



# **AFRICAN MISSIONARIES IN IDENTITY LIMBO**



**THE SHONA OF KENYA**





ISBN: 978-9966-1881-1-3

Published by

Kenya Human Rights Commission

P.O Box 41079-00100, Nairobi, Kenya.

Email: [admin@khrc.or.ke](mailto:admin@khrc.or.ke)

Twitter: @thekhrc

Facebook: Kenya Human Rights Commission

Website: [www.khrc.or.ke](http://www.khrc.or.ke)

Supported by



## Table of Contents

---

Acknowledgements .....	i
Foreword .....	ii
1 INTRODUCTION .....	1
1.1 Study Objectives .....	1
1.2 Methodology.....	1
2 ORIGIN AND PROFILE .....	2
3 FAMILY & CULTURE .....	4
3.1 Clans .....	4
3.2 Naming System.....	4
3.3 Child Birth Rituals.....	4
3.4 Upbringing of Children .....	4
3.5 Marriage .....	6
3.6 Burial Rites .....	8
4 LIVELIHOOD and SOCIAL ECONOMIC STATUS.....	9
4.1 Healthcare and social protection mechanisms.....	10
4.1.1 Two case studies of the Shona Challenges to health rights.....	10
4.2 Religion and Ministry .....	11
4.3 Education .....	11
4.4 Land and housing.....	13
5 ANALYSIS OF SHONA CITIZENSHIP STATUS.....	14
5.1 Effects of the Shona’s Statelessness.....	15
5.1.1 Political exclusion .....	15
5.1.2 Socio-economic exclusion.....	15
5.1.3 Lack of Legal protection .....	16
5.2 Progress towards Recognition, Legal Identity and Citizenship .....	18
5.3 Findings and conclusion.....	21
6 REFERENCES .....	23
7 APPENDIX .....	24
8 QUESTIONNAIRES .....	25
8.1 Qualitative research with the Shona community FGD questionnaire.....	25
8.2 Qualitative research with the Shona community men and women .....	26

## Acknowledgements

---

On behalf of the Kenya Human Rights Commission (KHRC) I would like to express our deepest appreciation to the Shona community living in Kenya, for their boldness and commitment that continues to be exhibited in their quest to freeing themselves from the identity limbo they are ensnared in. The bravery to take up the mantle, take lead, re-live and share the struggles of living undocumented is laudable. Your future generations will definitely remain indebted to you for the great resource in this report. For entrusting the KHRC to walk with you and guide you in your journey to naturalization, we say, thank for believing in our mission and vision.

I also wish to acknowledge my colleague Davis Malombe (Deputy Executive Director) for providing technical support and policy direction in the conception and development of this report and in the continued leadership for the recognition of stateless communities.

Furthermore, I would also wish to specially acknowledge with much gratitude the crucial role of my staff in compiling this report. Much appreciation to, Diana Gichengo (Program Manager, Identity and Inclusion) for her steadfast leadership in the conceptualization, assessment, coordination and writing of this report. Special thanks to Irene Soila (Program Assistant, Identity and Inclusion), Mary Kimemia (Program Associate, Identity and Inclusion), Bernard J Mugendi (Program Associate, IT and Communications) and Medika Medi (Communication Officer), for tirelessly conducting research, interviews, compiling responses and supporting in the writing and editing of this report. Many thanks to Nasanga for working tirelessly in editing this report. Additional gratitude to Medika Medi for finally designing the lay out of this report. You all are valuable assets to the KHRC.

KHRC most sincerely thanks the County Kiambu leadership: Governor Ferdinand Waititu, Deputy Governor, Hon. James Nyoro and the Members of the County Assembly of Kiambu, particularly the membership of the Committee on Education, Science and Research chaired by Hon. Njoroge Peter Wainaina for passing a motion that bolstered and gave an impetus to the Shona community's quest for citizenship. Special appreciation to Member of County Assembly of Kinoo ward, Hon. Samuel Kimani Wanjiru for his great sense of brotherhood with the Shona, marshalling support for them in the County Assembly of Kiambu. The KHRC also thanks the County Administration office in Kikuyu for their merited commitments and compassion in ensuring that the Shona community live a dignified life. Your undying spirit exhibited in your contribution to see Shona get identification documents is commendable.

KHRC wish to thank Hon. Kimani Ichung'wa for starting us off, he appreciated the existence of Shona in Kiambu, Pledged to walk the journey with the Shona, pledge that he has diligently kept. We are also grateful to the members of parliament who formed the Kenya Citizenship Caucus convened by Hon Esther Passaris.

The government of Kenya through the Ministry of Interior and Coordination of National Government through the department of immigration and civil registration services and most recently the Taskforce on Statelessness for their continued support and commitment to finding solutions for the Shona stateless population

Finally, I wish to appreciate our partners the United Nations High Commission on Refugees (UNHCR) for their financial support in developing this report and their commitment to ending statelessness not only in Kenya, but also in the world. We note however that this reports reflects the views of the KHRC entirely.

George Kegoro  
Executive Director  
KHRC



## Foreword

---

After the right to life which only ceases to exist when people die, the KHRC opines that the second most important right is the right to citizenship. This is because the link between an individual and the state is pivotal for the enjoyment of all other fundamental rights and freedoms. Where this link is absent as is the case for stateless persons, then conversations about rights and responsibilities exist in a vacuum. This assertion, was cemented for the KHRC after our engagement with the Makonde community who were granted citizenship in 2016 and issued with identity cards in February 2017. The Makonde experience taught us firsthand, what it means to live in the shadows; to exist but be non-existent.

After the successful recognition of the Makonde, we have seen other stateless groups and communities come forward claiming they are stateless and enlist the support of the KHRC to acquire citizenship. One such group is the Shona community.

KHRC has worked closely with the Shona for the last 2 years. During this period, we have gotten to acquaint ourselves with each other, interact with each other's world. We have learnt a lot from the Gospel of God Church, which has lots of similarities with the Seventh day Adventist.

During our interaction, we came to the realization that there is a need for the story of the Shona to be told. The Shona community are often confused with the Wakorino Christian group found mainly in the Central Kenya region. We therefore undertook a research into the community profile of the Shona and their nationality status. The report of that assessment describes the origins of the Shona broadly and then narrows down on the Shona missionaries in Kenya. We delve into the life of a Shona from cradle to grave, their socio-economic situation and access to human rights. The report ends with a legal analysis as to their citizenship status and makes a finding that they are stateless and makes recommendation for the granting of Kenyan citizenship to the Shona who really are Kenyan!

Davis Malombe  
Deputy Executive Director  
KHRC

## 1. INTRODUCTION

### 1.1 Study Objectives

Between October 2018 and September 2019, the Kenya Human Rights Commission undertook an assessment of the Shona community living in Kenya, who are predominantly missionaries. The main aim of the assessment was to establish the citizenship status of the community, which claimed statelessness. The sub research objectives were to: create a cohesive narrative that will be a point of reference with regard to the Shona; Show the social economic status, cultural practices, and estimated duration of stay in Kenya ;Establish the limitation in terms of access to human rights owing to their statelessness situation ;Assess interventions taken so far to redress the statelessness by the Shona and; document some individual stories of interest to help create an image of the Shona people of Kenya with their strengths and challenges . On this basis the assessment further sought to illuminate the origin of the community in Kenya, their way of life, their qualification for citizenship in Kenya, the efforts made towards obtaining citizenship and the impediments thereof, the challenges faced living as stateless persons and the remedial avenues available to the community. The findings of the assessment would give a bearing on the trajectory the campaign for citizenship for the Shona people would take. Further, the findings of the assessment would set a precedent as tool kit for other communities claiming statelessness and seeking Kenyan Citizenship. This assessment was after us the Shona approached us to support them get Kenyan Citizenship like we had supported the Makonde

### 1.2 Methodology

In the assessment, qualitative research method was employed. We used focus group discussions and key informant interviews. We held 10 focus group discussions (FGDs) were conducted in Kiambaa, Kinoo, Githurai and Hurlingham, which host the highest population of the Shona community members. 4 FGDs were conducted with the women, 3 with the men and 3 with the youth. Village elders, leaders from the national government coordination team and opinion leaders joined the men and women FGDs on the basis of their gender. Participants in the focus group discussions were carefully selected to cover all ages from 35 to the oldest who were 90 and youth with different skills and education level. They were then categorized into three groups on the basis of sex and age. Then men and women had separate focus group discussions, while the youth were combined but had separate sessions. The essence of this categorization and separation was to obtain unadulterated perspectives and accounts of the community members and also to allow for discussions with due respect to cultural considerations. The findings from the focus group discussions were then triangulated to increase the credibility and validity of the community accounts.

Key informants were interviewed including the leadership of Gospel Church of God where the Shona worship, the Shona community leadership, village elders, government officials from the Ministry of Interior and Coordination of National Government including the area chiefs, Officer Commanding Police Division, Kikuyu and the County Commander of Kiambu county. Elected representatives were also interviewed including the Members of Parliament of Kikuyu Constituency and Members of County Assembly for Kikuyu and Kabete sub counties. The foregoing methods were complemented by review of available written literature on the Shona, research articles and relevant laws and policies on statelessness and citizenship in Kenya and globally. The findings were used to prepare the instant report.

## 2. ORIGIN AND PROFILE

---

The homeland of the Shona people is Zimbabwe (former South Rhodesia) and parts of Zambia and Mozambique<sup>1</sup>. The Shona people found in Kenya, however, are descendants of missionaries who came from Matebele in Zimbabwe and settled in Kenya in the early to mid-1960s<sup>2</sup>.

The Shona came to Kenya as missionaries of a Christian denomination known as the Gospel Church of God. The church was founded in 1932 by Johane Masowe. Johane was born in Rusape's Gandanzara village, Makoni district, in eastern Zimbabwe<sup>3</sup>. He was the second of seven children born to Jack and Efi Masedza. At birth, he was named Shoniwa Masedza. The change of his name to Johane Masowe came about through the religious experience that launched him into an itinerant preaching ministry from 1932 until his death in 1973. During his evangelical journey, he travelled to various countries in Africa including South Africa, Zambia, Malawi, and Tanzania (then known as Tanganyika). It is believed that in all these countries, there are traces of the Shona who either chose to settle in those countries or integrated with the local communities, just as have the Shona of Kenya.

**The Shona came to Kenya as missionaries of a Christian denomination known as the Gospel Church of God.**

Whereas Johane did not come to Kenya, he sent missionaries to preach the gospel, just like he did in other parts of Africa where he could not personally reach. One of the two surviving migrant missionaries disclosed that even as they left Zimbabwe on their evangelistic quest, the prophet and originator of their church had prophesied to them that they would eventually settle in Kenya. According to the surviving missionaries, the prophet revealed to them that Kenya is at the centre of the world. Further, as early as 1938, the prophet foretold the erection of a stone in Kenya, which would guide their distance to different parts of the world where they would go on evangelical missions. The community believes that the prophecy came to pass with the erection of the Galton Fenzi<sup>4</sup> Memorial in Nairobi in 1939<sup>5</sup> and seen by the Shona between 1959 and 1961. The memorial is the point from which the distance from and to Nairobi and other parts of the country was measured.

The first lot of missionaries to arrive in Kenya in the 1959-1961 period comprised 16 evangelists and their families. They were: Arthur Dirorimwe Robinson Sichaya, Phillip Muregera, Samuel Chinyanga, Enoc Gavaza, Steven Motsi, Cripem Boka, Edward Manogara, Sensly Gavara, Manjoe, James Mgugu, Martin Zambe, Nxumalo, Mkuta, Kephaz Nyandoro and Richard Mpofu<sup>6</sup>. Upon arrival, the lot split into two groups with one group settling in Ngong area and the other settling in Juja. The group in Ngong was hosted by Joshua Kiarie, Timothy Muiruri and Gerald Njuguna Mwachii.<sup>7</sup> The group in Juja was hosted by Peter Muigai Kenyatta (the eldest son of President Jomo Kenyatta) who was a close friend of Mzee Arthur Dirorimwe.

<sup>1</sup> See Essays, UK. (November 2018). The Shona People of Zimbabwe History Essay. Retrieved from <https://www.ukessays.com/essays/history/the-shona-people-of-zimbabwe-history-essay>

<sup>2</sup> As narrated by the church elders

<sup>3</sup> Matthew Engelke, The Early Days of Johane Masowe: Self-Doubt, Uncertainty, and Religious Transformation Comparative Studies in Society and History, Vol. 47, No. 4 (Oct., 2005), pp. 781-808, Cambridge University Press Stable URL: <https://www.jstor.org/stable/3879343> Accessed: 30-10-2019 09:52 UTC

<sup>4</sup> Founder of the Automobile Association of Kenya, previously the Royal East Africa automobile association <https://kenyageographic.com/decipher-cryptic-map-galton-fenzi/> accessed on December 4<sup>th</sup> 2019

<sup>5</sup> Sourced from the Gospel of God Church records

<sup>7</sup> As narrated by the Shona Elders



The missionaries started off their evangelical work in Nairobi, Karen, Kinoo and Juja. During this period they sought to have their church registered in Kenya. They applied for registration. In 1968, the Registrar of Societies registered the Gospel of God Church in Kenya.<sup>8</sup> In 1973 the group from Ngong was forced to move to Kiambaa after their host, Joshua Kiarie, converted to Islam. Around the same time, the team from Juja were directed to Kiambaa by their host to join a group of worshippers. Their search for alternative spaces for evangelization landed them in Kiambaa where a religious group with similar religious practices as theirs' lived. They hoped that connecting with the religious group would help their mission grow even more. Soon after settlement with their new hosts, they started traversing the country, preaching the gospel. By 1975 their population has spilled to Kinoo area. Presently, scores are settled in Lenana, Githurai, Kasarani, Nyahururu, Meru, Nakuru, Kericho, Kitengela and Malindi where the Gospel of God Church has branches.

The missionaries enjoyed a close and warm relationship with the Kenyatta family during their early life in Kenya. They even visited the founding president at the Nakuru State House in 1976.<sup>9</sup> They reported that President Kenyatta urged them to spread the gospel and pray for Kenya,<sup>10</sup> more so during the great famine that had struck the country in the 1970s. President Kenyatta insisted that they should also take their mission deeper into the country including Maasailand where Kenyatta's mother came from.

Currently the estimated population of the Shona is 2300<sup>11</sup> people spread in over 900 households. It is also estimated that only a small percentage <sup>12</sup> have intermarried with Kenyans of Kikuyu, Meru, Kamba, Luo, Giriama, Kalenjin and Luhya origins, most of whom are members of the Gospel of God Church. Of this number, very few have any identity documents. The current Shona population, which identifies as Kenyans, just like their forefathers, is hopeful that they will be granted Kenyan citizenship. It is only in July 2019 that 597 Shona children were issued with birth certificates.

---

<sup>8</sup> Evidenced in the registration certificate held by the Gospel of God Church

<sup>9</sup> Documented in a dated photograph with first president of Kenya, Mzee Jomo Kenyatta

<sup>10</sup> As narrated by Sr. Mildred Millenia Moyo who was present during the meeting

<sup>11</sup> The numbers are drawn from community self-census completed on the 31st of October 2019 a submitted to the chairperson of the task-force on statelessness on xx date

<sup>12</sup> According to the Shona community mapping, only 50 families have intermarried

### **3. FAMILY & CULTURE**

#### **3.1 Clans**

The Shona community is made up numerous clans which are named after animals. There aren't a set number of clans as they grow with the growth of the Shona population. The clans draw their names from totems. The totems are drawn from animals and body parts that exist in sub-Saharan Africa and include: Simba (Lion), Tumbili (monkey) Nyati (Buffalo), Mpofu (Eland), Ndlovu (elephant) Moyo (heart/cow ) among others.

#### **3.2 Naming System**

The community is customarily patrilineal as the children are deemed to take on their fathers' clan. This patrilineal system has a bearing on the nomenclature system. Firstborn children are named after their fathers' parents, while second born children are named after their mothers' parents. Those who follow are named after the fathers' and mothers' uncles, aunties, brothers and sisters in alternate succession with the father's relatives having priority. The children's second name is the family name and a third name is indicative of the clan they belong to.

In some instances, the children are named according to the season or situation or circumstances surrounding their birth. For instance, the name 'Numeri' which loosely translates to 'I have started to count' is given to firstborn children indicating the first of many children the parents of the child intend to have. It is also in consonance with the biblical command of God to Moses, to count all first born Israelite children. For the Shona in Kenya this name denotes Christian virtues and biblical teaching of faith, mercy, love, grace among others.

#### **3.3 Child Birth Rituals**

Upon delivery, the baby is supposed to be concealed from all other persons other than its mother, the midwife and children below the age of 8 years, for fourteen days in the case of female children and eight day for male children.<sup>13</sup> This practice borrows heavily from the Jewish cultural practice as documented in the Bible. It is intended to shield the child from any external interaction until its dedication to God. The auxiliary intent of the ritual is to provide the mother ample time to bond with the baby.

Because most Shona deliver at home due to challenges of accessing health facilities stemming from lack of identity documents, the baby stays with the mother in a special delivery room in the house. At the lapse of the separation period, a ceremony is held and pastors (all men) pray and dedicate the child to the Lord. Thereafter, a nod is given and the baby can be seen and held by congregants and other community members.

#### **3.4 Upbringing of Children**

With the introduction of Christianity among the Shona in 1932, the Shona missionaries abandoned African customs and practices which they deemed to be inconsistent with the Christian teachings. They incorporated the teachings and philosophies of their new found faith as the basis and root of their culture and identity. As such, both Shona cultural values and Christian values are inculcated in the children in the course of their upbringing. For instance, the aspect of equality among children which was lacking in the Shona traditional society is greatly embraced by the Shona missionaries, drawing from the biblical teachings. As a result, according to the Shona elders, there is no distinction of male and female children in their nurturing during their formative years until teenage.

However, on scrutiny of the community's way of life, there is in fact a distinction, albeit slight, in how the male and female children are brought up. There is a distinctive dressing style for girls which is not required of the boys. Additionally, whereas the male children are allowed to lead in prayers the female children cannot lead. It was also noted that the children were taught distinctive crafts based of their sexes; whereas both male and female children were taught weaving and basketry, only male children were taught carpentry and masonry.

---

<sup>13</sup> As per the biblical teachings in Leviticus 12:2-8

The Shona missionary culture demands that girls carry themselves with a lot of respect and decorum. It is believed that this would increase their opportunities of either serving as sisters in the church or getting married in a respectable manner according to the Shona cultural and biblical teachings, as chaste girls, embodying the values and character of Christian women.

Families are allowed to volunteer their daughters to join sisterhood as from the age of four years. Joining the sisterhood is the hallmark of well raised girls in the community and brings a sense of pride to the

## On that basis, most of the Shona missionary families desire to have their daughters to join sisterhood.

girls' families. On that basis, most of the Shona missionary families desire to have their daughters to join sisterhood. This presents the girls with an opportunity to undergo in-depth religious teaching and become intercessors for their families. The girls are at liberty to leave the sisterhood if they find it

difficult to accustom themselves to the sisterhood vocation. However, the great expectations of the families and the high regard that sisters are held with, in the community, incentivize the girls to continue serving in the sisterhood. Upon attaining the age of eighteen years, the girls are free to choose to leave or continue with sisterhood.

It is the duty of older women to teach girls and younger married women, how to carry themselves as wives and build their homes. The body of women charged with this responsibility is the "*Chita che Madzima*" (hereinafter the '*Chita*') which is translated to 'women's welfare group'. The *Chita* is required to inculcate in the girls, religious and customary values attendant to matrimonial affairs. It starts teaching the girls from an early age and the teachings accelerate proportionately with the girls' age. The lessons by the *Chita* take place every Tuesday of the week. They are to be strictly attended all the way to marriage of the girls and even in their early years after their marriage. The girls and women are also responsible for cleaning the churches under the direction and supervision of the *Chita*.

Men, on the other hand, have the "*Dare*" meaning the "Mens' Committee". There are 3 major committees namely the governing council comprising of 12 leaders of the community and the church. The governing council governs the entire community. It mediates disputes within the community and in marriages, is responsible for disciplining members of the community and running all social ceremonies including marriages and burials. "*Dare*" members are required to observe high levels of confidentiality in running the affairs of the community. The governing council *dare* comprises of selected people (considered anointed) individuals who not only run the affairs of the community but also the affairs of the church. At the church level the leadership is divided into the Council of Jacob comprising of and leaders representing the 7 covenants and Council of Petros comprising of 12 people like the disciples of Jesus Christ<sup>14</sup>

The second *dare* is the area committee comprising of pastors and men of that area and the third is the youth *dare* comprising of youth pastors and men. The area *dare* is where young boys are taught good behavior and values of Shona Christian men before and after marriage. The youth *dare* on the other hand is responsible for peer counselling and mentorship among the Shona young men, care giving of the elderly, information and knowledge sharing from the elders to the younger generations and logistical arrangements of key ceremonies and events. It works under the close supervision and guidance of the pastors.

The high sense of discipline and cohesion in the community is attributed to the intergenerational teachings and mentorship from the welfare groups and committees.

<sup>14</sup> See [https://www.gospelofgod.ws/Gospel-of-God-Church\\_structure.htm](https://www.gospelofgod.ws/Gospel-of-God-Church_structure.htm) accessed on 10th October 2019





***A section of the leaders who are part of “Dare”.***

### **3.5 Marriage**

The institution of marriage is highly regarded among the missionary Shona as it is within both the biblical teachings and the African customs. A girl was considered ready for marriage at the age of 15-16 years. However, with exposure of the community to education and the laws of Kenya, the Shona no longer marry off girls before the age of 18 years. That notwithstanding, there is reason to believe that early marriage still takes place. During the youth focus group discussions, it was notable that a majority of the girls aged between 18-20 years were married. In one of the focus group discussions in Githurai, it was observed that out of the seven girls present, 3 were married with children aged 3 years and below. A backward calculation of the girls' ages at the time they got their first children places them at approximately 15 to 16 years. With the firm emphasis on a girl's purity upon marriage, a conclusion is reached that the girls were married before attaining the age of majority.

The rite of marriage begins with courtship. The concept of arranged marriages does not exist among the Shona missionaries. The young people are allowed to freely choose their partners. It is no wonder some have been married to people from native Kenyan tribes. Whereas intermarriages with other communities are allowed the caveat is that the prospective spouse should be a member of the Gospel of God Church. A man seeking to marry makes his intentions known to his maternal uncles. The uncles then approach the girl's parents to make their nephew's intentions known. On the other hand, a girl who is ready for marriage usually informs her aunties on her intentions to get married. The aunties in turn pass the message to her parents.

The girl's parents then deliberate and the decision is conveyed to the young man's uncle. Among the preliminary checks made on the young people seeking to marry is that they do not belong to the same clan. Intra-clan marriages among the Shona is considered incestuous and is forbidden. The girl's family



also then send a messenger (*'Munyaĩ'*) to survey the home of the prospective son-in-law. The parents deliberate on the proposal based on the feedback given to them. This is important because marriages among the Shona are not individual affairs. Rather they are clan affairs.

Upon obtaining a green-light from the girl's parents, the young man seeking to marry is expected to voluntarily offer an appreciation gift to the girl's parents. There is no quantum set for the appreciation token and quantity or value lies at the discretion of the prospective groom. The community does not believe in bride price payment for three reasons. Foremost, it is not prescribed in the Bible. Secondly, a price is a form of consideration for purchasing property. If their daughters are bought, then they would be susceptible to subjection to slavery from their buyer. Thirdly, the church teaching encourages friendship and neighborliness among Christians. A disagreement as to the amount of bride price to be paid is more likely than not to tense and severe relationship between families, contrary to biblical teachings.

The families then begin the marriage negotiations. The community considers forced marriages especially affecting girls a taboo. Consummation of such a marriage is deemed rape or defilement. The wedding ceremonies are conducted in the church and registered in the church register. This registration is however not recognized in law because the Shona do not have identity documents necessary for the issuance of marriage certificates for Christian marriages.

After the wedding a girl spends the first night with her husband and consummate the marriage on a white piece of cloth. Blood stains from a broken hymen are expected on the white cloth as proof of broken virginity and thus chastity of the girl. The piece of cloth is checked by the aunts of the bride and the groom to confirm her virginity. That message is relayed to the parents of both the bride and the groom. If the girl is found to be a virgin, gifts are dispatched to her parents in appreciation for raising her well.

The husband is the head of the family and the decision maker. The wife is deemed an assistant or helper to the head of the family. Whenever an issue arises they will consult each other but the final decision lays with the husband.

Polygamy is permitted both by African custom and religious practice. Polygamy and monogamy is left to the personal choice of a man. In cases of polygamy, the appreciation gift to a man's first wife's family is given by the man's parents. However, the gifts in the subsequent wives are borne by the man himself. In polygamous set-ups, all the wives live in one homestead or house as not only co-wives but also friends. This arrangement is owing to the low income levels of the Shona which cannot afford them different or bigger houses. When a man dies, a woman can choose to remarry or stay in the homestead. The culture does not allow widows to informally relate with another man.

Family planning is disallowed among the Shona missionaries. A woman gives birth to as many children as she can because children are considered a blessing from God and the use of family planning is akin to controlling God's will. Whereas the older women religiously followed this practice, the younger women take contraceptives. Nevertheless, as a result of contemporary teachings and civic education by government officials.

## **The community has mechanisms of monitoring adultery and violence within families**

Family disputes are dealt with by the governing council and the area *dare*. Divorce is forbidden in the community unless under extenuating circumstances like adultery and violence which are considered serious vices. The community has mechanisms for monitoring adultery and violence within families. Repeat offenders are considered outcast and excommunicated from the church and community.

### 3.6 Burial Rites

The Shona in Kenya observe a mourning period which varies depending on the age of the deceased. Where the deceased is an adult, he/she is accorded a maximum of 3 days mourning period immediately upon the lapse of the mourning period. Children aged 15-18 years are accorded a one day mourning period and buried on the same day. Children under the age of 15 years are buried immediately and are not accorded any mourning period as they are deemed to have died without sin. The Shona bury their dead on any day of the week. However because they rely on the Kenyan laws and customs they do not bury on Sundays.

Unlike most Christian denominations, the Shona do not hold requiem masses for the deceased in church. The burial ceremony commences with prayers at the deceased's home. They then view the body of the deceased and the casket is carried either by the elders or the young men at arm's length and not on their shoulders. At the grave site, the casket is set aside awaiting the clearance of the elders/evangelist/priests. From the house to the grave, they consistently sing one song. Thereafter a eulogy is read out by one of the elders after the burial rites have already taken place. Once all the rituals are done, the mourners go to the deceased's house and wash their hands as a sign of cleansing, before they leave for their homes.

Within 7 to 14 days of the burial, the family members of the deceased initiate an informal succession process for the estate of the deceased. Because of lack of identification documents, they do not enjoy the benefit of the formal or legal succession process in court. They share out the deceased's personal effects like clothing. They also distribute of his/her estate. During the process, they collect all debts owed to the deceased and also settle debts owed by the deceased. In most instances creditors write off pending debts during that ceremony. The families can invite members of the *Dare* as witnesses. Their burial ceremonies are very modest.

#### 4. LIVELIHOOD AND SOCIAL ECONOMIC STATUS

The Shona are a Bantu community who were predominantly farmers of maize, wheat, millet, nuts, yams, arrowroots, cassavas and sweet potatoes. They were also known for their extensive artistic and building skills. In Zimbabwe, they are known to have built one of the greatest ancient cities and wall<sup>15</sup>. They also have lots of ancient artefacts. Those who migrated as missionaries on the other hand were solely evangelists moving from one country to another spreading the gospel. In a lot of ways, the religion became the Shona's culture resetting all aspects of their lives including their livelihood.

As their population grew in Kenya, their needs expanded and they needed to fend for their families. Unfortunately very few of them had access to formal education. Lack of education rendered them unemployable in white collar jobs hence they resorted to menial jobs. The menial jobs were heavily influenced by their traditional practices of farming, woodworking, artwork and masonry. This was gradually adapted to the needs of the semi-urban population in Nairobi and Kiambu counties. Currently they are known for their carpentry work where they make high quality furniture, masonry and interior design, tinsmith and basketry which they have since passed along generations. These form their key source of livelihood. The local communities particularly in Kiambaa, Kinoo, Kikuyu, Kawangware, Gikomba, Githurai, Kasarani, Zimmerman, Kitengela and Ngong where their population is concentrated, have benefited immensely from their skills.

They have workshops in all the areas that they reside. Some of the workshops have business permits while others are run clandestinely because they cannot access business permits as they lack identity cards. To increase their reach their client base and widen their market, they often have to walk long distances to hawk their products. These are usually risky ventures as they are susceptible to arrest by the police and charged as aliens being in the country illegally. Often times they get very low prices for their wares because they are exploited by middlemen who take advantage of their lack of identification documents.



***Basketry is a skill that has been passed along generations.***

<sup>15</sup> Documented history of the Shona accessible on <https://www.livescience.com/58039-shona-people.html>



### 4.1 Healthcare and social protection mechanisms

Whereas the right to the highest attainable standard of health is a fundamental right that accrues to every person regardless of citizenship status, the Shona are not able to absolutely enjoy this right for lack of citizenship. Because they lack identity cards they are particularly unable to access inpatient and specialized medical care that requires identification documents. Where they are able to get admission, they are forced to pay higher medical fees because they are considered as foreigners. They are also not eligible for membership to the National Hospital Insurance Fund. All their hospital fees have to be paid out of pocket which is usually an insurmountable challenge because they are low income earners. To address the situation, they are reduced to the indignity of having to prioritize the persons in the community for whom to mobilize resources and pay for their hospital fees.

Majority of the women deliver at home because they cannot be admitted in hospitals. Stakes are extremely high in every child delivery and the community members pray that complications do not arise in the course of the delivery. Women are lucky to be admitted to hospital and lack the requisite amount to pay the maternity fee end up being detained in hospital. In the course of the assessment, many mothers revealed that they had been detained in hospitals after delivery for lack of maternity fees, and it took the contribution of the community to raise funds or the intervention of the local administrators, particularly the Chiefs and Assistant County Commissioners for them to be released from hospitals. The Shona heavily rely on the goodwill of Kenyans in their congregation who stand in as relatives so as to enable them access healthcare services.

The Shona are not eligible for membership to the National Social Security Fund and their old age remains unsecured, uncertain and bleak. Moreover, with the roll out of the 'Pesa Kwa Wazee' project that includes a monthly stipend and free NHIF cover, none of the Shona senior citizens have been able to access these benefits. The older members of the society become burdens to their already financial unstable and struggling families.

#### 4.1.1 Two case studies of the Shona Challenges to health rights

*Jenifer Ishmael was born in 1999 at home as a healthy girl, her mother was excited for her birth and raised her with a lot of enthusiasm. At 18 months she suffered severe burns from hot oil that was cooking French fries famously known as (chips). Unfortunately, her mother had no way of taking her to the hospital, so she did basic first aid and continued nursing her with a lot of pain and difficulties at home. She was always crying. All this while she remained indoors and her mother was grounded from any other economic activities because she was her primary and only care giver and the care-giving burden was very heavy. The Shona community congregated often to pray with the family and empathize with them.*

*After nearly two months of agony, the landlord was attracted by a foul smell coming from their house and he stormed in to inspect the house. He was shocked when he saw a young girl with severe infected burns on her face and her neck. He wondered why they did not seeking proper healthcare. In tears, Enjura Chipendo (Jenifer's mum) explained that they could not be admitted to any hospital because of lack of identification documents and as such they could not access any health care. In the spirit of 'utu', the landlord admitted Jenifer as her own daughter in a hospital in Kikuyu and paid the hospital bill. They were admitted for over 3 months and finally discharged. Jenifer lives with the*



*scars to date, the scars would have been lesser if she had received medical attention earlier. She says the scars affected her self-esteem for many years growing up as she felt different and ugly in comparison with her peers. According to Jenifer, it is only recently that she overcame the low self-esteem that the scare gave her. Her peers who understand her story tell it with a lot of pain and bitterness. The family is forever grateful to Mr. Kinyanjui for his humanity and courage to help them during their time of need.*

***Narrated by Jennifer Ishmael and Enjura Chipendo***

*Ruramai Mtenda is a mother of 5 children who are known in the community for being extremely talented academically. She has raised her children by weaving baskets and doing jobs such as of cleaning and farming. Sometime in 2017 she was diagnosed with goiter. She took herbal medication and was advised to seek medical advice to manage the condition.*

*Sometime in 2018 she attended a free medical camp in Kiambu. She had to walk a distance of over 10 kilometers to benefit from the camp. The medical camp was a very attractive option because she could barely afford the recommended treatment for goiter. On arrival she underwent preliminary processes and was advised that she would need surgery to remove the goiter. Unfortunately, she did not have identification documents and thus could not access the specialized medical care. She continues to work, pray and hope that a miracle will happen and God will rid her of the goiter.*

*The Assistant County Commissioner Ms. Rosemary Mwangi accompanied her to another doctor with the hope that she could get help. The doctor was reluctant to offer any free services without identification documents because it involves an operation. They also indicated that seeing she didn't have an identity card, she was incapable of consenting to the requisite medical procedures. She went home hoping for divine healing.*

***Narrated by Ruramai and Rosemary Mwangi.***

## **4.2 Religion and Ministry**

The Shona community professes the Christian faith having been sent into Kenya by their prophet as evangelists of the word of God. The name of their denomination is the Gospel of God Church with its origins in Zimbabwe in 1932 by Prophet Johane Masowe. He spread the gospel to South Africa and then was directed to come to Kenya where he sent his evangelists in his place. The current generation of the Shona with the exception of 3, have their parents as followers of the prophet who were sent by the prophet to spread the gospel. He instructed them to set base in Kenya. The church has over 50 branches in different parts of Kenya.

## **4.3 Education**

The Shona community has a great interest in formal education, but faces enormous challenges in accessing education. The challenges range from lack of admission to schools to lack of school fees and other school related items. Majority of the Shona children have been able to access education up to the primary levels but very few have taken the Kenya Certificate of Primary Education due to lack of birth certificates which are a pre-requisite for registration for the examination. Among those who were lucky to take the exams, even fewer have been able to access secondary education through the intervention of Constituency Development Fund (CDF). Unfortunately, none of them have been able to access University.



***Kinoo area Chief, Mr. Kimemia addresses the Shona at a past community engagement forum.***

The area chiefs, have been instrumental in assisting the Shona children get access to the CDF fund as well as the issuance of birth notifications for some of the children.

The first notable challenge is access to quality education and the progression of the same. A good number of the school going children are out of school. A majority of them as well as the older ones have had to drop out for various reasons key among them being lack of funds. Fortunately, some of the children have benefited from sponsorship from organizations such as World Vision as well as the Member of County Assembly and Member of Parliament under Constituency Development Fund and county government bursary.

They face further challenges in their pursuit of education when it comes to registration for national examinations KCPE and KCSE. For registration for KCPE some have used their clinic cards, others have had to pay for birth certificates. They have also faced a lot of stigma and discrimination within the school setting from both the students and in some cases the teachers have also played a part in the bullying. Noteworthy of the schools where the teachers too are part of the bullying are Rugiri primary school and Kinoo primary school. This has adversely affected the students and demoralized them from pursuing an education.

During an FGD with the youth in Githurai, it was revealed that majority of the youth had dropped out of school. Upon probing the cause of the drop out, one of the girl's spoke up about her journey.

*At 19 years old, she is married with a child; a 2 year old daughter. She explained that she had been a top performing student, so much so that one of her teachers had taken on the responsibility of ensuring she remained in school and was not sent home owing to fees arrears. Not only was she a top performer, she was ambitious and very self-driven. Traits that have evidently remained despite her circumstances.*



*Upon getting to form 3, her teacher found her a sponsor to cater to her long term academic needs. This sponsor however indicated that they would prefer she attended a boarding school to enable her to focus on her studies and perform even better than she was at her current high school. With the help of her teacher and her mother, she was able to find a suitable boarding school and the sponsor facilitated her shopping as well as uniform and stationery. He however requested to meet her and her mother so as to put a face to the person he would be sponsoring. They met and she believed that the meeting had gone well. However, soon after the meeting, he withdrew his commitment to sponsoring her education. It was later disclosed to her by her teacher that the reason behind it was the stereotype associated with the Shona; that their girls are married off young and that in his opinion this would have been a wasted investment because she would have been married off as soon as she completed her KCSE.*

*As she narrated this, the pain and offense of that assumption was clear. She went on to explain that most of them do not get married out of choice. It is simply their 'only option'. Because, without an education and coming from a struggling family, there was little else to do as their parents can no longer support them.*

*Upon further inquiry on whether she would go back to school if given an opportunity, given that she had been out of school for a number of years and already had a family, she responded by saying that she would do it in a heartbeat because she has always wanted more for herself and now that she has a daughter, she cannot bear the thought that her daughter will suffer the same fate.*

***Narrated by Mary Kimemia and Hilda Maposa Samaramba***

#### **4.4 Land and housing**

The Shona community live as squatters and have no land other than the land owned by the Church. They are not citizens of Kenya and cannot own land on free hold. Obtaining leasehold land is a big challenge for them as they cannot afford. Even if they did, they do not have identification documents to register the properties. They also cannot access banking and credit financing facilities to purchase properties because of lack of identification documents. They live in cheap rental houses where they mostly occupy the entire property. In Kiambaa and Kinoo, they live in interior areas that are on average at least 2 kilometers from the main road.



***Irene Soila of the KHRC, addresses some of the sisters at the Gospel of God Church in Hurlingham.***

## 5. ANALYSIS OF SHONA CITIZENSHIP STATUS

A person's citizenship and nationality can be determined based on the laws of a country where an individual is born or where his/ her parents were born. In Kenya, there are several groups of people that have been known to be stateless for decades. This is the situation the Shona living in Kenya find themselves in.

The Shona missionaries are neither Kenyan citizens nor Zimbabwean citizens. A person is considered a Zimbabwe citizenship if they were born in Zimbabwe to a father and in case of a single mothers to a mother who is a Zimbabwean citizen by birth. Persons born out of the country are only recognized as Zimbabweans if their parents were away on official duty sanctioned by the Zimbabwean state and thereafter is lawfully resident in Zimbabwe and their parents were not citizens by descent<sup>16</sup>. The effective date for recognition in Zimbabwe is 18<sup>th</sup> April 1984. Ideally, if the Shona missionaries wanted to reclaim their Zimbabwean citizenship, they would have done so in 1984 under the category of decent, their forefathers having been Zimbabwean citizens. However, the forefathers left Zimbabwe in 1930-1940 and never returned. By 1984, majority of the founding missionaries were dead and the new generation of Shona had no linkage with Zimbabwe, hence they lost the window to reclaim the citizenship of their forefathers.

**By 1984, majority of the founding missionaries were dead and the new generation of Shona had no linkage with Zimbabwe, hence they lost the window to reclaim the citizenship of their forefathers.**

Similarly they are not considered Kenyan citizens because they were not considered amongst the indigenous communities in Kenya at independence on December 12<sup>th</sup> 1963. Subsequently none of them has successfully qualified for citizenship in Kenya because whereas they are habitually resident, they are not lawfully resident as they have not continuously held residence permit and some have never accessed them at all. As such they are not recognized as citizens by any states and more so states that have an appropriate connection with them being Kenya and Zimbabwe.

Citizenship in Kenya<sup>17</sup> is acquired by birth or by registration. Citizenship by birth is acquired by descent (*jus sanguine*). However, the law itself is not straightforward, as the modes of acquisition of citizenship by birth in Kenya are drawn from the independence Constitution of 1963, which did not provide a clear basis for determining citizenship by birth.<sup>18</sup> Thus, while promising a new era of inclusive citizenship in Kenya, the Constitution of 2010 did not help as much as it could have as it only refers to the definition in the repealed constitution.<sup>19</sup> Citizenship by registration is more clearly defined in law than citizenship by birth; however some of the sections on citizenship by registration proved very difficult to implement.

<sup>16</sup> See preamble of the Citizenship of Zimbabwe Act , Chapter 4:01, 1 December 1984, available at: <https://www.refworld.org/docid/3ae6b4d74.html> [accessed 7 November 2019]

<sup>17</sup> As per Articles 14 and 15 of the Constitution of Kenya 2010.

<sup>18</sup> As per Clause 30 of the Sixth schedule of the Constitution: A Kenyan citizen is a citizen by birth if that citizen— (1) acquired citizenship under Article 87 or 88 (1) of the former Constitution; or (2) would have acquired citizenship if Article 87 (2) read as follows: "Every person who, having been born outside Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall, if his father or mother becomes, or would but for his or her death have become, a citizen of Kenya by virtue of subsection (1), become a citizen of Kenya on 12th December, 1963."

<sup>19</sup> **87\***. (1) Every person who, having been born in Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Kenya on 12<sup>th</sup> December, 1963: Provided that a person shall not become a citizen of Kenya by virtue of this subsection if neither of his parents was born in Kenya. (2) Every person who, having been born outside Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected



## 5.1 Effects of the Shona's Statelessness

### 5.1.1 Political exclusion

Due to the lack of identity cards and an undetermined legal status, the Shona community has never participated in political decision making in the country despite being in Kenya for decades. Having been in the country for decades, the community has faced discrimination in participating in political decision making. During the electioneering period, the Shona community locks themselves in their homes awaiting the outcome. The period is undergone in fear and panic. They avoid political meetings and campaigns. From this, the community feels isolated from deciding on the leaders.

### 5.1.2 Socio-economic exclusion

The Shona live in the margins of society. It's unlikely to find a Shona living next to a major road. They live in interior villages and settlements where the rent is cheaper and life is a bit removed from the rest of Kenyans. In the course of their lives, they have faced stigma and exclusion in schools where they would be mocked as dropouts. During FGDs, they narrated that they were known as the 'group that would feed on the chicken's legs and never the chicken meat.'

They face difficulties accessing social protection programs available to the rest of the Kenyans because of the lack of identity documents. During public gathering, they listen from a far because they have no voice and can only abide by what is decided.

#### 5.1.2.1 Property ownership

Documents of property ownership are issued out to Kenyans to confirm the legitimacy of ownership of property. The Shona community members cannot own any property due to lack of identity documents that define who they are. For this reason, the Shona's have never owned any property since they came in to the country in 1961. They have lived in rented houses that are shared among the extended family for decades. This state in itself is demoralizing and has denied the community a chance to enjoy their privacy. One of the Shona's admits that they were able to buy a piece of land in Githurai with the use of an alien card.

#### 5.1.2.2 Education

Lack of education among the Shona community has caused them dire consequences of a better future for their families and country at large. Their societal contributions to the country's economic growth.

---

person shall, if his father becomes, or would but for his death have become, a citizen of Kenya by virtue of subsection (1), become a citizen of Kenya on 12th December, 1963.

**88\*.** (1) A person who, but for the proviso to section 87 (1), would be a citizen of Kenya by virtue of that subsection shall be entitled, upon making an application in such a manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Kenya:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not himself make an application under this subsection, but an application may be made on his behalf by his parent or guardian be prescribed by or under an Act of Parliament, to be registered as a citizen of Kenya:



*A member of the Shona engages in carpentry.*

### **5.1.2.3 Unemployment**

Shona community members survive on casual labour, carpentry and weaving by the women. The youth are introduced to carpentry and basketry for men and women respectively in their teenage years. This is to allow them fend for themselves as they can not complete their education due to lack of legal identity documents necessary for school enrollment and national examination registration.

### **5.1.3 Lack of Legal protection**

The Shonas' biggest source of security is their communityhood. They live in a close mesh and have a community structure that is used to monitor where Shona community members are at any point in time. They understand that they are extremely vulnerable because of the lack of identification documents and have thus devised unique ways of looking after each other. For instance when travelling, a Shona community member must inform the elders. The elders in turn inform the elders in the destination village of the person travelling. They have to be clear on the departure time of the traveler time and then estimate the maximum time the journey would take, to get the estimated arrival time.

If, within a certain period, the traveller does not arrive at his or her destination, the community embarks on a search. The searches often start at police stations then hospitals and finally mortuaries. This is because whereas the Shona lived in utmost peace and hospitality in Kenya during President Jomo Kenyatta era, this quickly changed under President Moi. There were changes in the law that introduced identity cards for men and women in 1978. The 1978 amendment to the Registration of Persons Act included for the first time the registration of women who had attained the age of 16 years and above. A further amendment to the Act was made in 1980 to raise the age of registration from 16 to 18 years. The effect of this was to

create a nationwide demand for identity cards which did not previously exist as these were only issued to African males capable of giving labour. The Shona could not access identity cards as they were termed as 'Zambians' pronounced locally as 'Sabians'. Between 1980 through to 2002, the Shona faced numerous arrests for illegal residency in Kenya. Those who had the British protectorate passports were able to get residency permits. They live in continuous fear of arrest because they lack identification documents.

In the early 1980's they would be issued with alien cards identity cards. However after 1984, the issuance stopped and they were asked to return to their 'home'. After the constitution of Kenya 2010 they again tried to apply for either the national identity cards or the aliens cards for survival but they were unsuccessful with the national identity cards and very few could afford the required fee of five thousand Kenya shillings for alien identity cards. None of the Shona seemed aware of the provisions of the repealed Kenya Citizenship Act on registration as citizens of persons of African descent. The literal reading of the script shows that they would qualify because they only needed to resident in Kenya for a period of five years.

Whenever the Shona have legal grievances of a criminal and civil nature, they rarely pursue them within the legal system because they feel very vulnerable as their citizenship status is uncertain and their presence in Kenya is deemed irregular. This has resulted in people taking advantage of them in various spaces. Their church has faced several attacks by people who know that they suffer an identity crisis.

In a few instances and after years of close engagement with the local administration, they report their civil and criminal grievances to the chief. In the course of the assessment, it was discovered that no community member had ever reported a grievance to the police, out of fear of victimization or arrest for lack of proper documentation. In the 1970's, they received alien Identity cards which were issued at Nyayo House. Initially the cards did not have renewal fees attendant to them. However, in the later years the then president Moi introduced a renewal fee every 2 years after which it was discontinued and ceased to be operational.

In 1978, President Moi issued a directive that all foreigners be arrested and deported. Some families were arrested and detained at the Industrial Area Remand Center for a month without prosecution and were later released on agreement of deportation. They have since lived in the shadows for fear of deportation and/or arrest.

Based on the advice that the Shona should go back to their country, one of the Shona men (a son ) to the original migrants sought a travel document to Zimbabwe . He travelled but on reaching Zimbabwe he was deported back to Kenya. Since then no Shona has attempted to travel back to Zimbabwe.

*On 23 October 1990 at 1.30pm I was in the house with my husband Peter Mwawa, my co-wife and our first born child. A random arrest was happening in our area where we the Shona resided in Kinoo. My family was not lucky to escape the arrest. We were arrested together with other Shona community member and booked at Kikuyu Police Station before being transferred to Lang'ata Women Prison together with my cowife and the child. My husband was take to Industrial Area Prison. I was 8 months and 3 weeks pregnant at the time. Out of shock, I labored in a weeks' time. My fellow inmates called the police on duty to help me out. I was rushed to the prison clinics. The doctors referred me to Kenyatta Hospital claiming they did not have the equipment to handle deliveries. The police requested for a car but instead, they sent us a lorry (which we used to call Mariamu.) Climbing on top of a lorry in labour pains was not easy. I tried but I could not. Instead of getting help from the women officers, they hurled insults at me as if I had made a mistake.*



*They bundled me inside the lorry forcefully but I was still unable to climb. A police man saw me struggling in pain with no help. He carried me inside the lorry and transported me together with the women police to Kenyatta Hospital. The women police threatened to kill me and my baby if I gave birth in the car. They demanded that I breathe like a duck to avoid contractions. The policeman helped me alight from the lorry at the hospital. I waited at the waiting area in the hospital for close to six hours because the officers did not see the need to alert doctors in the hospital. I was attended to immediately when the doctors noticed my struggles at the outpatient area. At the delivery room, doctors informed me that my child was already too tired and that I needed an immediate caesarean delivery. I prayed to Baba Johanna to help me out of the difficulties I was going through. After my prayers, I got some energy to push my baby. God saw me through, I delivered my baby girl healthy. They took me back to prison the following day at 11.00 am hungry, exhausted and with one blanket to cover my baby. We arrived at the prisons at 4.00 because the same Mariamu was ferrying prisoners to court. We had a very difficult time that after one week, my girl was taken ill with yellow fever disease. We were rushed to Kenyatta National hospital where we took a week. Well-wishers volunteered to help me and my baby, the police declined those offers saying that the Mother is a remandee. We took a month and 3 days in Lang'ata before we were released. My girl today is serving the Lord as a Sister at the Gospel of God Church. I thank God that She survived and remains a mark of our suffering both as apostles of the lord" Narrated by Sarah Mwawa*

#### **5.1.3.1 Social protection and welfare**

The women are left out of social groups like Chama's, table banking and merry go round. These are social networks that are practiced by women in Kenya to empower themselves as well as promote their economic muscle. Due to this act that tends to isolate them from the other women, the Shona community women have learnt to live among themselves with limited engagement with other Kenyan women. These challenges, among others, have locked out the community from progressing, accumulation of wealth and access to basic needs.

As a result of these challenges, the community have sought alternative measures to survive and run their lives including acquiring 'adopted parents' to acquire identity cards; transacting through identity documents of Kenyans at a fee, particularly for M-PESA transactions, among others.

## **5.2 Progress towards Recognition, Legal Identity and Citizenship**

Out of their own research and interaction with UNHCR and the KHRC, the Shona community became aware of the fact that they are stateless. Over the years they have tried their best to be law abiding citizens. However, when it comes to their immigration and residence status, all their efforts have been mostly futile.

So far they have filed a number of community developed registers with the Department of Immigration in the Ministry of Interior and Coordination of National Government. Sometimes they have been issued with residence permits and alien IDs. Because they cannot travel both within and without the country using these document, they have tried to apply for national identity cards and passports from the Kenya government and in very few cases from the government of Zimbabwe without any luck.

They also registered as stateless persons during the Huduma Namba registration exercise in April to July 2019. They however could not access registration from all registration gadgets and were only able to register from the Kinoo registration center and registration equipments.



A study of the two state with possible appropriate connections with the Shona, namely Kenya and Zimbabwe clearly indicate that the only hope they have for legal identity is in Kenya as they are completely left out of all classes of citizenship in Zimbabwe. Most importantly, they display a deep sense of belonging to the state of Kenya and would have serious difficulties settling in any other part of the world. As a result the Shona community has worked closely with government departments, the KHRC and the UNHCR to acquire 597 birth certificates for the children of the community. They are also very well known to the national and county governments.

In October 2019 they submitted a community register to a government appointed taskforce on statelessness. The register has become an initial point of recognition and was used in the **MAKADARA PMCR 5559 of 2019: R V GIDEON KHUMALO**, where a Shona youth was arrested for lack of identity documents and charged with being in Kenya illegally. On the strength of the register and a letter from the taskforce, the charges against Khumalo were withdrawn under section 87A of the *Criminal Procedure Code*, until such time that he will have been registered as a citizen<sup>20</sup>.



***Meeting between the Kiambu County Executive, the Kiambu County Assembly, UNHCR, KHRC and the Shona Community.***

Previously they have constantly engaged the immigration department. They have also engaged the Kiambu county government's executive and county assembly on a number of issues including education and employment. Shona children in particular are able to access bursaries from Kikuyu Constituency Development Fund (CDF) and the Kiambu County Bursary Fund. This assessment interacted with over 20 people who had accessed bursaries.

<sup>20</sup> Obtain order and annex in the appendices.



**Assistant County Commissioner Rosemary Mwangi of Kinoo, Kiambu County, issues a birth certificate to a member of the Shona community in July 2019.**

On 5 December 2018, the Shona obtained audience with President Uhuru Kenyatta when he visited Kiambaa town for an official function. Below is an account as narrated by the **Zephaniah Muungani** one of the pastors in the Gospel of God Church.

*President Uhuru made his speech and finished without hinting even a single word on the Shona. After that we looked at each other wondering what to do next. Then the sisters just kind of suggested to stand where he would pass, just to wave at him. Others, of Kiambaa had started going towards their vehicles, for fear of being left. So when the sisters came up with that suggestion we agreed to it. So we went and lined up waiting for him to pass. Believe it or not, that is where God came in. He was about to pass when a mheshimiwa gave out some money to a group of people. As the people were scrambling for the money, president Uhuru looked at them and shook his head slowly. Then he turned to wave to all the people and then he saw the sisters. He was standing in open roof of his car. Immediately when he saw the sisters, he tapped on the roof of the car and told his driver to stop.*

*He beckoned to the sisters to come to him. Another woman hastened towards him. He told her that he was not calling her but the sisters. One of the sisters then went to him and the others followed. They shook hands.*

*He asked her, "Are you still at your place near Daystar?" She replied, "Yes" "You are the ones who need citizenship?" She replied, "Yes" He went on to say, "I have heard your cry and I promise to come to your place and give you citizenship. But I will come to your place and give you citizenship. I promise to come and give you IDs (identity cards)." After saying that the car drove off.*

*Even some of the people who were around were left dumbfounded. They started cheering, congratulating us saying, "You have been promised IDs." As all this was happening, I was standing right behind the sisters.*

### 5.3 Findings and conclusion

Based on our assessment and close interaction with the Shona, we find that:

1. The Shona of Kenya are a stateless community as a result of being long-term migrants in Kenya. They lack basic legal and state protection in violation of their constitutionally guaranteed rights under the Bill of Rights.
2. The lack recognition of the Shona makes their lives to be invisible. As a result they face severe difficulties accessing all human rights under the bill of rights in the constitution and basic social services. They face difficulties accessing education because of lack of documents coupled with lack of finances to resource education. No Shona has been enrolled to University because they lack identity documents but a good number qualify. They are supported by county and constituency bursaries to go through secondary school. We also found that they are exposed to grave dangers because they cannot access healthcare even for maternal health. Whereas they are hardworking and industrious, they have no way of growing their businesses as they cannot access banking and credit facilities. They do not own properties because of lack of identity documents.
3. They are very well integrated with the local communities which have accepted them as their neighbours brothers and sisters. Their culture does not differ too much from other cultures in Kenya, In particular we find their culture very similar to other Bantu communities in Kenya more so the Kikuyu who host them.
4. In a bid to cope with the challenges they face as a result of lack of identity documents, some of the Shona have illegally acquired identity documents. This has been facilitated by the deep integration with the host communities. They are however willing to renounce these illegalities and take up their true identity.
5. The Shona are well known to the local administration of both the national government and the local government. As such, they have been co-opted into the village committees and Nyumba Kumi initiative. Their children have also been included in the CDF and county development initiatives on education and youth projects. They also take part in national celebrations.
6. All the Shona's are fluent in Kiswahili with a majority speaking local dialects with ease. They all still speak the Shona language in addition to Swahili and local dialects.



7. Most of the Shona's identify as Kenyans with very few laying a claim to their ancestry. They have continually and consistently expressed a deep desire to be recognized as Kenya citizens.
8. They have undertaken all possible measures seeking registration as Kenyan citizens and the Kiambu County government has urged the national government to grant them citizenship.
9. The Gospel of God of Church has been embraced by Kenyans and currently has 74 branches spread in over 30 counties in Kenya. The Shona are part of the missionaries who minister in all these counties.

In conclusion, the KHRC finds and empathizes with situation of the Shona community members as stateless persons who have lived in Kenya for over five decades. We note that some of the Shonas fall within the description of stateless persons or long term migrants and their descendants in section 15, 16 and 17 of the Kenya Citizenship and Immigration Act. The stateless situation has caused them to lead a life of misery, persecution and poverty for many decades. We call on the government of Kenya to move with haste and grant the Shona Kenya citizenship to enable them live dignified lives and fulfill their greatest human potential.

In the interim we urge the government of Kenya to take measures to ensure that the Shona and all other stateless communities school going children, can access birth certificates so that they are not left out of educational processes. We also call on the government to take measures to ensure Shona youth are granted access to institutions of higher learning to pursue their ambitions. Additionally we appeal for a special mechanism to enable the Shona and other stateless access healthcare within government institutions.

## **6. REFERENCES**

---

Births and deaths act chapter 149 laws of Kenya

Citizenship of Zimbabwe Act , Chapter 4:01, 1 December 1984

Constantine Ngara & Marion Porath (2004) Shona culture of Zimbabwe's views of giftedness, *High Ability Studies*, 15:2, 189-209, DOI: 10.1080/1359813042000314772

Constitution of Kenya 2010

Criminal procedure code chapter 75 laws of Kenya

Kenya Citizenship and Immigration act No 12 of 2011

Matthew Engelke, The Early Days of Johane Masowe: Self-Doubt, Uncertainty, and Religious Transformation, *Comparative Studies in Society and History*, Vol. 47, No. 4 (Oct., 2005), pp. 781-808, Cambridge University Press

Registration of persons act chapter 107 laws of Kenya

Repealed Constitution of Kenya

The Registration of Persons (Amendment) Act, 1979 No~ 11 of 1979,

The Statute Law (Repeal and miscellaneous Amendments) Act, 1980 No. 13 of 1980

## 7. APPENDIX

<b>Aggregated data of Participants of FGDs on 19<sup>th</sup> November 2018-Kiambaa</b>				
Gender	Above 36 years	Below 36 years	Totals	
Male	8	8	16	
Female	7	7	14	
<b>Aggregated data of participants of FGDs on 20<sup>th</sup> November 2018-Kinoo</b>				
Gender	Above 36 years	Below 36 years	Totals	
Male	8	8	16	
Female	7	8	15	
<b>Aggregated data of participants of FGDs on 21<sup>st</sup> November 2018-Githurai</b>				
Gender	Above 36 years	Below 36 years	Totals	
Male	8	9	17	
Female	7	7	14	
<b>Aggregated data of participants of FGDs on 22<sup>nd</sup> November 2018-Hurlingharm</b>				
Gender	Above 36 years	Below 36 years	Totals	
Male	0	0		
Female	10	6	16	



## 8. QUESTIONNAIRES

### 8.1 Qualitative research with the Shona community FGD questionnaire

Guiding principles and sequence of questions -Youth

Please tell us

1. Who are Shona? (Identity, Culture, key ceremonies and practices)
  - When did you enter Kenya (capture all dates), what areas did you settle before coming to the current location?
  - What are you main sources of livelihood?
  - Who has identity documents, what kinds, how were they acquired
  - Are able to get birth certificates and birth notification, death notification and death certificate
  - Authorities' conduct and attitude during previous censuses
  - What Identity checks are you subjected to by the police
- Do you all rent houses or do you own your own properties (Title to land)
  - Are you engaged in any business? do you require permits Conducting businesses
  - Have you ever voted in the Kenyan elections? are you involved in the campaigns
2. Education
  - Tell us about your experiences accessing education ,under Moi government , Under Kibaki government and Currently
  - Hindrances to participate in KCPE and KCSE exams due ( Check for how many have KCPE certificates ,KCSE)
  - Higher education, vocational training, informal learning opportunities(How many have post-secondary qualification )
  - For those who successfully completed secondary school kindly tell us how you managed to register for exams education and mitigating factors
3. Health
  - Are you able to access Outpatient services? Where do you access the?(public, Private)
  - Are you able to access inpatient treatment
  - Are you able to access TB and HIV AIDS treatment
  - Access to public health services – immunization , maternal health , medical facilities
  - Probe for Emergencies and relief help
4. Employment
  - Are you able to get formal employment? What do you Use? (Work permits, ID cards )
  - Informal labor market and alternative coping mechanisms for self-reliance
  - How do you bank your money and or savings?
  - Do you have access to NSSF and NHIF
  - Labor rights ; When you are employed , what are your terms of employment
5. Persons with specific needs
  - Elderly- who takes care of them? do they access the elderly fund
  - Disabled- Are they registered by the NCPWD? Do the access education and healthcare?
  - Unaccompanied minors – Do you have unaccompanied minors in your society, what happens to total orphans
  - How does your community support Widows and widowers

6. Protection concerns (incl. SGBV, child protection)
  - Are there instance of sexual violence in the home? How is that dealt with
  - Have you had incenses of rape, defilement or incest?
  - How are instances of youth delinquency dealt with?
  - How do you deal with crime and conflict at community-level
  - Have you had instances of Trafficking?
  
7. Contact with Authorities and local communities, resilience
  - What's your contact with (type and frequency) with law enforcement (county government, elected officials, police, etc?)
  - What institutions have you partnered or worked with?
  - Extortion
  - Proximity and nature of relation with local communities, including business exchange
  - What measures do you have in place as a community to preserve cultural identity and self-esteem from generation to another?
  
8. Access to justice
  - Do you interact with the authorities and judiciary on citizenship status of community members?
  - Do you have pending, determined cases before the courts?
  - Are you able to file reports with the Police?
  
9. Durable solutions
  - Why do you think your problem has persisted for this long?
  - What's your proposals about how you would want your current situation to be resolved?
  - What are the key obstacles that you have faced?
  - Have had any Interaction with the Zimbabwean government?
  - Integration with local communities. ( pick the nuances )
  - Have you noted any changes in the relationship with Government? What are the changes?
  - Any other question

### **8.2 Qualitative research with the Shona community men and women**

Guiding principles and sequence of questions

Please tell us

10. Identity, Culture and quality of life
  - Family structure and composition, culture and traditions of your community
  - Linkage between culture and religion
  - When did you enter Kenya (capture all dates )
  - Major sources of livelihood
  - Who has identity documents, what kinds, how were they acquired
  - Issuance of birth certificates and birth notification
  - Authorities' conduct and attitude during previous censuses
  - Identity checks due to security purposes and evolution of situation
  - Title to land
  - Conducting businesses
  - Voting in the Kenyan elections

11. Education
  - Hindrances to participate in KCPE and KCSE exams due to lacking documentation
  - Higher education, vocational training, informal learning opportunities
  - Success in accessing education and mitigating factors
12. Health
  - Access to public health services – immunization, maternal health, medical facilities
  - Emergencies and relief help
13. Employment
  - Work permits
  - Informal labor market and alternative coping mechanisms for self-reliance
  - Extent of unemployment and related social concerns
  - Social security
  - Labor rights ; How are their terms of employment
14. Persons with specific needs
  - Elderly
  - Disabled
  - Unaccompanied minors
  - Widows and widowers
15. Protection concerns (incl. SGBV, child protection)
  - Negative coping mechanisms
  - Youth delinquency
  - Crime and conflict resolution mechanisms at community-level
  - Trafficking
16. Contact with Authorities and local communities, resilience
  - Type and frequency of contacts with law enforcement (county government, elected officials, police, judiciary, etc.)
  - Interaction with other institutions
  - Extortion
  - Proximity and nature of relation with local communities, including business exchange
  - Measures to preserve cultural identity and self-esteem from generation to another
17. Legal redress
  - Liaison with authorities and judiciary on citizenship status of community members
  - Preceding court cases of relevance
  - Access to legal system, if needed, including reporting of crime
18. Durable solutions
  - Community members' views on available alternatives and preferences
  - Procedures and obstacles
  - Interaction with the Zimbabwean government



- Integration with local communities.
- list their top 2 priorities what are they?
- Proposed solutions to their problems.
- Why their situation has prevailed for so long. H
- Have you noted any changes in the relationship with Government? What are the changes?  
Any other question

1

2

3

*End*





Kenya Human Rights Commission  
P.O Box 41079-00100, Nairobi, Kenya.  
Email: [admin@khrc.or.ke](mailto:admin@khrc.or.ke) [@thekhrc](https://twitter.com/thekhrc)  
[f](https://www.facebook.com/kenyahumanrightscommission) Kenya Human Rights Commission  
[www.khrc.or.ke](http://www.khrc.or.ke)