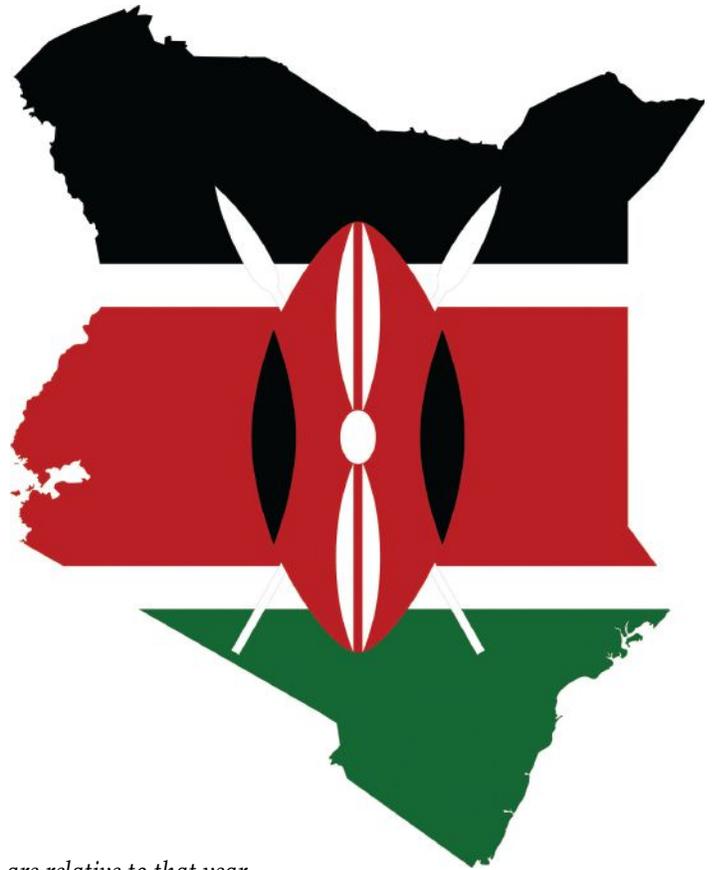


Lessons Offered, Learned in Kenya



By Kyla Rivera-Smith

This essay was written in 2011. Dates and periods of time mentioned are relative to that year.

Spring break for graduate students is usually synonymous with drinking, partying, lounging on the beach, and more drinking. As I fast approach 30 years old with only one more year of law school to go before I'm thrown back into the workforce, I decided that this year I wanted to do something meaningful with my spare time, so I joined my school's Black Law Student's Association on our annual service trip.

I traveled with three other students to Mombasa, Kenya for 11 days. I have to admit, I initially signed up for the trip because it sounded like a great way to mix business with pleasure, and I've always wanted to

go to Africa. I had no idea that I would have so many invaluable experiences or make so much of an impact on such a short trip.

Our journey began at 4:30 a.m. on the day of our departure. After a two-hour train

ride to D. C.'s Dulles airport, then a 12-hour flight to Ethiopia, followed by a two-hour layover, and another two-hour flight, we FINALLY touched down in Mombasa. We were greeted at the airport by our host Jacob Boaz, palm trees, and beautiful blue skies, and an overwhelmingly suffocating heat that I never fully became accustomed to.

Penn students became acquainted with Jacob last year through his partnership with A Broader View, a Philadelphia-based nonprofit that provides funding and supplies to the Destiny Garden School. Coincidentally, last year was also the first year that major changes to Kenya's Constitution, many of which significantly increased women's rights, including a new Bill of Rights, went into effect. Although the 2010 Kenyan Constitution provided women with many new rights and established them as equal citizens in the eyes of the law, the average Kenyan woman was ignorant to these changes or, at the very best, what it meant

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for her. There's also significant resistance, particularly by men, to acknowledge these new laws, and conflicts with local village and community traditions and Kenyans being resistant to denounce longstanding traditions. Our group's mission on this trip was to address both of these issues through education and better understanding of how Kenyans can peacefully coexist in a variety of settings.

In preparing for our trip, we had not accounted for the unexpectedness of many of the events that occurred during the week, in part due to the laid-back attitude of the Kenyan people, and in part due to how well-connected and well-respected Jacob was on the Mombasa political scene. We quickly discovered that we had to be very flexible with our schedules and be ready at any time for the possibility of impromptu interviews or protests. Throughout the week, Jacob was able to arrange meetings for our group with some of Kenya's most powerful people, including a principal magistrate judge at the lower court level, a magistrate of the High Court, and two members of Parliament. These meetings, in addition to being extremely informative for our group in helping us to understand many of the legal challenges faced by Kenyans, also gave us the opportunity to hear the uncensored perspectives of some of the country's top political leaders. Our meeting with the members of Parliament was particularly insightful. After an animated discussion about the recent changes to the Constitution, which both men were instrumental in developing and getting passed, they invited us to join them at their private pier to go jet skiing and speedboating before joining them for dinner. Of course, we jumped at the offer.

It was while dining on a delicious seafood feast while watching the sun set over the Indian Ocean that we had one of the most candid conversations of the week. I personally was taken aback by the amount of wealth surrounding us and could not help being slightly inquisitive. After all, we had spent the last six days visiting neigh-

borhoods where an entire family sleeps on a dirt floor in a one-room home of plywood nailed together, and these men have a private pier, speedboats, and jet skis! The wealth gap between the rich and the poor in America pales in comparison to the one in Kenya. I was even more surprised by the men's attitudes towards the struggles that their country faces. I couldn't help but wonder, perhaps unfairly, if they felt any sense of responsibility to help those starving around them. Their attitudes toward the matter seemed to be that change will be slow and painful but will eventually happen. At one point during dinner, I asked them what some good investment opportunities in Kenya were. Their response was "Pretty women like you, girls, would be best suited to marry a rich husband." Their attitude toward women's roles in society, even as they just voted in favor of women's equality rights, was very surprising.

Having missed the women's rights movement in the United States by about a century, I admittedly was somewhat ignorant to the severity of the gender inequalities that Kenyan women face. We did research prior to our trip on women's rights in Kenya, but no amount of background reading could have prepared me for the sheer magnitude of the disparities between men and women in Kenya, even after new laws have been enacted. I foolishly thought, being of the American "modern woman" school of thought, where a man is considered a luxury not a necessity, that we would educate these Kenyan women on their rights, they would exercise those rights, and slowly but surely the country would move closer to equality. Oh, how wrong I was.

In an effort to help educate local women about the gains that the new constitution provided for them, our group spoke with Millicent, a local leader who agreed to help gather women for a forum in the township of Kissahoni. Because the old laws afforded women no property rights, and, oftentimes, left them homeless upon divorce, we wanted to ensure that women understood how the law has changed and now gives

them the same rights as their husbands. Similarly, spousal abuse and rape are rampant in Kenya, and the old laws are unclear about legal remedies for wives in such situations, so we felt the need to educate the women concerning this type of relief.

When we arrived at the church where the forum was being held, we were greeted by Millicent, along with 27 women eager to hear what we had to say. After a brief introduction, during which we explained our purpose for being there and what we hoped to get out of the discussion, we jumped right into our lesson. During the presentation, we explained how the new Constitution provides many gains for Kenyan women that are contingent upon their desire to pressure society and the court system to protect their newly created rights and privileges. Our main areas of focus were the supremacy of the Constitution over any and all contradictory customary, religious, and cultural laws; a discussion of the changes in current marital and property laws, and a brief discussion of how women can be more involved in social entrepreneurship and environmental sustainability; the avenues through which women can pursue legal remedies with self-representation; and the most important gains for Kenyan women from the Bill of Rights, with emphasis on the right of life and abortion and the right to freedom from your spouse, namely the prohibition of any violence and torture.

The women actively participated in the conversation, asking questions and sharing experiences that were at times heartbreaking. When we explained that any violence against women was illegal, including between a man and wife and forced sexual interactions, many women actually laughed at the absurdity that their husbands would ever adhere to this new law. Several women raised their hands and complained that their husbands would force them to have sex with them whenever they wanted and that they wouldn't dare refuse beyond a feeble "I'm tired," because they feared that they would be kicked out of their homes, or worse, beaten and raped in front of their

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children. Another woman asked whether it was considered an illegal abortion if her husband beat her so badly that she lost her child. It was heart-wrenching to have to explain to her that because the new constitution holds that life begins at conception, her husband could be found guilty of murder.

Understanding the difficulties that many of these women face in trying to see their rights actualized, we told them the story of Rosa Parks and the Civil Rights movement, stressing that effectuating change requires courage, persistence, and mobilization of lots of people. We encouraged the women to not give up, stand united, and continue fighting and challenging unlawful behavior through judicial means. When the conversation was over, the women thanked us for sharing such helpful information and promised to share it with the other women in their community.

I, in turn, thanked them for putting things in perspective and teaching me humility. I thought that I had it bad because, as a woman entering the legal community, I'll have to work harder than my male counterparts to prove myself. In no way was I prepared for how bad some women actually have it. Never again will I complain about the inequalities that women in America struggle with when I've met women who manage to maintain such a positive spirit in spite of having no voice in their home or community.

We also spent a significant amount of time at the Destiny Garden School during our week in Mombasa. Our logic was that with the newly implemented changes to the Constitution, young children are the first generation that will be able to benefit from these positive changes, and therefore are possibly the answer to positively changing the destitute and bereaved attitude and environment of the Kenyan people. Jacob founded the school to provide an opportunity for extremely poor and disadvantaged children to have access to quality education. Many of the students enrolled in the school are orphans and/or HIV posi-

tive, and, for some, the lunch provided by the school is the only time that they will receive adequate nourishment. We held a supply drive at Penn prior to our trip to collect desperately needed donations for the students, ranging from standard school supplies, like paper and pencils, to soccer balls for the kids to play with—considered a luxury to many Kenyans—to shoes, which many of the students did not own a pair of. We were deeply touched by how appreciative and excited the teachers and students were to receive gifts that most of us take for granted as being basic necessities but for those at the school were quite possibly the difference between being able to only listen to the lesson and being able to participate because they now have a pencil to write with. On our last day at the school, the students sang us a farewell song and performed a dance routine. I was impressed by how talented and intelligent the kids were and saying goodbye was very hard for all of us.

We ended our week of service with a two-day safari and another two days at a local resort. Relaxing on the beach gave me the chance to reflect upon my time spent in Mombasa. When I signed up for this trip, I never imagined that I would have so many life-changing experiences and build such meaningful bonds with the people that I encountered in my short time here. Yet here I was, 10 days later, feeling like I have a new perspective on

life. Hopefully, we when return to Mombasa next year with the plethora of experiences and contacts that we have made, we will be able to expand Penn Law BLSA's mission to help those less fortunate. ■

Kyla Rivera-Smith is a Director, Legal at Newport Group

Answers for Crossword Puzzle on Page 31

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