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## **New law legalizes polygamy**

By Faith Karimi and Lillian Leposo

CNN (01.05.2014) / <http://edition.cnn.com/2014/05/01/world/africa/kenya-polygamy-law/index.html?iref=allsearch> - A new law that went into effect in Kenya this week makes it legal for a man to marry as many women as he wants. And a leading women's group is applauding it.

President Uhuru Kenyatta signed the polygamy measure into law Tuesday, formally recognizing what has long been a cultural practice in the nation.

Parliament passed the bill in March despite protests from female lawmakers who angrily stormed out of the late-night session at the time.

The bill initially allowed the first wife the right to veto the husband's choice of additional spouses. Male members of parliament successfully pushed to get that clause dropped.

"We are happy with the law because finally all marriages are being treated equally." Christine Ochieng, executive director of Federation of Women Lawyers

"Marriage is the voluntary union of a man and a woman whether in a monogamous or polygamous union," [Kenyatta said in a statement](#). "The Marriage Act 2014 defines various types of marriages including monogamous, polygamous, customary, Christian, Islamic and Hindu marriages."

### ***No limit on number of wives***

The law legalizes polygamous unions, but does not provide an official limit on the number of wives a man can have.

The Federation of Women Lawyers, a powerful women's rights group, applauded aspects of the bill and criticized others.

Polygamy already is a common fixture among many cultures in Kenya and in some other African countries.

The bill, the group said, is long overdue because polygamous unions were previously not regarded as equal to regular marriages.

"All marriages will be issued with marriage certificates, including customary marriages. Before this, customary marriages were treated as inferior with no marriage certificates. This opened up suffering for the women because they could not legally prove they were married to a particular man. "

### ***First wife has no say***

However, she said, the first wife should have a say in picking her husband's co-wives.

"What we are not happy about is that now a man can marry another wife or wives without the consent of the first wife," she said. "That section of the law is potentially open to abuse because a man can secretly marry other wives because he doesn't need his wife's consent to marry."

But Jane Kimani, a Nairobi resident, said the bill is archaic and has no place in modern society.

"Polygamous marriages should not even be an issue today," she said. "Kenya is moving backward instead of changing with the times."

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## **Kenyan polygamy law: Female MPs storm out of parliament**

### ***Female MPs in Kenya have stormed out of a late-night parliamentary session in a row over the legalisation of polygamy.***

BBC news (21.03.2014) - The law is intended to bring civil law, where a man is only allowed one wife, into line with customary law, where some cultures allow multiple partners.

But male MPs voted to amend the new marriage bill to allow men to take as many wives as they like without consulting existing spouses.

Traditionally, first wives are supposed to give prior approval.

Correspondents say about 30 of Kenya's 69 female MPs were in the 349-member chamber for the debate but were outnumbered by their male counterparts.

The women walked out in disgust over the matter.

The marriage bill now passes to the president to sign before it becomes law.

### ***'This is Africa'***

MP Samuel Chepkong'a, who proposed the amendment, said that when a woman got married under customary law, she understood that the marriage was open to polygamy, so no consultation was necessary, Kenya's Daily Nation newspaper reports.

Mohammed Junet, an MP representing a constituency from the western Nyanza province, agreed.

"When you marry an African woman, she must know the second one is on the way and a third wife... this is Africa," Kenya's Capital News website quotes him as saying.

But female MPs argued that such a decision would affect the whole family, including the financial position of other spouses.

"It behoves you to be man enough to agree that your wife and family should know," Capital News quotes Soipan Tuya, the women's representative from Narok County, as saying.

The BBC's Angela Ngendo in the capital, Nairobi, says the new marriage legislation has been under discussion for several years and some initial proposals were scrapped at committee stages.

Plans to ban the payment of bride prices were dropped - although a person must be 18 to marry and this will apply to all cultures.

Proposals to ensure equal property and inheritance rights were also watered down - a woman will be entitled to 30% of matrimonial property after death or divorce.

Under current Kenyan law, a woman must prove her contribution to the couple's wealth.

There was also a proposal to recognise co-habiting couples, known in Kenya as "come-we-stay" relationships, after six months, but this too was dropped.

It would have allowed a woman to seek maintenance for herself and any children of the union had the man left.

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## **Kenya cleric Rogo death: Grenade kills Mombasa policeman**

BBC News (28.08.2012) - A grenade has been thrown at police in the Kenyan city of Mombasa, killing one officer and wounding 16, officials say.

Muslim youths have been involved in running battles with the police since Monday after the murder of radical preacher Aboud Rogo Mohammed.

Mr Rogo, who the US accused of backing Islamist fighters in Somalia, was killed in a drive-by shooting.

Kenya's Prime Minister Raila Odinga has appealed for calm, saying the country should avoid an "inter-religious war".

"Let's act with restraint as law enforcement agencies get to the root of the matter," he said.

"We urge Muslims and Christians not to fight."

### ***'Targeted assassination'***

One person was killed and churches were attacked in clashes on Monday.

A senior police intelligence officer in Mombasa, Benedict Kigen, announced the grenade attack.

"They have attacked our officers... Two people are dead, one of them is an officer, the other is a civilian," Reuters news agency quoted him as saying.

Sixteen policemen were also wounded in the attack, according to the Red Cross.

Earlier, Ben Lawrence of Human Rights Watch told the BBC that he saw running battles between the police and protesters.

"I saw at the end of the street... billowing smoke and running battles between police and rioters. It came towards us, down the side street where I was located. People shut up their shops and ran in the opposite direction," he said.

"There's been shops set on fire, looting, police trying to control the situation with tear gas but so far apparently failing."

Hotel owners said the violence had badly affected Mombasa's tourism industry, the backbone of the city's economy, Reuters added.

"It's tricky to even take them [tourists] or pick them from the airport because the main highway from the airport is the epicentre of the chaos," said Mohammed Hersi, who runs the Whitesands Hotel.

Somalia's militant Islamist group al-Shabab condemned Mr Rogo's killing and said Muslims in Kenya should boycott next year's presidential election.

"Muslims must take the matter into their own hands, stand united against the Kuffar [non-Muslims] and take all necessary measures to protect their religion, their honour, their property and their lives from the enemies of Islam," it said in a statement.

However, police spokesman Charles Owino said al-Shabab killed the cleric in an attempt "to galvanise support among the youth", the AFP news agency reports.

"Rogo's murder was a well-planned attack by members of al-Shabab to gain sympathisers.... the al-Shabab have failed to get followers," he said.

Some of the rioters accused the authorities of being behind Mr Rogo's shooting, saying he had been the victim of a "targeted assassination".

### ***'Ideological leader'***

Muslim leaders have denounced the violence, but many people are questioning how Mr Rogo could have been shot dead in broad daylight without anyone being arrested, says the BBC's Kevin Mwachiro in Mombasa.

Christians are also questioning why churches have been attacked, he adds.

Church leaders cancelled plans to hold a peaceful protest march on Tuesday for fear that it could trigger more violence, Reuters reports.

Mombasa, Kenya's second biggest city, has a majority Muslim population.

Kenya's Muslim Human Rights Forum said Mr Rogo was the second cleric on a "terrorism watch list" to be killed in Mombasa this year.

In April, preacher Samir Hashim Khan was abducted along with a blind colleague, Mohamed Bekhit Kassim, it said.

Mr Khan's mutilated body was later found in a national park near Mombasa, while Mr Kassim's whereabouts are still unknown, the rights group added.

Mr Rogo was on US and UN sanction lists for allegedly supporting al-Shabab, which is affiliated to al-Qaeda.

The UN Security Council imposed a travel ban and asset freeze on him in July, saying he had provided "financial, material, logistical or technical support to al-Shabab".

It accused him of being the "main ideological leader" of Kenya's al-Hijra group, also known as the Muslim Youth Centre, which is viewed as a close ally of al-Shabab.

He had "used the extremist group as a pathway for radicalisation and recruitment of principally Swahili-speaking Africans for carrying out violent militant activity in Somalia," the UN added.

In 2005, Mr Rogo was cleared on murder charges over the 2002 attack on a hotel where Israeli tourists were staying, which killed 12 people.

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## **Fears rise for abducted aid workers taken to Somalia**

Fox News (30.06.2012) - Kenyan police and military forces on Saturday pursued Somali attackers and their four foreign hostages taken from a refugee camp a day earlier, but a police commander said it was possible the group had crossed into Somalia.

The commander, Philip Ndolo, also said that a security escort had originally been arranged to accompany a high-ranking delegation from the Norwegian Refugee Council, but that the aid group decided at the last minute to travel through the Dadaab refugee camp without an armed escort.

Norwegian Refugee Council Secretary General Elisabeth Rasmusson was present during Friday's attack but was not harmed or taken.

Rasmusson said Friday that the attack happened on a main road toward the city of Dadaab in "what is recognized as the safe part of the camp." She said four men with pistols carried out the attack against the two vehicles. The attackers only took one of the vehicles.

After an attack on a Doctors Without Borders convoy last year in which two Spanish women were abducted, some aid groups began using security escorts in Dadaab, a series

of sprawling camps connected by sandy roads. But the Norwegian Refugee Council did not have guards on Friday.

"They had arranged the previous day (Thursday) with the understanding they would get some security officers in the morning, but for some reason they decided not to take the security officers," Ndolo said.

A Norwegian Refugee Council spokesman in Norway, Rolf Vestvik, said a risk analysis was carried out before Friday's movements through Dadaab and it was decided that it was safe for the convoy to travel.

"We wouldn't have carried out such travel if it wasn't seen as being safe," he said. "But in a situation like that there is always a risk factor and we do everything we can to minimize the risk to our staff. But if you are going to operate in areas where there are refugees you are operating in areas where there is certain risk."

Ndolo said that security officials are pursuing the attackers in an area with no mobile phone coverage, so he is waiting for an update. But, he said, it's possible the group has crossed the border.

"The vehicle was abandoned not so many kilometers from the border, so there is the possibility that if they decided to walk, with an eight hours' walk they would have been at the border, and if they made a connection with other militias they could have been picked up in a vehicle there. That is our worry," he said.

The Norwegian Refugee Council is not identifying the nationalities of the four kidnapped workers. But a security official familiar with the case said that two are from Canada, one from the Philippines and one from Norway. One of the Canadian passport holders is of Pakistani origin, the security official said.

Militants have penetrated Dadaab several times over the last year. Last October gunmen kidnapped the two Spanish women from Doctors Without Borders. The two are still being held, most likely in Somalia. Several roadside bombs, most of which targeted police, have also exploded in the camp over the last year.

A spate of cross-border attacks last year, including around the resort town of Lamu, is the reason Kenya gave publicly for their military push into Somalia last October to target Islamist militants from the group al-Shabab.

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## **Canadian aid worker kidnapped in deadly ambush at Kenya refugee camp**

The Star (29.06.2012) - Just weeks after Kenyan forces increased their presence in the sprawling Dadaab refugee camp near Somalia's border, gunmen struck again, abducting a Canadian and three other aid workers and killing a Kenyan driver.

Suspicion for Friday's attack fell immediately to Al Shabab, the Somalia-based group that merged with Al Qaeda earlier this year.

Kenyan forces, along with Ethiopian, Ugandan and Burundian troops, have pushed the Shabab out of parts of central and southern Somalia and are moving closer to the group's stronghold in the port city of Kismayo.

"The more we're continuing our advance, the more (Shabab) fighters are coming into the camps undercover," Dadaab District Commissioner Albert Kimathi told the Toronto Star.

But the Shabab has not yet claimed responsibility for the attack and a spokesperson for the group denied any knowledge of the abductions in an interview with Reuters.

The Friday-morning assault took place as a high-level Norwegian Refugee Council delegation was preparing to tour the camps. The secretary general and country director for the non-profit refugee aid group, Elisabeth Rasmusson and Hassan Khaire, were there at the time but escaped harm. Reached by phone Friday, Khaire said he was unable to comment.

One of the group's drivers, identified in local reports as Kenyan Abdi Ali, was shot and died of his wounds. Two other Kenyans were hurt and later airlifted to Nairobi for treatment.

After killing the driver, the gunmen escaped with the hostages, three of whom were also wounded, a Norwegian Refugee Council (NRC) spokesman said.

"Among the three are serious injuries," Rolf Vestvik told reporters in Oslo. "We are talking about gunshot wounds."

But Vestvik would not confirm the identities or nationalities of the hostages who reportedly hailed from Canada, Norway, the Philippines and Pakistan.

Ottawa confirmed to the Canadian Press that one of the hostages was Canadian but would not comment on the case.

"Our consular officials in Kenya and Canada are in touch with local authorities and our partners to learn more about the situation," said John Babcock, spokesman for junior foreign affairs minister Diane Ablonczy.

Kimathi told the Star that the stolen vehicle was later found 30 kilometres from Somalia's border, and judging by the tracks around the vehicle, he believes the gunmen escaped with the hostages on foot.

For four hours, two Kenyan helicopters circled the region and a massive manhunt was launched. With no sign of the group by dark, some feared the kidnapers had managed to slip into Somalia through the notoriously porous border.

The brazen nature of the abduction raised concerns about continued international support at Dadaab, where more than 460,000 Somali refugees now live.

Security had already been dramatically increased and much of the foreign staff pulled after the October abduction of two Médecins Sans Frontières (Doctors Without Borders) employees. The whereabouts of Spaniards Montserrat Serra and Blanca Thiebaut are unknown.

MSF Toronto nurse Geoffrey Koontz, who has been stationed in Dadaab since December, told Embassy Magazine last month that "security is very much at the forefront of our daily lives."

He described being unable to even walk the 200 metres between his compound and the hospital. Koontz, who is scheduled to return at the end of July, says it will be a bittersweet departure.

"On the one hand, I'm looking forward to going back to Canada and being able to go for a walk at night," he told the magazine. "On the other hand, too, there's some real need here. People die from things they shouldn't be dying of."

Kenya has feared a large-scale attack by the Shabab since launching a surprise offensive called Operation Linda Nchi ("Protect the Country") in October. Thousands of troops were deployed into southern Somalia to combat the Shabab following the high-profile abductions of foreigners, which greatly damaged Kenya's tourism industry.

In February, they joined the African Union forces, which have propped up Somalia's fragile Transitional Federal Government.

There have been a series of smaller grenade attacks in Nairobi and Mombasa and a May explosion in a downtown market here that together have killed at least 15 people. An improvised explosive device killed a Kenyan police officer and injured three others near the Dadaab camp in May.

Kimathi said the flow of refugees into Kenya has increased with the fighting in southern Somalia, which makes it difficult to weed out any fleeing Shabab members. Following Friday's abductions, he said Kenyan forces will "intensify the crackdown."

That has some worried.

A Human Rights Watch report released in May, based on research conducted from November to March, found that Kenyan police and soldiers had arbitrarily arrested and mistreated Kenyan citizens and Somali refugees in the name of fighting the Shabab.

The report, based on interviews with victims of abuse that ranged from beatings to rape, included 20 accounts from Somali refugees in the Dadaab camp.

Dadaab has been in existence since 1991, when Somalia's government collapsed.

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## **Female genital mutilation – young woman's painful memories, & advocacy against FGM**

By Kezia Bianca

YWCA of Kenya (23.05.2012) - My name is Keziah Bianca, I am 22 years old and work at the YWCA of Kenya – Kisii branch. Kisii is a place renowned for practicing female genital mutilation and as a girl who grew up here, I was not an exception. I cannot blame my family for making me go through this inhuman act, as the society dictates it. In my culture it was considered unclean for a girl not to go through the practice.

The reason why I am writing this is to say to the girls who faced female genital mutilation like me, to still trust in life and a brighter future. It doesn't matter what happened, or how your past has been, you can still have a future if you stand up and let your voice be heard. Talk about how you feel and also protect the young girls who may be facing the wrath of the knife as you and I did.

Allow me to take you through my personal experiences of Female genital mutilation (FGM) as I am a survivor of a clitoridectomy.

My community practices FGM type one which is partial or total removal of the clitoris, because they believe that the clitoris is unclean as it makes one sexually active. I strongly oppose this and believe that refraining from sexual relations before marriage is all about one's attitude and values and it does not have anything to do with the removal of the clitoris.

I remember 7 years ago as if it was yesterday. The scar still remains fresh in me. I really didn't want to go through FGM, but because in my village all the girls of my age set had gone through it, I didn't have any option but to follow the community traditions and it's the community that dictates, not you. It was on the 7<sup>th</sup> December 1997 when all this happened to me. It was 5 in the morning when I heard some women talking outside our house. I didn't know that they had come for me, to create a scar of a lifetime. Innocently like a sheep to be taken to a slaughter house, one woman came and told me that I should wake up as it was my day to become a woman. I didn't believe my ears but because she insisted, I woke up. I felt some kind of fear and felt like my whole body had frozen. She took me outside where women were singing songs and ululating. By that time my mother was nowhere to be seen, at least to see the state I was in and to help me. All I wanted at that particular point was to see her so that she could see the pain in my eyes and tell them to let me be. But I think she could not have helped me because she thought that it was a rite of passage that I should go through.

According to my community during this fateful day, your mother is not supposed to be present as they believe you will cry and call her for help and as a woman who bears the pain of giving birth, a mother can't stand to see the pain that you are going through. Together with me in that group there was my friend, I could see in her eyes too the fear she had but we could not help each other as we were so young and were not given a chance to say NO. They sang songs while taking us behind our house and we were made to sit on a very cold stone. Because of the fear, I refused to be the first to sit so I stood there staring at the stone, and it was such a cold morning. My friend was made to sit first and I watched her go through the cut and this is one thing that is still fresh in my mind. Then after my friend it was my turn, they took a piece of cloth, tied it around my eyes and held my head back and then they gave me another piece which they put in my mouth so that I could bite it during the whole process to ease the pain. Two women held my legs and hands so tight that I could not move. Still from the background I could hear the women singing and I felt that they were celebrating my pain, but the real reason for the songs was to diffuse the cries so that nobody can hear me crying. Then I felt a very sharp pain between my legs. This was a turning point in my life. The pain I felt can't be described; thinking of it brings cold shivers inside me. I was circumcised, I felt incomplete and completely out of control. I could not control the tears from my eyes as they spoke the magnitude of the pain that I was feeling. After that I was taken in a house where I sat in a room crying and cursed. The pain I was going through was unbearable. At the back of my mind so many questions were going through my head: what will happen after this? Will this pain ever leave my life? Will I be able to walk again in my life? So many questions crossed my mind. I was made to stay in that room for three weeks and was not allowed to shower for the entire three weeks. It was also not good for me to be seen as they believed that I would heal faster if nobody saw me, especially a man, except the special woman who was taking care of us. My life took a complete turn, I felt wasted and hopeless – the rest is history.

Because of the pain and agony I went through, it made me take the resolution to stand up and fight for the rights of the girl child. I believe that if by the time I underwent FGM, I had known its dangers I could not have gone through with it. That's why I resolved to join the YWCA of Kenya and advocate for the rights of girls and young women and give them a future minus regrets, a future where they can stand up for their rights and the rights of others. A future where they can say No and be heard by society.

At the YWCA of Kenya – Kisii branch, we have this programme where we train young girls from the age of 10 and above on alternative rights of passage, how to say NO to FGM and also on their rights as girls and young women. At the end of the training they graduate and are awarded with a certificate to show that they have gone through a stage of their life that qualifies them as circumcised but still gives them a chance to continue their education. We also train parents and circumcisers on the effects of FGM and what the law says about circumcising girls. The circumcisers are also taken through business skills training and ways of starting alternative income generating activities, as most of them claim that it's only through circumcising girls that they feed their families. I can say that as an organisation we have played an important role in educating the community and the practice has drastically reduced, there are now minimal cases reported. We also have youth programmes where we empower them with information on their sexuality and how they can make a change in their communities.

FGM is an inhuman act which affects a girl's biological make-up. As a girl I strongly believe that I have the responsibility to protect young girls from this act. To end these harmful practices and advance more equitable social norms, programmes and schools should address the issue early in the life of girls in order to alter the cultural expectations. Women and men should be made aware of the fact that living free of violence is a basic human right. Also, well-meaning parents who view FGM as a way to prepare daughters for marriage should change their behaviour and recognize that the practice is a violation of the rights of girls.

As a girl who went through FGM, I believe that there is a future for me and I have a purpose in life. My advice to all girls who experienced FGM is that there is still light at the end of the tunnel. Life has to go on. Our society believes that once you have gone through FGM you are ready for marriage, but it all depends on your priorities and what you want from life. You can still bury your traditions and walk with your head up high. When I was circumcised I was only 15, I had a dream of educating my community on the dangers of FGM, and I wanted to be an example by telling them how it feels when you abuse the rights of the girl child. Let us come out openly and be ready to stand up for the rights of the girl child. It takes efforts to tell the world that FGM is outdated and outlawed. I am still accomplishing my dream and I can't stop until FGM becomes history in our community.

Through the YWCA of Kenya, I was given an opportunity to be part of a youth exchange programme called Communication for Change (CFC). My new job in Norway allowed me to learn that you can make the change that you want to see in the world despite your background, your culture or your past. Before I joined this exchange programme, I still had faith that I could fight FGM on the community level without being ashamed to use my story as an example of the injustices that the girl child goes through. As a girl who went through FGM, don't sit back fearing what the world will think about you now that you are circumcised. Stand up! Make your voice heard and help other young girls out there. It is my hope that this story will give you hope and convince you that you must still give a lot to the world to make a change.

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