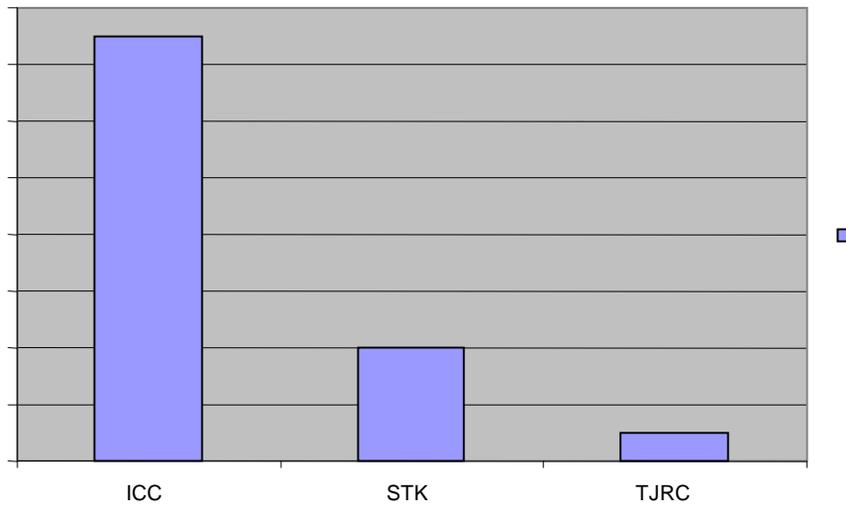
The said that the government of Kenya has refused to make firm commitment in prosecution of perpetrators of post election violence by ICC. The very lack of support and assistance to victims recognized to enable them to participate actively in the trials and to obtain fair and full reparation is a clear indicator that what the government is saying is different from what it is doing. They however felt that they were being left in the ongoing processes and wondered where the ICC was getting its evidence without consulting them. They said they had credible evidence that would be of assistance to the ICC.

Most of the victims are categorical that financiers and perpetrators must be charged at The Hague and they are even willing to testify.

VICTIMS' KNOWLEDGE ON SOME OF THE PROPOSED PROSECUTORIAL MECHANISMS IN KENYA IN RELATION TO PAST HUMAN RIGHTS VIOLATIONS



VICTIMS' CONFIDENCE/COOPERATION WITH THE PROPOSED MECHANISMS



INTERPRETATION AND ANALYSIS OF THE DATA COLLECTED

With information collected it was evident that Conflicts create acute and long-lasting health problems in men and women, but more often, the health of women disproportionately, this is through the abuse that they might have gone through in time of conflict like rape and societal changes that may subordinate them and not prioritize their life and health.

Displacement also has a specific gender dimension. Like in the case of Post election Violence some people that were working in Tea firms in Kericho and were displaced, their forms of livelihood changed since they could no longer provide for their families and had to depend on well wishers. Again, the circumstances in camps especially to women leave them particularly vulnerable to assault and rape, and they may be forced to provide sexual services in return for assistance and protection. For example, in Giwa camp women have to walk long distances in search of water and firewood and the places are not secure. Perhaps this is because the planning of the camp did not take their vulnerability into account.

After conflict many women are faced with the main responsibility for care giving in the family, with the destiny of their husbands unknown. During the post election violence most men were killed, maimed and others are still missing. This left the women with new and unfamiliar duties of having to take the leading role of their husband.

Adequate medical care is seldom available in war and post-war countries. Women as well as men and children are still suffering in camps and others in transitional camps from war- this includes health problems without receiving appropriate medical care. This is due to lack of finances or means to get to the hospital. Citing an example Ebenezer camp, women are reported to have given birth from the tents in the IDP camps due to lack of finances or means to get to the hospital. A man is also reported to have died in the camps due to lack of access to medical care.

Knowledge on psychotherapy to the victims is limited and some express a resistance to talk about psychological problems - partly because of fear of stigmatization, partly because their families may view treatment for psychological problems as non-legitimate, and others simply because they have lost their trust with anyone. So far it is evident that the IDPs are still traumatized by the events of post election violence and still some are not willing to talk about it. Fewer efforts have been put in place to offer psychotherapy to these victims.

Cultural norms influence what is an acceptable behavior. Women who are refugees or live in war zones are frequently under severe social control, as they are expected to follow traditional patterns and show loyalty to old customs that may not coincide with their current situation and wishes. For example, during the post election violence, most women from the Kalenjin community whom were raped could not report the ordeal as it's often perceived as her mistake and therefore the woman cannot report the act, either for the fear of the stigmatization by the society or her husband.

RECOMMENDATIONS

1) Women's rights protection.

During the research, it came out that women and children were the main victims of rights violations during conflict. There for, it is important to provide protection for all women against sexual violence. Protection is needed not only for the Internally Displaced Persons but also for the women who are peace and human rights activists. A critical element for women's participation in peace efforts is their protection as women feel safe to participate if they have a measure of security and protection.

2) Shelters, programs or advocacy groups for men.

There are many reasons why much is not known about sexual abuse and violence against men. First of all, the incidence of violence reported against men appears to be so low that it is hard to get reliable estimates. In addition, it has taken years of advocacy and support to encourage women to report sexual violence. Virtually nothing has been done to encourage men to report abuse. The idea that men could be victims of sexual abuse and violence is so unthinkable that many men will not even attempt to report the situation. There is need to organize programs to enlighten men on the importance of reporting any form of violence against them and also the need to come up with shelters in Kenya where men can go and report these issues.

2) Gender representation

There is need to advocate for greater representation of women and youth in a range of institutions including political, legal, and non-governmental. Identifying groups as minorities through positive discrimination can further emphasize their vulnerable position in society. Solutions around participation need to challenge the broader causes in society that are responsible for women's limited representation such as the historical dominance of men in legal and political institutions.

2) Financing Gender Equality.

Most people were displaced from their native lands where they used to operate businesses and others work, either in informal or formal sector. In other cases, where men were lost to conflict, women do not have the support networks they once had. This is especially on the case where women may have relied on male partners for financial support. In order to enable women's independence it is necessary to equip them with economic bargaining power. Traditional hierarchies that typically place men as breadwinners need to be challenged. This can start from simple empowerment projects such as profit-making arts and crafts projects. Such enterprises can be supported by NGOs working within societies undergoing the process of post-conflict reconstruction. The importance of micro credit and long-term low-interest loans is as a viable resource. The current fashion of corporate social responsibility can be used to the advantage of supporting such schemes.

Realistic projects should be called for to utilize existing resources and networks. Simple ideas such as providing raw foods can be used for women to cook and sell. Such simple actions still have the potential to provide women with economic independence which is often a prerequisite to empowerment. Many NGO's working in post conflict reconstruction offer aid packages. We argue that aid needs to focus on sustainable development and consult women in order to provide aid that is relevant and has the potential to create a lasting impact.

Men projects like the IDPs in Mawingu camp have started a project of Bricks making, funding such small projects would help them to start earning a living and providing for their families.

3) Youth and young children participation

Many youth and young children are often displaced as a result of conflict, some are left orphaned and others have to assume the role of their parents incase they died during the violence. Simple support networks could be initiated by the organizations or individuals running the camps. Such activities could include a discussion or story telling group, an activity group such as dance or a skills group such as learning how to support one another. Through these peer support networks children and the youth will feel more empowered to cope with their situation and also gradually gain the inspiration to realize there is the possibility of a new life after conflict.

4) Guidance and counseling

People are still traumatized by the events that took place during the violence. Men and women should be encouraged to sharing in groups with counselors working in camps on issues such as post traumatic stress disorder. These discussions such as one focused on sport or religion are more likely to discuss topics such as safe sex. The impact in this scenario for example can lead to more negotiation of condom use through the increased sense of self worth which hence results in a reduction in HIV infections and sexual transmitted diseases among them. This point is particularly important given the fact that rape is often used as a tool in warfare. Not only can it physically attack women through the spreading of sexually transmitted infections such as HIV, but it can also result in social and psychological trauma and family breakdown where the male partner leaves the wife due to her rape. Such actions are completely unjust hence the need to encourage supportive networks in order to encourage the strength to resist such crippling social practices. This will also bring about the importance of family planning because as it is the case in the camps the birthrate is so high.

5) Justice.

Justice and healing are critical issues for women and men who are victims of violence. Impunity for crimes must not be allowed for anyone, any person who is perceived to being a perpetrator of violence should be held accountable. As noted above, most victims want justice done, although sexual violence is recognized as a war crime, perpetrators are very rarely punished. All states should put an end to the impunity of sexual abuse and gender-based violence, and to prosecute perpetrators. A 'zero tolerance' approach should also be applied to peacekeepers violating a strict Standards of Behavior/Code of Conduct. These victims cannot just be expected to forget the crimes committed.

6) Effective use of Media.

If media is going to be an effective tool in awareness, there is a need to train them on how to report on conflict so as to have a specific audience in mind. During the post election violence an accusing finger was pointed into various media houses which were said to be spreading messages of hate. In the wake of effective broadcast abilities of new media such as the internet, Youth for example, regularly access blog sites and online video sites such as You tube and Facebook. Whilst such mediums would be effective for rallying youth and educating them on conflict issues and the negative effects of involving themselves into the cause of female/male child soldiers, they also open up the possibilities for distortion.

CONCLUSION

It is misleading to assume that gender-based violence erupts as a result of conflict and that levels of gender-based violence will recede during a transition to democracy or out of conflict. In fact, although the levels and forms of gender-based violence may alter during times of conflict, much of the gender-based violence committed in the context of conflict is a continuation of the violence perpetrated prior to conflict and is a form of violence that will continue to persist after the conflict. Although it is true that war is accompanied by an increase in violence generally, and in particular an increase in domestic and sexual violence, at the most, basic level the root cause of violence against women and men is the inequality between them (men and women) and the power differentials that persist as a result.

A failure to deal with past abuse can create the potential for a recurrence of violence and human rights abuse, particularly when conflicts have assumed an identity dimension. These divisions will not automatically disappear under a new democratic order, particularly if the arithmetic of democracy delivers power to a majority group, leaving a minority group feeling vulnerable and marginalized. Nor will they necessarily heal with the passage of time. Peace processes should result in constitutional settlement that offers appropriate protections and reassurances to adversaries and vulnerable groups. A legitimate reconciliation process must pursue accountability and acknowledge the suffering of victims, not subordinate accountability and redress to an artificial notion of national unity.