



SIDE by SIDE Faith Movement for Gender Justice, Kenya Chapter: The Vision Team for Gender Justice in Kenya

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Introduction

This paper highlights the history of Side by Side, the current challenges hindering gender justice in Kenya, and the future prospects of the gender justice movement in Kenya. Although this paper takes a more Christian approach of gender justice than any other faiths, it uses the term faith leaders to match the name of the movement as well as to denote the fact that this movement is meant not only for Christians, as the present Kenyan members composition may seem to imply, but rather for all people of faith. At the same time, resources that are used in this paper to show the need for gender justice and ways to achieve it in Kenya, include the Christian Bible, as well the constitution of Kenya among other national surveys and documents of concern. The combination of such documents including others that are not necessarily faith based, is to not only denote the strides made to reclaim gender justice, gender balance, and gender equity in Kenya, but also to highlight the challenges and barriers to gender justice noted in Kenya.

History of Side by Side

On March 2015, several Faith Based Organizations, faith institutions, ecumenical networks, churches, mission agencies, development agencies and individuals held a consultative workshop in London, UK on matters relating to gender justice; an area most of these organizations and institutions have been dealing with for so long, but yet very little has been achieved.² Out of this workshop a movement was formed and given the name side by side to help consolidated all gender justice efforts and visions. The name was primarily to denote how to walk and work on gender justice beside each other as males and females, but we could further add walking and working together side by side as institutions and individuals, as Christians and non-Christians, as Eastern and Western Christians, as Global North and

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²<http://sidebysidegender.org>

Global South Faith leaders, among others. An international inception group was formed to help take the message of bringing together all gender justice stakeholders, as well as communicating and sharing their efforts and resources.

This vision was shared with regional faith leaders in various forums, and in Eastern Africa this happened on November 2015, when a regional symposium was held in Nairobi Kenya at the All Africa Conference of Churches headquarters. The Faith leaders present pledged to initiate the same in their respective countries, vouching to consolidate their efforts and create a unified voice for gender justice. The Kenyan Chapter was formed after this Eastern Africa Symposium and has since been working to bring religious leaders, and concerned organizations and individuals on the same table to work out a working formula for Kenya, on matters concerning gender justice. The Kenyan faith leaders present in the symposium decided to have a committee that would help bring in the other faith leaders that were not part of that Eastern Africa symposium, where Mrs Margaret Mwaniki of Caritas Africa and Fr Evangelos Thiani of the Orthodox Church were appointed as co-chairs.

Kenyan Chapter General Characteristics:

In the spirit of continuance of the original form and agenda of side by side, the Kenyan chapter has adopted several of the global side-by-side general characteristics and where necessary added what is important for the Kenyan context.

Pledge: We believe that gender justice can be achieved if individuals and institutions of faith – at all levels and from all backgrounds - work together to transform relationships so that no harm is tolerated. And thus our call for all faiths to join hands to bring a bigger voice in the public arena, a voice that will make a greater impact by bringing our divided smaller voices together.

Goal: We endeavor to see a world where everybody; women and men, boys and girls are valued equally, and are able to share equitably in the distribution of power, knowledge and resources. We seek to see all people free from cultural and interpersonal systems of privilege and oppression, and from violence and repression based on gender.

Prospects: We plan to work with all Faith leaders in Kenya and their gender offices in achieving more in the future. We are planning to initiate a common working formula at a workshop to be held before the end of this year (2016) and thereafter launch that working plan.

Personal Commitment: As an individual you are called to do all in your power to;

1. Encourage FBOs, Faith leaders, and people of faith to use their position to bring gender justice in our societies
2. Speak out when you see any gender related injustice, but with love and respect
3. Support all stakeholders of gender justice
4. Overcome all teachings, beliefs and actions that bring about gender inequalities
5. Recognize that all sexes were created with equal dignity and equal worth, and thus no privileged or inferior sex exists (Genesis mandate)

General Commitment: We commit to working together to achieve a Kenya in which;

1. No-one is excluded on the grounds of gender, whether in social, political, economic, religious and cultural circumstances

2. Women and men, boys and girls understand and promote gender justice and do not engage in behaviors or practices which condone, promote or model gender inequality
3. Sexual and Gender Based Violence is been eradicated and no longer tolerated under any circumstances
4. Women and Men, as well as girls and boys will have access to equal opportunities,including:
 - Education and skills
 - Health care rights
 - Land Rights
 - Employment with fair wages
 - Leadership roles and decision making
 - Control over market and resources

THE NEED FOR UNITY OF RELIGIOUS LEADERS ON GENDER JUSTICE

Like in any other domains, when people who have the same agenda are united they create a bigger impact and succeed more than when they are divided. Such disunity is what is been seen in many instances where faith based organizations as well as religious bodies have worked tirelessly and around the clock on their own on matters concerning gender justice, and even with all that effort very little is been realized. It is time for Kenya to unite all gender justice stakeholders to create one unified voice and platform that will offer better yield for all the work done seeking the same justice. The Kenyan gender justice stakeholders have so many reasons for coming together as people of faith including and not limited to,

1. Sharing experiences, resources, best practices and initiatives of gender justice to improve and transform each other and the approaches used on matters gender justice
2. Collect and disseminate data on issues pertaining and needing gender justice in the nation
3. Together integrate the biblical and/or theological approaches with relevant international treaties, regional and local legal mechanisms. Popularize laws that speak for the same gender justice we seek as faith leaders.
4. See how to bring a common voice on national gender issues including and not limited to
 - Coming together, lobbying, and influencing constitutional gender rules in this country
 - Working to see more women participating in leadership and decision making
5. Identifying common annual grassroots campaigns to inform and transform any and all cultural traditions, as well as national systems and structures that are oppressive and intolerable. For example, Female genital Mutilation (FGM) and Sexual and Gender Based Violence (SGBV), which are rampant in Kenya by using mechanisms like the international 16 days of activism against gender violence in November/December of every year
6. See that we involve more males in the gender movement, to eliminate the idea that this is a women only issue: just because women have more areas needing justice than men does not mean fighting the injustices against women is women only issue, rather it is and must be understood as an all inclusive national debate needing everyone on board, regardless of their sex
7. Build each other's capacity in the provision of safe places and communities of healing for those affected
8. Although we have to start with one's personal commitment, we should move beyond personal commitment into institutional commitment

WHY FAITH LEADERS

Side by Side has taken an approach of using faith leaders to seek gender justice for various reasons including and not limited to the following;

1. Faith leaders play a key role in shaping people's values, norms of acceptable behaviour, life roles and aspirations for 'a good life' in every form of human endeavour. Whatever faith leaders show as the best ways of living is taken by their followers and inculcated in their day-to-day life. Faith leaders command a very big crowd, which they meet every week if not sooner, thus if they want to influence the public on something, the platform to communicate that is easily accessible. It is for this reason that the Kenya chapter believes that "when faith leaders speak out against gender injustice, they 'give permission' and the moral authority for others including women and men, lay people and politicians, to do the same and thereby begin to change the long-standing and often entrenched social norms, which lie at the root of gender inequality."³

2. Faith leaders still remain as the most trusted and influential personalities in the world, in fact more than politicians: in Africa they have been ranked as the most popular leadership group.⁴ People of the Global South are also said to be very religious conscious in whatever they do, for religion dictates most of the choices they make in life.⁵ Faith leaders are thus best placed to speak on national or cultural oppressive norms, and thus contribute to the development of the many laws, policies, programmes and relationships that shape and govern the societies. A good example is how earlier this year, Kenyan faith leaders joined hands and influenced both the ruling party and the opposition to come together and resolve the issues surrounding the Independent Electoral and Boundaries Commission (IEBC), which were raising the national temperatures towards chaos.⁶ Before the faith leaders did this, different parts of the country had started experiencing chaos and not even the public offices nor security officers could calm the situation; both the government and opposition having vowed to continue their different paths of getting "justice". Faith leaders brought the political leaders of both divides together, mainly because these Kenyan politicians were persons of faith that could not ignore a call from their faith leaders. How much more then can faith leaders do in campaigning for gender justice.

3. Faith is inculcated in the life of people through education. As teachers of their faith, what the faith leaders tell their adherents is mainly not reject. If faith leaders are empowered to teach other ways that are useful to the society and in this case on gender justice, then the impact will even be greater. We have many laws in Kenya that stand for gender justice, but they are unknown to many, making the implementation of the same almost impossible. It is been proven that "no mater how good a law it is only in its implementation that its impact can be felt. As any judicial activists know, a law that cannot be enforced diminishes the status of that law. Impunity arises not simply because victims do not have access to justice, but because perpetrators get away with their crimes and at times are not even aware that they have done anything against the law."⁷ It is imperative that faith leaders know these laws so that they can use them as a resource for their search for gender justice.

³<http://sidebysidegender.org>

⁴2015 Global Leadership Index ranked Sub-Saharan Africa as the region with the greatest confidence in religious organizations; the BBC reported that ¾ of Africans trust their religious leaders most cf. <http://news.bbc.co.uk/2/hi/africa/4246754.stm>

⁵cf. Kurt Alan Ver Beek "Spirituality, a Development Taboo" in *Development in Practice*, Vol.10, No.1, Feb 2000.

⁶ cf. www.ncck.co.ke

⁷Tajudeen Abdul-Raheem, *Speaking Truth to Power: Selected Pan-African Postcards*, (Cape Town/ Dakar/ Nairobi/Oxford: Pambazuka Press, 2010), 2.

4. The Church remains as the prophetic voice of God to the people of God, while justice is at her core. She must therefore work to keep the joy brought by the God given gift of gender and dignity, and address oppression and injustices associated with gender in our societies. As the representatives of God on earth, faith leaders are best placed to portray and proclaim this core placement of the Church. God being a just God hates injustice even when it is done by His chosen leaders in any community, as He shows us when He says through Ezekiel His prophet, "...you have gone far enough, princes of Israel! Give up your violence and oppression and do what is just and right. Stop dispossessing my people, declares the sovereign Lord" (Ezekiel 45:9 NIV). Here God seeks to end an injustice on something He already awarded to His people, but now those in power are taking it away from the group He offered it to. This trend of taking what God has given to His people is something that must stop, especially when it comes to taking the freely God given dignity and equality of all human beings from a person because they are either male or female. Faith leaders have a responsibility like Prophet Ezekiel to continue relaying justice where it is due, for they are the prophetic voice of God today.

5. Faith leaders are everywhere in the Kenyan society from the grassroots to the national level. They have established themselves credibly in different communities and thus are aware of the challenges that exist on the ground and the right people to talk to, for successful endeavours in the gender justice campaign. In most instances the faith leaders are already doing something about gender justice, and so it is only to consolidate their existing efforts with those of other like minds and empowering them where necessary that is needed. The negative effects of gender injustices or the positive effects of gender justice are felt by the faiths from the grassroots to the national levels, and thus the faiths work to make sure their followers are not affected negatively. This does not only save time and resources, but also the fact that the faiths are grassroots based means, they will see to it that the community they serve is been fully transformed overtime.

ACTIVITIES AND THEMATIC AREAS OF THE KENYAN CHAPTER

The organizing committee of the Kenyan Chapter has held several forums as of December 2015 to try and strategize on the best approaches to bring every faith related organs on board, as well as come up with ways to handle the gender based injustices in Kenya. They resolved to handle such injustices not only using faith related resources but also resources and ways that the society can provide, knowing that the end product of justice is what they aim to achieve, and thus any resource that does not contradict their faiths is as useful as any faith-based one. The committee has since come up with several thematic areas that they think are vital to deal with within the Kenyan society, keeping in mind that each gender context is different.⁸ The thematic areas that they wish to work on are seven and are as follows:

1. Theological and/or Biblical reflections of gender justice and the role of faith leaders

Owing to the fact that most of these faith leaders are at the moment Christians, and the target communities being the 85% Christian population of Kenya, well grounded theological and biblical understanding will play a great role in sending the message of justice to the people as well as offer a continuous platform for the agenda of gender justice. Unfortunately, the reason why gender justice continues in some places in Kenya is because of wrong interpretation of scripture and unfounded theological underpinnings, which will definitely need fixing. Such misreading of scripture and misrepresentation of theology has to be amended into the right understanding of the male and female

⁸Cf. Emma Tomalin, *Gender, Faith, and Development* (Oxford: Oxfam GB, 2011), 9

human beings as set in the Genesis mandate, which reminds us that both male and female were created in the image of God with equal worth, dignity and mandate (Gen 1:27-28). It is important to note that due to the patriarchal societies that the scriptures grew out of, we have a lot of discrimination of the females and so the need for the right interpretation of the intended message of God.

“They read from the Book of the Law of God, making it clear and giving the meaning so that the people understood what was being read” (Nehemiah 8:8 NIV). Nehemiah as the leader of the restored Israel together with his team made sure that the scriptures were read to the people and at the same time their meaning elaborated till the people understood them. This was mainly because the Israelites who came to the gatherings had been in Babylon for too long and could not fully comprehend the original language of the Hebrew scriptures nor the social context they were written in. The right interpretation of scripture is of absolute importance to the Kenyan society as in any other, especially because the original language and social contexts the scriptures were written in are not of our times and neither was it Kenyan. It is this technical reason that mainly makes many Christian individuals interpret the scriptures wrongly, creating unjust societies, thinking they are telling the word of God as it should be when they are not. The faith leaders must first learn how to interpret the gender-concerned texts in the scriptures, and especially the commonly misinterpreted ones, so that they will instill the right understanding to their congregation like Nehemiah did.

The scriptures must also be used to show the biblical God as the God of Justice who sees the misery of His people and liberates them from any and all oppressive scenarios and bondage be they spiritual, physical, political, cultural, social, economic or otherwise. This we can see when God approaches Moses; whom He is prepared since birth, to help liberate His people Israel from their slavery in Egypt.

The Lord said, “I have indeed seen the misery of my people in Egypt. I have heard them crying out because of their slave drivers, and I am concerned about their suffering. So I have come down to rescue them from the hand of the Egyptians and to bring them up out of that land into a good and spacious land, a land flowing with milk and honey—the home of the Canaanites, Hittites, Amorites, Perizzites, Hivites and Jebusites. And now the cry of the Israelites has reached me, and I have seen the way the Egyptians are oppressing them. So now, go. I am sending you to Pharaoh to bring my people the Israelites out of Egypt. (Exodus 3:7-10 NIV)

It is this same call we want the faith leaders to hold onto when using the God inspired scripture and theology as revealed to the church along the centuries, to liberate the Kenyan society from the slavery of gender related injustices, transforming all Christian leaders and followers to read and interpret the scriptures as they were originally intended and to not use the name of God of Justice to bring injustice to anyone.

2. National values and principles of Governance as stipulated in Chapter 2- Article 10 of the Constitution

With the understanding that “human justice is always a response to God’s interventions”⁹ it is clear that even the justice found in the human laws and institutions has a beginning in God. It is therefore important to use whatever resources in human law and/or institutions that can help give justice to the oppressed, in this case those going through gender based injustices. The current Constitution of Kenya has a full article that enforces values and principles that are taken to be national, and how governing or governed bodies or individuals must adhere to them.

Among these principles in Article 10 is clause (2)(b), which demands for “human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized.”¹⁰ This law gives the Kenyan faith leaders a platform to share with the Kenyan population that it is illegal to discriminate anyone on gender basis and to participate in any activity that degrades anyone for reasons of their gender, whether they are your relatives or not. At the same time enforce that all are equal before God and in the law regardless of their sex, and that the law is there to protect anyone needing help in any way.

It is in this thematic area that issues like;

- (i) Rape which is rampant in the country and which our laws have very little on shall be discussed at length
- (ii) Women who were married or impregnated by men who left them with children that they cannot even manage to cater for shall be covered
- (iii) Adultery which is the lead cause of so many women dying out of HIV/AIDS and cervical cancer infections brought by their husbands shall be covered
- (iv) Early marriage shall be discussed at length and the best way forward sort

3. Women leadership realities in Kenya and implementation of the constitution

Since independence (1963), Kenya has had ten elections. In the first ten elections Kenya had seventy-five(75) women parliamentarians, fifty(50)of them were elected from their grassroots and twenty-five(25) of them were nominated to be in parliament. It was only in the eleventh election that took place in 2013 that there was a change on those numbers, mainly because this election was done after a new constitution was put in place in 2010, demanding male/female equity and more involvement of women in leadership and decision making positions. Thus in this eleventh election Kenya got eighty-six(86) women in parliament, in which sixty-three (63) were elected from the grassroots and twenty-three(23) were nominated. In these eighty-six women, eighteen(18) were nominated from their political parties to join the National Senate and the remaining sixty-eight (68) went to the National Assembly, whereby forty-seven (47) of them were elected as women representatives of the existing forty-seven (47) counties in Kenya: a position reserved only for women and so only women vied for it, sixteen(16) were

⁹ Karen Lebacqz, *Foundations for a Christian Approach to Justice: Justice in an Unjust World* (Minneapolis, MN: Augsburg Publishing House, 1987), 70

¹⁰ Constitution of Kenya, 2010 chapter 2, article 10.

elected from the grassroots in position vied also by male counterparts that lost to them, and five(5) were nominated from the major national political parties.

In short the only women who were rely elected in positions in 2013 without any help from the constitutional affirmative action were sixteen (16), making Kenya to have sixty-six (66) women who ever vied for positions that males could vie for, and where women candidates were preferred and elected instead of their male opponents. While this is still historical, it is amazing how few women parliamentarians were ever elected in the history of Kenya. This past election has made Kenya to move from the earlier 9.8% women in parliament to 19%, leaving their male counterparts with 81%. Even with such a big margin of disparity between the male and female parliamentarians in Kenyan, we are amazingly ranked 76th out of 100 countries in the world. This shows how women have not been involved and continues to not be involved in the making of major policies and laws of their own country. As disappointing as it sounds, Kenya made a great stride in her eleventh election. The only problem is that females in Kenya are at least over 50% of the population and so they are the ones that should be more in every place including parliament, but unfortunately while they can offer labour in their big numbers and contribute to other social economic and political arenas including voting, they are the list received in leadership and major policy making positions. This means that over-half of the team players are disadvantaged and cannot contribute on deciding how they who are the most, are to be governed.

Many would ask why this is a problem to the faith leaders. The simple answer is the faiths in Kenya have the largest numbers in the population, led by Christianity with slightly over 85% of the population, and followed by Islam with slightly over 11%. Even if people do not vote on the basis of the candidate's religion, such numbers could only suggest that the Christians are making most of the decisions to not elect women into leadership positions, unless it is the other way round that Christian women are not encouraged to vie for elective positions. In fact due to such tendencies of not electing women the Constitution of Kenya to this day still understand women (her largest population) as a part of the marginalized groups according to Chapter 8, Article 100(a). This then leaves the church with the responsibility of teaching her congregants on matters concerning women in leadership, eliminate in the people the discriminative mindset of women because they assume them to be weak and not able to lead, as well as work to encourage more women to vie for electoral positions.

It was this thematic area that made the Kenyan chapter to call for a workshop this past August 2016 at the National Council of Churches of Kenya head offices in Nairobi. In this first workshop for the Kenyan Chapter, resourcepersons were sort to educate the faith leaders on the two-third gender principal rule in Kenya as set in the Constitution of Kenya Chapter 7, Article 81(b), which stipulates, "Not more than two-thirds of the members of elective public bodies shall be of the same gender." And especially make it clear that

- a. Currently the National Assembly has 19.5% women, and is short of the two-third-gender rule by 13.8%, while the Senate has 26.9% of women also below the two third gender ratios.

- b. The Supreme Court in December 2012 ruled that this rule is progressive, creating a constitutional challenge.
- c. While the two-third rule is explicitly set in the County Assembly law in Chapter 7, Article 177, it is not clearly set in Chapter 8, Article 97 of the National Assembly and Chapter 8, Article 98 of the Senate. Thus women, youth and persons with disability among other minorities in the local governments are assured of their rightful positions in the County Assemblies but not in the National parliaments. There is therefore need to duplicate the local government law clause to those of the national parliaments to force these two house to enforce the gender balance rule.¹¹
- d. 27th August 2015 was supposed to be the deadline for a framework of the two-third-gender rule in Kenya, but the same was extended for one year making the non-extendable deadline to be 27th August 2016. This date has since expired and nothing is been put in place.
- e. Both parliaments, the political divides (opposition and government), and even male and female parliamentarians in the National Assembly and Senate deliberately failed the process of fixing this constitutional crisis, through failing the Nduare Bill in the National Assembly on May 2016 and the Sijeny Bill in the Senate on August 2016.

Led by the transformative biblical statement in Galatians, “There is neither Jew nor Greek, slave nor free, male nor female, for you are all equal in Christ” (Gal 3:16), the faith leaders of Kenya gathered in Nairobi on this agenda, reminded themselves that before the eyes of God, both male and female are equal, just as they were created (Gen 1:27-28) and therefore enforced that the two sexes are needed in the God given leadership and stewardship of their nation. They noted that once the leadership acknowledges the need for women to be in power, the peace that sometimes lacks in society, including in the families, communities, politics and governance, would be found. While they suggested several amendments of the law to bring equity of both males and females in politics, they agreed that they had roles to play in seeking for the same. Thus they pledged to undertake civic education through their religious forums to inculcate gender justice in the social psyche; encourage women to contest for elective and appointive positions in the country; help eliminate stigmatization of women in political parties and forums; and finally help mobilize their faith members in the participation of elections but also insist that they must avoid discriminating women in the process, teaching that women are as equal as the men in any context of leadership.¹²

4. Men engaging on issues of gender justice

It is been a known fact that men have not been involved in gender justice, mainly because there is a tendency to think of gender justice as a women only issue. But is this the truth? While unfortunately it isn't, the fact that women have been oppressed for so long cannot be hidden, especially in patriarchal societies like Kenya. This does not belittle the fact that there exist assorted male injustice cases, but this

¹¹ Cf. <http://fidakenya.org/dr7/?q=node/162>

¹² cf. Press statement on “Christian Church Leaders: Gender Justice is For Us All, Not Just Women,” released on 24th August 2016 at OI Lerai, Jumuia Place, Nairobi. Signed by the Kenya Conference of Catholic Bishops; the National Council of Churches of Kenya (representing most of the Kenyan Churches from the Orthodox Church families, Mainline Protestant Churches families, Evangelical churches families, Pentecostal churches families, and the African instituted churches families); Seventh Day Adventists; Evangelical Alliance of Kenya; and the Organization of African Instituted Churches.

is rare compared to existing injustices of the females. Women and women related organizations have tried their best in many forums to raise awareness that women exists and they are up to any task, just like men are in our societies, thus demanding for their rightful placement and treatment. In response to women queries on their due justice and spaces, the males in power in most instances either take it as a joke or as gender competition, and not its rightful consideration that fellow human beings are only asking for their rightful place in society. Women have therefore continuously been denied their rights even when such is imbedded in the religious scriptures and in the secular laws. The challenge in many cases is therefore not that laws or platforms to set gender justice do not exist, but rather the male leaders do not in most instances rightfully understand the issues raised; confusing them with male/female competition, or they have not give them the rightful response.

The call to liberate women from gender based injustices started as early as the 17th century Europe but the battle is not been worn even in the 21st century.¹³ Although internationally the call for the liberation of women started earlier than the call to end colonialism, colonialism has since ended, but women in some cases are still in almost similar positions as they were before such movements were started. The question would then be have women been hearing this call and when they hear it what has been their reactions? Unfortunately due to social norms imbedded in most societies in Africa, women have also been accused of being a big part of making the existing injustices on themselves to continue this far. Ayanga highlighting failures attributed to women in such areas says that, women do not show confidence in fellow women because they despise each other; most women still believe the place of women is below the men; women are in-charge of socializing young children at home and in most educational facilities but they still teach them that the females are weaker and are subject to the males instead of using the opportunity to teach equality of the girl and boy child.¹⁴

Men have not been involved much in bringing this equality, and thus the need for the same now for the nation to achieve the foreseen success such can bring to gender justice. Men being in most positions of power are therefore important in the propagation of gender justice. In most instances such men only get a fraction of what gender justice is about only because they see women coming to their offices seeking for the same justice. This is no way of informing the decision makers of the existing laws, and in most cases the people most accused of gender insensitivity and injustice, of their wrongs and the need to fix the same. The fact that so many Kenyan men still think gender justice is a women only issue is worrisome and the dire need for a strategy to eliminate that is visible. It is these very reasons that has made the Kenyan Chapter see the need to consciously inform and involve more men in gender justice. Past gender initiatives have been led mainly by women, it is this Chapter's desire to make it a national issue where both men and women participate in asking for gender justice, for the hurt is on both male and female, even when one of them is hurt by this or that injustice. We have an agenda to pick out male national figures and male community gatekeepers as our champions for gender justice in various forums around our country.

¹³ Cf. Hazel O Ayanga, "Liberation of the African Woman", in Mary N. Getui and Emmanuel A. Obeng (editors), *Theology of Reconstruction: Exploratory Essays*, 2nd edition (Nairobi: Acton Publishers, 2003), 91

¹⁴ Ayanga, 92-100

5. Socio-economic and political rights

International, regional and national treaties have called for socio-economic and political rights in all societies, unfortunately the message does not get to the grassroots as expected and so many socio-economic and political rights of women are trodden on. The government of Kenya has many laws including the ones noted in the thematic areas above, all seeking for a balanced society where women and men, girls and boys are treated equally and with due respect. The main law on equality in Kenya is in Article 23 and subsection (3), which stipulates that “women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.”¹⁵

Gender injustice is seen as an oppressive way that has affected so many areas of our day-to-day lives, including socio-economic activities, women health related aspects, detrimental cultural related practices like FGM and SGBV, all to be covered in this thematic area. It is important to highlight a few of these social and economic injustices that women in Kenya face, just to denote what women are going through in many parts of our country.

(i) Socio-Economic Injustice

Even though statistics prove that we have more females in countries like Kenya, it is common to see the males having better jobs and positions than the females.¹⁶ Women are mainly left in very low paying jobs and positions, in most cases the married ones are left at home by their male partners doing house chores that will contribute little directly to national development, and largely doing subsistence farming. This leaves out the largest workforce in Kenya out of nation building opportunities. The eradication of poverty in some instances yields little or does not happen because women are not involved more in the eradication of the same and it is them and their children that are affected more. If we are to follow after Christ who pronounced His ministry as one to preach to the poor, heal the brokenhearted, deliver the captured, liberate the bruised, and preaching to them all (Luke 4:18), then faith leaders must speak for gender justice which falls within this ministry of Christ of having a balanced society, where everyone is privy to education and skills, health care opportunities, land ownership, employment opportunities with fair wages, leadership roles and decision making, and control over the existing market and resources.

(ii) Female Genital Mutilation/Cutting

Female Genital Mutilation (FGM) / Female Genital Cutting (FGC), or the “partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons,”¹⁷ is been said to exist as early as over 2000 years ago within many world communities, and is still going on in 28 African countries.¹⁸ This is not only a historic issue, but also a current one making over 200 million girls and women alive today to have been cut within 30 countries in Africa, the Middle East and Asia where FGM is highly prevalent,¹⁹ among other regions where immigrants of such places live. Out

¹⁵ Constitution of Kenya, 2010.

¹⁶ Cf. Kenya Demographic and Health Survey (DHS) 2014

¹⁷ WHO, Female Genital Mutilation, www.who.int/mediacentre/factsheets/fs241/en/ accessed on 12 October 2016.

¹⁸ 28 Too Many, Kenya p.11

¹⁹ WHO, *ibid*.

of the women and girls who have gone through FGM/FGC, 125 million females were cut in Africa alone.²⁰ With FGM affecting over 3 million girls annually, it goes without saying that one (1) girl undergoes FGM every ten (10) seconds.²¹ Forty-four (44) million of these females are girls under the age of 14 years, owing to the fact that FGM is mainly done to young girls between infancy and fifteen (15) years.²² The Kenya 2014 Demographic Health Survey (DHS) estimated that Kenya has had 21% of her women and girls go through FGM at ages 15-49 years.²³ FGM in Kenya is done to girls during puberty that is between 12-18 years, but due to the laws against FGM and the girls refusing to undergo the same after being educated some communities are now preferring it to be done earlier in life where no one will detect nor object, for example among the Somali, Kisii and Borana the girls are cut at age 6-10 years, while the Taita perform FGM on infants.²⁴ According to DHS 2008-09 and the previous DHS 2003, the tribes with the highest rates of FGM practices in Kenya includes the Somali at the rate of 97.7%, the Kisii at the rate of 96.1%, the Kuria 95.9%, the Maasai at the rate of 73.2%, the Embu at 51.4%, the Kalenjin 40.4%, the Meru 39.7%, the Taita 32.2%, the Kamba 22.9%, and the Kikuyu at 21.4%, while among the lowest are the Turkana 12.2%, the Mijikenda 4.4%, the Luhya 0.2%, and the Luo at 0.1%, with all other tribes combined getting the remaining percentage.²⁵ Although the medical ethics as stipulated by WHO states that it is unethical for medical practitioners to perform FGM,²⁶ the most alarming trend is that Kenya has an increased rate in the medicalization of FGM, registering 46% of females going through FGM after having done it in a medical facility under a trained medical practitioner using surgical instruments and anesthetic.²⁷ Such individuals only think of eradicating the immediate effects of infections if the same was done traditionally, but forget the long-term negative effects cannot be escaped, and that their medical expertise does not make FGM right or lawful.

Although FGM, now a global concern as noted above, is being condemned as a violation of basic human rights for girls and women as well as being noted as among the issues that discriminate the female human beings, a great source of gender inequality, a violator of women and girls "rights to health, security and integrity, their right to be free from torture and cruel, inhuman or degrading treatment, and their right to life when the procedure results in death,"²⁸ and the fact that it features in the UN Sustainable Development Goals, that is goal 3 on gender equality and women empowerment, goal 4 on reduction of child mortality, goal 5 on improving maternal health and goal 6 on combating HIV/Aids, malaria and other diseases, it is unfortunately still continuing even in very Christian majority countries like Kenya. This is amidst the existence of laws condemning FGM in at least 26 African countries; Kenya included having the Prohibition of Female Genital Mutilation Act 2011, amidst the existence of

²⁰ 28 Too Many

²¹ 28 Too Many, Country Profile: FGM in Kenya, May 2013, p.4

²² UN End FGM

²³ <https://www.dhsprogram.com/pubs/pdf/SR227/SR227.pdf>, p.16 accessed on 16th October 2016; cf. 28 Too Many, Kenya, p.7

²⁴ 28 Too Many, Kenya, p.28

²⁵ 28 Too Many, Kenya, p.21

²⁶ cf. World Health Organization on FGM

²⁷ 28 Too Many, Kenya, p.20

²⁸ UN International Day of Zero Tolerance for Female Genital Mutilation, 6 February www.un.org/en/events/femalegenitalmutilationday/ accessed on 12 October 2016

many international, regional, and local treaties against FGM. Some of the Laws in Kenya that can be used to fight FGM include

1. The Kenya children's Act of 2001, which forbids early and forced marriages and sets the marriage age to 18 years, but customary and Islamic laws have no age restrictions, which is why early marriage gets a chance and more so because early marriage cases are not formally registered. Early marriages have a connection with FGM, because FGM is taken as a passage rite making girls grown women that are ready for marriage. Thus the same law prohibits and criminalizes FGM in Kenya for girls who are less than 18 years since 2002 when it was put into force; unfortunately this also meant that adult women were not protected against FGM.
2. In 2011 the adult women were covered by the Prohibition of Female Genital Mutilation Act 2011, which criminalizes all forms of FGM regardless of age, and banned aiding someone to do FGM, not reporting an FGM case you now of, and the stigmatization of women that had not undergone FGM.

While FGM has no health benefits, it has many social and “serious physical and mental health consequences.”²⁹ The social problems includes young girls being considered to be grown women after going through FGM as a rite of passage being forced to drop out of school and in most cases get married earlier than would be expected.³⁰ According to the World Health Organization (WHO), except this removal and damaging of healthy normal parts of the genital tissues and interfering with the natural function of the female body, there are so many other health challenges brought by FGM, and thus their list of immediate and long term complications of FGM as follows;

Immediate complications can include: severe pain, excessive bleeding (haemorrhage), genital tissue swelling, fever, infections e.g. tetanus, urinary problems, injury to surrounding genital tissue, shock and death. Long-term consequences include: urinary problems (painful urination, urinary tract infections); menstrual problems (painful menstruations, difficulty in passing menstrual blood etc); scar tissue and keloid; sexual problems (pain during intercourse, decreased satisfaction, etc); increased risk of childbirth complications (difficult delivery, excessive bleeding, caesarean section, need to resuscitate the baby etc) and new born deaths; need for later surgeries: for example, the FGM procedure that seals or narrows a vagina opening (type 3) needs to be cut open later to allow for sexual intercourse and childbirth (deinfibulation). Sometimes genital tissue is stitched again several times, including after childbirth, hence the woman goes through repeated opening and closing procedures, further increasing both immediate and long-term risks; psychological problems (depression, anxiety, post-traumatic stress disorder, low self-esteem etc).³¹

Since the early 1900s religious leaders in Kenya have reacted to FGM in several ways, which includes supporting and promoting the continuation of FGM, not discussing the issue because to them it is a cultural and not a religious concern, while some have been working towards the elimination of the same. The religious writings of the world religions, including the bible does not have FGM in them,

²⁹ 28 Too Many FGM... Let's End it., “Country Profile: FGM in Ethiopia, October 2013. P.5

³⁰ 28 Too Many, Kenya, p.27-28

³¹ Female Genital Mutilation, www.who.int/mediacentre/factsheets/fs241/en/ accessed on 12 October 2016.

FGM being older than most religions, including Christianity and Islam, and thus the diverse response towards FGM. As noted above many agencies governmental or otherwise have tried eradicating FGM, and have reduced it from 36% in 1998 to 27.1% in 2008/9, but this damaging gender related injustice has not been eradicated but rather continues to happen in very secretive ways, and thus the need for the religious leaders to come in strongly and join hands with all these stakeholders, they being on the ground every single day. Generally 82% of Kenyan women believe FGM should be stopped, while only 10% believe it should go on. Comparing religious adherences to FGM, 44.4% of Muslim women have undergone FGM, compared to 17.7% Christians, while on the other hand 26% Christian women favor the continuation of FGM compared to 15% Muslim women.³²

When religion interferes with culture it has to do so in a very swift way, by first understanding what they are dealing with from the cultural perspective before finding ways to eradicate the same. The lack of cultural knowledge and insensitivity is what has made the anti-FGM campaigns of Christianity since the early 1900s to fail. The religious take on anti-FGM is said to be the most effective form of eradicating FGM, unfortunately most past initiatives have only concentrated on Islamic leaders and not Christian leaders,³³ which the Kenyan Chapter of Side by Side wishes to mend, being that Christianity is not off the curve, being that we still have many girls and women undergoing FGM coming from Christian families. If one looks at what the church can do against the challenges that face anti-FGM initiatives as given by 28 Too Many,³⁴ it is clear that it is possible to eliminate FGM through a national Christian campaign against FGM in Kenya.

1. There is difficulty in identifying appropriate entry points in communities due to cultural sensitivity. The church is on the ground and religious leaders are invited in many cultural ceremonies, they being part of the community. In fact most religious leaders are taken to be a part of the cultural leaders in the community and so are highly respected opinion makers. The church leaders will better raise issues concerning FGM in the cultural leaders meeting and then to the rest of the community from the inside.
2. Entrenched religious and cultural beliefs is another challenge that the religious leaders can handle by making it clear that no religion demands for female circumcision and thus cultures should eliminate the same due to the underlying effects. The church has a daily and weekly platform to make sure this message gets to all.
3. High level of illiteracy makes dissemination of information difficult. This is especially true of the elders who in most cases did not go to school. The church being the one place people trust to educate them is situated better. At the same time she has to encourage the education of girls, which will help transform future generation on FGM related matters.
4. Difficulties covering the vast geographical areas and remote population. The Kenyan population is very religious having at least 85% Christianity and 11% Muslim adherents. Religious leaders are everywhere present in Kenya and they have the ear of the community every single day, thus commanding more listeners than even the government or the media may do. It is therefore much easier to communicate through well-informed church leaders than any other medium.

³² 28 Too Many, Kenya, p.26

³³ cf. 28 Too Many, Kenya, p.35

³⁴ 28 Too Many, Kenya, p.44

5. Lack of adequate rescue homes for run-away girls. Many girls having known of the effects of FGM runs away from their homes to not undergo the same, and in most cases knowing that FGM will be the end of their education because sooner than later will they be given for marriage, they opt to leave their homes. The church as a place where everyone finds peace is the one place many people run to, it is therefore important for the churches to have rescue centres to cater for such situations, and especially boarding schools for girls where they can continue with their education and find other girls who may have gone through similar or related cases.
6. As noted above, the challenge of medicalization of FGM is rising in Kenya. The church being on the ground can report such cases with evidence, while at the same time, church leaders could inform the medical practitioners (who in most cases will also be religious) that they are watching them.
7. Lack of political support for fear of re-election. This can be curbed if the church leaders will talk openly and vigorously about it and the political leaders can now only talk on the same line as their religious leaders, failure to which they will fear that the religious adherent will again not vote for them. Furthermore the religious leaders have no fear of being re-elected, they being appointees of their faiths and not the entire society.
8. Lack of national co-ordination on anti FGM. This will end with the church being involved because all effort shall be co-ordinated nationally under the national planning committee where all church leaders and their gender desk leaders are involved and the same disseminated on the ground. The fact that Side by Side has involved governmental and non-governmental leaders will also help keep the coordinated efforts in line.

Although culture is learned and shared, it is also never static, rather culture changes and evolves with time, which proves that there exists reasons that made different ethnic cultures to initiate FGM in their communities, and therefore the need for new reasons to eliminate this negative cultural practice by offering alternative ways that the community can now start learning and sharing for a just future.³⁵ Some of the reasons FGM is done in the Kenyan communities include that it preserves virginity; it is a passage rite to womanhood; it is a vaginal cleansing and hygiene ritual; it eliminates the masculinity of the vagina; it cubs sexual desires; it maintains marital faithfulness/fidelity especially in polygamous homes; it prevents sexual immoralities like prostitution, promiscuity, pregnancies before marriage, and rape; it maintains the taboo against women enjoying sexual pleasure; it helps increase the dowry price; it helps gain better marriage prospects; it helps offer more sexual pleasure to the man; it helps the girl/woman gain an age-set for social status; it eliminates the threat of stigmatization; it helps to preserve the family honor; it helps to fulfill religious requirements; and of late it is said to also help reduce HIV/AIDs among others.³⁶ While all these reasons have been found to be untrue, it is in finding such reasons that the religious leaders can then work to transform the detrimental culture of FGM among the Kenyan communities, and even show the injustice and indignity that such customs bring to girls and women. Kenya being a faith respecting nation will understand and accept to transform their cultures, if the faith leaders are involved in the same.

³⁵Conrad Phillip Kottak, *Cultural Anthropology*, tenth edition (New York: McGraw-Hill Companies, 2004), 86-87.

³⁶ 28 Too Many, Kenya, p.26; WHO

6. Sexual and Gender Based Violence

Gender based violence (GBV) is defined as “any harmful act that is perpetrated against a person based on socially-ascribed (gender) differences between male and female. It includes physical and psychological abuse, sexual violence, verbal abuse and deprivation.” Needless to say that GBV, especially against women and children is a historical issue in the patriarchal society of Kenya, and is found in all our ethnic communities, and unfortunately continues in the present, regardless of one’s academic and social status. To think of the fact that God created both male and female with equal worth, dignity and responsibility (Gen 1:27-28), and that sometimes being one or the other sex makes some humans think they can belittle and hurt a fellow human being just because they are of a certain sex, is challenging considering all were created by the same God using the same principle. This is even worse not because hurting and degrading one sex is not possible, but rather because it is an action that is common even among Christians; who believe in the word of God that makes equality of male and female very clear at the very beginning of the very first book of the Christian bible.

Kenyans have become victims of gender based domestic violence in a bigger way than the past seems to have revealed. According to the 2014 Demographic and Health Survey, 45% of females aged 15-49 years experienced physical violence since age 15, compared to 44% of males of the same age, while 8% of women experienced sexual violence compared to 6% of their male counterparts.³⁷ What is distracting is that in marital homes women have suffered the most, where “more than one-third of ever-married women report that they have experienced physical violence by their husband or partner. An additional 32% report emotional violence, and 13% report sexual violence.”³⁸ Two years after this report, we have many cases involving women and men having their body parts mutilated by their loved ones.³⁹ While in most cases it is only a one day/week media story, to the victims and their loved ones this is a life long crime against them, while to the church this is a permanent hurt on the body of Christ which the Christian girls and women undergoing FGM belong to. The ignorance of Kenyan Christians and Christian ministers on this subject is been recently made clear by the unimaginable incidence of Mwende of Eastern Kenya. Jackline Mwende a Christian woman who was married to Stephen Ngila, realizing she had problems in her marriage because she was said to not bear children told her pastor about her family dilemma, but the pastor insisted that she should stay in the unhealthy marriage; instead of rescuing her from the same, asking the couple to seek medical help to see if something could be done about their reproductive challenge.⁴⁰ The husband ended up chopping her hands, even though it is later proved he was the one who was infertile and not Mwende who was perfectly healthy reproductively. It is unfortunate that Mwende was staying in the unhealthy marriage to save it after getting “advise” from two pastors, including her own pastor who was also their wedding best man, both asking her to

³⁷ <https://www.dhsprogram.com/pubs/pdf/SR227/SR227.pdf> , p.15 accessed on 16th October 2016

³⁸ *ibid.*, p.15

³⁹ <http://www.standardmedia.co.ke/ktnhome/video/watch/2000089752/man-s-private-parts-chopped-off-in-nyeri-county> ; <http://ntv.nation.co.ke/2720202-2741964-13k2uqs/index.html> ; <http://www.nation.co.ke/news/Battered-woman-says-she-stayed-on-to-save-marriage/1056-3326414-tytvefz/index.html>. All accessed on 16th October 2016

⁴⁰ <http://edition.cnn.com/2016/08/04/africa/kenya-jackline-mwende-hands/> accessed on 16th October 2016

hang-on to her abusive husband and pray for the survival of the marriage.⁴¹ The one person that seemed to have been better informed about SGBV or who cared more about Mwende's situation was Mwende's mother, who had asked her to leave the unhealthy marriage, but then Mwende trusted the pastors' advice better than her mothers, only proving how important faith leaders are when people make even very personal decisions in Kenya.

Sexual assault and violence is seen in most cases in Kenya, happening to women and girls, because of the power imbalance of the males over females as portrayed and taught in many Kenyan communities. It is such sexual offenses that made Kenya to come up with the *Sexual Offences Act* in 2006.⁴² Sexual assault and sexual abuse is been seen as meaning the same thing in many instances, while it is common in Kenya for sexual offenses to be understood to only include rape, sexual assault, incest, defilement, and other unconsented sexual acts that denote harassment. As Davis explains,

Sexual assault is a crime of violence, anger, power and control where sex is used as a weapon against the victim. It includes any unwanted sexual contact or attention achieved by force, threats, bribes, manipulation, pressure, tricks, or violence. It may be physical or non-physical and includes rape, attempted rape, incest and child molestation, and sexual harassment. It can also include fondling, exhibitionism, oral sex, exposure to sexual materials (pornography), and the use of inappropriate sexual remarks or language. Sexual abuse is similar to sexual assault, but is a pattern of sexually violent behavior that can range from inappropriate touching to rape. The difference between the two is that sexual assault constitutes a single episode whereas sexual abuse is ongoing. Sexual violence occurs in the home (sexual abuse of children, sexual assault by partners or relative), outside the home (in group homes or institutions), on the job, on transportation systems (while riding the bus or a taxi) and virtually anywhere.⁴³

Violence against women is been seen as one way that does not only degrade women but also affects other areas of life. According to the United Nations Women Watch,

Violence against women is a form of discrimination and a violation of human rights. It causes untold misery, cutting short lives and leaving countless women living in pain and fear in every country in the world. It harms families across the generations, impoverishes communities and reinforces other forms of violence throughout societies. Violence against women stops them from fulfilling their potential, restricts economic growth and undermines development. The scope and extent of violence against women are a reflection of the degree and persistence of discrimination that women continue to face. It can only be eliminated, therefore, by addressing discrimination, promoting women's equality and empowerment, and ensuring that women's human rights are fulfilled.⁴⁴

⁴¹<http://www.nation.co.ke/news/Battered-woman-says-she-stayed-on-to-save-marriage/1056-3326414-tytvefz/index.html> accessed on 16th October 2016

⁴²<http://theequalityeffect.org/pdfs/ConsentPaperKenya.pdf> accessed on 21 October 2016

⁴³<http://www.thearc.org/what-we-do/resources/fact-sheets/sexual-violence> accessed on 21st October 2016

⁴⁴ <http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-exeE-use.pdf>

It is this elimination of discrimination and violation of human rights that as Kenyan faith leaders we wish to achieve for all women in Kenya. An agenda that must first be achieved through educating the faith leaders on the issues at hand, how to handle SGBV cases as well as informing their followers on the same, while in general seeking to transform the nation through the faith platform.

7. Gender Equity from a Disability and People with Special Needs Perspective

Persons With Disability (PWD) and those with special needs have been noted to not be involved on gender justice consultation, and thus the deliberate attempt to include their voice in the Kenyan faiths for gender justice forum. It is said that women and girls with disability tend to experience more injustices than if they had no disability, and that they are the most marginalized of women in many instances.⁴⁵ According to the United Nations human rights office,

Women and girls with disabilities experience multiple forms of discrimination, which create further barriers to the guarantee of their rights and redress for rights violations. Due to the intersections of discrimination on the basis of gender and disability, women and girls with disabilities are at a higher risk of gender based violence, sexual abuse, neglect, maltreatment, harassment and exploitation. They suffer violence in the home, institutions and the community, perpetrated by family, caregivers, healthcare or school personnel, and strangers, including rape (also marital rape), forced marriage, forced abortion, forced contraception, forced sterilisation, female genital mutilation (FGM) and other harmful practices in peacetime, conflict and post conflict contexts. It has been documented that women and girls with disabilities are rendered more vulnerable to these practices: almost 80 percent of women with disabilities are victims of violence and they are four times more likely than other women to suffer sexual violence.⁴⁶

PWD, and especially those with intellectual disabilities are said to experience more sexual violence than those with no disabilities.⁴⁷ Even more so women and girls with disabilities tend to receive more injustices of this kind than their male counterparts,⁴⁸ having 82% of PWD who have been sexually assaulted being women, and the perpetrators being 98% males who are known to the victim.⁴⁹ PWD are abused in so many ways according to current research done by different entities. In elder abuse cases, whereby the one abusing a disabled woman or girl is a close relative, this may go on for a long time without the same being unveiled, because the perpetrator maybe the legal guardian of the victim, meaning the victim and the perpetrator are always together and therefore the victim has no opportunity to tell anyone else of the heinous act done to them, either one on one, by phone, through computer or even by letter. Even worse is when the PWD knows what was done to them and has even the chance to report the same, but because the one that assaulted them is the same person that cares for them at home or at a care center, they cannot report them for fear of loosing the care and support, thus living in an abused relationship for fear of losing everything else. In cases where the PWD has some mental impairment, such assaults may never even be discovered. At the same time the “caging” of PWD to this day is not uncommon in Kenya.⁵⁰ It is even worse when such are females who are left unattended and

⁴⁵ cf. <http://www.un.org/disabilities/documents/Publication/UNWCW%20MANUAL.pdf> , pp. 11-15, accessed on 16th October 2016

⁴⁶ www.ohchr.org/Documents/.../AccessToJustice/InternationalDisabilityAlliance.doc accessed on 16th October 2016

⁴⁷ <http://www.thearc.org/what-we-do/resources/fact-sheets/sexual-violence> accessed on 21st October 2016

⁴⁸ cf. Dick Sobsey, *Violence and Abuse in the Lives of People with Disabilities: The End of Silent Acceptance?* (Paul H Brookers Publishing Co., 1994).

⁴⁹ <http://www.cdc.gov/ncipc/factsheets/disabvi.htm>

⁵⁰ <http://www.humanosphere.org/basics/2013/10/kenyas-disabled-children-left-behind/> accessed on 21st October 2016

caged, to an extent that others who know where they are caged can take advantage and sexually assault them with no one knowing, sadly until in some cases where female victims are found to be pregnant or with sexually transmitted diseases. The law in many instances does not accept the witness record of PWD, their testimony not being in the conventional ways and thus inadmissible in a court of law, an action that calls for a review of the law in some of these areas. PWD are also not able to access places that they can report their issues either because when they go there no one can understand them; having no training to handle such persons or because the officers there do not see the admissibility of such cases. The worst scenario is that PWD in most cases have no idea when they are being assaulted because they don't differentiate between the appropriate and inappropriate touching and acts done to them. Due to lack of information on what gender injustices exist on PWD, it is important to document whatever occurrences exist in our communities, so that the Kenyan society can be sensitized on what is happening and how the same can be handled.⁵¹

Several myths on PWD are said to contribute to sexual abuse against them. According to ACASA, such includes; *the dehumanization myth*, where PWD are seen as less humans in the society and therefore anyone offending them is not really offending a human being; *the damaged merchandise myth*, where PWD are seen as worthless and with nothing to lose, thus the offense against them is not doing them anymore harm than is already done by their condition; *the feeling no pain myth*, where PWD are seen as being immune from any pain or suffering, and thus no action against them can make them suffer or feel pain; and finally *the helplessness myth*, where the offenders think the PWD are always helpless and have no way of helping themselves.⁵² The offenders of PWD use these myths to signify that they are not in anyway offending their victims in order to eliminate their guilt. While all these are myths, it is saddening that many still take them as reality, an action that should be highly condemned and the right status of PWD and response to such myths taught to the society.

Seeking justice for women and girls with disability is almost achieving double justice considering they are already marginalized as females and also with their disability, and thus the dire need for faith leaders to come in. It is imperative that faith leaders be informed on how to detect and handle injustices as relating to PWD. Such ways would include noting the physical and behavioral status of the victim, or after hearing from other people of an abuse case of PWD. In such cases therefore the faith leader will take the concerned victim to a medical facility for check-up to see if there exist any physical evidence of sexual assault/abuse which could include any “bruises or pain in genital areas, tearing of vaginal or anal area, signs of physical abuse, headaches, stomachaches, [or even] sexually transmitted diseases” and in the behavioral side see if there exist “depression, substance abuse, withdrawal, avoids specific settings/people, sleep or appetite changes, crying spells, seizures, phobias, regressions, guilt/shame feelings, self-destructive behavior, feelings of panic, sexually inappropriate behaviors, severe anxiety/worry, resists physical exam, learning difficulties, irritability, change in habits/mood.”⁵³

Faith leaders have in many instances not fully comprehended the place of PWD in their ministry, in most cases considering them to not need spiritual guidance or the forgiveness of sins because they purportedly “do not” sin, thus ignoring the care of the souls of such persons.⁵⁴ It is such mythical behavior that makes many faith leaders not to put pastoral care of PWD in their diaries, an act that

⁵¹<https://www.rainn.org/articles/sexual-abuse-people-disabilities> accessed on 21st October 2016

⁵²<http://www.acasa.us/pdfs/disabilities.pdf> accessed on 21st October 2016

⁵³<http://www.thearc.org/what-we-do/resources/fact-sheets/sexual-violence>

⁵⁴ Samuel N. Kabue, “Church and Society Response to Disability: Historical and Sociological Perspective”, pp.117-129 in Wati Longchair and Gordon Cowans (editors), *Doing Theology From Disability Perspective: A Theological Resource Book on Disability*, New Revised Edition (Manila: The Association for Theological Education in South East Asia, 2011), p.120

should probably be named spiritual injustice to PWD. It is common to have persons of faith to almost always consider PWD as persons needing healing, that is, even when their bodies are not ailing, a reaction that in many instances keep PWD away from their faiths, because even after much prayers their disabilities do not disappear and the faith leaders do not cease insisting on praying for their “healing”.⁵⁵ At the same time, faith leaders need to ask what is more important in faith; is it the soul or the mind and body, because all faith leaders I sit on when they see PWD is to serve the body and mind, but not the soul. It is perhaps important to highlight that in most cases PWD are some of the healthiest persons you will ever meet, and thus they do not need any healing. PWD are as whole as any other human being, except having some limitations here and there due to their disability, and these limitations can only be defined and explained by the PWD, and not by any other person because each disability case is unique, and thus generalization of disabilities would then be termed as another form of injustice. When one insists that disability is the same as sickness, does that then show the unimaginable ignorance that exist among persons of faith in most cases on the subject of disability, leave alone on PWD? Such ignorance makes even faith leaders be a part of those bringing injustices to PWD. For physical and mental wellness PWD prefer that faith leaders support the development of medical facilities, which help them in greater ways, rather than insisting on ways that will not help their physical or mental challenges.

PWD are in most cases not even considered for leadership positions of their faiths leave alone in their societies, because they are not considered equals. Such disconnect of PWD and those without similar disabilities is in most cases led by the myths mentioned earlier. This begs the question, if the same scenarios as found in the New Testament times still continues in our times, whereby PWD were neglected, ignored and rebuked because of their disabilities, until they were miraculously healed and so the society accepted them in the temple and their procession walks, something they would not have done before their physical healing took place (cf. Mk 10:46-52; John 5:1-18; Acts 3:1-10). “It will be necessary for the society to be made aware that first and foremost, persons with disabilities are people. Their being persons with disabilities is secondary and incidental to this fact. They therefore have emotional and physical attributes of the human being despite the limitations imposed on them by the disabilities.”⁵⁶ It thus imperative that they be accepted as equals, with equal worth and dignity as all others created in the image and likeness of God.

The needs and care of PWD are not necessarily only the obligation of their immediate families and friends, rather the role of the entire society to see that they include them in every way of life, but even more help curb all injustices towards them. PWD “need security, self esteem and self actualization besides the basic needs of food, clothes and shelter... The entire society will need to hear the cry, the complaint, the voice and the logic of persons with disabilities in their effort to assert their lost dignity. The whole general community will have to be sensitized to these rights”⁵⁷ It is common to think that just passing legislation and financially aiding PWD is enough, but that is only a part of what is to be done, rather “deliberate efforts must be made to change the mindset of the community.”⁵⁸ Furthermore, PWD must also be engaged to participate in restoring their own status in society, and therefore the need

⁵⁵Kabue, 126-127; see the story of Masakhwe where taking secondary kids with physical disabilities to a healing crusade in Mombasa yielded nothing, supposedly because they were said to lack enough faith, in Phitalis Were Masakhwe, “The Church, Public Policy and Disability Concerns in Kenya”, pp.111-119 in Samuel Kabue, Esther Mombo, Joseph Galgalo and C.B. Peter (editors), *Disability, Society, and Theology: Voices from Africa* (Limuru: Zapf Chancery Publishers Africa Ltd, 2011), 112-113

⁵⁶Kabue, 123

⁵⁷ Kabue, 123

⁵⁸ Masakhwe, 111

to teach them what their responsibilities are, so that they can take the lead position in this restoration of justice. Liberating PWD like Christ did to humanity, will also mean teaching them how to be self-reliant to avoid others taking their independence and dignity for granted, and to eliminate their being considered as second-hand individual needing charity and help throughout. When one is spiritually and socially alienated, that gives them an even greater disadvantage in life, and it is now time to change that in Kenya by offering justice where it is due in matters concerning PWD. Faith leaders are best placed in the restoration of justice to PWD, not only because they represent a just and equitable God, but more so because PWD do not need special positions but rather their rightful positions, which were unjustly denied them in the past, and even more saddening in the present.

The Church should see itself as the most authentic institution to champion the course of forging an equal partnership with the persons with disabilities. It is the most legitimate door to participation of people with disabilities in spiritual, social and development activities in the community. Equal partnership has to be justified by the fact that people with disabilities are not an exception in society. Rather they are the rule as they have always been. Jesus defined his mission on earth by reference to the people with disabilities (Mt.11:4-5). This inclusion of all people by Jesus in his work is a sign of his special message to restore the human condition to wholeness. The church is expected to follow this example and to do all that is within its means, not as an option but as a commission.⁵⁹

Conclusion:

As is been noted in this paper, gender injustices are noted in almost all walks of life. Kenya as the cases and data presented here indicate is no exception. When God is considered as the greatest champion of justice, it is important for those who believe in Him to deliberately portray that in their lives and societies. As Kenyans who come from different ethnic communities, we have been cultured into different ways of dealing with women/girls or men/boys. The positive trends in such cultural traits promote gender justice, while the negative ones promote gender injustice. We must therefore acknowledge our past failures, repent of them, and unlearn the negative traits, replacing them with positive ones where applicable. Faith leaders who have the chief responsibility of teaching new ways of the Kingdom of God, which have transformed many societies are best placed to also transform our Kenyan society to achieve the highest regard for one another regardless of their gender. It is time to join hands and offer justice where it is due, and thus our desire and request as a chapter in Kenya, for prayers, commitment and input in this national and God given initiative. It is only as a united Kenyan team that we can review and fix areas that our society have been wrong in, something we have not been able to do while fighting gender injustices from our own separate corners, and thus the call for all faith leaders in Kenya to join hands on matters of gender justice. If your church or faith-based organization has not joined in this cause we are inviting you to work with us and contact us through the planning committee co-chairs (Fr Evangelos Thiani – frevangelost@yahoo.com or Ms. Margaret Mwaniki – mmwaniki@ciaas.org, and secretary Charles Opiyo – copiyo@christian-aid.org).

⁵⁹Kabue, 126