

# LEARNING FROM OUR PAST

AN EXPLORATION OF TRUTH, JUSTICE,  
AND RECONCILIATION IN KENYA







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Reconciliation in Kenya

## Authors

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## Acknowledgments

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# THE JUDICIARY



THE SUPREME COURT

OFFICE OF THE CHIEF JUSTICE / PRESIDENT, SUPREME COURT OF KENYA

Ref: CJ 1

17<sup>th</sup> June, 2015

## To All Young People of Kenya,

This booklet has been made for you. These are your stories, your experiences, and your ideas for how to make Kenya a better, more united, equal, and safer country for everyone, especially for other people of your own age.

The Truth, Justice and Reconciliation Commission, which is also known as the TJRC, was established by the Parliament of Kenya after the post-election violence of 2007-2008. It was part of a broader plan to make Kenya more democratic, just, cohesive, and peaceful. The TJRC was led by eight people called Commissioners, who were responsible for collecting the stories of people from all over Kenya. After listening to Kenyans across the country, the Commissioners were tasked with writing a report based on what they heard and making recommendations to the government about how to make things better.

The TJRC began by looking all the way back to 1963, when Kenya became an independent country. The Commissioners wanted to understand what injustices had been committed against Kenyans over the years since independence, why they had happened, and who was responsible. To understand these injustices, the Commissioners also felt that it was important to look at the social and economic problems that affect Kenyans. The TJRC wanted to understand how people live and why some groups of Kenyans have been neglected and not received equal treatment and access to resources. As part of this effort, the Commissioners also wanted to know what life is like for Kenyan young people and why so many children continue to live in poverty and feel unsafe.

To gather this information, the TJRC asked Kenyans directly about their personal experiences. The Commissioners collected stories (or testimonies) from Kenyans from every region, age, and ethnic group in order to better understand the history of the last 43 years and its effects on Kenya's people, especially on you, Kenya's young people.

About 2,000 young people told their stories to the TJRC. These young people showed enormous courage by coming forward and sharing their experiences and concerns with the Commissioners. Some spoke about being poor, being orphaned, or having to flee their homes to escape violence. Others spoke about the physical and sexual abuse they suffered and not being protected by adults. Some spoke about the effects of tribalism and conflict on their lives. These young people told the TJRC about feeling alone and being scared, not being able to pay school fees or to attend school because they had to work, wanting to do well in school despite being hungry, and not having a safe place to sleep. Through these stories, young people showed amazing strength and courage, and often wise decision-making. They

*Balanced scales of justice ensure transformation*

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remind Kenya's adults and leaders and young have experience too much pain, hardship and loss. Their stories represent the stories of so many more young people who were not able to testify.

Too often, as young people, your stories are not heard. You are told to be quiet, to listen and to obey. The TJRC process gave Kenyan young people an opportunity to be heard. It is now up to the adults and leaders of Kenya to ensure that your lives are better and safer, and that you have more opportunities to become who you want to be. But as Kenya's younger generation, you also have responsibilities and a very important role to play in your own lives and communities, as well as in your country and, indeed, the world.

Some of the stories in this booklet might be painful to read because they speak of great hardship and suffering. Because of this, there are some empty pages where you can write down your thoughts and feelings as you read. We encourage you to read this book with others – your friends, family, classmates, teachers, and other adults who care about you, and discuss with them what you are reading and how these stories makes you feel.

Here are some of your stories. It is time to make Kenya a better place in which to live and we know that you have a lot to say about it. As adults, we must listen.

Yours sincerely,



**DR. WILLY MUTUNGA, D.Jur, SC, E.G.H., S.E.G.H.,  
CHIEF JUSTICE/PRESIDENT, SUPREME COURT OF KENYA**

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Dear Young People of Kenya,

It is with great hope that we share this booklet with you. As the Chief Justice has noted, it is filled with stories of our history and our present as told by the young people of this country to the TJRC. This booklet is an opportunity for you and your fellow Amani Club, or peace club, members to learn and talk about some of the parts of our history that have caused such tremendous pain and destruction. But, just as importantly, it is also an opportunity to start thinking about how you, as a future leader of Kenya, can help to build a better Kenya.

This booklet explores themes of identity, belonging, and how we can build a Kenya for all Kenyans. As a young person and future leader of our country, you can use this booklet in your clubs to think about the issues you have confronted and the aspects that are important about identity, membership, and belonging. How does your identity fit in to the national values and principles set out in the Constitution? What can you do to help yourself, your friends, family, school and your community to cope with past difficult experiences, build trust, and help create a nation grounded on tolerance and respect for diversity? There are many ways of doing this; One is by starting Amani Clubs in your school. Amani is the Swahili word for “peace.”

Realizing how difficult it was for Kenyans to come together again as a nation, to heal after the violence took place during General Elections in 2007, the Government of Kenya, on the recommendation of African experts led by Kofi Annan who came to help us to resolve the conflict, made a number of changes. Some important changes included creating a new Constitution and suggesting a number of new institutions that would help us build our vision of national cohesion and integration. One of these institutions is the National Cohesion and Integration Commission (NCIC).

The NCIC is a government office that helps Kenyans to build trust and foster community and national dialogue platforms in the efforts to promote unity. The NCIC works with all Kenyans regardless of their ethnic, race or religion. We work with adults and children to understand what happened in the past, build trust, to be able prevent a repeat of the horrific experiences witnessed in 2007.

Through the Amani Clubs and other initiatives supported by NCIC, together, we can promote national values and identity. National values are beliefs of a nation guiding the actions and behavior of its citizens. National identity unites us, helps us develop a common vision and build a sense of belonging. As you will learn as you progress through this booklet, building peace and democracy is an effort that needs the whole country's attention, and it especially relies on the dedication of young people, just like you and your friends.





The final section of this booklet calls on us to look to the future and take an active part in building a better Kenya for all. Taking an active role in an Amani Club is one way to help you appreciate and value other Kenyans' backgrounds and circumstances. As you use this booklet in your clubs, you will be encouraged to develop knowledge and attitudes to help you live with others in peace and harmony, as well as to learn and live the national values that are in Article 10 of our constitution. It will help you think about what role the past plays in our lives today and how you can be part of building a Kenya based on diversity, equity, inclusiveness, non-discrimination, dignity, and social justice. As citizens today and leaders tomorrow, I encourage you and support you to take up leadership now by becoming your country's Champion of Peace through an Amani Club in your school.

Yours sincerely,



**HON K.F.X OLE KAPARO, EGH, SS**  
**CHAIRMAN, NATIONAL COHESION AND INTEGRATION COMMISSION (NCIC)**





# INTRODUCTION FOR EDUCATORS AND MENTORS

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*Learning From Our Past* is designed to guide children, young people, and educators through a discussion about issues relevant to strengthening justice and building democracy and social cohesion in Kenya today.

After the post-election violence of 2007-2008 and the signing of the peace agreement, Kenya has made tremendous efforts to build a strong democracy and promote peace and reconciliation.

As part of those efforts, the Kenyan Parliament established the Truth, Justice and Reconciliation Commission (TJRC) in 2008 to investigate gross human rights violations and other historical injustices that occurred in Kenya between 12 December 1963 and 28 February 2008. The TJRC's aim was to promote truth, justice, peace, and national unity, and contribute to healing in the country.

The TJRC made a series of recommendations in its final report, which sought to promote justice and reconciliation in the country. The document was presented to President Kenyatta in May 2013. Among those recommendations, the TJRC encouraged the Ministry of Education to develop a peace education curriculum for schools. This booklet is an effort toward that goal.

Based on the TJRC process, this booklet discusses Kenya's recent history, from when it became an independent country in 1963 until the eruption of violence after the 2007 elections. Its aim is to help young people to better understand current challenges as they explore and reflect on Kenya's past. By doing this, we hope this booklet can encourage a culture of peace and democratic citizenship among young people in Kenya. Democracy is a process that continually evolves, shaped by the choices and actions of individual citizens. It is important for young people to see that they have a role to play in supporting that process. Democracy is not a static product, but rather a goal that young people must continually strive towards and work to support.

This booklet proposes a forward-looking learning process. It emphasises not only the role that young people have played in shaping the stories collected by the TJRC, but also reinforces their status as citizens with rights, their capacity for civic participation, and the role they can play in shaping the future of their country.

## Our approach

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The approach used in this booklet seeks to balance an exploration of a difficult history with an awareness of moral and adolescent development. Methodologically, it presents real-life stories from Kenya's recent history, including testimonies collected by the TJRC, allowing readers to learn from things that happened, and uses reflection questions to make the learning process truly interactive.

Because real testimonies are used, some of the information included here can provoke emotional responses from readers. Recognizing this, we have provided suggestions for ways to read and discuss this testimony with young people and, in some cases, provided space afterwards for reflection. Adults using this booklet may want to supplement this material with additional resources, in order to guide young people through some of the more difficult discussions. At the end of this booklet, we have also included a list of organizations that collaborated with the TJRC and work to help children in distress.

To help educators lead classroom discussions, there is a list of teaching tips provided at the end of the booklet. Although this booklet aims to be relevant for all of Kenya's children and youth, given the level of complexity and the sensitive nature of some of the information it contains, it primarily targets young people between the ages of 14 and 18.


From a teaching or pedagogical perspective, this booklet is based on the sequence of study method developed by Facing History and Ourselves. For nearly 40 years, Facing History and Ourselves has helped teachers and their students to make essential connections between history and the moral choices they confront in their daily lives in order to develop active, informed, and responsible citizens. Visit [www.facinghistory.org](http://www.facinghistory.org) for more information on Facing History and Ourselves.

A key component of Facing History and Ourselves' approach is to present history to young people as a process in which individuals and groups can make choices and where historical events are not inevitable. The aim is to emphasise people's capacity for agency and making moral decisions. Accordingly, when topics describe patterns of violence, the goal is not only to describe the conflict in order to examine the underlying causes and consequences, but also to highlight the role that individuals and communities can play in shaping the societies in which they live. While it is important to unveil patterns of social behaviour and highlight the stories of those who opposed violence, more broadly, it is crucial to emphasise the different institutional and collective ways that societies can respond to and prevent such abuses from occurring—through mutual respect, democratic participation, and the protection of human rights.

Following Facing History and Ourselves' sequence of study, the booklet is divided into six parts:

**Part 1. Identity: Who Am I?** The first step in this learning process is to explore individual behaviour. The focus is on how identities are formed and how these identities influence behaviour and decision making. Using the personal stories of several young Kenyans, it poses the questions: How is my identity formed? How do I see myself? How do I see others? How do those perceptions shape the choices I make?





**Part 2. Membership and Belonging.** The aim of this section is to look at issues of membership and belonging in a way that allows young people to learn these critical concepts using their most immediate context. They will then be able to apply these lessons later, to understand Kenya's modern history. Some relevant questions include: How do we acquire membership in a group? Who belongs? Who is in? Who is out? Importantly, this section provides the first opportunity to define ethnicity in the Kenyan context and consider some associated issues. National identity is presented as a key concept to invite young people to reflect on what they have in common, despite their differences, and to appreciate the cultural diversity and richness of Kenyan society.


**Part 3. History and Human Behaviour.** Using the narrative of the TJRC report, this section portrays the history of Kenya from the colonial period to the present time, with the aim of reconstructing what led to the violence of 2007–2008. Recognising the complexities of history, the focus is placed on the unresolved legacies of the colonial period and how the formation of the independence movement and the struggle for democracy were tainted at times by the use of ethnicity by some political leaders. The purpose is to highlight those choices that repeatedly undermined the construction of a strong democracy in Kenya, to understand the fragility of democracy, and to help young people reflect on how their own choices can shape history.

**Part 4. Building Peace and Democracy.** This section focuses on how a society addresses its violent past, both at the institutional and social levels. It discusses the negotiation process led by former UN Secretary-General Kofi Annan and the peace agenda, and analyses some of the reforms implemented to reinforce democracy, strengthen national cohesion, and protect citizens' rights. Through the particular experience of the Kenyan transition, some of the broader topics explored in this section include responsibility and prevention, democratic values, and civic participation.

**Part 5. Facing the Violent Past: The TJRC.** This section reflects on the legacies of both the violence and the TJRC process, including memorialisation initiatives. It also introduces the notion of reconciliation. Through a series of concrete stories and experiences—specifically, testimonies of young people given to the TJRC on the consequences that the conflict had on their lives—this section presents a reflection on the effects and implications of the past and how it is remembered today.

**Part 6. Looking to the Future.** The final section tells the stories of individuals and organisations that have made a positive difference in Kenyan society through their work. The main aim here is to show young people how they are responsible for creating a better world. Mindful of the means available to them and the varied ways in which such contributions are possible, the focus is not only on encouraging young people to reflect on the ways in which they participate, but also on understanding the value of democracy and civic participation as tools for preventing violence.





Although the different parts of the booklet are meant to be sequenced, some activities and readings can be used independently or adapted to particular teaching needs. We encourage teachers and facilitators, as educators and mentors, to use this booklet as a way to engage young people in discussion. Ideally, this booklet can be used as a catalyst to hear their stories and reflect on the role that they can play in making Kenya more safe, more just, and more peaceful.





## CHAPTER 1. IDENTITY: WHO AM I?

---

Growing up is a time of questioning and discovery. You are developing as a person and deciding on your interests and values, and to which groups you belong. You are discovering what makes up your identity. Parts of this we choose for ourselves and other parts may be chosen for us. Our identity is shaped both by how we see ourselves and how other people see us.

Amina and Kelvin are two young Kenyans. This is how they describe aspects of who they are:

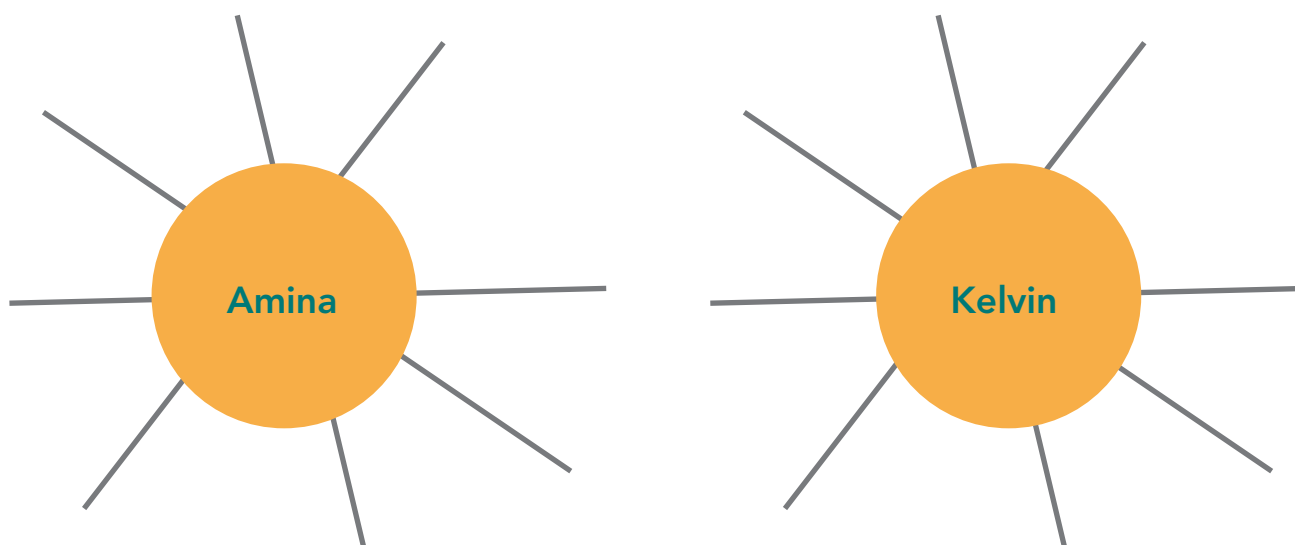
I am Amina. I am 16. I love talking to people. I love meeting new people. I love to sing. I want to become a singer. It is my talent.

I am Kelvin. I am 11 years old. I like to discuss in groups, chat, and sing. I am the first-born in my family. I like my friends, and I like to write, dance, and sing. I am a leader, a student, and I am clean and kind. I am also a Christian.

## An identity chart

As you can see from how Amina and Kelvin describe themselves, there are many things that make up a person's identity. One way to capture this is to use something called an identity chart. Identity charts show some of the various things that make up a person's identity. Let's create identity charts for Amina and Kelvin.

- ▶ Draw one circle for each of them with lines stretching out from the circle, as below.
- ▶ Write one of their names in each circle.
- ▶ Read how they describe themselves above.
- ▶ At the end of each line, write a word or phrase that describes each of these young people. For example, "Girl," "Kenyan," "Happy," etc.




When you have finished the identity charts, think about the following questions:

- ▶ What parts of Amina's and Kelvin's identities did they choose for themselves?
- ▶ What parts of their identities did they not choose for themselves?

If you can, discuss your answers with someone else.





Now make an identity chart for yourself. This is your introduction of yourself. You can use any words or phrases that say who you are. Think about your characteristics, the things that you like to do, the people in your life, and your hopes, dreams, and fears.

After creating your identity chart, think about these questions:

- ▶ Who are you?
- ▶ How do you see yourself?
- ▶ Is it different to the way that other people see you?
- ▶ Do you have anything in common with Amina and Kelvin?

Make another identity chart that includes words and phrases for the way that you think other people see you. Compare both of your charts.

- ▶ Are there things that are similar?
- ▶ Are there things that are different from the way you see yourself?
- ▶ Do you ever find yourself trying to change yourself in any way in order to meet the expectations or stereotypes that you think others have of you?

Sharon is a young person who testified before the Truth, Justice and Reconciliation Commission (TJRC). Here is how she described herself:

I am Sharon. I am 18 years old. I am from Nairobi. I am a sister, a daughter, and a friend. I love my sister so much. She is my best friend. I am visually impaired, and I want to go to law school and become a lawyer who protects the rights of people with disabilities and who makes sure that all people no matter what tribe, disability or amount of education they have can become who they want to be.







Draw an identity chart for Sharon.

- ▶ What does Sharon say that is important for understanding her identity and how she sees herself?
- ▶ Do you have anything in common with Sharon?





## CHAPTER 2. MEMBERSHIP AND BELONGING

---

We are all part of groups. It is a natural part of being human. Some of us belong to school clubs. Some of us have a particular group of friends. Some of us play sports on teams. Some of these groups we choose, some are chosen for us, and there are some groups that we might become part of at birth. Our religion, for instance, might be something that we are born into because of our parents' faith. Because you live in Kenya, many of you might see yourself as belonging to the large group of "Kenyans."

### Being part of a group

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While most people in Kenya might see themselves as Kenyan, many also feel like they belong to a specific ethnic group. Kenya has over 70 ethnic groups. Most of you know something about your ethnic group that makes it special, including its traditions, language, and history. Every ethnic group in Kenya has a tradition involving how children are named.


Some Kenyan children described how they were given their names:

Wanjiku is the name of my grandmother, my father's mother. My father also wanted me to be called that name.

Musyoka is my father's name, and therefore my surname. My name is also Moses Mulwa.

Atieno is my name and it means "born at night." My other name is Nafula, which means "born in the rainy season." Nafula is also the name of my grandmother, my mother's mother.

I am Mohamed Hamisi, which is the name my father gave me. I'm named after his father (my grandfather). My father named me after my grandfather so that we can always remember him. My grandfather was a good man.



Our names are important. They are how we introduce ourselves to others and how others refer to us. In Kenya, most people have at least three names. Often, the first is an English name. The second name and last name, or surname, are often Kenyan names that are tied deeply to particular traditions.

- ▶ What are your names? What do they mean? How did you get them? How do you feel about your names?

## Ethnic identity

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Each ethnic group in Kenya has a particular identity, language, culture, and set of traditions.

Titus says he is a Luo. He remembers learning as a very young child what this means:

We were told you are a Luo. Luo are supposed to be very intelligent. So that was important for me to be seen that way as someone who was very smart. We also learned about other groups . . . Because you live with your community, you also go to school with your community, so you don't meet children from other tribes.

- ▶ What does Titus tell us about what it means to be part of the Luo ethnic group? How does he feel about being a part of the Luo ethnic group?
- ▶ What is your ethnic group? Make an identity chart for your ethnic group.
- ▶ How did you learn these things about your ethnic group? How did you learn about the other ethnic groups around you? As with your individual identity chart, there are ways that you see your group and ways that other people see it, particularly people from other ethnic groups. Likewise, you might see other ethnic groups differently than they see themselves. Can you think of examples where this has happened? Do you think these perceptions were always positive? And were they accurate? How may our perceptions of other groups act as sources of conflict and division?
- ▶ Do you agree with Titus when he says that "because you live with your community and go to school within your community you don't meet children from other tribes"? What are the possible challenges with this? What could you do to solve these?



## Segregated from society

You were introduced to Sharon on page 10. As a visually impaired person, Sharon has become part of a group that she did not initially choose for herself; certain choices have been made for her. For example, because she is visually impaired, she attended a special school for other visually impaired children. Reflecting on this experience for the TJRC, she said:

We have special schools, which are exclusively for the blind. In some ways, those schools are not so good because many times, when you are taken to such a school, you tend to get withdrawn from the society. We feel isolated. We feel hated and neglected by the society because you are kept in one room. Wherever you go, you just meet with people with the same disability. All of us have the same problem. At times, you cannot even help each other. So, it becomes a great challenge to many of us because when a problem comes up, we cannot even help each other. Academic wise, the performance is usually pathetic because all of us feel that after all, we do not belong to the society. You cannot do much for the society. So, we end up having loss of esteem as a group . . .

Even some parents use such schools as a place for dumping their children with visual impairment . . . Most of the parents just do that to their children with visual impairment because they think that they are a burden to them. So, most of the time, you find that children with visual impairment have been kept in such schools and they have been forgotten. They have been left to live there. It becomes a very big challenge because you do not even get the chance to interact with the outside world. Even when you get out there, you are never comfortable with the rest of the people. You are usually not ready to work with them simply because the life you have been used to living . . . Most of the time, people would stay in such schools from a tender age of two years up to the age of 19 years or 20 years. After the bad performance in high school, they are forced to repeat classes the whole year. So, many a times, you will find people with visual impairment leave school when they are too old. They have even lost psyche for life. They cannot do much for the society. So, most of them end up having miserable lives.

Sharon describes the schools that most visually impaired Kenyan children attend. What does she say are the problems with these schools? What does she mean when she says, “We end up having loss of esteem as a group, and we influence each other”?

- ▶ Now that you have heard more about Sharon, what would you add to the identity chart that you created for Sharon on page 11? Is there anything that you would change?
- ▶ What do you think the TJRC Commissioners learned from Sharon’s story? What recommendations would you make to the government if you were hearing this testimony?



## Being Kenyan

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While your group identities are important, you all have an identity in common: you are all Kenyan. When Kenya became independent in 1963, one of the things that the government did was to choose a national anthem to represent the dreams of Kenyans as people of a new, independent nation. A commission was created to select the anthem. They asked local musicians to create a melody that was unifying and captured local traditions and national aspirations. The tune of the national anthem is based on a traditional lullaby that many Kenyan mothers from the Coastal Pokomo Community sing to their children.

*Oh God of all creation  
Bless this our land and nation  
Justice be our shield and defender  
May we dwell in unity  
Peace and liberty  
Plenty be found within our borders.  
Let one and all arise  
With hearts both strong and true  
Service be our earnest endeavour  
And our homeland of Kenya  
Heritage of splendour  
Firm may we stand to defend.  
Let all with one accord  
In common bond united  
Build this our nation together  
And the glory of Kenya  
The fruit of our labour  
Fill every heart with thanksgiving.*

- ▶ What are the important values that the national anthem speaks about?
- ▶ Try to find all the words and phrases in the national anthem that speak about unity and cohesion. Why do you think the writers of the anthem emphasised unity so much?
- ▶ The Kenyan national anthem, like most national anthems, describes what the country could be like. Do you feel that Kenya has fulfilled some of the hopes in the national anthem? Which ones? Which ones has it not yet fulfilled?



Another symbol of Kenya's unity is the national flag.



- ▶ Do you know why the flag is red, green, white, and black? What do those colours mean? What does the Maasai shield represent? Do you belong to a group (a school, sports team) with its own colours or symbols? Why do you think these symbols are important?

The national anthem and flag emphasise unity. Being Kenyan can mean belonging to both an ethnic group and the nation.

- ▶ Do you think it is important to value your ethnic identity? Do you think it is important to value your national identity? How do you show respect for both your ethnic group and national identity at the same time? Why do you think it is important to respect both identities?
- ▶ Can you think of a time when ethnic identity created a conflict? What happened and why? Can you think of a time when people from different ethnic groups got along well? What happened and why?

## CHAPTER 3. HISTORY AND HUMAN BEHAVIOUR

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This chapter is based on findings in the TJRC's report.<sup>1</sup> It does not present a complete history of Kenya. Rather, it is an opportunity to focus on a few events, the decisions that individuals and communities made, and their consequences.

One important decision the TJRC had to make before beginning its work was to decide how far back to look in Kenyan history to understand the root causes of the post-election violence. When the TJRC was created, lawmakers in Kenya decided that they should look back to 12 December 1963, the day Kenya gained independence. But later, when the Commissioners started working, they realized that they needed to look back even further to what had happened during the colonial era. In this way, they thought that they could better understand what led to periods of violence in Kenya after independence. By looking back to a more distant past, the TJRC showed how important it is to look at history in order to understand why there was violence after the 2007 elections and to better understand why certain things happen today in Kenya.


More than 50 years after independence, Kenya's history is both a story of success and sadness. Despite huge challenges, Kenyans have been able to make important advances in such areas as economic development and eradication of diseases and illiteracy. Today, Kenya is one of Africa's fastest growing economies and is becoming a leader in technology on the continent. Kenya also has a vibrant civil society. But, along with these positive developments is a history troubled by episodes of violence and abuse. The TJRC was set up precisely to examine and record this part of Kenya's story, with a particular focus on the post-election violence of 2007.

The work of the TJRC shows that the post-election violence was not inevitable. It happened because of decisions that many people made, not just in 2007, but throughout Kenyan history. Likewise, the decisions taken by the political elite have shaped the conditions that millions of young people live in and face today.

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<sup>1</sup> For more information, see Truth, Justice and Reconciliation Commission, "Report of the Truth, Justice and Reconciliation Commission," Volume IIA (2013), 1-29.





The TJRC also wanted to understand why so many young people in Kenya live in poverty, have suffered abuse, and why so many grow up as orphans. In Kenya, the rights of children and young people up to 18 years old are protected and recognised by a law adopted by parliament in 2001, the Children’s Act.

Some of the important rights mentioned in the Children’s Act include:

**Article 5.** No child shall be subjected to discrimination on the ground of origin, sex, religion, creed, custom, language, opinion, conscience, colour, birth, social, political, economic or other status, race, disability, tribe, residence or local connection.

**Article 6.** (1) A child shall have a right to live with and to be cared for by his or her parents.  
(2) Every child shall be entitled to free basic education which shall be compulsory in accordance with article 28 of the United Nations Convention on the Rights of the Child.

**Article 9.** Every child shall have a right to health and medical care the provision of which shall be the responsibility of the parents and the Government.

**Article 13.** (1) A child shall be entitled to protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction by any person.

**Article 15.** A child shall be protected from sexual exploitation and use in prostitution, inducement or coercion to engage in any sexual activity, and exposure to obscene materials.

Internationally, the Convention on the Rights of the Child of 1989 protects and recognises the rights of children and young people. It has been signed by 195 countries around the world, including Kenya. It identifies a series of rights that must be recognised for children up to 18 years old, including the right to develop as individuals who are free from need and hunger, and the right to be protected from mistreatment and neglect. The overall purpose of the Convention is to say that: “Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development.”<sup>2</sup>

- ▶ What is similar about the Kenyan Children’s Act and the Convention on the Rights of the Child?
- ▶ Why do you think children have certain rights and protections that are special for them?
- ▶ What do you think needs to happen in a country to ensure that these rights are respected?

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<sup>2</sup> UNICEF, “Convention on the Rights of the Child: Protecting children’s rights,” [www.unicef.org/crc/index\\_protecting.html](http://www.unicef.org/crc/index_protecting.html)



## Independence

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Kenyan history does not begin in 1963 when Kenya became independent. Some of the issues that trouble Kenya today have their origin in the period in which the British government controlled the country. At that time, British colonial leaders were not interested in a unified Kenya. On the contrary, they used the differences among Kenyans to create divisions and control the country. They thought that by dividing Kenyans and turning them against each other, it would be easier to rule Kenya and benefit from its natural resources. As part of this strategy, they favoured particular groups, which meant that certain ethnic groups sometimes enjoyed more resources and opportunities than others. This practice of favouring one group over others has been called “tribalism.”

During the 68 years of colonial rule, many Kenyans fought bravely for equality and democracy. They called for a fairer distribution of wealth among Kenyan people and the right to choose their own political leaders, instead of being ruled by a foreign government.

It was hoped that independence would bring an end to tribalism. In 1963, just before independence, Jomo Kenyatta, who became Kenya’s first Prime Minister and then President, gave a public speech in which he spoke out against tribalism. The British public news service reported on this moment to the world:

In an address to the nation, Mr. Kenyatta, aged 73 and known by his fellow Kikuyu as “Burning Spear,” called for tribal and racial differences to be buried in favour of national unity under “the principles of democratic African socialism” . . . “We are not to look to the past — racial bitterness, the denial of fundamental rights, the suppression of our culture . . . Let there be forgiveness,” he said.<sup>3</sup>

Under Kenyatta’s presidency, Kenya was consolidated as an independent nation and became a member of the United Nations. Kenyatta’s government developed Kenya’s new system of government and played an important role in bringing economic stability to the young nation. However, over time, like the British before, the early Kenyan leaders began to favour certain Kenyans over others in exchange for political support. They would give certain groups more access to resources and opportunities for economic success, and in return, they expected those groups to help them to stay in power. This practice, of favouring elites from some ethnic groups and linking the success of a political party with more opportunities for those ethnic groups, grew more important and became part of Kenyan political life. Over time, many Kenyans started to believe that if their political leader was in power, they would benefit, and if their leader was not in power, they would lose out.

Political manipulation of ethnicity is almost a tradition in Kenyan politics. It has been a common practice for politicians and officials to use state power and institutions to promote their own interests or those of their ethnic groups. The governments of Jomo Kenyatta, Daniel Arap Moi, and Mwai Kibaki offered opportunities to key leaders from some communities, especially marginalised

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<sup>3</sup> BBC, “1963: Kenyatta to be Kenya’s first premier,” May 27, 1963, [http://news.bbc.co.uk/onthisday/hi/dates/stories/may/27/newsid\\_2496000/2496069.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/may/27/newsid_2496000/2496069.stm)





communities, to gain their support. This strategy, called “political co-option,” rarely brought benefits to the people within communities. Instead, it benefited community leaders who enjoyed the privileges given to them.<sup>4</sup>

Tribalism was not the only thing that the first Kenyan government reinforced. Political leaders and their families abused their positions as the representatives of all Kenyans to gain access to land and resources. They became very wealthy as a result. Corruption also became commonplace. In this way, the economic development that Kenya experienced after its independence was mainly enjoyed by only a few, and inequality among Kenyans increased.

During this time, the new government became more and more intolerant of those with different political ideas. They saw opposing opinions as a threat to their power and privileges. Laws were changed to give less protection to those who criticised the government, and the government started using repressive means, including violence and arrests, to silence opposing voices. Because there was no space for other political ideas or groups to grow, for many years control of the government remained in the hands of the same political party and the same group of people. In other words, even though Kenya called itself a democratic multi-party state, the system worked, in practice, as a one-party state.

## Selected major events in Kenya’s history

In the table on page 21,<sup>5</sup> you will find a selection of events that are important in Kenya’s history, from independence in 1963 to the completion of the TJRC’s work in 2013. While historical “events” are things that happened in the past, people can give great meaning to them.

<sup>4</sup> Truth, Justice and Reconciliation Commission, “Report of the Truth, Justice and Reconciliation Commission,” Volume IIB (2013), 141.

<sup>5</sup> This table has been adapted from one featured in the TJRC’s report. See Truth, Justice and Reconciliation Commission, “Report of the Truth, Justice and Reconciliation Commission,” Volume IIA (2013), 30-31.



**Table: Timeline of Major Events in Kenyan History**

<b>1963</b>	Kenya gains independence, with Jomo Kenyatta as Prime Minister.
<b>1964</b>	Republic of Kenya formed, with Jomo Kenyatta as President and Oginga Odinga as Vice President. Both are members of the Kenya African National Union (KANU) party.
<b>1964-1967</b>	Shifta War in the North Eastern Province.
<b>1965</b>	Kenyan journalist and politician Pio Gama Pinto is assassinated.
<b>1966</b>	Oginga Odinga leaves KANU and forms a rival party, the Kenya People's Union (KPU).
<b>1969</b>	Politician Tom Mboya is assassinated, sparking ethnic and social tensions. The government bans the KPU and arrests Oginga Odinga. Going forward, the only party in Kenya is KANU.
<b>1975</b>	Politician Josiah Mwangi Kariuki is assassinated.
<b>1978</b>	President Jomo Kenyatta dies. Daniel Arap Moi, vice-president under Kenyatta's previous government, becomes president.
<b>1980</b>	Bulla Karatasi Massacre in Liboi (North Eastern Province).
<b>1982</b>	Decree passed making Kenya legally a one-party state.
<b>1984</b>	Wagalla Massacre in Wajir County and Lotirir Massacre in West Pokot County.
<b>1986-1989</b>	Members of the Mwakenya underground opposition movement are arrested, tortured, and sentenced.
<b>1989</b>	Rubia, Matiba, and others are expelled from KANU. Urban protests take place in the Muoroto slums of Nairobi.
<b>1990</b>	Detention of politicians Charles Rubia, Kenneth Matiba, and Raila Odinga. The Minister of Foreign Affairs and International Cooperation, Robert Ouko, is assassinated. Pro-democratic Sabasaba Riots.
<b>1991</b>	Constitution is revised to pave the way for a multi-party political system. Various political parties are formed and multi-party general elections are held. Ethnic/tribal clashes follow elections.
<b>1997</b>	General elections are held, followed by ethnic clashes.
<b>2001</b>	Murukutwa Massacre.
<b>2002</b>	General elections are held and the National Alliance of Rainbow Coalition replaces KANU in power.
<b>2005</b>	Referendum on the proposed constitution is rejected by 57% of Kenyans. Turbi Massacre at Marsabit County.
<b>2007</b>	General elections are held. Mwai Kibaki is declared President. Dispute over the presidential results sparks post-election violence.
<b>2008</b>	Kenya Dialogue and Reconciliation Process begins. The National Accord is adopted, forming the basis of the Grand Coalition Government, with Mwai Kibaki as president and Raila Odinga as prime minister.
<b>2009</b>	Truth, Justice and Reconciliation Commission is formed.
<b>2010</b>	The new Constitution of Kenya is promulgated at Uhuru Park, Nairobi, by President Mwai Kibaki.
<b>2013</b>	General elections. Uhuru Kenyatta is elected president.



## Standing up for democracy

It's the silence that hurts. That's how you create a dictatorship.

Wangari Maathai<sup>6</sup>

Because of the uneven distribution of wealth and power in the country, not all Kenyans were able to enjoy the benefits of independence, and many felt that their lives had not changed very much since colonial times. Despite feeling this way, most people were busy raising their families and trying to put food on their tables. Many were also too afraid to protest.

Some Kenyans, however, looked around and wondered why in a land of such rich resources were some people hungry while others enjoyed so much wealth. One of those people was Ngugi wa Thiong'o, a playwright and academic. In 1977 he wrote and produced a very popular play about landlessness, "I Will Marry When I Want," and staged it in the village where he was born. Ngugi said that he thought people liked the play so much because "it talked about the arrogance and greed of the powerful and wealthy . . . it was popular because it depicted the true conditions of the rural people in the rural villages."<sup>7</sup> While it was very popular with audiences, it was unpopular with the government. Even though his decision to criticise the government led him to leave the country in



<sup>6</sup> Robert Press, "Kenyan democracy shows strains," *Christian Science Monitor*, Jan. 30, 1990, 4, as quoted in Daniel Branch, *Kenya: Between Hope and Despair, 1963-2011* (New Haven: Yale University Press, 2011), 189.

<sup>7</sup> "Ngugi wa Thiong'o still bitter over his detention," *Weekly Review*, Jan. 5, 1979, 30-31, as quoted in Daniel Branch, *Kenya: Between Hope and Despair, 1963-2011* (New Haven: Yale University Press, 2011), 126.

1982, he felt that as a writer it was important to speak up. In an interview many years later, Ngugi said: "It's an honour to be able to tell the world about that scene of devastation that so many Kenyans are not in a position to talk about."<sup>8</sup>

When Kenyatta died in 1978, the vice president, Daniel Arap Moi, became Kenya's new president. At the beginning of his presidency, he introduced some positive changes, such as the release of 26 political prisoners and the provision of free primary education to all children. However, as time passed, he also began to use repressive tactics to silence his critics.

Moi's government had many problems to confront, including a growing population and severe economic problems. He worried about not being able to hold on to power, as discontent increased among Kenyans all over the country, across classes and ethnic groups. To secure his position, like Jomo Kenyatta and the British before him, Moi started helping particular individuals within the ethnic group he favoured, which, in turn, reinforced their interest in keeping him in power. This made many people believe that ethnic origin alone ensured access to resources, when, in reality, only certain individuals from the political elite benefited from this situation.

Early in Moi's rule, the constitution was changed—not to empower the different regions of Kenya, but to create a stronger, more centralised state directly controlled by the President. These changes produced a state that ended up being less just, more authoritarian, and more exclusionary.<sup>9</sup> In 1982, Moi changed the law to ensure that, as president, he would have more power than Parliament to make laws, and that his political party would remain in power. Moi's conduct was not exceptional compared to other Kenyan presidents'. Indeed, the political elite of the country has been accused of manipulating ethnicity to gain or hold on to power since independence.

Most Kenyans struggled as economic conditions worsened under Moi. Many people once again felt that belonging to a particular ethnic group could affect their quality of life. However, as happened during the anti-colonial struggle and then under Kenyatta, many Kenyans did not stand by as their country was weakened. Many people were committed to the idea of a democracy in which all citizens would be equal and have a voice and a vote. These people protested against Moi's repressive methods and the way political corruption had damaged Kenya's economic and political institutions, which forced many, from all ethnic groups, into poverty. Students and youth were especially active against Moi, however, as student protests grew, so did Moi's repression of them.

## **Fighting for democracy: The story of Wafula Buke Robert**

One of the students who took part in protests against Moi was Wafula Buke Robert. Wafula was born just before independence, and his father was part of the struggle for independence. Reflecting on how he spent his life helping people, Wafula says that he was inspired by three things that happened during his childhood. When he was five years old, he was very poor. His father was away fighting for independence, and he and his mother continued on without him. Wafula did not

<sup>8</sup> "Kenyan Author Ngugi wa Thiong'o Shares Wisdom," National Public Radio, Apr. 15, 2013, [www.npr.org/2013/04/15/177328183/kenyan-author-ngugi-wa-thiong'o-shares-wisdom](http://www.npr.org/2013/04/15/177328183/kenyan-author-ngugi-wa-thiong'o-shares-wisdom)

<sup>9</sup> Truth, Justice and Reconciliation Commission, "Report of the Truth, Justice and Reconciliation Commission," Volume IIB (2013), 141.





*Civil rights leaders at the March on Washington for Jobs and Freedom, on August 28, 1963, in Washington, D.C., USA (Wikimedia Commons)*

have pants to wear to school—only a shirt. However, he did not worry about being poor or not having a father at home, until one day when the chief came and pulled up his shirt. Wafula felt so humiliated. From that point on he felt that he wanted to help poor people. He knew that he should not feel ashamed, and neither should they.

Wafula was also inspired by his father and his interest in American history and the leaders of its Civil Rights Movement, a period in American history when black people and their supporters used nonviolent means to gain rights and protections that were denied to them because of the colour of their skin. Wafula grew

up with books about famous people, such as Dr. Martin Luther King, Jr., US President John F. Kennedy, and his brother (and presidential candidate) Robert Kennedy. In fact, he was named after Robert Kennedy. He began to learn more about liberty and democracy. Then, in standard six, he had an amazing teacher named Oluoch Ogweno who taught him about the power people have in a democracy.

These ideas, events, and people inspired Wafula to fight against injustice and for democracy by joining the student movement at Nairobi University and becoming an important youth activist. His commitment was further strengthened after the political assassination of Josiah Mwangi Kariuki in 1975. Kariuki was a politician who was very critical of the government and spoke out about the experiences of the poor, the landless, and those unhappy with the direction that Kenyan leaders were taking the country. Wafula's story is an example of the many committed citizens who have acted to try make their country a better place.

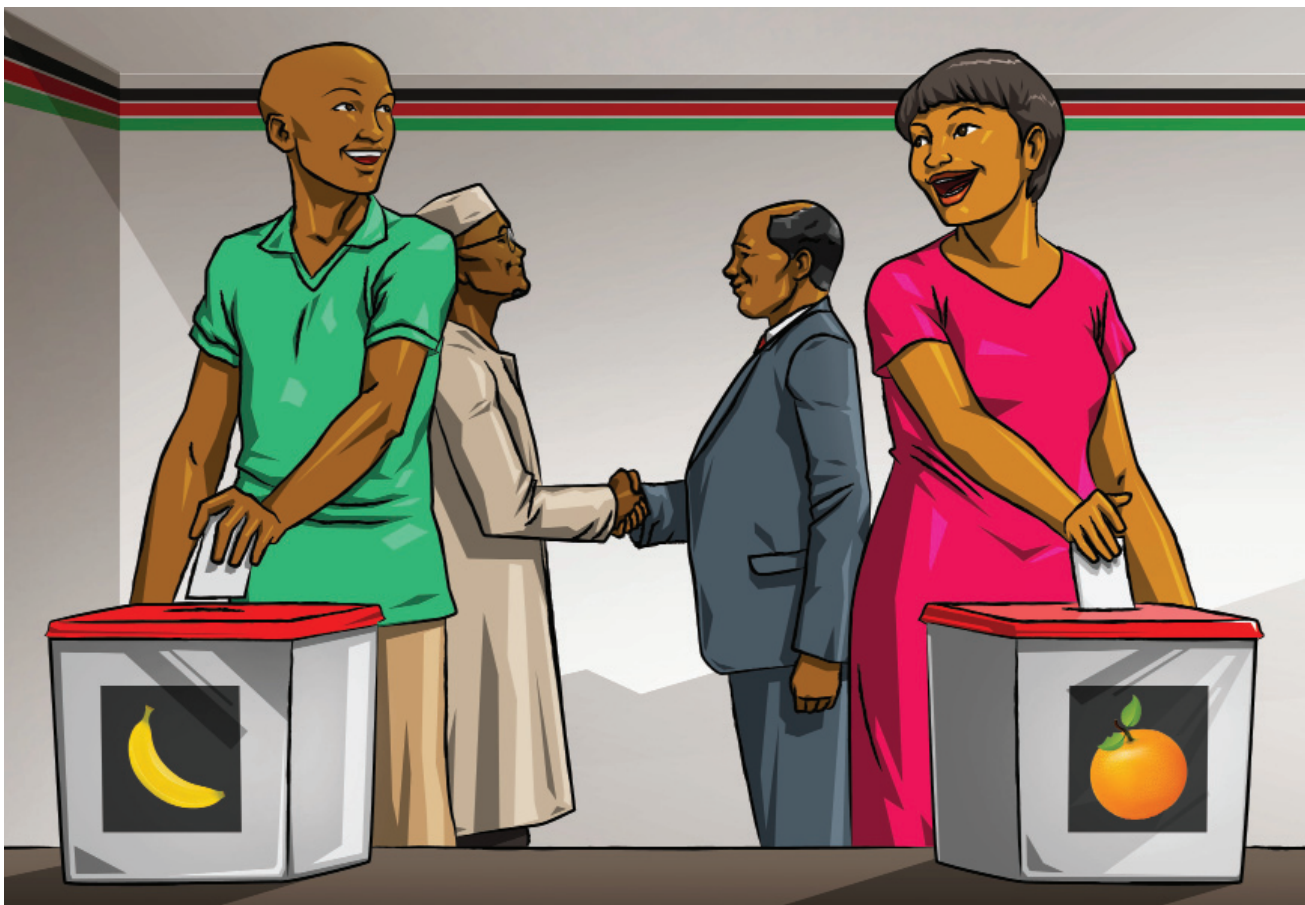
- ▶ What inspired Wafula to help other people? Can you think of people and events that have inspired you?
- ▶ Who were Josiah Mwangi Kariuki and Dr. Martin Luther King, Jr.? Why might they have been a source of inspiration for Wafula?
- ▶ Can you think of other people who may be a source of inspiration in defending people's rights and strengthening democracy?

## What does it mean to live in a democracy?

[Democracy] involves the right of a people to criticise freely without being detained in prison. It involves a people being aware of all their rights. It involves the rights of a people to know how the wealth is produced in the country, who controls the wealth, and for whose benefit that wealth is being utilised. Democracy involves therefore people being aware of the forces shaping their lives.


Ngugi wa Thiong'o<sup>10</sup>

Democracy is a form of government with several important elements. Crucially, democracies have more than one political party, with multiple parties representing different ideas and approaches. In democracies, citizens can freely choose who governs them and cast their vote for the person who they think will be the best candidate, without feeling pressure or fear to vote for a particular group or party. To make good choices, people need to be informed about how the government works and what political parties and candidates are saying. For this to happen, it is essential to have free media to provide information and ask questions. For media to be effective, they must be free to criticise and investigate—and not just tell people what the government wants them to know.



<sup>10</sup> Ngugi wa Thiong'o is a writer, playwright and academic who spoke out against the lack of democracy in Kenya during Kenyatta and Moi's rule. Quoted in "Ngugi wa Thiong'o still bitter over his detention," *Weekly Review*, Jan. 5, 1979, 30-31, as found in Daniel Branch, *Kenya: Between Hope and Despair, 1963-2011* (New Haven: Yale University Press, 2011), xiii.





Democracies also need citizens who are engaged and think deeply. Thinking for ourselves is something we learn to do. This means we need the opportunity to discuss our ideas, form opinions, and make judgements based on evidence. Citizens who are informed can participate more actively in a democracy, even just by voting. They can hold their government more accountable as a result.

Democracies also need the government to act transparently. Being “transparent” means that others can see what is happening inside (like looking through a clear window) and that leaders make an effort to clearly express what they are doing, how, and why. In a democracy, leaders should be as transparent as possible, so that we can see how they make decisions and better understand the consequences of those decisions.

- ▶ What does democracy mean to you? How would you describe what a democracy is and how it differs from an authoritarian or repressive system of government?
- ▶ Why do you think transparency matters in a democracy? What is the opposite of this way of making decisions? What would be the consequences of that type of approach?
- ▶ Make an identity chart for democracy. What are its essential characteristics? What things do you think could undermine a democracy? What things make it strong? What role do leaders play in making democracy work? What role do government institutions play? What role do citizens play? In particular, what role do young people play?

## Multi-party elections

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Responding to increasing pressure from both within Kenya and abroad to reform, in 1991 Moi agreed to hold the first democratic elections in Kenya since independence. Until that date, only one political party had ruled Kenya, and citizens did not have the right to freely choose their political representatives.

While free elections were a step toward making Kenya more democratic, old political leaders were not used to facing competition in the electoral process. Because they were afraid of losing their privileges and influence, politicians and leaders manipulated ethnic group identity to gain and secure political power and resources, as had been done by others in the past. They also fuelled violence against other groups by encouraging different ethnic groups to oppose each other, often violently. As a result, violence, perpetrated along ethnic lines, was used to influence voting in both the 1992 and 1997 elections.





















## The post-election violence of 2007-2008

Kenya's history has included moments of division and violence. While the post-election violence of 2007-2008 was not completely new, the way Kenyans and the world responded to the violence was entirely new.

On 27 December 2007, Kenyans voted in a general election. Before the voting began, opinion polls suggested that Raila Odinga and his Orange Democratic Movement (ODM) had a considerable lead over then-president Mwai Kibaki and his Party of National Unity (PNU). While the actual voting went relatively smoothly and peacefully, the mood changed when people began to count the votes. There were delays in announcing the results, and this caused frustration and suspicion among citizens—particularly among ODM supporters. Eventually, Kibaki was declared the winner—with about

200,000 more votes than Odinga. Violence erupted immediately after the announcement, particularly in areas where a majority of people had supported Odinga and ODM.

The violence continued for several months, and was finally brought to an end when the leaders of each side agreed to stop fighting and try to find a political solution. By the time an agreement was reached, more than 1,300 people had been killed, thousands had been badly injured, and more than 300,000 people had lost

Candidate's Name	Candidate's Photo	Party Symbol	Voter's Mark	Candidate's Name	Candidate's Photo	Party Symbol	Voter's Mark
KIBAKI MWAI				NGACHA KARANI JOSEPH			
KUKUBO NIXON JEREMIAH				NG'ETHE DAVID WAWERU			
MATIBA KENNETH STANLEY NJINDO				ODINGA RAILA AMOLO			
MUSYOKA STEPHEN KALONZO				RAJPUT NAZLIN OMAR FAZALDIN			
MWANGI PIUS MUIRU							

Election ballot, 2007 presidential election, Kenya (Ken Flottman)


their homes and were forced to leave their villages and towns. Property worth billions of shillings had also been destroyed. As with other conflicts in Kenya's history, the violent episode had serious effects on young people. Some children were directly caught in the fighting—and were killed or injured, while others suffered indirectly from violence against members of their families and caretakers. Many children and young people saw very stressful and upsetting things, which, as they later told the TJRC, caused them ongoing fear and pain.

## Youth participation in the violence

Most of the young people caught up in the post-election clashes were victims of violence. Some, however, also took direct part in the fighting—and caused injury and suffering to others. When the TJRC asked people to talk about their experience of the violence, it focused on the stories of those who were victims. It did not hear from those who had committed violence—the perpetrators. The TJRC instead wanted to give an opportunity to those who normally do not have the chance to tell their story. Thus, the TJRC served as a platform for victims to be heard and to have their experiences acknowledged by their government, other Kenyan citizens, and the international community.

Stories can be told from different perspectives. While hearing the perspective of victims is important for understanding what they suffered and to know how to help repair the harm that was caused to them, hearing the perspective of other people involved can also help us to recognise the





complexities that exist during periods of conflict and violence. While the TJRC chose only to hear from victims, others collected stories from the perspective of young perpetrators. Soon after the violence ended, Kimani Njogu, a professor at a university in Kenya, collected testimonies from various people who had participated in the violence. He then put all of these stories together in a book.<sup>11</sup> Some of the young perpetrators spoke about the different choices that they had made to commit acts of violence against other Kenyans. Understanding the experiences of these young perpetrators can enable us to learn why they did what they did, and, thus, to consider ways to prevent violence from happening again in the future.

## Johnson's story

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One of the people interviewed by Professor Njogu was a young Kenyan who we will call Johnson (this is not his real name), from Turbo. He was involved in blocking roads, attacking people, and burning down houses in Eldoret. This is his story:

As the campaigns went on in top gear, we had doubts whether our preferred candidate would really make it . . . There were rumors. . . that the government must win whatsoever the case and they—ODM—were saying, “Our people, if diplomacy fails, we apply violence.”

We got incited. The businessmen used to tell us . . . “Now you see the government has gone to the Central Province. We should fight to ensure that all the resources come back in accordance to our wish.” The businessmen said that roads would be built in Central Province only. They said that if the ODM had won we could have received favours and develop more economically than the other regions.

By 30th December all hell broke loose. This man had a big business and was a staunch PNU supporter. Now people were at the market centre and heard from their radios the turn of events. They immediately went to his shop and found his son . . . It only took one stone and the screams started from there . . . One has to support his community so I was involved in the chaos. I was in the group charged with attacking, burning, and looting . . . Personally, I did not kill anyone. I knew automatically that that was bad and I feared it. But burning, attacking, blocking the roads and others, I participated fully. Indeed these attacks came automatically. Being a youth, I couldn't just sit back at home when my friends went to attack!

After the chaos, we decided to let these people back . . . Now, the way they came, you could see how they had suffered because most of them were homeless. They had been living in tents. I really pity them but there's nothing we can do. Personally, I feel guilty. I am not amused at all. I realised it was just a reaction of expecting something to happen in a certain way but then it ends up in the opposite way. Also, the media contributed by depicting a realistic picture of how the votes were stolen

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<sup>11</sup> Kimani Njogu, ed., *Healing the Wound: Personal Narratives about the 2007 Post-Election Violence in Kenya* (Nairobi: Twaweza Communications, 2009).

and that angered us to act that way. You could hear these local stations saying things were worse . . . They broadcasted that things had gotten worse and that they could not leave the government to take over easily without doing anything. You see, those are some of the small things that contributed a lot to the violence . . .

After the clashes, I no longer trust any other group in the community. I can't go to a nightclub alone or in the company of another ethnic community even though they are my friends and we schooled together . . . You know if a guy was rich before the violence, then poor after what happened, do you expect to sit together and have a good mood to enjoy the party? . . . I am always afraid, and although we have reconciled, the gap of trusting is still very wide . . .

I even had a Kikuyu girlfriend. During the elections . . . I was with her all the time. In fact, I escorted her when people were screaming at her . . . I escorted her, but when I saw things turn worse, I urged her to just go. Just imagine! We're back together again and I tell her there was nothing I could have done. Now I feel happy with her though it is painful. She is very open . . . She told me that she saw me among the attackers but I assured her that I didn't burn their house. If I had the ability, I could have prevented their house from being burnt. Yes, I witnessed it being burnt but I was powerless . . .

The elders, they advised the youth on how to attack and organise people . . . They gave us the psyche to do it. They told us that if one was killed during the war, it was a good sign of how one defended their ethnic group. This made us value our community and we could do anything for it.<sup>12</sup>


While Johnson's story shows that many young people participated in the post-election violence, the great majority of young people decided not to take part in it. Research shows that "over 70% of the perpetrators of the 2007/8 post-election violence in Kenya were youth. Yet only 5% of Kenyan youth engaged in the violence."<sup>13</sup> This means that while most of those who took part in the violence were young, they formed only a small group within the total number of young people in Kenya. Most young people in Kenya, 95%, did not participate in the violence.

- ▶ What do you think about what Johnson said?
- ▶ What things make it more likely for conflict to happen—and why? What causes people to participate in conflict? What effect does conflict have on families, communities, and the country?

<sup>12</sup> Kimani Njogu, ed., *Healing the Wound: Personal Narratives about the 2007 Post-Election Violence in Kenya* (Nairobi: Twaweza Communications, 2009), 274-280.

<sup>13</sup> Jon Kurtz, Mercy Corps, "Understanding Political Violence among Youth: Evidence from Kenya on the links between youth economic independence, social integration, and stability" (2011), 3.



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- ▶ What does Johnson mean when he says, “Being a youth, I couldn’t just sit back at home when my friends went to attack!”? Do you think this statement is correct? Do you think Johnson could have behaved differently? What choices did Johnson make that caused him to do what he did? How do you think he feels now about his participation in the violence?
  - ▶ Why is it important to have testimony from perpetrators as well as from victims? What information do such stories provide?



## CHAPTER 4. BUILDING PEACE AND DEMOCRACY

When violence breaks out in a country, often people do not act quickly enough to stop it. Sadly, there are many examples of such inaction around the world, including among Kenya's neighbours. In Rwanda, more than 800,000 people were killed in three months in 1994, and in South Sudan many have been killed from violence since it became an independent country in 2011. Fortunately, when violence erupted in Kenya in 2007, many people took action very quickly and tried to do things to prevent it from becoming worse.

### Negotiation and prevention


The post-election violence in Kenya inspired people within the country and leaders from around the world to act. Almost from the moment that violence began, people inside and outside of Kenya watched developments very closely. One group of Kenyans who had worked in leadership positions in Kenya and around the world reached out to each other to discuss what they could do to stop what was happening. They began to meet at the Serena Hotel in Nairobi, and invited other concerned Kenyans to join them. Through these discussions, they reached out to other people they knew in Kenya and around the world to ask for help.

In response to these efforts, from early January 2008, leaders from around the world began arriving in Kenya to talk to leaders of opposing political parties, to encourage them to return peace and stability to the country. One important



*A graffiti artist in Nairobi writes a message of peace, during the 2007-2008 post-election violence (UUSC)*





group was the African Union Panel of Eminent African Personalities, led by former United Nations Secretary-General Kofi Annan. It also included other important and respected African leaders, such as Graça Machel and former Tanzanian President Benjamin Mkapa.

Annan, in particular, knew from experience how important it was to act quickly to stop the violence. Before he was UN Secretary-General, he served as head of the UN Department of Peacekeeping Operations, which is responsible for sending peacekeepers to prevent violence in different parts of the world. He held this role in 1994 during the Rwandan genocide, and in 1995 during the Srebrenica genocide in Bosnia and Herzegovina. Both of these tragic events changed Annan, encouraging him to commit to preventing genocide and other serious crimes from happening again.

The failure of the international community to adequately respond to such outbreaks of violence also inspired world leaders to develop an important principle called the “Responsibility to Protect” (or R2P). According to this principle, governments are accountable for the welfare of their own people and the international community has a responsibility to encourage and assist states in fulfilling this commitment. Many agree that the international response to the post-election violence in Kenya was the first time that this important policy was implemented anywhere in the world.

► What do you know about the principle of the Responsibility to Protect? Can you find out more about what it means? Some helpful information is included in the Glossary, on page 60.

Annan’s discussions, or negotiations, with Odinga and Kibaki lasted 42 days. His goal was to negotiate an agreement that would end the violence, create a plan to share power between the parties, and introduce other reforms to build a strong democracy in Kenya. During the long negotiation process, Annan kept the public informed to ensure that it was transparent—so everyone could see for themselves and understand as much as possible what was happening. Importantly some of Annan’s speeches were translated into Swahili so more people could understand them. In an interview that he did much later, Annan explained why it was so important that the negotiation process was accessible to Kenyans at each stage: “What we observed in Kenya is that we needed to get the two leaders together, they had to be seen shaking hands in public and committing themselves to peaceful settlement of the conflict. We did that in the first 48 hours, which reduced the political temperature and violence and gave us the time and space to negotiate.”<sup>14</sup>

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<sup>14</sup> Scott Baldauf, “Interview: Kofi Annan says Ivory Coast mediators could draw on Kenya’s example,” *Christian Science Monitor*, Feb. 25, 2011, [www.csmonitor.com/World/Africa/2011/0225/Interview-Kofi-Annan-says-Ivory-Coast-mediators-could-draw-on-Kenya-s-example](http://www.csmonitor.com/World/Africa/2011/0225/Interview-Kofi-Annan-says-Ivory-Coast-mediators-could-draw-on-Kenya-s-example)

<sup>15</sup> Elisabeth Lindenmayer and Josie Lianna Kaye, International Peace Institute, “A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya” (2009), 9, [responsibilitytoprotect.org/kenyamediation\\_epub.pdf](http://responsibilitytoprotect.org/kenyamediation_epub.pdf)

One of the constant messages from Annan to the parties during the negotiation was that there was a need to “watch the words we say and how we use them.”<sup>15</sup> Annan followed his own advice during this process, as he pushed the parties in the right direction, only using words that would help the discussion move towards a peaceful settlement.

► What do you think Annan meant when he said that we need to “watch the words we say and how we use them”? Why does what we say and how we say it matter so much, particularly in a conflict situation? How can words be used to make things worse? How can they be used to make a situation better? Can you think of a time when you used words as a weapon? Or when you used them to make peace?

## Building a democracy

Several things were done as a result of the Kenyan peace negotiation process to help build a stable future and prevent violence from happening again. These included writing a new constitution, creating a new Supreme Court, and establishing a new and independent electoral commission to guarantee that future elections in Kenya would be free and fair. These measures were implemented to hold the government accountable to the citizens of Kenya, and to make sure that power is not abused or misused. Democracies work best when there is accountability and transparency within government, as this allows citizens to determine whether their needs and interests are being served by the leaders they elected, and creates opportunities for citizens to hold politicians accountable if they fail to serve their needs. A crucial way to prevent violence from erupting in any society is to create a system in which mechanisms are in place to hold government responsible for serving the needs of their citizens.

The Kenyan government took specific steps to ensure transparency and accountability within state institutions. It created an Independent Policing Oversight Authority and National Police Service Commission to oversee the behaviour of police officers. The government also gave more power to the 47 counties to govern certain things and control their own resources, to thus increase equality and fairness in resource distribution. Further, the government established a National Land Commission to deal with historical land disputes and injustices. Further, the National Cohesion and Integration Commission was established to promote national unity and cohesion in Kenya and fight ethnic discrimination, and the Kenya National Commission for Human Rights and National Gender and Equality Commission were strengthened to promote and protect human rights in Kenya. These steps all helped to build a stronger democracy and improve the protection of the rights of people in Kenya.

## Kenya’s Constitution

On 27 August 2010, a new Constitution came into force, which Kenyans voted for in a public referendum. As demonstrated in the Preamble below, the Constitution addresses Kenya’s history, particularly the recent post-election violence:



We, the people of Kenya—

ACKNOWLEDGING the supremacy of the Almighty God of all creation:

HONOURING those who heroically struggled to bring freedom and justice to our land:

PROUD of our ethnic, cultural and religious diversity, and determined to live in peace and unity as one indivisible sovereign nation:

RESPECTFUL of the environment, which is our heritage, and determined to sustain it for the benefit of future generations:

COMMITTED to nurturing and protecting the well-being of the individual, the family, communities and the nation:

RECOGNISING the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law:

EXERCISING our sovereign and inalienable right to determine the form of governance of our country and having participated fully in the making of this Constitution:

ADOPT, ENACT and give this Constitution to ourselves and to our future generations.

#### GOD BLESS KENYA

The Constitution also contains more rights and protections for Kenya's children and young people in article 53:

Every child has the right—

- (a) to a name and nationality from birth;
- (b) to free and compulsory basic education;
- (c) to basic nutrition, shelter and health care;
- (d) to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour;
- (e) to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not; and
- (f) not to be detained, except as a measure of last resort, and when detained, to be held—
  - (i) for the shortest appropriate period of time; and
  - (ii) separate from adults and in conditions that take account of the child's sex and age.

Promoting and protecting human rights is very important for helping people to be able to live together peacefully in society. These rights, or norms, recognise that people have equal worth. They are used to protect people from violence and abuse. For example, we have the right not to be attacked in the street or at school. Rights create mutual respect among individuals and encourage people to behave responsibly to ensure that the rights of others are also respected. For example, it







*A mock balloting exercise in a Nairobi slum gives voters an idea of what to expect at the polls, March 4, 2013 (Nichole Sobecki/USAID)*

is our right to live free from abuse, but it is also our responsibility not to abuse others. Having rights, therefore, also creates certain responsibilities for everyone.

- ▶ Can you think of some examples of the rights that you have as a citizen of Kenya? What rights do you have when you are in school? Thinking the other way around, what responsibilities do you have towards your schoolmates and teachers? What are your responsibilities towards other people in Kenya?
- ▶ What are the responsibilities of the government towards you?
- ▶ What do you think about the rights and protections for children and young people listed in article 53 of the Constitution? Compare them with the rights recognised in the Convention on the Rights of the Child (on page 18).

Another part of the Constitution, article 54, mentions the rights and protections of people with disabilities:

A person with any disability is entitled—

- (a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
- (b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;



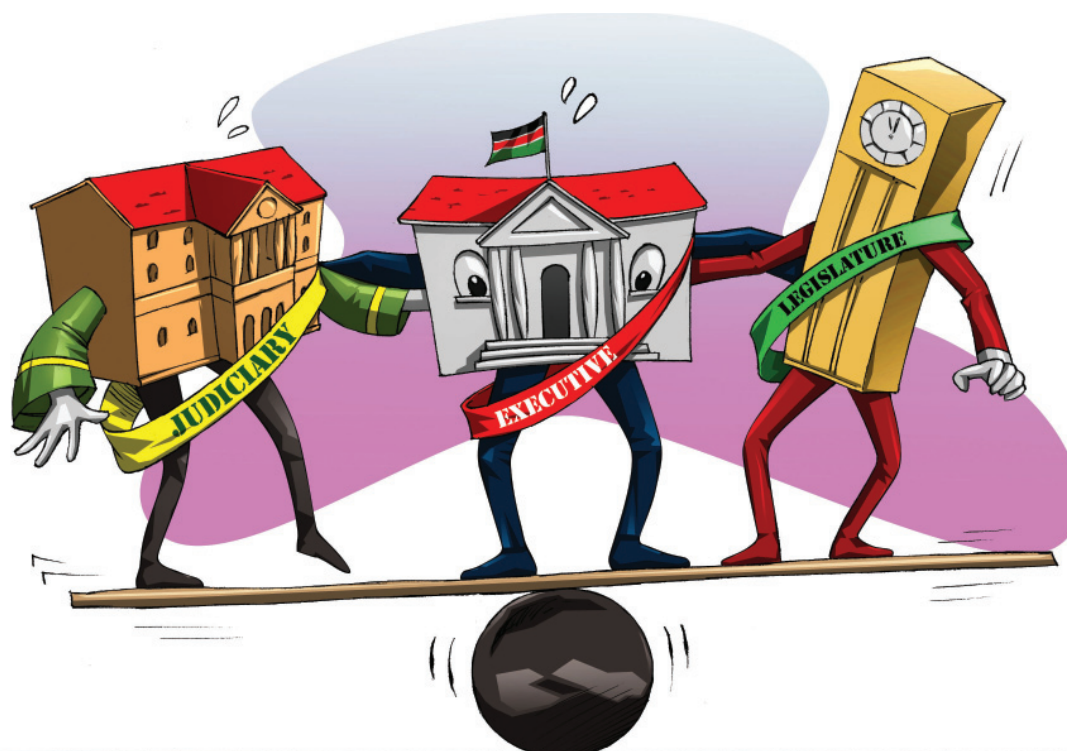
- (c) to reasonable access to all places, public transport and information;
- (d) to use Sign language, Braille or other appropriate means of communication; and
- (e) to access materials and devices to overcome constraints arising from the person's disability.

► Think about Sharon, the girl with a visual impairment who wants to become a lawyer. Does article 54 respond to her concerns?

Kenya's new Constitution has a lot of potential to strengthen democracy, especially if power is appropriately divided between the president, lawmakers in parliament, and judges. This means that one person or one body does not have all of the power—instead, there is a check on one part of government to prevent it from having too much power. The Constitution also promotes national unity, equality, and non-discrimination, all of which will contribute to making Kenya a more cohesive country. To be successful, however, Kenya's leaders and citizens must actively work to uphold the Constitution and its values.

## Implementing the new Constitution

The Constitution will only be effective if leaders respect it and judges apply it independently (without interference from the government). One of the most important people for upholding the Constitution is Dr. Willy Mutunga, who was appointed as the first Chief Justice of the



Republic of Kenya under the new Constitution. In this role, he is also the head of the judiciary and president of the Supreme Court. The judiciary refers to all of the different courts in Kenya that interpret and apply laws, with the Supreme Court as the highest court.

Mutunga was selected after a very thorough process, which included a series of public interviews, so that Kenyans could hear for themselves what their new Chief Justice wanted to do in his new role. Mutunga has dedicated his life to making Kenya a more just and equal country. After studying law at university, he defended human rights and tried to strengthen Kenya's democracy, including in the early 1980s, when he was imprisoned for protesting against repression and corruption under Moi's government.

For the Chief Justice to succeed in his job of protecting the Constitution, he must remain independent. That means that he cannot be influenced by any group or person. The judicial system must represent—and be respected by—all Kenyans. Thus, he must make sure that the system is fair throughout the country and the law is applied equally to all Kenyans. In a speech he gave in June 2012, Mutunga said:

As the Chief Justice and head of this institution, I will do my part to help us realise our transformation objectives. The burden of history requires me to provide leadership in the creation of a new institution. It is a burden I have taken up with pleasure and will pursue with uttermost conviction. No decision will be too tough for me to make if that is the price we have to pay to meet the aspirations of the Kenyan people. The time for testing is past. Now is the time for results. We must all transform or perish.<sup>16</sup>

► Have you talked about the Constitution in your classroom? What role do you think citizens can play in making the Constitution work? What can children and young people do to strengthen the Constitution and democracy in Kenya?

## Building civil society: Youth supporting democracy in Kenya

Strong institutions that guarantee the equality of all people under the law are essential for a democracy to work well. Democracies, however, also need an active society that monitors how the government and these institutions use their power. While individual citizens play a fundamental role in democratic life—by voting or reporting crime, for example—sometimes individuals can be more effective when they come together as an organised group to participate in public life. These different groups are independent from the government and represent a variety of interests. Together, they are called “civil society.”

<sup>16</sup> Kenya Law, “Address By The Chief Justice At The Launch Of The Judiciary Transformation Framework,” May 31, 2012, <http://kenyalaw.org/kenyalawblog/address-by-the-chief-justice-at-the-launch-of-the-judiciary-transformation-framework>



Anyone can be a member of civil society. It includes intellectuals, artists, academics, community and youth groups, independent media, and other organisations and associations. Normally, each civil society organisation discusses the idea or issue that concerns it and its members most. When several groups come together, they ensure that many voices are heard, creating public awareness about different problems and helping to hold the government accountable to the people and responsive to social demands.

Picha Mtaani is an example of a civil society group, created by a number of young people who were concerned about peace and reconciliation in Kenya after the post-election violence of 2007-2008. Its founders believed that a platform was needed to organize and engage communities in the reconstruction process, as well as to create a space for national reflection and dialogue about the violence that had happened.

One of the activities of this youth-led peace initiative was to create an exhibition of photographs taken during the post-election violence that would reveal the horror that Kenyans had experienced.



*Picha Mtaani's film and photography launch exhibition, October 2011 (Picha Mtaani)*

With this, they created a space for personal reflection, open dialogue, and consequently, community healing. With the reflection and dialogue that such an exhibition would inspire, they hoped that the project would help people to reconcile with each other, and also become agents of reconciliation within their respective communities.

The Picha Mtaani national peace-building initiative and exhibition tour visited ten of the towns most affected by the post-election violence, including Eldoret, Kericho, Kisumu, Nairobi, and Nakuru. It

received tremendous support from the Kenyan public: 700,000 people visited the exhibition and had the opportunity to reflect on the national tragedy and plan for community action. Of these, 61,000 people filled out pledge cards in which they committed themselves to uphold peace and promote active non-violence; and 35,000 people completed surveys in which they offered important insights into community reconciliation, the contributions that individuals can make to peace building, the impact of violence on their lives, and recommendations for national healing.

- ▶ Besides Picha Mtaani, there are many other youth-led organisations or community groups in cities and rural areas that create spaces where young people can share their voices and participate in community life. Do you know of any other groups that promote youth participation or organisation in your community, including peace promotion or sports clubs? What kinds of activities do they engage in? What do you think about the kind of projects they do?
- ▶ If you were to create your own group or organisation to build a more peaceful society in Kenya, what sort of activities would you want to do? How would those activities help to improve people's lives in Kenya?



*Candlelight vigil for victims of post-election violence, October 2011 (Picha Mtaani)*



## CHAPTER 5. FACING THE VIOLENT PAST: THE TJRC

How does a country deal with a difficult past and a history of violence? What role do citizens play in this process? When people have been turned against each other, how do you help them to become members of the same community so they can reconcile and live in peace? What role do truth and,



*Girl from Mombasa sings a song in Swahili, while testifying before the TJRC (ICTJ)*


more broadly, justice play in such a process? What does the word *justice* actually mean to those who directly suffered violence, and for Kenyans generally? These are some of the questions that people in Kenya asked themselves after the post-election violence.

People in Kenya and around the world were shocked by what happened in 2007-2008. Many people referred to Kenya's previous stability and expressed surprise at the violence. As we have learned, however, although Kenya is a country that has grown strong and independent, it has not always enjoyed stability or peace. In fact, the seeds of the violence were sown long ago, and millions

of Kenya's young people lead difficult lives because of this history.

Following the peace negotiations of 2008, Kibaki and Odinga signed an agreement to build peace in Kenya. As part of this agreement, two independent commissions, the Commission of Inquiry on Post-election Violence (or Waki Commission) and the Independent Review of the Elections Commission, were created. They were tasked with investigating what happened in 2007-2008 and making recommendations on how Kenya should address it. When these commissions completed their work, they both recommended the creation of a Truth, Justice and Reconciliation Commission (TJRC) that would allow Kenyans from across the country to share their stories about what had happened to them.





The TJRC was established by parliament to investigate serious human rights violations and other historical injustices that occurred in Kenya between 12 December 1963 and 28 February 2008, with the aim of promoting truth, justice, peace, national unity, and healing in the country.

The TJRC looked at Kenya's past as a way to understand the present and to help Kenyans to build a peaceful future. It sought to understand what happened by researching events of the past and also asking people in Kenya to tell their stories about the abuses and injustices they had suffered. By collecting these stories and recognising the harm that people had endured (and caused), the TJRC created a shared space to promote reconciliation among Kenyans and recommend actions that could help the country to prevent future conflict.

One group, among many others, that Commissioners wanted to hear from was children and young people in Kenya. The TJRC reached out to young people throughout the country, and, by doing so, opened a window for Kenyans to see into the lives of thousands of young people. The Commissioners read the interviews of approximately 2,000 children and young people, and talked to adults who work to protect children and young people. In December 2011, the Commissioners dedicated two full days to hearing testimony directly from children during a public event in Nairobi. To provide a safe environment for those who told their stories, the TJRC protected their identities by separating them (and the Commissioners) from members of the public. The names of those children who told their stories were kept secret, but the stories they told have helped to identify problems that all Kenyans should know about and prevent from happening again.


- ▶ The TJRC was created to investigate violence and injustices of the past in order to promote truth, justice, peace, national unity, and healing. These words represent big and complex ideas that might mean different things in different situations or to different people. What do you think each of these terms mean? Discuss what can and should be done to work towards achieving these goals in Kenya?

## The TJRC and the testimony of children

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*At the back of this book we have included two empty pages. These are for you to write down what you think as you read this booklet and reflect on what is said. Sometimes when you read, hear, or learn about difficult stories, it is helpful to write or even draw pictures about how you are feeling. Some people find it difficult to talk about how they feel, but writing it down can be much easier. As you read this booklet, if you find that the stories are difficult, you can turn to these empty pages to write about your feelings.*





As in previous moments in history when Kenyans fought each other, in 2007-2008 young people were caught up in the violence. While a small percentage of young people were involved in committing violence, many young people were harmed by it. Young children, in particular, did nothing to cause the post-election conflict, yet they suffered a great deal as a consequence of it. Many youth and young children showed great courage, both during the violence, as they found ways to survive and help others, and afterwards, when they came forward to tell their stories to the TJRC. When talking about the post-election violence, someone who worked with an organisation that tried to protect children told the TJRC:

We might not know the actual number of the children who suffered in this country because some of them died. Some were unable to tell their stories. Others decided to be quiet because there was nobody to tell their stories or they had no words in which to express how they felt. However, there are others who have been brave enough to risk reliving that moment through the stories they have been able to tell in various forums.<sup>18</sup>

The TJRC tried to gather testimony from as many children as possible by holding private, one-on-one interviews all over Kenya. Thousands of children and young people bravely told stories about what had happened to them and those around them during the violence. They also spoke about other events and issues that the TJRC was investigating. It was very important for the Commissioners to hear how young people's lives were affected. They learned about how young people had become orphans, were forced to run away from home, were physically and sexually abused, were not protected by adults, were forced to join militia groups and gangs, and other effects of the conflict on their lives.

Looking beyond the 2007-2008 violence, the Commissioners wanted to understand the previous failures of the government to protect the social and economic rights of Kenyans. To do this, the Commissioners gathered testimony from children and young people about their daily lives, at home, at school, and in their communities. This way, young people who told their stories to the TJRC also talked about other forms of abuse, such as domestic violence and poverty and lack of access to health care and education.

In this section we will hear just a few of these stories. Each one of them represents the experiences, pain, and hopes of millions of young people all across Kenya.

## Seeking shelter and help

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Many people were forced to leave their homes and all of their belongings to find safety in temporary camps. People were confused and afraid, and sought help from others around them. A 12-year-old girl from Naivasha told her story, in Swahili, to the TJRC:

During the clashes, we were in Eldoret . . . the clashes started and we started seeing fire in town . . . When it was approaching dusk at around 6.00 p.m. there was darkness

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<sup>16</sup> Truth, Justice and Reconciliation Commission, "Report of the Truth, Justice and Reconciliation Commission," Volume IIC (2013), 185.



and my grandfather came. We were seated in the dining room. [A neighbour] came and told us that we should get ready to go and fight . . .

We left and walked. We did not know the direction each person was going to. I rushed and hid in the bush. From there, I saw a neighbour . . . being slaughtered and his house was burnt. I was in a lot of fear because I was alone. I heard people screaming . . .

I did not know where my grandmother had gone. I went and spent the night at [another neighbour's] home and she told me she would shelter me but I was not supposed to say what tribe I was. I slept at her place and in the morning, I woke up. The situation had settled and I walked to a nearby railway station. I was staying in another house and that is when I saw my grandmother coming towards us with my family and we stayed at the railway station . . .

But later the officers were told not to host [us] . . . Again, we were asked to leave the place . . . we went to the cathedral. Again, the bishop received a letter and he was told that it was not allowed for him to host any [person from our ethnic group] and he was supposed to send us away. So, again, we left and went to the showground. He hired for us a lorry that carried us to the showground. We really did not know what was happening. We were given tents and three poles, five nails. We were told to mount the tent so that we would be able to live in them.

In her story, this girl describes the fear she experienced while she and her family were caught in the violence. She also tells us something about how different people responded to the crisis. Her story shows that, because of the violence, people were afraid to help other people from certain ethnic groups. Yet, at the same time, this story shows that there were some people who, even when scared, took a risk to help others.

The following lines were written by a German pastor, Martin Niemöller, when the Nazi Party ruled Germany (1933-1945). In them, he criticises how people belonging to different groups did not support each other, and reflects on the consequences of that inaction. Take some time to read and discuss it with some other people.



*A boy in a camp for displaced people, during the post-election violence, January 24, 2008 (UUSC)*



*First they came for the Socialists, and I did not speak out—  
Because I was not a Socialist.*

*Then they came for the Trade Unionists, and I did not speak out—  
Because I was not a Trade Unionist.*

*Then they came for the Jews, and I did not speak out—  
Because I was not a Jew.*

*Then they came for me—and there was no one left to speak for me.*

► What do you think is the most important message Niemöller is trying to tell people? What can we learn from it?

## “They should all be killed”: How can we stop cycles of revenge?

As with the story above, a young girl who was accompanied by her younger brother spoke to the TJRC about the impact of the post-election violence on her life and the life of her family. She described how, after the two were forced to leave their house fearing the violence, her brother was brutally attacked and seriously injured by a group of people who cut off his leg. He was only five years old. The police found him three days later, separated from his family, hidden in a nearby church. He was badly hurt and had not eaten since the attack.

After hearing this very upsetting story, as narrated by his sister, TJRC Secretary Patricia Nyaundi asked the boy:

Those people who came and chopped off your leg, when you try to recall, which action could you suggest to be taken against them?

[Child]: They should be killed.

The Acting Chair of the session, Commissioner Tecla Namachanja, then added:

Thank you very much, my young boy. I am very sorry for what you went through. Maybe, I will ask you one question; when you grow up, you will be very tall and fat. When you meet those people who chopped off your leg, what do you think you would do to them?

[Child]: I will kill him.

The life of this child was radically changed by what he had experienced. When he told his story to the TJCR he was 10 years old, five years had passed since the attack. He still felt a lot of anger and pain.

- ▶ Take a few moments to think about what this boy was feeling. If you are reading this story with someone else, take some time to discuss this child's experience together. Why do you think he reacted this way? Do you think he could have reacted differently? Is there anything that other people could do to help this boy feel less anger and pain?
- ▶ What is revenge? Are there times where you have felt the need to take revenge? Is revenge justified? What are the effects of revenge? How can we stop revenge from leading to further cycles of violence?
- ▶ Reflecting more on this story, why do you think it was important for the Commissioners to hear this testimony? The child wants to take revenge on the people who hurt him, while the TJRC is looking for ways to promote justice and reconciliation. How can individuals, communities, and nations acknowledge the terrible things that have been done to people without perpetuating a cycle of revenge?

## “Nobody bothered about the other”

A 16-year-old from Kuresoi also provided testimony to the TJRC. During the violence, he had to flee his home for a camp in the Nakuru Showground. He also told the TJRC about the effects of the post-election violence on his life:

Life was very hard [in the Nakuru Showground]. Nobody bothered about the other. We slept in the open arena. We had nothing to cover our bodies. People kept coming there. When they realised that the place was getting overcrowded, the UNHCR set up tents for us. They assigned three families to a tent. It was not comfortable at all. We started going to school after some time. We did not have uniforms and the school was very far away. We did not mind because we were lucky that we had saved our lives . . .

I continued with school. My school was 20 kilometres away. I would wake up at 4.00 a.m., and so I used to start my journey at 5.00 a.m. . . . In the morning, I would meet strange people on the way and they would ambush me or chase me away. Sometimes I would wake up and it was raining. I had to walk in the rain, yet I did not have another set of uniform. I could not concentrate on my studies because I would shiver because of the cold and wetness.

Something this young person spoke about was the violence's effect on his education. Having access to good education and healthcare are two of the most important rights that all children should



enjoy. All around the world, children and young people struggle to receive quality education during times of peace—this is only made more difficult during times of conflict.

In Kenya, primary education became free for all children in 2003. The majority of children attend primary school; however, the TJRC noted that fewer children go to secondary school. This is mainly because many parents cannot afford to send them. Some groups of children have even more difficulty in accessing education than others. Fewer girls, for example, attend school than boys, often because they are given more responsibilities at home or parents prioritise what resources they have to educate boys instead. Children with disabilities often find it more difficult to access education because they need additional support. Education, however, plays a very important role in giving young people opportunities to accomplish more things later in life. More education also increases children’s ability to play a meaningful role in strengthening democracy.

- ▶ Do you think education is essential for the well-being of children? Why or why not? What opportunities can a good education offer to a child or young person? What are the challenges that a child or young person will face if they do not have access to a quality education?
- ▶ Why are educated citizens important for a democracy? What role does education play in promoting and protecting your rights? What support do you need to understand your rights and ask the government to respect them?

## How I became a “street child”

For some children and young people, the abuse they suffered has forced them to leave their homes and families to lead a life of poverty on the streets. Although it is difficult to have exact numbers, a report estimated that there were approximately 250,000 to 300,000 children and young people living and working on the streets in Kenya.<sup>19</sup> Sadly, this is also something that happens in every other country in the world. Children who live on the street face extremely difficult conditions, and are not adequately protected or supervised by adults. Because they do not have a safe place to sleep, these children also have a higher risk of being exploited and abused.

This is the story of a boy who became a street child after he had been neglected—and then abandoned—by his mother. He did not choose this life, and he does not want labels like “street child” to define who he is. He told the TJRC Commissioners what happened to him:

I would like to explain to you the problems that I went through. When our mother ran away, she left six of us. I was the second born. We were very hungry because we had

<sup>19</sup> IRIN, “Youth in crisis: Coming of age in the 21st century” (2007), 52, [www.irinnews.org/pdf/in-depth/youth-in-crisis-irin-in-depth.pdf](http://www.irinnews.org/pdf/in-depth/youth-in-crisis-irin-in-depth.pdf)



no food to eat. We were staying six of us in a house. I was the one who was cooking for the rest. Our house had very many holes on its walls. We did not have blankets or beds. So, I went out to beg for food from neighbours. Sometimes, they would refuse to give us food. I was the one looking for food because our first-born ran away from home. My mother had tried to strangle me, and I screamed and I went to the police, and the police told me to go back.

Our mother used to tie us with ropes and tell us that she would throw us into water. When the first-born ran away, I am the one who was left with the other children. He did decide to go and become a street child. We also decided to become street children. Irene's mother came and picked us up from where we were. She took us to the Baby Blessing Children's Well Centre. There we lived well and we used to go to school. The things that we do not have are beds and beddings. We would like to be assisted to have beds and beddings.



*A child living on the streets of Nairobi, 2009 (David Blumenkrantz)*

From this story, we learn that this boy grew up under very difficult circumstances that eventually forced him to live on the streets. When his father and mother failed to take care of him and his siblings, he instead took responsibility for looking after them. When his mother tried to hurt him, he went to the police to protect himself. Later, when he had no other choice, he went to live on the streets. He still asked for help from adults who work to support children in need. He showed great courage in facing these many challenges and in telling his story to the TJRC.

- Write a reflection on this child's story. Make an identity chart for him. What words and phrases would you use to describe him?

Although we use the label "street children," that does not really tell us anything about the individuals who are homeless and living on the streets. There are many negative labels or stereotypes about street children, but most of these generalisations are made without an understanding of the circumstances that may lead a child to live on the streets.

## Memorialisation

Sometimes we create monuments or memorials to remember an event, a person, or a community. Memorials provide an opportunity for us to acknowledge, pay tribute, or think about the impact of some past event. They also provide a physical space for people, including victims, to visit and



remember. For example, the Tom Mboya Monument in Nairobi honours the life of this former minister who was assassinated in 1969, and the August 7th Memorial Park remembers the 218 people who died as a result of a terrorist attack against the U.S. Embassy in 1998. In the area around Mount Kenya, you can visit the Mau Mau caves, where the Kenyan Freedom Fighters hid during the Mau Mau Rebellion against the British colonisers in 1952.

There are many things that we learned during the TJRC process about Kenya's history. We read about the people and communities who suffered, the sacrifices and courage of those who fought for democracy and justice, and about the important events that shaped Kenya's history. One of the most important things that we learned from the TJRC is how much children and young people have suffered over the past 50 years, and the tremendous courage they have demonstrated.

One child who spoke to the TJRC described how he and a group of friends were caught in a fire in Eldoret during the post-election violence. Many of his friends were killed. The TJRC asked him how he would like to honour his friends, and his request was simple but important:

I would like you to clear up the place where they were buried because, right now, it is full of weeds.

A man called Waninga Ronald also testified before the TJRC. He spoke about his father, Waninga George Wepukhulu, who was a freedom fighter in the 1980s and 1990s—and who was arrested, imprisoned, and died. Waninga's life was changed forever by his father's death. He and his mother emigrated to Uganda, where her family lived. Without an education, job, or the support of his father, Waninga grew up in poverty and struggled his whole life. His testimony gave the Commissioners an opportunity to hear about the effects of repression during the 1980s and 1990s on the children of those who struggled for justice and democracy. Asked what he wanted from the TJRC, Waninga responded that he wanted his father's name to be placed somewhere in Kenya.

Waninga's father never lived to see the democracy for which he was fighting. In fact, lots of people who try to make change in the world never see or experience the positive results of their struggle. Despite this, they remain committed to defending their ideals.

*Memorial to victims of the Wagalla Massacre, in which ethnic Somalis were killed by Kenyan security forces in Wajir County, Kenya, on February 10, 1984 (Kenya National Commission on Human Rights)*



<sup>19</sup> Truth, Justice and Reconciliation Commission, "Report of the Truth, Justice and Reconciliation Commission," Volume I (2013), 45.

- ▶ Why do people build memorials? Can you think of more than one reason? What are some different types of memorials that can be used to remember an event, person, or group? Why are memorials important in a democratic society?
- ▶ Why is remembering someone like Waninga's father or the children who died in the post-election violence important for victims and their families—and for Kenya as a whole? If you could build a memorial in your community, what or who would you choose to remember or honour? Why?

## Truth and Justice

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After violence, efforts to achieve peace and healing include the pursuit of justice. In Kenya, Parliament decided that achieving justice would be a central part of the TJRC's work and specifically chose to include the word *justice* in its name.

While justice can mean different things to different people, typically, it relates to a sense of fairness, respect for rights, and equal opportunity for all. In situations in which people have been treated unfairly, or their rights have been violated, justice means finding a way to make up for that unfairness or redress the wrongs that were done to them.

When dealing with mass violations, one way to respond to demands for justice is to prosecute those who committed abuses through criminal trials. The purpose of trials is to determine who is responsible for the violence and devise an appropriate punishment for guilty parties and show public condemnation of the acts. Indeed, an important aspect of trials is to tell other people—in the country and around the world—that such acts are not tolerated. In this way, trials should help to dissuade people from committing violence in the future. When wrongs have been committed, courts, thus, serve a very important role in delivering justice to victims and ensuring that people (including the accused and victims) are treated fairly, and showing that no one is above the law.

In addition to criminal trials, truth commissions have been used in more than 30 countries as part of the search for justice after periods of violence or government repression. Because of their focus on establishing the guilt of the accused through evidence that meets firm legal standards, after a conflict, criminal justice measures may not always be the most effective way to address the justice needs and rights of victims and the greater community, or to provide a thorough explanation (or a broader narrative) of why violations occurred. Truth commissions on the other hand, with their emphasis on the role of victims in the path to justice, can thus complement criminal justice efforts, by creating a space for victims to tell their stories and by contributing to a more complete story about past violations.





The approach taken by the TJRC recognized the importance of victims in the justice process. Indeed, one of its most important tasks was to find ways to provide redress to victims of gross violations of human rights, including by making recommendations to the government on how to provide reparation and rehabilitation for victims and prevent violence from recurring. All in all, by engaging in a truth-seeking process that publically acknowledged the suffering and experiences of victims and searching for different ways to move forward as a nation, the TJRC contributed to the wider justice process in Kenya.

The TJRC also recognized “the important role that retributive criminal justice systems can have in furthering not only justice, but also truth and reconciliation.”<sup>20</sup> The TJRC was mandated by law to identify persons who should be prosecuted for allegedly committing human rights and economic rights violations. For the commission, publicly identifying the names of individuals thought to be responsible for violations in the course of their inquiry was an important way of advancing justice in Kenya.

- ▶ As we have said, justice means different things to different people. What does justice mean to you? Is it the same as punishment? Can you think about different ways in which justice can be served? Who is responsible for ensuring that justice is achieved?
- ▶ Think about a time when you felt like a victim or when you were treated unfairly. For there to be justice, what would have needed to happen? Can you think of another approach that you could have taken to also receive justice in that situation?

## Reconciliation

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Among the goals of the TJRC was promoting peace and unity in Kenya, and contributing to reconciliation among its people. Reconciliation is not easy to define. For some people, it means restoring relationships that were damaged by conflict and a lack of trust. To others, it means the ability to live peacefully—without fear of individuals or groups with whom they were previously in conflict. It could include restoring rights and protections for all people and building trust between people, and between the people and the state. Reconciliation for some people is very personal. It is tied to their ability to overcome and forgive what happened to them. Others take a more practical view, finding ways to peacefully live together with neighbours, work colleagues, or classmates. Regardless of what reconciliation means to different people, it is a process that always takes time and effort. It was highlighted as critically needed by the leaders who negotiated Kenya’s peace process.

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<sup>20</sup> Truth, Justice and Reconciliation Commission, “Report of the Truth, Justice and Reconciliation Commission,” Volume I, 45.



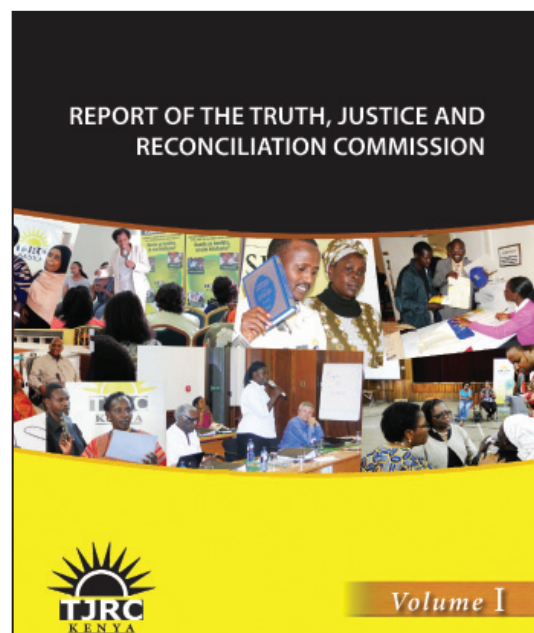
- ▶ What does reconciliation mean to you? Think about reconciliation from the perspective of an individual, community, and nation. How is it similar and different?
- ▶ Importantly, the TJRC thought that telling the truth about what happened was a critical step for achieving reconciliation among Kenyans. Do you think that learning the truth is necessary for the process of reconciliation to begin? Given the issues and events that the TJRC considered, what did the truth include?



## CHAPTER 6. LOOKING TO THE FUTURE

When the TJRC finished gathering and hearing testimonies, the Commissioners wrote a final report. It is a very long document—containing six volumes and spanning over 2,000 pages. It was given to President Uhuru Kenyatta in May 2013.

After analysing all of the information they had gathered over the previous four years, the Commissioners developed many findings and conclusions. Based on these, they made recommendations to the government of Kenya about things that should be changed or improved to make Kenya a more peaceful, just, cohesive, and democratic country, so that violence does not recur. Because these recommendations came as a result of the testimony provided by the Kenyan people, the Commissioners and many others hoped that the government would take steps to make these recommendations a reality.



### Recommendations of the TJRC

The Commissioners made a very long list of recommendations on how to improve the government and the living conditions of Kenyans, and how to help those who had suffered the most as a result of the conflict. The TJRC also made a set of very specific recommendations that apply only to children and young people. Some of these include that:

1. the president of Kenya apologise for all of the harms committed against children and young people since independence.



2. psychological and social support be provided to children and young people who have suffered injustices and serious violations of human rights.
3. reparations be provided to children and young people who were victims of injustice and serious violations of human rights.
4. the Department of Children's Services be well funded to adequately respond to violations of child rights.
5. the government control institutions responsible for taking care of children, like schools, to ensure children's safety and well-being.
6. the government provide economic support to children in extreme economic need, especially indigent children, so they can access the things they need (such as school uniforms and writings materials) to be able to enjoy their right to education.
7. more schools be constructed, especially in areas where there are few schools or where schools are not accessible because children live far away.
8. the Ministry of Education work towards integrating children with disabilities into the regular school system.

► What do you think of these recommendations? Is anything important missing? What would you recommend that the government of Kenya do to help promote reconciliation in the country? What would you recommend that the government of Kenya do to help young people?

## Young people's requests to the TJRC

The Commissioners wanted to know what people in Kenya wanted for their country. They asked young people interviewed by the TJRC to make recommendations after they told their stories. Here are some of their recommendations:

I would like to tell the Government to help us children because we did not vote or were not voted for. Therefore, we did not have any issues. The adults are the ones who had issues. For us children, they need to assist us in education because we did not vote and we were not voted for. They did not have any reason to harass us. They inflicted us with pain for no reason.

I would like to tell the Government that it should protect us and protect all Kenyans so that there will be no clashes like the previous ones and that the clashes will never be there again forever.



I would like the Government to provide us with school fees since our parents are poor and cannot manage to pay fees.

The Government should make sure that the people reconcile. During the post-election violence, children were used to steal items. If there is no friendship between us, enmity will continue. They stole my clothes. If I see a person with my clothes, I really feel bad. I can even fight the person. The children need to be given life skills. They also need to be taken for guidance and counselling sessions and physiological care . . . The Government should give children an opportunity to participate in decision-making and air their grievances. Children are not heard. People do not value what the children say.

► If you had the chance to make recommendations to the TJRC to build a more just and peaceful Kenya, what would you say?

## Choosing to participate: Making a positive difference for Kenya

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Kenya is not the only country in the world that created a truth commission. More than 30 other countries have also established truth commissions to deal with violent periods in their history, including South Africa, Chile, and Canada. While truth commissions focus their attention on events that happened in the past, their goal is to contribute to improving the future. Looking into the past and understanding what went wrong can guide us on how to change things to make them better. While there are many sad stories in Kenya, there are also a lot of positive stories about people who worked very hard to make a difference—to make Kenya a better place for all people. As the Constitution of Kenya recognises, engagement and participation by the people is essential to maintaining a strong democracy.

## Amani Clubs

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The Amani Clubs is one of the initiatives that the National Cohesion and Integration Commission has put in place to build a platform for social dialogue and dispute resolution among young people themselves and among young people and their neighbouring communities. The clubs are aimed at reducing the involvement of youth in violence by giving them the skills of citizenship, dispute resolution, and establishment of peer mediation structures and peace education activities in their neighbourhoods. Amani Clubs are a suitable tool for arresting negative ethnic tendencies by providing young people with a platform to develop a culture of positive values and embrace personal responsibility.

Through Amani Clubs, young people are engaged in a number of programmes and activities that value peace and develop peace-building skills. This enables the country to create a society of people who are tolerant and respectful of divergent views; able to dialogue instead of resulting to





physical confrontations; able to stand against incitement to violence; able to reach out to others and co-exist peacefully; and able to engage in democratic processes peacefully and from an informed position.

Amani Clubs have enabled youth in and out of schools to inculcate the appreciation of diversity among different ethnic, racial, and religious communities. The clubs are being used as an avenue to promote good relations, harmony, and peaceful co-existence among different communities. Amani Club members influence their peers to participate in activities that promote appreciation of diversity, peace, tolerance, and national unity. Amani Clubs empower youth to, among other things, promote peace in their day-to-day lives through words and actions, deal with life's challenges peacefully, and become responsible citizens.

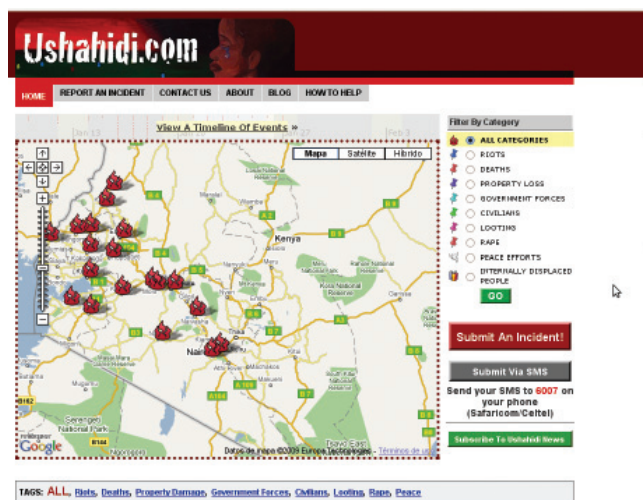
## Ushahidi

During the violence in early 2008, Ory Okolloh, a Kenyan activist, began blogging about what was happening. Her blog, Kenyan Punditt, quickly became a resource for many people to read and respond to. On January 3, 2008, she wrote on her blog: "Any techies out there willing to do a mashup of where the violence and destruction is occurring using Google Maps?" A group of bloggers and technology experts responded, and over the next few days created "Ushahidi,"



which means “testimony” in Swahili. Ushahidi allows Kenyans to mark on a map where incidents of violence and peace initiatives occur throughout the country, based on reports submitted over the internet and mobile phones. With over 45,000 users in Kenya, people could see where violence was taking place and could better respond to what was happening.

The success of the website inspired users to share the platform with people around the world. Since Ushahidi began in 2008, it has been used in Egypt, Haiti, Liberia, Somalia, and the United States, as well as in other places. The work began with one Kenyan blogger, then grew into a team of Kenyans working in a crisis to a worldwide community. Ushahidi has changed our ability to communicate in a crisis and to promote peace. Ushahidi also created a new website for Kenyans to communicate during the 2013 elections. This website allowed Kenyans to share information about voting problems and any violence, as well as to promote positive things that were taking place across the country in support of the elections.



Screenshot of the Ushahidi website showing a map of Kenya with sites of violence (ICTJ)

## “You can’t just turn a blind eye”

Agostine Ndung’u grew up in a small Kikuyu community in Kenya. In late 2008, Agostine moved to the United States to study at university. Despite his enthusiasm, however, he was deeply troubled by what he had left behind in Kenya. After the 2007 election, Ndung’u watched as refugees set up camps in his hometown of Nakuru, making him acutely aware that while he *chose* to leave, hundreds of thousands of Kenyans were being *forced* out of their homes.

In mid-2011, Ndung’u returned to Kenya as a Dalai Lama Fellow to launch the Youth for Peace Initiative, a project aimed at promoting reconciliation among rural youth in the Rift Valley. He firmly believed that his education abroad was a privilege that he had to use to help others: “You can’t just turn a blind eye to the violence that happened in 2008. I can’t just sit and watch, and being a Dalai Lama Fellow is an opportunity to give back.”

Once back in Kenya, Agostine partnered with a community-based organisation called Baraka Agricultural College. With its help, he founded the Amani Seed Project to foster cooperation among rural youth in Kenya through multi-ethnic agricultural cooperatives. The hope was that this collaboration would reduce the number of youth who participated in violence.

<sup>21</sup> To learn more about Agostine’s story, see Amherst College, “‘You can’t just turn a blind eye’: Agostine Ndung’u ’12 awarded Dalai Lama Fellowship for initiative aimed at reducing ethnic violence in Kenya,” Center for Community Engagement, [www.amherst.edu/academicleadership/cce/about/news/node/317532](http://www.amherst.edu/academicleadership/cce/about/news/node/317532), and Dalai Lama Fellows, “Amani Seed Project,” [www.dalailamafellows.org/fellow/agostine-ndungu](http://www.dalailamafellows.org/fellow/agostine-ndungu)



In the initial phase of the project, two youth groups from the Kikuyu and Kalenjin communities in Molo merged to establish a potato seed production initiative. This inter-ethnic group was very successful, demonstrating that young people who are given the opportunity to earn a living with integrity will reject prejudice and violence, and work together for the greater good. A little while later, the UK-based Centre for African Development and Security found out about Agostine's project. Valuing its contribution to ethnic integration between Kikuyu and Kalenjin, that organisation provided additional support to keep the initiative going.<sup>21</sup>

► What do you think about Agostine's desire to give something back to his community? What does this tell you about the importance of education? Can you think about other projects that could be done to promote collaboration among children and youth from different ethnic groups?

## Sharon's story

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Sharon was one of the young women we met earlier who spoke before the TJRC (on page 14). As we learned, Sharon told the TJRC about what it was like to grow up in Kenya as a visually impaired person. After providing this testimony, Sharon graduated from high school and is now attending Kenyatta University in Nairobi.

Sharon is still committed to helping other people. During her 2013 university vacation, she volunteered at the Kenya Society for the Blind, where she trained new students in adapted computer skills. After the school year began, she entered an international contest for young leaders in Africa with an essay about the future she wanted for Kenya. After being selected to represent Kenya, she went to South Africa for a week to meet other African students who had been selected for the same competition. After reading her essay in front of a large audience, her essay was awarded the top prize.

In her essay, Sharon defined herself as an agent of change and recognised how the support she had received from her friends and family had played a fundamental role in helping her to define the kind of change she wants to make in the world. Her ambition is to create a project that will change the lives of young children with visual impairments in Kenya by providing them with access to quality and sustainable education.

Sharon is working very hard to make these plans happen. She became involved in student politics and in 2014 was elected as an official in the Kenya National Paralympics Committee. When she finishes her studies, she wants to become a lawyer so she can focus her energy on helping other people with disabilities to be the people they want to be.





These stories—of Sharon, Agostine, and Ory—are all examples of civic participation. These people chose to participate positively in what was happening around them and to make Kenya a better place. Civic participation is not about taking physical risks. Some people and groups have made such choices in Kenya and in other countries around the world. We would like you to think about ways that you can make a positive difference safely.

- ▶ How can you become involved in making Kenya a better place for everyone? How can you contribute to the important goals we mentioned at the start of this book: making Kenya more united, equal, and safer for everyone, especially young people?
- ▶ When you think about everything that you discovered in this booklet about Kenya’s past, the TJRC, and what is required to support your democracy, what is the most important thing you have learned? How can you contribute to the collective effort to make your country a better place? Use the free space on pages 58 and 59 to brainstorm some ideas.
- ▶ Kenya has a rich and diverse civil society that includes thinkers, young leaders, artists, child protection workers, and people who use social media to strengthen Kenya’s democracy. Reflecting on the many things that you are capable of doing, is there anything that you would like to do to strengthen Kenya?
- ▶ Is there an Amani Club in your school? If not, speak to your teacher and fellow students about setting one up. If there is already an Amani Club, what activities would you like it to engage in?







## **A place for your thoughts and feelings**

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These pages are for you to write down your thoughts and feelings about what you are reading in this booklet and discussing with other people. When you read, learn, or talk about difficult and sad stories, it often helps to write or draw pictures about how you are feeling. Sometimes this can be easier than talking about what you are feeling. These pages are here for you to use in any way that you would like.



## Glossary

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**Civic:** relating to the duties or activities of people in relationship to their communities, towns, and country, and their roles as citizens.

**Colonialism:** the expansion of a country beyond its borders to control the government and exploit the resources of another territory.

**Constitution:** a document that creates the most important laws that organise the political life of a country. It usually states its form of government and the rights of its citizens.

**Corruption:** the use of a position of power to illegally collect things for personal gain.

**Crimes against humanity:** certain crimes that are so serious that the world has agreed that they constitute an offence to all human beings. Those that cause them must be held accountable—regardless of where they are in the world. These crimes include things like systematically using children for military purposes, or torturing people.

**Democracy:** a political system for choosing and replacing leaders through free and fair elections. This includes a system in which the laws and protections of rights apply equally to all, and where the active participation of the people in the civic life of the country is essential.

**Dictatorship:** a form of government in which a person who has not been elected by the people is the leader.

**Ethnicity:** a group that has common cultural, linguistic, religious, and other traditions.

**Elite:** a group of people that is considered (by others or themselves) to be most privileged in a particular society, especially because of their power, talent, or wealth.

**Genocide:** the deliberate attempt to destroy a racial, political, or cultural group.

**Human rights:** a collection of rights that are internationally recognised as belonging to all human beings—for the simple fact that they are human beings. Examples include that all people have the right to life, to education, and to freedom of thought and religion.

**Impunity:** when someone commits a wrong, but is not punished for it.

**International community:** the whole group of governments and intergovernmental groups, like the United Nations, in the world.

**One-party state:** a country that is ruled by only one political party that dominates the political system and does not allow any political competition. Usually, the leaders in a one-party state use different forms of repression to keep that political party and group of leaders in power.

**Political co-option:** to appoint someone to a position of power, or give that person membership in a power structure, to ensure that he or she becomes loyal to the group or movement that gave him or her that position.

**Reconciliation:** an effort to bring communities together after conflict; to overcome division caused by inequality and/or suppression of rights; a process that provides people with the opportunity to restore relationships, find common ground with other groups, and have the ability to live and work together in peace; restoring rights across groups and finding ways—on an individual, community or national level—to come to terms with the past and with other groups of people after conflict.

**Referendum:** a special type of election in which the people are asked to vote on a single issue that is of special importance for the political life of the country.

**Reparations:** the act of making up for a wrong that has been committed. Reparation is provided to recognise that someone has had their most basic rights violated, or that they have been harmed in an unjust manner. Such recognition can be done symbolically, by publicly recognising the wrong caused (through an apology or building a memorial, for example) or materially, by providing services to overcome the harm caused or giving money to the victim to make up for the wrong caused. Ideally, reparations should combine symbolic and material elements.


**Repression:** when people use force and violence to dominate or subdue other people.

**Responsibility to Protect (R2P):** in 2005, at the United Nations World Summit, a large group of world leaders decided to do something to address previous failures to adequately respond to the commission of the worst crimes possible, such as the 1994 genocide in Rwanda. These leaders made a commitment to protect populations from genocide, war crimes, and crimes against humanity. They called this global commitment the “Responsibility to Protect.” There are three main parts to the Responsibility to Protect:

1. Every country has the primary responsibility for protecting its own population from genocide, war crimes, ethnic cleansing, and crimes against humanity.
2. The international community has a responsibility to help countries fulfil their responsibility to protect their populations from these crimes.
3. The international community should use diplomatic and peaceful means to protect populations from these crimes. However, if a country fails to protect its own population—or is in fact committing crimes against its own population, the international community must be prepared to take stronger measures, including using force (through the UN Security Council), to protect that population.

**Stereotype:** to make generalisations about an individual or a group based on unfair, incorrect, and/or simplified assumptions.





**Tribalism:** loyalty to a tribe or other social group—especially when combined with strong negative feelings for people outside of that group.

**United Nations:** an international organisation of which nearly every country in the world is a member. It was formed in 1945 at the end of the Second World War to promote peace, security, and cooperation among all the different countries of the world.

**United States Civil Rights Movement:** a series of social movements that were particularly active in the United States between 1955 and 1968. Their main goal was to end racial discrimination against African-Americans and guarantee that they could enjoy their constitutional right to equality, including the right to vote.



## Teaching Activities

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The following pages contain three activities that will help teachers to create opportunities for students to reflect, share, and discuss the history described in this booklet. There are many ways in which young people can engage with this history. These are just three teaching strategies that could be useful to engage the entire class, and combine personal reflection and writing with discussion and sharing.

### Teaching Activity One: Think-Pair-Share

This discussion technique gives students the opportunity to thoughtfully respond to questions in written form, and to engage in meaningful discussions with each other about the issues and stories that are contained in this booklet.

Asking students to write down ideas and then discuss with a partner before sharing with the rest of the class gives them more time to compose their ideas. It also gives quieter students who do not normally share with the whole class an opportunity to express their feelings and opinions with another person first. Below is an example of how to use the Think-Pair-Share methodology with this booklet.

#### Step 1 – Think

- ▶ After reading a particular extract or testimony from the book, ask students to reflect on what they read. This can be done through general questions such as: *What is this person telling us? How do you feel about what you have just read? Why do you feel this way?* You could also use more specific questions that you want the students to focus upon.
- ▶ Without discussing with anyone else, the students answer the questions posed by writing their responses down.

#### Step 2 – Pair

- ▶ The students then pair up with another student and share what they wrote. They first read their responses to each other, and then explain why they wrote what they did.

#### Step 3 – Share

- ▶ Bring the class back together by asking the students to finish their discussions.
- ▶ Ask each pair of students to report back to the class about their conversations. Alternatively, you can invite individual students to share what their partners said.
- ▶ By the end of the activity, you will have ensured that every student received the opportunity to reflect and then share his or her responses aloud with someone else—even if not everyone had time to share with the larger group.

### Teaching Activity Two: Talking threes

#### Step 1

- ▶ After reading an extract, testimony or completing a section of the booklet, ask students to reflect on a question that you feel is important to the content and issues covered. For example,



you could ask, “What are two events in this history that you feel are very important?” Or you can simply ask students to spend some time writing down what they are thinking and feeling, and why, after reading a testimony or section.

- ▶ This step is undertaken alone by each student.

### Step 2

- ▶ Have the students form groups of three.

### Step 3

- ▶ Ask the students to each share ONE thing from their reflection or answers to the questions you posed. They move from one student to the next without discussion.
- ▶ They each share and then listen to the contributions of the other students.

### Step 4

- ▶ Once all three group members have shared one thing, ask them to now go around the group responding to ONE thing that another group member shared. They can only respond to something someone else said.

### Step 5

- ▶ Once all three students have responded to one thing, ask them to now go around the group sharing ONE final thing. This can be a response to something said by another group member, something else from their own reflections, or a point of clarity.

### Step 6

- ▶ Give the groups a few minutes for free discussion—with no structure as to what or how they should share.
- ▶ At the end of this activity, each group member will have shared, listened, and responded—important ingredients for a valuable discussion.

## Teaching Activity Three: Taking a stand

This activity allows students to share their opinions by lining up along a continuum to represent their point of view. It is especially useful when trying to discuss an issue for which participants have a wide range of opinions.

### Step 1

- ▶ Identify a space in the classroom where students can create a line or a U-shape.
- ▶ Place one “Strongly Agree” sign at the start and one “Strongly Disagree” sign at the end of where the line or U-shape will form.

### Step 2

- ▶ Read a statement to the students. For example, you could read a recommendation made by the TJRC and ask students whether that recommendation could improve Kenya.
- ▶ Give students a few minutes to reflect on whether they agree or disagree with a particular statement.



### Step 3

- ▶ Ask students to stand at the spot in the line or U-shape that represents their opinion—reminding them that if they stand at either end of the line they either completely agree or disagree with the statement.
- ▶ They may also stand anywhere in between the two extremes, depending on how much they agree or disagree with the statement.

### Step 4

- ▶ Once students have lined themselves up, ask them to explain why they have chosen to stand where they are standing.
- ▶ Encourage them to refer to evidence and examples when defending their decision.
- ▶ After about three or four explanations have been heard (from various points along the continuum), ask if anyone would like to change his or her decision and move to somewhere else on the line or U-shape.
- ▶ Encourage students to keep an open mind; they are allowed to move if someone presents an argument that changes where they want to stand in the line. Run the activity until you feel most or all voices have been heard, making sure that no single person dominates.

### Step 5

- ▶ To debrief after this exercise, ask students to reflect in their journals or books about how the activity changed or reinforced their original opinion. Alternatively, as an entire group, you could write down the main arguments for and against the statement on the board.



## Resources

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The TJRC partnered with, and received assistance from, a number of children's rights organisations and bodies. These organisations included:

**African Network for the Prevention and Protection against Child Abuse and Neglect**

**(ANPPCAN):** a network of organisations from all over Africa that works to protect children and their rights. ANPPCAN has an office in Nairobi at Komo Lane, off Wood Avenue, P.O. Box 1768, Code 00200, City Square, Nairobi, Kenya. They have several telephone numbers: 020 2140010 / 2140011 / 2140013 / 3873990 / 3861086. Email: regional@anppcan.org

**Child Welfare Society of Kenya (CWSK):** a state corporation for the care, protection, and welfare

of children. It incorporates the National Adoption Society for Kenya and the National Emergency Response, Welfare and Rescue Organisation for children. CWSK works to provide services to marginalised children across all social sectors, including rapid response and rescue of separated children; HIV/AIDS; adoption; foster care for orphans and other vulnerable children; child labour; street children; twelve places of safety (rescue shelters); vocational skills training; child rights and community empowerment; early childhood education; and primary, secondary, and university education sponsorship. Telephone: 020 6003 301 or 020 6006 391. Website: <http://childwelfaresocietykenya.org>

**Childline:** an organisation that works to protect children's rights. Childline operates the **National Child Helpline 116**, a 24-hour, toll-free telephone and web-based helpline for children. The easiest way for children to contact the helpline is to dial 116 from any mobile or landline phone. Calls are always free of charge for the caller. Alternatively, a child can email **116@childlinekenya.co.ke** with his or her questions or concerns, and a counsellor will email the child back, or go online to <http://www.childlinekenya.co.ke/> to chat in real time with an online counsellor. The counsellors will listen to any questions or concerns regarding children's welfare, including physical, sexual and emotional abuse; child maintenance; neglect; relationships with partners, parents, friends, and family; child custody; school-related problems; medical problems and access to healthcare; or legal issues.

**CRADLE:** an organisation that works to advance children's rights in Kenya. It has a program that works to facilitate access to justice for children that are under duress, and provides psycho-social support to children who have endured severe psychological stress. CRADLE has offices in Nairobi, Kisumu, Suba, Malindi, Mombasa, Kwale/Msambweni, and Lodwar/Turkana. Telephone: 020 3874575 or 020 3874576 (landline) and 734 798 199 or 722 201 875 (mobile). Email: [info@thecradle.or.ke](mailto:info@thecradle.or.ke). Website: <http://thecradle.or.ke>

**Kenya Alliance for Advancement of Children (KAACR):** a national umbrella body for NGOs to cooperate and exchange information on children's rights in Kenya. It has a membership of over 100 children's agencies and organisations all over Kenya. Telephone: 020 4450256/7 or 020 4450092. Email: [kaacr@kaacr.com](mailto:kaacr@kaacr.com) Website: [www.kaacr.com](http://www.kaacr.com)







TRUTH IS ...

JUSTICE  
MEANS ...

Based on the TJRC process, this booklet discusses Kenya's recent history, from when it became an independent country in 1963 until the eruption of violence after the 2007 elections. Its aim is to help young people to better understand current challenges as they explore and reflect on Kenya's past. By doing this, we hope this booklet can encourage a culture of peace and democratic citizenship among young people in Kenya. Democracy is a process that continually evolves, shaped by the choices and actions of individual citizens. It is important for young people to see that they have a role to play in supporting that process. Democracy is not a static product, but rather a goal that young people must continually strive towards and work to support.

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