



PROTECTING YOUR LIFE, MY LIFE, OUR LIVES



A guide to Women Human
Rights Defenders in Kenya

First edition Kenya December 2014, adapted from Cuadernos de Protección 4: Protegiendo tu vida, mi vida, nuestra vida

Protection International –UDEFEGUA, Guatemala December 2012 ISBN: 78-2-930-539-27-0

UDEFEGUA has been monitoring, investigating, documenting and reporting attacks on human rights defenders for over ten years. It works in partnership with numerous Guatemalan organisations. UDEFEGUA (Human Rights Defenders Protection Unit Guatemala) and Protection International collaborated in 2008 to set up a Protection Desk called Aj Noj. In 2014 Aj Noj began to operate independent of UDEFEGUA.

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FOREWORD

This handbook is adapted from Protection International's office in Guatemala and UDEFEGUA Cuadernos de Protección 4: Protegiendo tu vida, mi vida, nuestra vida Protection International –UDEFEUGA. The reason for this adaptation to the Kenyan/African context is that the handbook contains useful information for women human rights defenders (WHRDs) around the world. Due to the fact that most societies are highly patriarchal with women experiencing severe discrimination, the struggle is the same in most parts of the world. This hand book brings us in Africa very close to those in Central America.

Women HRDs continue to suffer for their stance on different human rights. Although the issues may differ from country to country and continent to continent, one thing is clear – WHRDs are here to stay. Their motivation for fighting for human rights may differ. For instance, Mexican WHRD Alma Gomez Caballero says “I was born without political rights, women fought for me to vote, now I fight for women to have more rights.” Others draw inspiration from their personal experience and the challenges they face in an effort to survive. Whatever the motivation, the struggle for human rights

is continuous. The late Kenyan Nobel Peace Laureate Prof. Wangari Mathaai sums it best when she said “human rights are not things that are put on the table for people to enjoy. These are things you fight for and then you protect.” There is no right age when to begin or stop as evidenced by Malala Yousafzai, who tirelessly fights for the rights of girls to go to school.

Women HRDs are particularly vulnerable. Oumou Toure, a WHRD from Mali who has consistently fought for women's rights, clearly states that “to be a woman who can stand up for her views, one must accept risks.” Although WHRDs accept the risks derived from their work, it is important they calculate these risks and analyse what levels of risk are acceptable and how to mitigate them. This handbook aims to give practical guidelines on how WHRDS can carry out the defence of human rights and stay safe to ensure continuity.

The Reflect to protect campaign launched by the Office of the High Commission for Human Rights is a glowing tribute to women as they continue to struggle to defend human rights. This campaign celebrates 20 years after the Beijing Conference where WHRDs pushed governments to recognise violence and discrimination against them as fundamental human rights. This campaign also brings women together to celebrate

them In Swahili there is a proverb that says kidole kimoja hakivunji chawa – one finger cannot kill the louse. So when women fight for human rights, we have to remember they are fighting for humanity the world over to aspire to have these rights promoted, respected and protected.

Though sometimes it seems that the fight never ends and that the results are small it is important to remember the words of the Late Prof Mathaai “We cannot tire or give up. We owe it to the present and future generations of all species to rise up and walk!”

Solidarity forever, A luta Continua!!!

For information on individual stories on WHRDs, please visit the women who defend human rights series at <http://protectioninternational.org>



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WHY THIS BOOKLET?

Women Human Rights Defenders (“HRDs”) are opposed to the interests of powerful and influential players.

It is not easy to assume the responsibility of defending human rights, because human rights often conflict with the private interests of powerful and influential players, who will not hesitate to take violent action against those who stand in the way of their personal interests. Women human rights defenders are however clear that rights must not be violated, and that collective rules for living together are above all to the benefit of the entire society. This booklet aims to offer guidance on how to mitigate risks associated to possible threats and risks attendant following actions by these ‘powerful players’.

Women Human Rights Defenders are exposed to a patriarchal political and social system.

A large number of human rights defenders in the world, including in Africa, are women. As such, they are exposed to gender specific threats; especially due to the fact that they are women. Those who want to

stop the action of defending human rights commonly use the social framework to attack women human rights defenders, and to put a stop to their activities. Defamation, sexual aggression, physical violence, stigmatization, ex-communication, other forms of marginalisation and any other related means of ‘attack’ are an expression of “violence against women.” Many men resort to aggression against women who defend human rights by engaging in violent relationships with them, owing to gender stereotyping, power imbalances and misconceptions, as well as misogyny.

Furthermore, defenders of human rights who are lesbian, bi-sexual or transsexual are under threat from homophobic men and women, fundamentalist systems and institutions, as well as the society in general.

Women Human Rights Defenders are subjected to incoherence in policies, and abuse of power.

Women human rights defenders at times have to deal with cases of persecution or harassment within the organisations in which they work from male, and sometimes female, colleagues who perceive them as threats, undeserving or even snitches. This situation is especially evident in corporate institutions, not excluding human rights organizations, that have weak ‘rights-

responsive' policies: including sexual harassment, human resource and security policies. The result is reproduction of abuse of power against these women in an incoherent manner; i.e. by making use of the powers that they owe to their position and gender, in a personal capacity.

Women Human Rights Defenders bear greater responsibilities and face enhanced risks in the home setting.

In Africa, the family unit is perceived and considered as the basis of the society. Women are then conceived as the central agents within the family unit bearing heavy responsibilities, including: catering to the needs of men and children in the family; taking care of the home; production of food; undertaking economic activities inter alia. Therefore, women human rights defenders must bear this in mind when conducting

their activities. If and when faced with a threat, women human rights defenders stand more to lose, with their roles and responsibilities in the family making them even more vulnerable.

Historically, many women human rights defenders have abandoned their work of defending rights because of the threat to their families if they were to be harmed. Further, in the patriarchal society in which we live, women human rights defenders will not enjoy much support from the community; especially because of the roles constructed for them within the home setting. These factors and considerations shall therefore be embodied in the text of this handbook, towards formulating responses to risks which take into account the particular vulnerabilities of women human rights defenders.

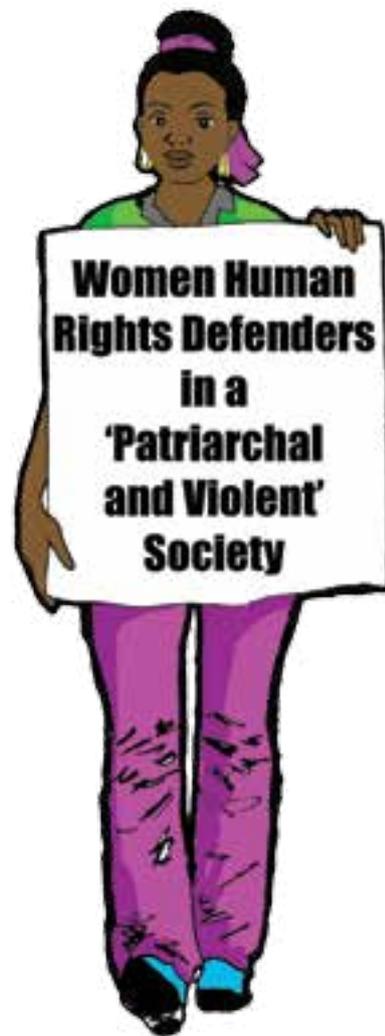
CHAPTER ONE DEFINITIONS AND LEGISLATION

Women Human Rights Defenders in a 'Patriarchal and Violent' Society

Patriarchy is a system of social, political and economic relations that preserves privileges for men, and institutionalises male domination over women. Its ultimate aim is to perpetuate the power of men over women.

Resultantly, this power imbalance has allowed an environment in which women are regarded as the 'weaker' or 'less-powerful' sex. This environment has incubated negative attitudes, beliefs and practices which encourage men to suppress women, as well as inflict violence against women; including women human rights defenders.

Institutions where women could and should seek help from, including the Police, bear elements of a patriarchal system. This



reality makes it intrinsically harder for women human rights defenders to secure refuge and protection.

Who is a woman human rights defender?

'Women who promote and defend one or more universally recognised human rights or freedoms through non-violent means...'

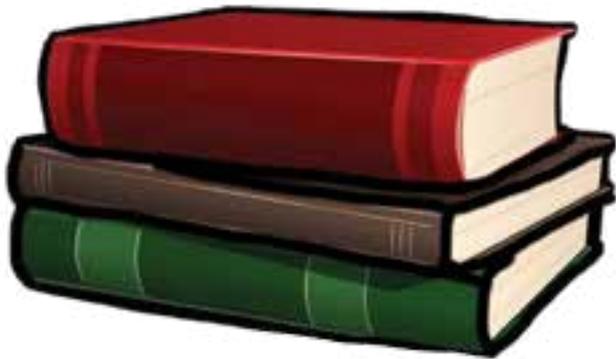
They may defend universally recognised rights based on the Universal Declaration of Human Rights ("UDHR") or, rights specifically recognized and provided for by domestic, regional or international instruments.

Women Human Rights Defenders may also champion rights which are not yet recognised by legislation in their countries; but which are recognized, promoted and protected internationally. This forms a large basis for advocacy and lobbying work conducted by WHRDs.

For instance, in Kenya, sexual and reproductive rights (in relation to making decisions about

your own body), are not yet specifically provided for and/or recognized. At the international level however, these rights are fervently guarded and advocated for. Consequently, women human rights defenders involved in this area of rights face enhanced risks; in defending rights yet to be recognized and which are deemed inconsistent with the country's and region's core values.





Various national and international legal instruments in favour of women human rights defenders

International Instruments

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

- Declaration on Elimination of Violence against Women (DEVAW)

Regional Instruments

- African Charter on Human and Peoples' Rights (ACHPR)
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

Domestic Laws (Republic of Kenya)

- Constitution of Kenya (2010)
- Sexual Offences Act (2006)
- Prohibition of Female Genital Mutilation Act (2011)
- The Marriage Act (2014)
- The Matrimonial Property Act (2013)
- Penal Code (Act No. 63 of the Laws of Kenya)

Pending 'Gender' Bills/Laws (Republic of Kenya)

- Protection against Domestic Violence Bill (also known as the "Family Protection Bill")
- Equal Opportunities Bill
- Affirmative Action Bill

In spite of the existence of national, regional and international legal framework in favour of women human rights defenders, they continue to be confronted with risks different from those of male defenders. Women defenders remain subject to risks and attacks not only for their work in defending human rights, but also simply because they are women.^a

Elements to analyse risk (Definitions)

We shall commence by defining a few key words.

Security: An idea which enables us to anticipate danger in order to protect life, and physical, economic, moral or psychological integrity. This is what we can do for ourselves like not walking in a dark area at night.

Protection: Is the avenues available and capacity we have in order to mitigate and/or address dangers and threats It is what other people can do for us. If you walk in a dark area but you have a watchman with you, this is protection.

Threats: are the possibility that someone will harm somebody else's physical or moral integrity or property through purposeful and often violent action^b

Vulnerability: individual and collective weaknesses in the face of a threat, taking into consideration the work environment and private life.

Capacities: will be the strengths and resources held individually or collectively to attain a reasonable degree of security.

Risk: a possible event, which may or may not occur, and which will result in harm or damage if it occurs.

Incident: Any fact or event which you think could affect your personal or organizational security. This event could indicate or lead to a threat.

RISK

Risk Analysis

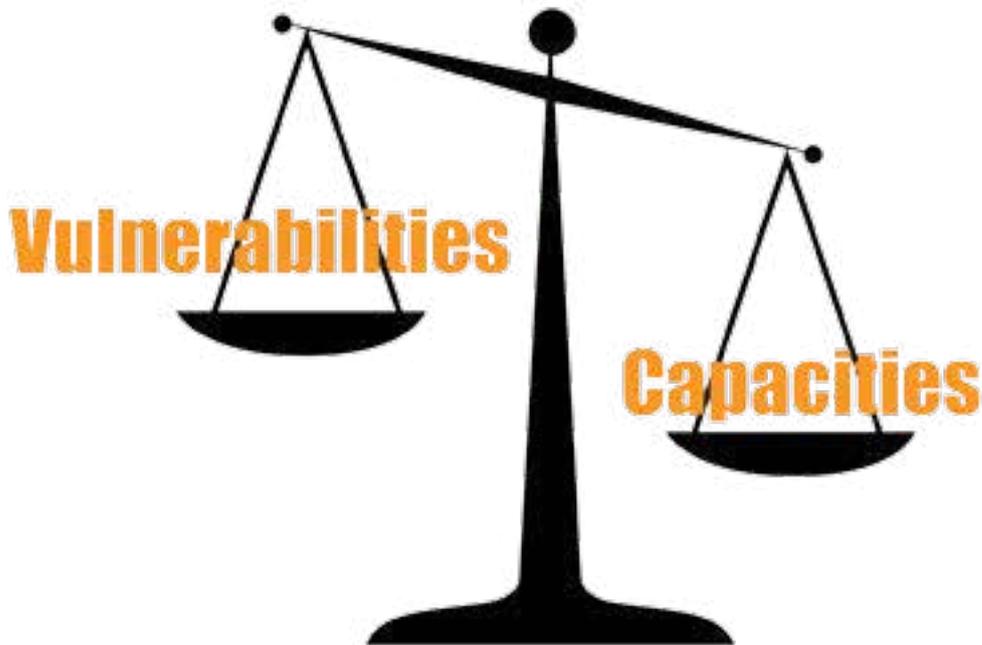
To analyse risk, we shall break down the analysis into three fundamental aspects thereof: Threat, Vulnerabilities and Capacities.

1. Threat

A threat refers to external aspects from ourselves or our organisation for which

a Excerpts of some of these laws are contained in Annex 5

b Dworken, J.T "Threat assessment". Series of modules for OFDA/InterAction PVO Security Task Force (Mimeo, included in REDR Security Training Modules, 2001).



we have to collect information on direct occurrences (security incidents). We will also collect all the information on those who are acting against our action to defend human rights, and the identities of the persons concerned (if known).

In analysing the security incidents, we will take account of all the actions that have caused us physical, economic, psychological damage, however slight. Not all security incidents constitute a threat. Conversely, all threats are security incidents. We shall take due account of the fact that security incidents

may be linked to surveillance, intimidation, attacks, defamation, criminalisation, etc. Their analysis will enable us to detect patterns of action of specific threats for which protective measures will have to be taken (emphasis added).

In analysing the aggressor we shall pay attention to differentiate who is the main perpetrator, or the intellectual or beneficiary agent of the aggression against our action to defend human rights, and also who are the allied or

co-opted actors for attaining the objective of doing us harm and restrict our efforts to defend human rights. A threat can be summarised as a declaration or indication of intention to inflict harm or damage.

2. Vulnerabilities

In analysing vulnerabilities, we shall refer to the weaknesses within ourselves, our family or private environment and the organisation where we work. This is any factor which makes it more likely for harm to materialise or that results in greater damage.

3. Capacities

Capacities refer to our strengths and resources – whether material or not in dealing with the threat that improve your security.

- **Threats:** The two people threatening to push the rock.
- **Risk:** Being harmed or killed by the rock.
- **Vulnerabilities:** Being alone; not being aware that some people are threatening her;

- **Capacities:** The people represent a community; they are less exposed to the risk than the woman, as they are on the other side of the river, sheltered by the forest and able to see the rock; they could warn the woman of the risk she is facing; the house is a capacity (it is possible to take shelter in it).

The aim is to increase your capacities and reduce your risks and define actions to address the risk.



CHAPTER TWO VIOLENCE AGAINST WOMEN HUMAN RIGHTS DEFENDERS

Violence against women is any action or omission based on gender constructs that causes physical, sexual, economic or psychological suffering to women, or the arbitrary deprivation of her freedom, whether in the public or private sphere.

The objective of violence against women human rights defenders is to break their conviction and determination, isolate them from the collective context so as to get them to abandon their defence of human rights or to restrict them in their purpose and activities.



Forms of violence against women

Physical violence: Comprises of actions that can cause harm, physical suffering, injuries or illness to a woman, through physical force, objects or substances. The injuries are not necessarily visible.

Psychological or emotional violence: Comprises of actions that cause psychological harm or suffering to a woman or her children. These can be threats or violence against the family of the victim/human rights defender, intimidation or control, which are detrimental to a woman's mental health.

Sexual violence: Comprises actions of physical or psychological violence intended to violate, extinguish or weaken the sexual freedom of women, including: rape, indecent acts/assault, sexual harassment, sexual humiliation, forced prostitution, the denial of the right to natural as well as chemical family planning methods, or to take protective measure against sexually transmissible diseases.

Economic violence: Comprises of actions or omissions that have repercussions on the use, enjoyment or availability of material goods belonging to women, as well as breaking the will of women, through economic abuse, by not covering their basic needs and those of their children.

Ways in which we, as women human rights defenders, are attacked in the public sphere

Stigmatisation and defamation

Slander, accusations, smear and defamation campaigns are organised against women human rights defenders for the sole purpose of breaking their spirit, discrediting them and devaluing their work.



The most common examples of such practices against human rights defenders are false accusations of being “criminals and terrorists,” of generating sources of un-governability, or being opposed to the development of the nation.

For being human rights defenders, women are branded as prostitutes, witches, bad mothers, bad wives, unmarriageable, ‘wanna-be men’, gossips, home-wreckers, etcetera.

Discrimination

Discrimination is aggression through distinction, exclusion or restriction for being women. Discrimination can also be based on ethnicity, language, age, religion, economic situation, illness, disability, marital status and sexual orientation, among other things. This then makes it difficult for a person, especially women, a group or associations, to exercise a right pursuant to the Constitution, domestic laws and regional or international treaties granting and recognizing human rights.

Criminalisation

Criminalisation refers to the arbitrary application of the law, or the threat to apply the law, in an extreme manner, to the disadvantage of and to victimize a certain subject. This assumes concrete shape in the

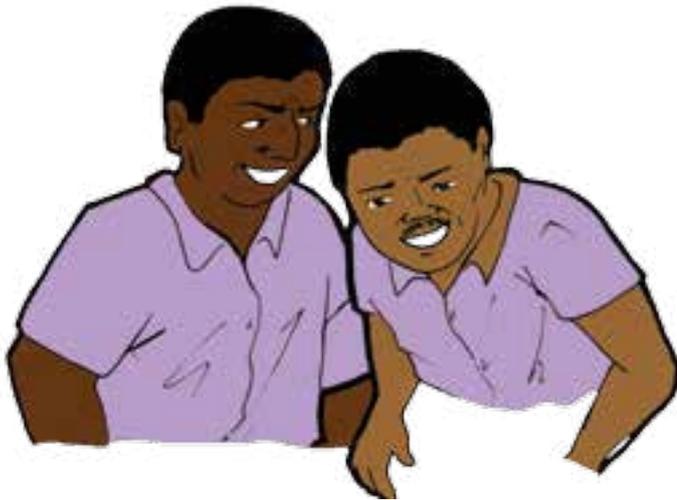
drafting of laws, accusations, indictments and sentences that do not respect the due process of law or impartiality of justice. It is carried out by public institutions: such as Parliament, Local Administration, Police, Tax Authorities, Courts of Law etc.



It is moreover conditioned by the power and social control exercised by actors with economic and political interests which create certain stereotypes in public opinion (based on class, race, age, gender, nationality), as well as by economic circumstances, to criminalise women human rights defenders in order to weaken and disorganise their struggle.

Rumours

Rumours are generated by people who want to cause harm to women human rights defenders or their organisations, by initiating or spreading gossip about them or their work. Rumours can ruin reputations. They may originate from the outside or come from colleagues within the institution wherein the human rights defenders work.



Threats

Threats are actions that can cause physical or psychological harm, generally caused by the announcement or warning of a direct attack against women human rights defenders or their families; and include death threats. Such warnings can be made through calls, untraceable emails, anonymous letters or persons known to the women human rights defenders; including through friends, colleagues and relatives.

Women human rights defenders are frequently threatened with rape, other forms of sexual and physical violence, or worse even, harm to their children.



Intimidation

Intimidation can occur within the organisations, communities, work or other spaces where women human rights defenders are found. It is a form used to attack through fear, embodying actions intended to remind us about our vulnerabilities through various means, such as unanswered telephone calls, patent surveillance so that we are aware of it, statements that remind us that something can happen to us, stares, signs and much more.

Surveillance

Surveillance is characterised by the collection

of information about the organisation wherein WHRD work, information on the women human rights defenders as such in order to assess the possibility of an attack, or simply to investigate. Surveillance may implicitly involve a threat. Surveillance usually indicates that 'we' are the target of "intelligence" gathering.

Abuse of power by public officials

Such abuse of power refers to all actions in which persons who work as civil servants, such as the Police, do not perform their duties and play down our suffering or claims of rights as women. It entails discriminatory



treatment of women simply because they are women. Such discrimination is often exercised by judicial personnel and members of the security forces (judges, tax inspectors, police officers, army personnel, etc.) who ridicule, do not legitimately take into account, make moral judgements, discredit or ignore women who are victims of violence, witnesses, experts, lawyers, etc. For example, judges who favour men and male chauvinistic harassment by members of the security forces and the army. This occurs with a certain frequency in the day-to-day experience of a woman human rights defender: in courts, police stations, public buildings or in joint operations with the army. Power can also be abused by officials in health centres and public hospitals, by teachers and other public services.

Myths

These are aggressions against women exerted by self-interested interpretations of religions, or other forms of faith, culture and as effects of negative socialization, which impose social standards supposedly based on divine, traditional or fundamentalist mandates and are intended to preserve a situation of power held by men.

Further, it is popular belief that women are subjected to acts of sexual violence, such as rape, because of their dressing, access spaces which are only reserved for men, or even that they were walking at night in the wrong neighbourhood! All these statements beget ignorance and myths cultivated or acquiesced by cultural fundamentalism, as well as negative socialization processes which demean women's roles and serve to subjugate a woman's will.

For example, a comment was made by a Kenyan Governor to the effect that a woman can only manage public affairs if she is married and has therefore proved that she can run a home in the first place. A former Kenyan Minister also stated that you cannot rape a woman who is already too willing.



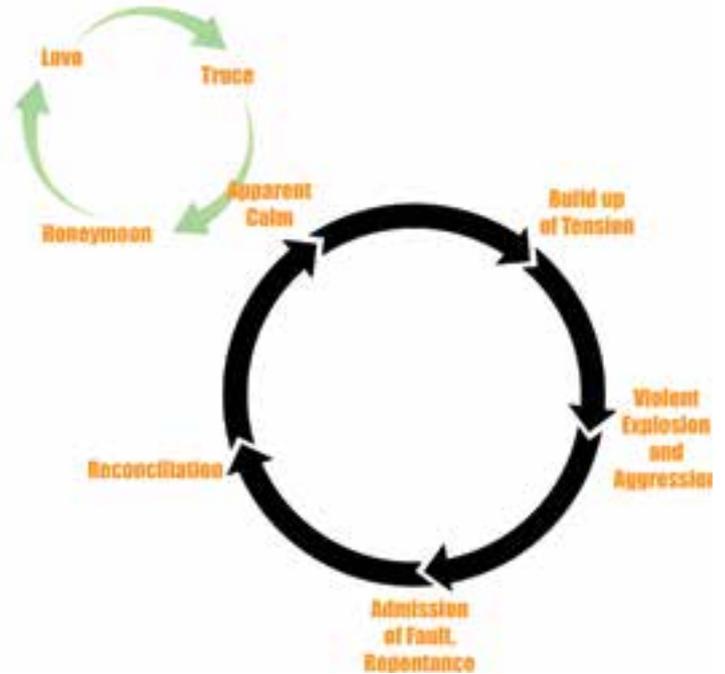
In the circle of violence we are faced with different forms thereof: physical, psychological or emotional, sexual and economic or patrimonial. Psychological and verbal violence constitute the first form directed against the victim, causing her to deteriorate emotionally so that she becomes easier to manipulate and remain silent about acts that take place in the home. Physical, sexual and economic aggressions are then added to the circle of violence that has been initiated.

Forms in which women human rights defenders, are attacked in the private sphere

Domestic violence

Domestic Violence occurs through physical, sexual, psychological or economic harm perpetrated in the private or intimate sphere, by members of the family, partners or former partners. It is imperative to note that violence can never be accepted in a relationship of equality: aggression is a claim for power and control in the relationship.

As defenders of human rights, it is important to identify how the cycle of domestic violence develops (adaptable specifically to violence against women)



Phases of the Cycle of Violence

Once violence is established in family life, it assumes a cyclical and continuous dynamic, together with the many and complex forms that it takes – unless the person aggressed asks for help and gets out of the cycle of lies and aggressions in which she has fallen.

These cycles of aggression may appear over the course of the entire relationship: from the beginning (courtship), once married, with the birth of the children, or after many years.

It is important to understand the development of the cycle of violence and its phases, in order to identify what each of the phases will look like, to recognise in which phase of the cycle the offender finds himself and, to assess what level of risk the targeted person is faced with.

Phase 1: Build-up of tension

In this phase, tension builds up through small disputes, complaints, insults and anger that will gradually turn into situations of greater intensity.

The aggressed person or victim wants to calm the aggressor and prevent the problem from getting worse, while on the other hand, seeking strategies to survive and try to understand what is happening. The victim



tries to deny and hide the feelings and reality of the ill-treatment she is going through, feels guilty about what is happening, and repeats such words as “there’s nothing going on, everything is fine, I am simply a little tired,” showing compassion for the aggressor. “I know he did not mean to hit me, but he was very tense because things are going badly at work” or, “I did not do things right.”

These statements show that there is transference of blame, shame and responsibility from the aggressor to the victim.

Phase 2: Violent explosion or critical moment

This phase is characterised by a strong and uncontrollable explosion of violence whether physical, emotional or sexual. The aggressed persons or victims experience this phase in very different ways. They may feel trapped or incapable of getting away, that they cannot possibly resist or are simply trying not to provoke the aggressor, so that the explosion of anger will die down.

They are frequently overwhelmed by a feeling of disbelief before the facts: “this cannot possibly be happening to me” or avoid seeking external help, unless they are seriously injured. In general, it is the aggressor himself and other members of the family who attend to the injuries or take her to hospital.

Once the critical or explosive moment has passed, an estrangement occurs between the aggressor and the victim, when the victim has an opportunity to make a decision; go look for help or leave home, isolate herself in the home because of panic, impotence or depression with the possibility of suicide, or do nothing. This is an extremely critical phase of the cycle of violence. This is when the victim actively makes the decision to take action or stay in the prevailing circumstances. When aiding a woman human rights defender, this

is often the point of the relationship that an external persons can come in to assist the victim as this is when they are susceptible to outside assistance.

Phase 3: Love, truce or honeymoon

After the period of violent aggression passes, comes the phase of apparent calm, characterised by very affectionate behaviour and repentance by the aggressor, who asks for forgiveness and gives gifts, to get the victim to forgive him, and promises never to do that again. The aggressor tries, and often succeeds, in convincing the victim that she is to blame for his anger and actions.

The victim is bewildered, showered with affection and attention, which she has always longed for since violence has brought about a deep state of confusion.

If the victim decides not to forgive the aggressor, the aggressor builds alliances with other persons so that they will exert pressure on the victim to forgive him in the end, telling her that people who love each other manage to overcome everything and try to make her feel responsible for what is happening to the aggressor; who resorts to the blackmail of love and even suicide.

This third phase may last hours, days, weeks or months; but it should be noted that the cycle is bound to be repeated at one time



or another, whereby the aggression is each time more intense than the previous cycle: it only gets worse.

The Lives of Women and Myths

In the society we live today, women, myths and stereotypes are used so that aspects of the social or individual life of women who defend human rights are manipulated in order to deprive them of their freedom.

When we speak of religious myths, we refer to statements which violate the lives of women through religion. Even though all people are free to choose the form of spiritual, religious

or atheist life they wish to lead, they must do so conscientiously without oppressing the rights of women; including the rights of women human rights defenders.

For example, the myth that woman was born from a man's rib, provides the basis for certain patriarchal structures in society, which determines a line of who "has to" govern or lead. Another example is in the African context, including the Kenyan context, women are expected to leave the churches that they worship in and join the churches which their

husbands belong to when they get married. Some churches have been known to refuse to marry a couple if it is not in the groom's church. Families likewise decline to have weddings conducted at the woman's church. This situation serves to suppress women by extinguishing their freedom of conscience, expression and religion.

Those social structures have throughout history limited access to and enjoyment of the fundamental rights of women to a decent life (education, health, employment, recreation, pleasure), subjecting them to having to fulfil specific roles, and relegating them to a life in the private sphere, plus

turning them into sexual objects in the service of the “men.” Women are therefore objectified and their roles in society reduced to those within the home setting, where they are to remain subservient to men. These negative attitudes and practices especially affect women human rights defenders who are often told to ‘return to their roles’ of being wives, mothers, care-takers and be overly ‘submissive’ to men. Women evidently

Important note: Myths must be considered as a form of violence since they undermine the real seriousness of negative attitudes, beliefs and practices.

must sacrifice themselves for men (fathers, brothers, husband or sons).

Myths are not only stories that cause social and political imbalanced and actions, but also resignation before inequality.

Some common myths in our religious and patriarchal societies

Myths that speak of faith and prayer:

- “If you have faith in God, pray and everything will be fine.” With this idea in mind, women must persevere difficulty in

their homes and relationships including the cycle of violence in the hope that prayer will solve all problems, forgetting that action is also needed in order to solve problems.

Myths that speak of ‘woman subjected to man’:

- “A woman must have sons that God commands her in order to get His blessing. ” They are responsible for their sons and daughters, otherwise they are bad mothers.
- “Women are there to serve their husbands” (to withstand blows, lack of food without claims, demanding or rights) because that is why they got married.
- “Matrimony is unique and indissoluble” (till death do us part) even though their rights are violated. If a woman opts for separation or divorce, she commits a sin.
- “Women should not maintain friendships and/or mix with men other than their husbands.” If they do, this is a mythical reason for a woman to be subjected to acts of violence.

Myths that speak of woman and the “original sin,” the taboo of sexuality:

- When women are menstruating they are “dirty.” They must therefore be isolated. These and other similar myths create fear and shame in speaking about everything that has to do with the sexuality and reproductive life of women.
- “Decent young women do NOT talk about sexual relations or family planning measures.” However, when they grow up, they feel curiosity or expectations to please with their body because nature is calling. The boyfriend, with a sexist attitude, asks them for “proof of love” and they find themselves between a rock

and a hard place because of the taboos imposed by society which on one hand deprives them of information while telling them that what their body is feeling is a sin. On the other hand, it obliges them to submit to the desires of men in order to be a “good” woman. Then, when they get pregnant after having opened up to a sexual experience without knowledge of the possible consequences of the sexual relationship, they are condemned and told that they have loose morals and that if they get pregnant, it is the product of sin. Some families even refuse



to acknowledge the child, have them blessed according to traditional practices or baptised in church, or even to allow the child to be known to outsiders. There are never any consequences for the man in this situation.

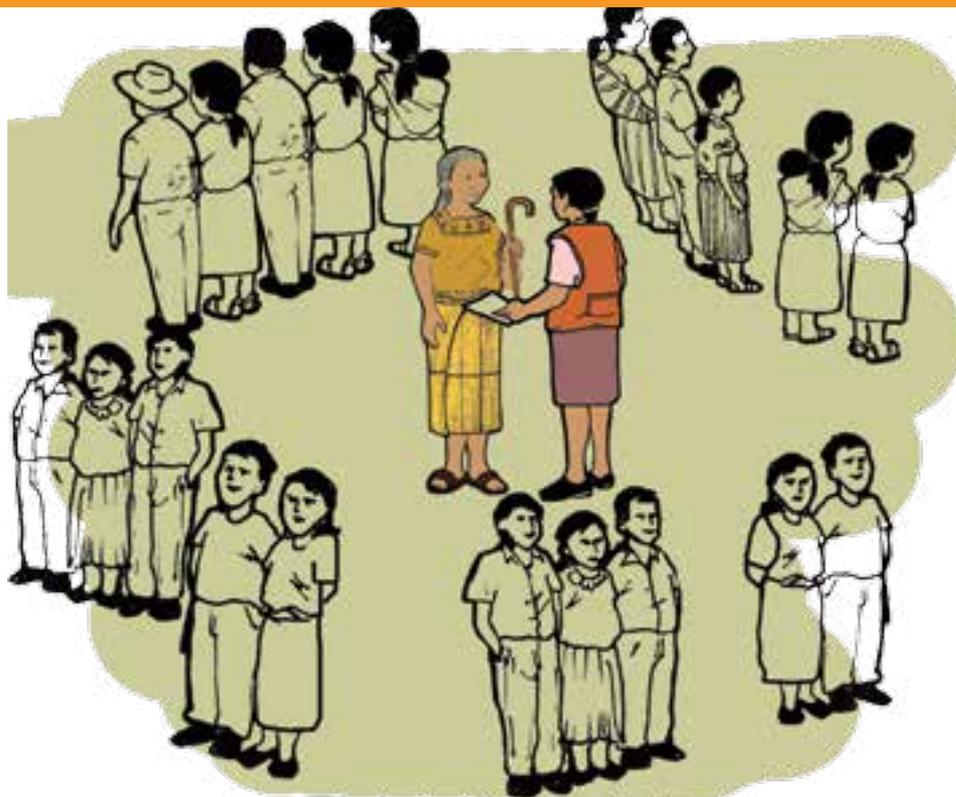
- A popular myth amongst a community from the western part of Kenya is that sex should not be enjoyed by women. That sexual relations must be forced on a woman for her to properly enjoy herself and, for the man to feel that he has deserved and conquered the situation.

One of the most difficult challenges when speaking about myths is how society internalises them, which can go as far as limiting the development and fulfilment of women's lives, because they cannot be separated from the person, but form part and parcel of the woman.

For WHRDs it is worse. The narrative of myths continues to be propagated and as WHRDs are seen to be against the laid down myths, they are more likely to have a difficult time in a community.

CHAPTER THREE

WOMEN HUMAN RIGHTS DEFENDERS: PROTECTING OURSELVES FROM VIOLENCE AGAINST WOMEN



Collective protection measures for women human rights defenders

“Political repression seeks to break both the personal conviction of each woman, when such convictions run counter to the established power, as well as to break the processes of unity and community experiences of people who have the same needs and the same ideals that they want to put to practice in a common process. The Powers that be go to great lengths to break the contrary convictions of each person and manage to individualise and break the action of the community or group.”

- Carlos Martín Beristain and Francesc Riera, “La Comunidad Como Apoyo” (translated to “community as a support”) 1992.

We understand that if those in power need to individualise and isolate us, and to break our community or group, it is precisely because these collective processes are the best ways to protect against their intention to get rid of us and what we do.

Experience and knowledge of the social reality in which we interact and which we share with organisations of defenders of human rights, have given rise to the thesis that “to be effective, protection must be broached from the collective sphere, from the organisation and the community.”

- Enrique Eguren on “Challenges of Collective Protection”, December 2008

In this line of argument, the protection of women human rights defenders depends essentially on collective protection through all types of organisational forms, in order to successfully prevent the permanent male threat to women simply for being women, plus the specific threats to their identity as defenders of human rights.

We can establish three levels of action for collective protection:

At a **first level** of action for protection, the ties created in the community where the woman human rights defender lives are decisive -- the action of other women who are mobilised against gender aggression, neighbours, family members, and colleagues, other women who share activity spaces in the community (health centres, churches, water points, development and

women's groups). At this level, it is important to have the support of men in the community who are aware of the threat of violence against women, and the local authorities such as chiefs, local administration officers, members of county assemblies, community development committees, religious leaders and others who have committed themselves to the security of women. "Self-help groups" are also fundamental at this level of action.

At a **second level** of action, the organisations in which a woman defender of human rights participates or the organisations or networks that provide support to such women, can become actively involved in protecting women by responding to calls for solidarity and support by women human rights defenders or their close relations. The primary focus of the State for cases of violence against women is found at this level as well. "Support groups" are also of particular importance, They moreover tend to provide protection indirectly, through the civil society networks where ideas are raised, analysed and proposed to protect the work and rights of women against the new forms of aggression that women human rights defenders are faced with day after day in a context that criminalizes the social struggle and an increase in targeted violent attacks, militarisation and repression, inter alia..

Finally, **the third level** is where other national and international organisations of human rights are active, as is the justice system that has to provide redress for the victim and to fight against impunity by demanding that no aggression goes unpunished.

The collective action for protection is broached by networks for the protection of women defenders of human rights (made up of both men and women) or communities, by resorting to immediate warning (urgent action), and early warning (preventive action). The protection networks can deploy forces at all three of the above mentioned levels of action for protection.



Examples of Collective Protection Mechanisms

Self-help groups:

“Are forums for reflection, meeting and

Self-help groups are evident especially in the community setting, where women organize themselves into networks which are geared towards economic empowerment. These self-help groups often operate as ‘Chamas’



or ‘Investment Groups’ through which women, often victims of violence and subjugation, can collectively access assistance from financial institutions in order to engage in business activities. The groups range in size: from 5 to 20 women per group.

solidarity for women geared to stopping the violence that they face. The participants manage to empower themselves and to improve their living conditions, which enables them to deal with the situation by using their strengths. They are run on a rotational basis by their members, use no methodology or sequence in subjects and are open.” - Grupo Guatemalteco de Mujeres GGM [Guatemalan Women’s Group], 2000

Support Groups:

“Are forums for reflection, meeting and solidarity, where women get together to seek alternatives in order to face the different forms of violence, run by a woman who is a specialist on the matter. The groups may be closed or open, i.e. closed groups are those composed of women who are engaged in a joint and continuous process. They are not open to admission, because once the

group is created, no one else may join. Open groups on the other hand can be joined by women without any problem.” - Grupo Guatemalteco de Mujeres GGM [Guatemalan Women’s Group], 2000

Support Groups are often formed in order to offer psychological support to its members. These groups are usually organized in thematic focuses: for instance, there could be a closed group specifically for victim-survivors of sexual violence, another for victim-survivors of domestic violence, and even one specifically for victim-survivors of political repression – such as police brutality, targeting and forced disappearances.

More than one expert could be the focal point for such groups. For example, a psychologist or social worker could be the convener and moderator of group sessions, whilst doctors and lawyers could join in such groups in order to offer complementary expert advice. This model has been adopted in support groups present at the Kenyatta National Hospital Gender Based Violence Gender Recovery Centre.

It flows logically that a Support Group will eventually transform into a ‘Self-Help Group’ once the women therein have sufficiently dealt with the violence meted on them, and empowered to undertake subsequent [self-help] group activities.

In-House Protection: Protection for women human rights defenders in their own organisations/institutions

Requiring protection for women human rights defenders in their own organisations or networks is fundamental for consistency in our way of thinking for the defence of human rights. Recognising that we, as defenders of human rights, face specific risks because we are women, requires a collective commitment for a specific type of protection.

A mixed organisation or network composed of men and women must have a set of principles and policies that generate conditions of equality for the protection of both men and women in the organisation’s efforts. These are such as adoption of ‘Non-Discrimination’, ‘Equal Opportunities’, ‘Sexual Harassment’, ‘Non Violence’ and ‘Special Measure’ policies. Detailed examples follow:

- A clear policy of “zero tolerance” to violence and impunity, which must be reflected in consistent practice in both the private life of each member as well as in work and in public life.

- An institutional declaration that no type of discrimination will be accepted in the organisation's midst, through equal opportunities for all members of the group both in access to positions of responsibility and in participation in the decision-making process.
- Declaration that sexual harassment and sexual violence or violence of any type will not be accepted in the organisation.
- Declaration of commitment for women, indigenous women, persons of sexual diversity and others, who have been aggressed because of their conditions, and support measures taken to report and prosecute cases and to provide assistance to the victims.
- Clear institutional policy against gossip and rumours.
- Training for all the staff of the organisation on subjects relating to gender, inter-culture and sexual diversity, so that everyone knows the characteristics of the specific attacks based on gender, ethnic identity, sexual orientation and other reasons, so as to minimise the repercussions of such attacks.
- Promote specific forums for women, native women or persons of sexual diversity to raise their confidence and to be able to contribute according to their potential.
- Pay attention to communication in all its forms of expression (verbal, gestural, etc.) that can offend other people.
- Encourage activities to strengthen sound and equitable relations of people who participate in the institution and their families by promoting the participation of women.
- Seek alliances with professionals on legal matters and psycho-social support that can prove helpful in concrete cases.
- Recognise the specific needs of women with regard to time schedules for travel and meetings.
- Promote forums for reflection on male chauvinism that has become the norm and the participation of men that set a positive example that another type of masculinity is possible.
- Enable special provisions for women to allow for full participation at work: for

instance, the establishment of child-care facilities, breast-feeding rooms etc.

Organizations should also strive to undertake institutional development processes through which organizational values, as well as a clear organizational culture, are developed. Organization values vary and are reflective of the general premise of human rights – promotion and protection of human dignity, equality and non-discrimination. These are such as integrity, mutual respect, respect for diversity, equality for all, solidarity etc.

Protection from cultural, traditional, patriarchal and religious myths

If we are aware of the intention of myths and their function in limiting our freedoms as women, we will be able to protect ourselves from them, wherever they come from, and we will not let them violate our lives.

- Recognize that myths are based on misconceptions anchored on adverse interpretations of tradition, culture and religion. These myths are not in any way a reflection of a woman's worth or capacity. They are just that; myths.

- Engage the community, especially men, boys and other leaders, in conversations about myths which result in power imbalances which encourage discrimination and violence against women. Changing attitudes, beliefs and practices is the only solution. We must however recognize that this may take a very long time; it is nevertheless worth pursuing for its long-term impact and benefits to future generations of women human rights defenders.
- Discuss amongst ourselves what the real message of religious scripture is and whether religious myths are consistent with it. Also, it may be worth involving experts in religion to demystify the message of religious leaders and spiritual symbols or prophets. It will become clear that all religions share the common message of “respect, love and peace to all”.
- Recognise the real feeling that nature has, and the fact that we have a body that can enjoy and reproduce if we so decide. We should not be ashamed of biology, biological processes, feelings and

emotions. Our sexuality is ours. It is not a forum for political, cultural, traditional or religious discourse.

- Refuse to accept relations of subjection imposed on us on the basis of spirituality, tradition or culture conditioned by patriarchal precepts.
- Refuse to speak and accept myths any more. If someone wants to attack us using some myth in order to discredit the work we do as defenders of human rights, clarify the situation in the family and the community to help eradicate such talk.



Protection through Self Care

Self-care as a political and protective tool

If the violence directed at us, as women human rights defenders, is intended as a political means to get us to stop our work, then resisting such violence is also a political action. In this respect, self-care is a strategy of resilience and resistance and must constitute part of an integral protection strategy.

It enables us to maintain, not only a level of personal well-being to the extent that we preserve our physical, mental and emotional health, but also the sustainability of our space for the defence of human rights.

In looking after ourselves we reduce our vulnerability to violence and to physical and emotional wear and tear. We are thus more aware how excessive work affects our whole being and our environment so as not to get sick or suffer burn-out. Furthermore, we are more self-assured about our capacities of being alert so as not to minimise the signals, nor the analysis, so as not to become paranoid about the risk we are facing.

In addition, our self-care strategy helps us prevent and confront the continuous negative impact of our work, aggressions or attacks at the psychological and physical level.

In this respect, self-care is both an individual and a collective responsibility.

Self-care as an offence

Self-care can be seen as an offence in the face of patriarchy. We, as women human rights defenders, are aware that, consciously or unconsciously, we “are replicating one of the most powerful roles assigned for women by patriarchy: to be there for other people. Therefore, we continue to work in spite of fatigue, stress, sleepiness, and more. We must continuously remain watchful of these signs so as to put in place measures to preserve our health, beliefs and sanity.

How can we care for ourselves?

At individual level:

- We must become aware that we are responsible for our well-being, both for ourselves and for our struggle, and share this reflection with our peers.
- Make sure we do not get addicted to tragedy and suffering and refuse heroic activism putting ourselves in harms way unnecessarily. We should also not ask others to do this.
- Speak, listen and respect our body. Be

attentive to its needs, limits and strengths. This is especially important in identifying signs of secondary traumatisation which can present itself as addictions (chain smoking, alcohol abuse) and the loss of empathy for victim-survivors.

- Ask for help and delegate responsibilities.
- Explore psychological therapy, spiritual healing, alternative therapy (yoga, meditation, etc.) and natural and traditional cures according to our needs and beliefs.
- Seek opportunities to be in contact with nature.
- Do not neglect the company of people in the emotional space, and enjoy their care.
- Take time for activities that we enjoy regardless of how frivolous they may be or what other people may think or say.
- Adopt healthy dietary and exercise practices.
- Cultivate the playful and artistic parts of ourselves.
- Eat, laugh and dance as often as possible.

At the collective level:

- Promote sisterhood among colleagues and solidarity between organisations to rely on each other and share self-care knowledge and techniques.
- Offer support to colleagues who need a rest: show them that they can take time outside work and share their responsibilities.
- Maintain a self-care policy at the organisation level. Implement a plan, if possible at the start of the year, and try to maintain it, irrespective of emergencies or the work that we may have. Existing policies provide for joint activities such as group counselling, yoga, aerobics classes, camping, and cooking. The policy should be reflective of consultations held with the team to which it will apply: only we know what is best for us.
- Promote spaces for getting together to share sad as well as joyful occasions.

- Undergo psychological therapy or supervision if necessary to promote group dynamics at work.
- In mixed organisations, seek specific spaces for self-care for women.
- Negotiate in our organisations that the rules we lay down are in line with our needs, age, ethnicity, capacities, etc.
- Know our rights as women, defenders of human rights, citizens and workers.



CHAPTER FOUR PROTECTION FROM SEXUAL VIOLENCE



Contrary to what is often thought, sexual violence does not stem from a sexual instinct, but is an act of aggression motivated by the desire to exercise power and control over another person.

It can occur from childhood to old age, and men and women can be victims and aggressors.

The (male/female) aggressor can be an unknown person, someone from the organisation, or the same family.

Sexual violence includes: Harassment, sexual content of threats and intimidation, stalking, sexual humiliation and ridicule, forced nakedness, forced to carry out certain sexual acts, indecent acts, sexual assault, and rape (including date rape).

Some protective measures against sexual violence:

There is no way of telling what is the right way to behave in order to avoid sexual aggression, but there are certain strategies that can help dissuade the aggressor and reduce the risks and consequences of an attack/rape.

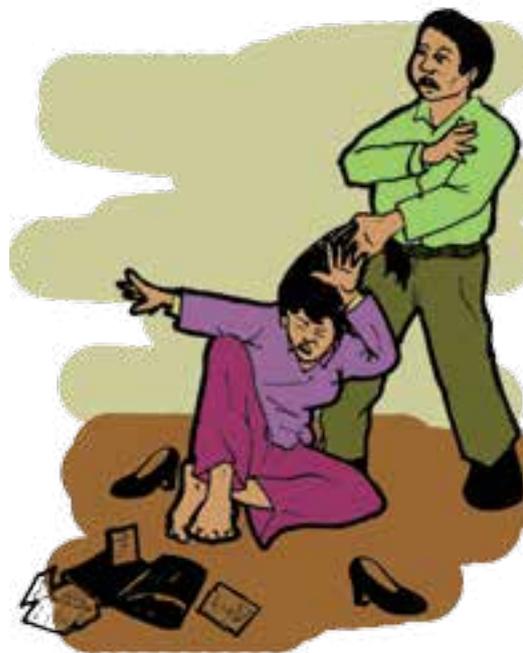
If you are in a place of high risk, it is best to keep any hanging hair up, so that the aggressor cannot grab it easily -- for example by tucking under a cap.

Carry an object in your hands, an umbrella, a bottle or a stick that can dissuade the aggressor.

When walking, keep the body erect as a show of confidence and security. Do not walk in a distracted manner. Pay attention to the surroundings.

Take care about the drinks, objects and substances offered by unknown persons, however safe they may appear, which may contain some drug or sleep-inducing substance put so as to be able to assault or rape you.

If someone asks you a question from a car, do not go near; it could be an attempted assault or kidnapping.



3



In bus stops, be attentive if a car has stopped there; beware if someone gets out of the vehicle and take preventive action. When walking on the street, pay attention to cars that approach slowly, keep a preventive distance and consider a place of refuge.

Be aware of cultural norms and taboos in the area that you are in. If the community is one where women are expected to cover their hair, wear a Bui-Bui or Hijab or wear long dressing, adhere to these forms of dressing. Even though we have already established that a woman's form of dressing is not a justification for sexual violence, it is imperative to take all steps in order to dissuade any unnecessary attack. Remember that our role as women human rights defenders is not to offend: it is to change retrogressive attitudes and practices. We must respect established norms and fit in first in order to earn the credibility and respect required to effect change.

4



Further, take note of spaces in which women may be unwelcome. For instance, in the North-Eastern part of Kenya, women are not allowed to sit or speak in meetings with male leaders/members.

Before entering such a space, please use the proper channels to secure permission

before joining the meeting/forum. If a woman human rights defender does not adhere to these 'procedures', she may be arbitrarily punished through acts of aggression. It is better therefore to exercise caution and follow established traditional/cultural procedures.



If possible, carry a rape whistle. If in imminent attack, blow the whistle whose sound is very shrill and loud, and continues for a long time. This may dissuade the aggressor from further pursuing the attack or even draw the attention of other people to come to your aid.

As an overall preventative measure, women human rights defenders are encouraged to learn self-defence skills. These may come in handy in case of an attack.

Aggression by a known person

Learn to trust your instincts. Take care if you have a feeling that something is going wrong or if you are in a place and have a feeling of fear or of wanting to get away.

If comments or suggestions by a man are making you feel uncomfortable or if you do not like the way he touches you, let him know in no uncertain terms and ask him to stop. If he does not, get away from him as promptly as you can.

If a man is trying to abuse power (for instance at the workplace, organisation, school, police station or medical facility) show him that you are not scared. It is less likely that he will treat you badly (for instance, fire you, refuse to give you medical attention or reject your application) if you manage to stop him from harassing you before he does something that would make him look like a fool.

Speak about the situation with other women. It is very likely that you are not the only one that he has harassed. If he continues to behave that way, always try to have someone else with you so that you are never alone with him. Warn other women to take care.

Avoid going somewhere with someone who makes you feel uneasy or who you do not know well. Always plan to know how you can get yourself home if you decide to go with this person.



In case of attack:

It is impossible to know beforehand how a person will react if someone tries to rape her. Some women become furious and feel a strength they did not know they had. Others feel that they cannot move at all. If this were to occur at some point, you must know how to do everything you can to stop the aggression.

In case of attempted rape or direct attack, scream “FIRE!” or “SNAKE!” This will attract more attention from people nearby.

It is unfortunate that in the Kenyan situation, experience has shown that if a woman cries “RAPE!” people are less likely to come to her attention. If all else fails however, scream “RAPE!” This may help in court whence giving evidence later.

You can control panic by breathing deeply (breathing in through the nose and breathing out through the mouth).

If we have to defend ourselves personally, it is important to know our physical strength, since rage produces adrenaline in the body and this enables us to defend ourselves boldly.

Crying and pleading are generally useless. Depending on how well we know the aggressor, how afraid we are, and how endangered we feel, we can try various things: kicking, screaming, making deals, tricking. It comes down to everything we can think of to make the aggressor realise that we are not an easy victim.

Pay attention and observe the aggressor carefully; there may be moments in which he is not watching you or lose control, giving you an opportunity to escape. This will help

us later to file a complaint. If you are able to escape, try to run as far away as you can. If you are in a locked house for instance, enter a room and try to barricade the door. Thereafter, call for help. It is however important to note that if the aggressor catches you, the attack may be more brutal than originally intended because of the aggressor's elevated anger.

If aggressors are trying to get you in a car, try to avoid it any way you can, by falling on the ground, kicking etc. If they get you in the

car, you will not have many opportunities to escape.

If the aggressor is armed, we must assess his intention to use the weapon and avoid serious injury or death. In this particular instance, we should remain very cautious.

Therefore, the options are: run; hide; or fight. The last option which is a last resort, is to surrender especially in the case of an armed attack. Each situation is different. Make sure to assess all aspects in order to decide which option to take.



After an aggression/rape:

We should bear in mind: If a woman is raped, IT IS NOT HER FAULT, and she did not fail to defend herself.

Some subsequent actions MUST be taken following the attack. The following are relevant Dos and Don'ts.

DOS:

- GET TO A SAFE PLACE
- SPEAK: Make sure you are not alone and do not remain silent. Silence and secrecy are to the aggressor's advantage. As much as possible, share details of the experience with a friend or relative when the attack is still fresh in your mind.
- REPORT TO HOSPITAL WITHIN 72 HOURS: It is vital to see a doctor right after the aggression, especially within 72 hours of the attack. Seek immediate help at the nearest health centre where you can testify to a complaint (see section on the protocol against violence). If you cannot see a doctor immediately following the aggression, you must not fail to do so afterwards.
- SECURE A PRC FORM AT THE HOSPITAL: Ensure that a Post-Rape Care (PRC)

Form is completed upon reporting at the hospital. The PRC Form is filled in triplicate One copy is retained by you (Yellow Copy) as the victim of the attack, one copy is retained by the health centre (Green Copy) and the other original (White copy) is provided to the Police so that they can hand it over to the court as evidence.

If a PRC Form is not available at the hospital/health centre, you can download the same from <https://www.k4health.org/toolkits/kenya-health/post-rape-care-form>)

- STORAGE OF CLOTHES: Keep the clothes and dress you were wearing during the attack in a brown bag or in a KHAKI envelope (A4 or A5 envelope is preferred).
- TAKE PHOTOS: Take photos of bruises and physical injuries if possible. This could also be done at the hospital/health centre upon your request.
- REPORT TO THE POLICE: It is important to file a complaint to the relevant authorities; this would be to the Kenya Police. There are Gender Desks in all Police Stations around Kenya. At the Police Station, ask to speak to the officer who mans the Gender Desk or who handles reports of Gender Based Violence.

- **HANDING OVER CLOTHES TO POLICE:** The clothes which you stored safely should then be handed to the Police as soon as you have made the report.
- **SECURE A P3 FORM:** The Kenya Police Medical Examination Report Form – the P3 Form - is the official form through which an assault is recorded by the Police, and a medical examination from a medical doctor requested by the investigating officer. If the Police do not have this Form at the Police Station, the same can be downloaded at http://www.urpn.org/uploads/1/3/1/5/13155817/kenya_police_medical_examination_report_p3_form.pdf If you have no access to internet, request the Police to secure the Form and you return the following day. This Form is **FREE OF CHARGE**.
- **FILLING IN OF P3 FORM:** After the P3 Form has been filled by the Police, visit a hospital (preferably the one where you made the initial report) in order to get it filled in, signed and stamped by a **MEDICAL DOCTOR**.
- **RETURN P3 FORM TO POLICE:** After the P3 Form has been filled in and signed by the medical doctor, return it to the Police.
- **MAKEPHOTOCOPIESOFALLDOCUMENTS AND PICTURES FOR FUTURE USE IF DOCUMENTS DISAPPEAR:** One can also take pictures with a smart phone and send them via email to a trusted person.
- **ACCESS LEGAL AND PSYCHO-SOCIAL SUPPORT:** As a victim of sexual violence, you have the right to legal and psychological aid and support. Try to access psychological/psycho-social support from the health centre/hospital. If they do not offer this service, ask for a referral to an institution which offers these services.

Legal aid can be sought mostly from non-governmental organizations which offer this service (see the section on assistance being sought from national NGOs). If you are unable to access these organizations, visit the National Legal Aid Programme which is hosted under the Ministry of Justice, and which has been devolved to all Counties.

DON'TS:

- **DO NOT** clean any part of your or the survivor's body; including hair (Do not brush off any hairs from the survivor's body).

- DO NOT go to the toilet before the medical examination: if must go, do so in a sterile container. The survivor should take this container and sample with her to the hospital.
- DO NOT wash or destroy your or the survivor's clothes.
- DO NOT put the clothes in a plastic or polythene paper bag. This will cause the clothes to sweat and eventually destroy any DNA evidence.
- DO NOT wrap the clothes in a newspaper as newspapers have chemicals which interfere with the protozoa and DNA in the clothes.
- DO NOT tamper with anything at the crime scene.
- DO NOT accept any kind of inducement or bribe from anybody so as not to report the matter to the police.
- DO NOT say anything to people whom the victim suspects as have other motives in questioning her.

“Work with other women. We are stronger and more self-assured in a group.”



What you can do in the community

Rape affects all the members of a community and it is also its responsibility to create an environment without risk where women are not afraid.

Just as there is no typical victim, from the social point of view, there is no typical reaction to sexual violence either. The social consequences may vary considerably from person to person, limiting full development as a person, family and society.

People who work on health issues must be given the necessary training to attend to women who have been raped. They must be able to provide information on access to and prevention of sexually transmitted infections, as well as access to emergency family planning methods. They must also learn to provide the psychological first aid necessary as well as guidance and support for filing a complaint. Women human rights defender should therefore arm themselves with this information and, encourage the organizations within which they work to undertake such trainings for all their staff.

Share the laws that protect women with various people in the community and share the information with other people.

Provide information on sex and sexuality to young people. Young people must be taught to express their desires clearly, boys must be taught to ask the girls they desire for consent, and respect what they are told especially if it is no. Boys and men should not take the denial of sexual relations and start rumours about the girl or woman.

72 HOUR CAMPAIGN

The 72 hour campaign aims to have any and all victims of sexual violence report cases within 72 hours of the abuse, to the nearest police station or hospital.

Sexual Abuse cases should be reported within 72 hours for the following reasons:

1. To prevent unwanted pregnancies.
2. To prevent infection of HIV/AIDS or other Sexually Transmitted Infections (STIs).
3. To avoid death of the victim.
4. To ensure that DNA evidence (including that in/on the victim's clothing) is collected and preserved correctly.
5. To avoid the crime scene (including the victim's body) from being tampered with.
6. To ensure the victim gets psychosocial support.

Emergency Contraception (birth control pills)

One emergency measure to avoid unwanted pregnancies following rape is provided by normal birth control pills, similar to those that are taken daily, but taken in concentrated doses over a short period. What they do depends on the menstrual cycle they happen to be, namely they:

- Prevent the spermatozoids from getting through by thickening the cervical mucus;
- Impede or slow down ovulation.

They must be taken as promptly as possible. The ideal is not to exceed 3 days or 72 hours. They can be purchased in pharmacies or some health centres.

The preferred method is to take a single dose, where the number of pills to take will depend on the hormonal content of the brand. Another method is to take two doses: the first within 72 hours and the second 12 hours later. When the victim visits the hospital, all information related to doses to be taken shall be given. If not given, the victim should actively seek this information from the health professional attending to her.

Post-Exposure Prophylaxis (PEP)

“PEP stands for post-exposure prophylaxis. It involves taking antiretroviral medicines as soon as possible, but no more than 72 hours (3 days) after you may have been exposed to HIV, to try to reduce the chance of becoming HIV-positive. These medicines keep HIV from making copies of itself and spreading through your body. Two to three drugs are usually prescribed, and they must be taken for 28 days. PEP is not always effective; it does not guarantee that someone exposed to HIV will not become infected with HIV.”

PEP is available at most health centres around Kenya. As a survivor of sexual violence, it is prudent to ask for PEP to be administered within 72 hours (3 days) of reporting to a hospital after a sexual attack. Instructions on how to take PEP shall be given by the health care provider.

IMPORTANT: If you are pregnant and opt to take the pill, it will not interrupt the pregnancy nor damage the embryo in formation. Bear in mind that it is not a birth control method, but for emergencies. Use the pills responsibly.

SUMMARIES

What to expect at the hospital

- The survivor will be examined.
- Samples of the survivor's blood, urine, vaginal or anal fluids will be taken for laboratory tests.
- The survivor will be given anti-retroviral drugs (PEP) to prevent HIV infection. This is a dosage of 28 days which is given in portions of four.
- The survivor will be counselled by the health care providers at the hospital.
- The survivor will also be given emergency contraceptive pills to prevent pregnancy.
- The health care providers will fill three copies of the Post Rape Care (PRC) Form: White (original) copy - given to Police; Green copy - remains at the hospital; and, Yellow copy - given to the survivor.
- Give the P3 Form to the health care provider, preferably a Medical Doctor, for filling and signing if you have been to the

police. There may be a small charge at the hospital for filling in of the P3 Form. If you don't have a P3 form, visit the nearest police station as soon as possible to get one then take it to the hospital for filling and signing.

What to expect at the police station

- The crime will be recorded in the Occurrence Book (OB), by a police officer.
- The survivor will be given an OB number.
- The police will ask the survivor questions about the abuse.
- The survivor should give the police sufficient information to enable the police carry out investigations and arrest the perpetrator.
- The Survivor will then record a statement.
- The police will give the survivor a P3 form to be filled by the health care provider at the hospital.
- The P3 form is issued FREE of charge at the police station.

CHAPTER FIVE PROTOCOL FOR THE TREATMENT OF VICTIMS OF VIOLENCE AGAINST WOMEN

Rights of Victims and Obligations of Service Providers

We have the right to receive full treatment, i.e. medical, psychological, social and legal treatment, for violence in the intimate, private or institutional sphere. This treatment should be provided in line with criteria relating to culture, world view, and language.



Full treatment comprises:

- **Medical treatment:** This includes receiving information on sexual and reproductive rights, covering medical emergencies or physical examinations for the raped woman and her children.
- **Psychological support:** This comprises emotional support, emergency aid to which we are entitled if raped. Furthermore, the right to various evaluations and coordination with other support centres or groups. This support can also be provided to secondary victims (mothers, fathers, grandmothers, aunts/uncles, partners, etc.).
- **Legal advice:** including information for the victim of coverage to which she is entitled and obligations in the trial. This support is generally provided when the victim has to face her aggressor and in order to clarify the legal terminology used during the trial.
- **Social support:** Refers to the management of the safe house/shelter, advice and guidance and/or visits at home.

Obligations of Health Care Providers: Specific medical treatment in case of rape

When speaking about rape, we must bear in mind that the first institution to come into contact with the victim is a health centre or a hospital. The staff of that institution have the responsibility and positive obligation to refer the victim to the police station or to file the respective complaint if the victim is not in a medical position to do so. Therefore, their vocational training and personal attitude is fundamental for a proper and decent treatment of the persons concerned.

Let us go over certain important points:

- Counselling for sexual abuse must be considered as an emergency, the health services must be organised in such a way as to offer an immediate and organised response.
- It is important for the staff to understand the dynamics of sexual violence in order to be able to provide quality treatment with warmth, adopting such attitudes as empathy, sensitivity, confidentiality and

c. a secret place where women can go with their children for temporary refuge in order to escape/after a violent and or sexual assault

support so as not to make the situation worse and fall prey to victimisation.

- The health service staff have the legal [and positive] obligation to report the attack to the corresponding authorities.
- The healthcare staff have a duty to document the injuries and treatment that serve as legal evidence of the abuse to ensure that the evidence remains intact for the competent institutions of justice – including the Police for investigative purposes and the Courts, for proper adjudication of a case.
- Part of the role of the health staff is to assess and treat the immediate medical needs of the person. The medical stabilisation must be considered alongside the protection of the physical evidence which runs the risk of being diluted, since it can be used to prove that a sexual crime was committed.

If we consult a hospital/health centre after a rape, we are entitled to:

1. Be informed of the risks to our sexual and reproductive health, as well as the medical options within reach and the possible consequences of the aggression.



2. Be informed about the characteristics of the procedure that will be carried out and what will happen in each phase, in compliance with the victim's decision to accept or reject it.
3. Informed Consent must be sought from the victim-survivor for a physical examination to be conducted, and for laboratory samples to be taken which include an analysis for HIV/AIDS. Furthermore, the victim will have to answer very personal questions (under strict confidentiality) about her medical and sexual history.
4. A careful examination of the body, which includes the mouth and throat to ascertain the seriousness of the injuries, plus a gynaecological examination will be conducted.
5. Call a friend or relative to accompany the victim throughout the entire process. However, the health personnel must assess this situation; if it puts the protection of medical evidence at risk, this request may not be granted.

WHAT MAY NOT HAPPEN at the hospital/ health centre in the event of sexual violence:

1. The medical staff will NOT PASS ANY JUDGEMENT through their tone of voice, attitudes or gestures.
2. The victim must NOT be held RESPONSIBLE for not stopping the abuse.
3. The medical personnel attending to the victim may NOT REFUSE TO FILL IN A PRC Form or a POLICE P3 Form.
4. NO MEDICAL EXAMINATIONS MUST BE ADMINISTERED WITHOUT THE WOMAN'S CONSENT. A specific form indicating the victim's consent must be completed and signed before such examinations can be performed.
5. NO INFORMATION MAY BE SHARED WITH ANYONE by the medical personnel attending to the victim; unless the victim specifically consents to such information sharing.



Obligations of Police Officers (Authorities to who reports are made)

The Police, as the reporting authorities, have specific obligations owed to victims of violence who report attacks to them. These are:

- The Police **MUST** record the attack as an entry into the Occurrence Book (OB).
- The Police **MUST** always give a copy of the OB entry number, the name of the entrant, name of the Investigation Officer (if possible), to the complainant. The Police should also make an effort to provide the victim with a contact number for the police officer who shall be investigating the matter.
- Police **MUST** always be **SENSITIVE** to the condition of the complainant and offer her a safe and private place to report and seek justice.
- Police **MUST** adhere to rules and procedures for proper storage and transmission of **EVIDENCE** (including Forensic Evidence). Chain of Evidence must also be strictly adhered to.

WHAT MAY NOT HAPPEN at the Police Station in the event of sexual violence:

1. Police should NOT PASS ANY JUDGEMENT through their tone of voice, attitudes or gestures.
2. The victim must NOT be held RESPONSIBLE for not stopping the abuse.
3. The victim must NOT at any time be asked EMBARRASSING or HUMILIATING questions.
4. Police should NOT REFUSE TO FILL IN A P3 Form.
5. Police should NOT CHARGE for a P3 Form.
6. NO INFORMATION SHOULD BE SHARED by the Police to anyone else. Absolute privacy must be strictly observed. The Police are only allowed to provide information to other police officers involved in investigation of the attack, and ultimately to the Court.
7. Police SHOULD NOT ask the victim of violence to PRESENT THE PERPETRATOR at the Police Station.
8. Police SHOULD NOT hold the victim and the Perpetrator in the SAME ROOM.

In the event of Domestic Violence

When we are victims of violence in the intimate and private sphere, we as women human rights defenders can break the silence by sharing what has happened to friends, neighbours and colleagues we trust in the organisations we work in, and ask for their help. It is even better if we can contact Gender Based Violence Recovery Centres (GBVRCs), which host Support Groups and/or Self-Help Groups. The latter also help us to release emotions and feelings so as to regain confidence and courage to defend ourselves and preclude that we keep being aggressed.

What can we do at individual level?

- a) Make a decision whether to continue our relationship with our partner.
- b) File a complaint about the violence, which is highly important to prevent the aggressor from continuing to the abuse. For this, it is necessary to have at hand:
 - Personal documents of your partner, ex-partner or other intimate partner (including relatives) who is the aggressor;
 - Documents of your children;

- Data on your partner's/aggressor's workplace among others.
- c) When reporting the aggression to the authorities, ask that protection measures are taken to guarantee your life and family. (Subsequently notified to the aggressor who realises that the complaint was effective and that he cannot continue aggressing us).
- d) Tell the aggressor that his comments or the way he touches you make you feel uncomfortable. If his attitude does not change, you must leave as promptly as possible.
- e) Bear in mind that if a man does not manage to control a woman through sexual violence, he may try to control her through other means: such as through physical, psychological and emotional abuse.
- f) Seek immediate support in the nearest health centre (the steps herein above enumerated under 'Sexual Violence' largely apply).
- g) Rely on a list of bodies/organizations that can help us: the Coalition on Violence against Women (COVAW); the Federation of Women Lawyers – Kenya (FIDA – Kenya); and, the Women's Rights and Awareness Programme (WRAP) inter alia. It is important to call them immediately and let them know what has happened to us so that they can support us in some way.
- h) Seek professional psychosocial help or take part in self-help groups in order to recover our emotional balance.

OVERALL RIGHTS OF VICTIMS OF VIOLENCE AGAINST WOMEN

- Right to Privacy.
- Right to Confidentiality.
- Right to speak to a female police officer.
- Right to be examined by a female medical practitioner.
- Right to respect.
- Right to a companion.

LEGAL OPTIONS

What can we do at the legal level?

After the aggression, the people who are witnesses or the survivor can lodge a complaint with the authorities. This must be done as soon as possible to reduce risks and be able to prove the seriousness of the attack.

“The critical route is a process consisting of the sequence of decisions and actions taken by women who defend victims of sexual aggression.”

Critical route of lodging a complaint

Who lodges the complaint?

- The victim herself, a relative or any person who saw what happened.
- Any person, irrespective of the age, who has been a victim of any act of domestic violence.
- Any person, when the victim suffers from physical or mental disability.
- Persons who work in the health and education services that deal with the victim. Non-governmental and social organisations that work with women, children and adolescents.

What is the procedure in the Kenyan Criminal Justice System?

- As soon as a sexual abuse case is reported to the police, the abuse is recorded in the Occurrence Book by a Police officer. The complaint can be lodged verbally or in writing. There is no need for a lawyer to file the complaint.
- The survivor is issued with an OB number.
- The recording Police officer issues the survivor with a P3 form.
- The P3 Form is filled and given to the survivor for it to be filled in and stamped by a Medical Doctor.
- The P3 Form is returned to the Police Officer/ Police Station and inserted into a Case File which is then opened.
- The survivor records a statement. Remember to take a copy of the form for your records before submission.
- Police commence investigations and apprehend the perpetrator.
- Police officers draw a charge sheet and arraign the perpetrator in court within 24 hours of his/her arrest.
- The Case File is then transmitted to the

Courts of Law. The case shall be handled by a Criminal Court.

- The court's role is then to administer justice.

Common terminologies used in the court room and their meaning:

1. **Complainant:** Refers to the victim / Survivor.
2. **Prosecutor:** Presently, the Prosecutor in the case should be a lawyer/advocate of the High Court, commonly referred to as State Counsel, who represents the State on behalf of the Complainant. This State Counsel works in and is appointed by the Office of the Director of Public Prosecutions (ODPP). In the past, and still in various parts of the country where State Counsel are yet to be appointed, a police officer of certain ranks represents the Complainant in court and prosecutes the matter on behalf of the State (which acts as the custodian of the Complainant's rights).
3. **Accused Person:** refers to the alleged perpetrator of the crime.
4. **Charge Sheet:** The document used to initiate a criminal case against an accused person. It contains a statement of offence and particulars of offence. It is prepared by the police officers.
5. **Charge:** A charge is the offence which an accused person is alleged to have committed.
6. **Plea:** Refers to an answer to a charge by an accused person. (Most times accused persons say yes or no)
7. **Bail:** Every accused person is entitled to bail. Bail refers to security in the form of cash which is deposited with the court to ensure that an accused person attends court when he is not in remand.
8. **Bond:** title deed, car log book or security which is not in the form of cash which the accused deposits with the court to ensure that he attends court during the hearing.
9. **Warrant of arrest:** This is issued by the magistrate/judge when an accused person fails to attend court for the hearing.

- In court, the prosecution presents its evidence in support of the charges brought against the Accused Person. This evidence includes testimonial, forensic and documentary evidence. The Complainant usually presents oral testimony as Prosecution Witness 1 (PW1).
- After closure of the Prosecution's Case, a 'No Case To Answer' process is undertaken by the Court. This is when the court decides whether there is enough evidence 'on the face of it' to put the Accused to his defence.
- If the Prosecution evidence presented is not sufficient to proceed, the Case is dismissed. However, if new evidence is uncovered at a later stage, the Case may be re-opened.
- If the Prosecution's evidence is sufficient to proceed, the Accused is put to his defence. The Accused may choose to remain silent and not produce any evidence to his defence. He may also choose to give sworn or unsworn testimony.
- The Accused or his lawyer may then present evidence to disprove evidence and assertions provided by the Prosecution.
- The defence then closes its case.
- Final Submissions/Closing Statements are made by the Prosecution and the Defence.
- Judgment: The Court makes a judgment based on the evidence presented to it.
 - If the court finds that the Accused is NOT GUILTY, the Accused is ACQUITTED. If so, no charges can ever be brought against the Accused on the same facts and evidence.
 - If the court finds that the Accused is GUILTY, the Accused is then CONVICTED. What follows is mitigation and Sentencing.
- Mitigation: Before sentencing, the magistrate/judge will ask an Accused person to give reasons why the court should issue a lenient sentence to him/her.
- Often, circumstances which are considered by the court are whether the Accused:
 - Is Remorseful;
 - Highlights a pre-existing and adverse medical condition;
 - Is the Sole breadwinner; or,
 - Has already served time in remand.

- Sentencing: the Judge/Magistrate, after considering all mitigating circumstances, then issues an appropriate sentence.
- NB: In Sexual Violence cases however, it must be noted that the Sexual Offences Act (No. 3 of 2006), prescribed MINIMUM SENTENCES which must be strictly adhered to by a magistrate/judge.
- Right to Appeal: In all criminal cases, the convicted person has the Right to Appeal. He must however do so within fourteen (14) days of sentencing.

What results can be expected from lodging a complaint?

- Obtaining immediate protection (preventive and security measures) if there are such laws in place . If and when you are a witness to the prosecution’s case, especially as the Complainant/Victim, the Witness Protection Agency can offer much needed protection if you are under any sort of threat.
- Assertion of rights and dignity of the victim; and women in general.
- Delivery of a judgement: end of the trial, perpetrator of violence held to account and, the start of a new life.

SUPPORT MEASURES FROM THE COMMUNITY, NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

What help can we count on at the community and/or national level?

From the Community wherein we live or work, Community Based Organizations and Social Movements

Communities wherein we work or live, community based organizations and other social movements are an invaluable



resource. These stakeholders can rally around the victim, the woman human rights defender under attack, by offering her refuge and support. Members of the community should be encouraged not to exclude the victim.

These stakeholders could also assist in investigations and arrest of the aggressor.

Further campaign work can be done within the community to highlight and condemn violence meted on women human rights defenders.

Community dialogue forums can also be conducted in order to identify ways in which to mitigate risks faced by women human rights defenders.

From the civil society and social organisations for women's rights

They can provide advice and guidance on how to protect our life through the path of filing a complaint, in addition to giving strength not to abandon the procedure.

The local authorities can also guide and support us in the process, providing information on the different possibilities.

The staff of these bodies can help us broach the problem of violence and provide pertinent advice because they are specialists on the matter.

Some of these organizations offer safe haven (through safe houses and shelters) to victims of violence. Unfortunately there are currently no government run safe houses in Kenya.

These organizations can also elevate the attack to the national, regional and international levels on an advocacy platform. Such action is aimed at highlighting the particular threats and attacks still faced by women human rights defenders, as well as ensuring that authorities and the national government follow-up on such attacks with the seriousness deserved.

(For Contact Information on National Organizations/Institutions, please see Annex 1)

(For Contact Information on Regional and International Women's Rights Organizations/Institutions, please see Annex 2)

From public authorities and/or institutions:

The Office of the Director of Public Prosecutions, the National Police Service, the Attorney General of the Republic of Kenya, the Independent Policing Oversight Authority, the Witness Protection Agency, the Kenya National Commission for Human Rights and Equality, the National Gender and Equality Commission, the Ombudsman, public/government hospitals and health

centres among others, are entities that can help us with security, support and follow-up measures for victims, in particular:

1. Conduct investigations and prosecute the aggressor.
2. Offer immediate protection to the victim – woman human rights defender under imminent threat or attack.
3. Offer continued medical and psychosocial support to the victim.
4. Ensure immediate expulsion of the aggressor from the common residence, i.e. deny the aggressor access to the home, place of work or study of the victim temporarily or permanently.
5. Confiscate weapons of the presumptive aggressor, even when he has a licence and prohibit them in the house.
6. Suspend provisionally the aggressor's custody of minors.
7. In case of sexual aggression of minors, suspend the right to visit children.
8. Prohibit disturbance or intimidation of any member of the woman human rights defender's/ victim's family.

(For Contact Information on Public/ Government Organizations/Institutions, please see Annex 3).

From the Media

The media can prove an invaluable resource in highlighting victimization faced by women human rights defenders. The media which is one of the safeguards of a genuine and legitimate democracy, also serve to put pressure on the government to ensure that women human rights defender are protected and, that justice is served when a rights defender has been attacked.

(For Contact Information on Kenyan Media Organizations/Institutions, please see Annex 4)

ANNEXES

ANNEX 1: NATIONAL ORGANIZATIONS/INSTITUTIONS

NAME AND WORK OF ORGANIZATION	CONTACT DETAILS
<p>National Coalition of Human Rights Defenders - Kenya (NCHRD)</p> <p><i>Organization offering protection to human rights defenders</i></p>	<p>P. O. Box 26309-00100 Nairobi, Kenya</p> <p>Tel: (+254) 712 632390</p> <p>Email: info@hrdcoalition.org</p>
<p>Coalition on Violence against Women (COVAW)</p> <p><i>Organization offering Legal Aid, Referral and Psychosocial Support Services</i></p>	<p>Valley Field Court, House No. 2, Korosho Road, Off Gitanga Road, Valley Arcade</p> <p>P. O. Box 10658 – 00100 Nairobi, Kenya</p> <p>Tel: (+254) 20 804 0000/1; (+254) 0722/0733 594794</p> <p>Email: info@covaw.or.ke</p> <p>Website: www.covaw.or.ke</p>
<p>Center for Rights, Education and Awareness Rehabilitation (CREAW)</p> <p><i>Organization offering Legal Aid and Referral Services</i></p>	<p>Headquarters: Chalbi Drive, Lavington, off Isaac Gathanju Road</p> <p>Site Office: Kibera Satellite Office, Kibera Drive, DO's Compound Kibera, Nairobi</p> <p>Tel: 020-3860640</p> <p>Tele-Fax: (+254) 020 3861016/ 20 237 8271</p> <p>Cell: (+254) 720 357664</p> <p>Tel: 020-2505903</p>

<p>Federation of Women Lawyers (FIDA Kenya)</p> <p><i>Organization offering legal aid, referral and psycho-social support services</i></p>	<p>Amboseli Road – off Gitanga Road, Nairobi</p> <p>Tel: (+254) 20 387 0444</p> <p>Emergency Lines:</p> <p>(+254) 20 260 4043</p> <p>(+254) 20 260 4044</p> <p>Email: info@fidakenya.org</p> <p>Website: www.fidakenya.org</p>
<p>Kituo Cha Sheria (KLS)</p> <p><i>Organization offering Legal Aid and Referral Services</i></p>	<p>Ole Odume Rd, off Argwings Kodhek Road</p> <p>P. O. Box 7483 00300, Nairobi</p> <p>Tel: (+254) 20 387 6290/ 387 4220/ 387 4191</p> <p>Cell: (+254) 734 8742210727- 773991</p> <p>Fax: (+254) 20 387 6293</p> <p>Email: info@kituochasheria.or.ke</p> <p>Website: www.kituochasheria.or.ke</p>
<p>Childline Kenya</p> <p><i>Organization offering reporting and referral services (especially for violations against children/minors)</i></p>	<p>FREE SMS HOTLINE 1195+</p> <p>Tel: (+254) 20 2059722; 727 637076; 735 813344</p> <p>Email: info@childlinekenya.co.ke</p> <p>Website: www.childlinekenya.co.ke</p>
<p>CRADLE (The Children’s Foundation)</p> <p><i>Organization offering Legal Aid and Referral Services (particularly for children/minors)</i></p>	<p>The CRADLE House 2,</p> <p>Adj. Wood Avenue Apartments, Wood Avenue, Kilimani</p> <p>Tel: (+254) 20 3874575/6, (+254) 722 201 875</p> <p>Email: info@thecradle.or.ke</p> <p>Website: www.thecradle.or.ke</p>
<p>Children’s Legal Action Network (CLAN)</p> <p><i>Organization offering Legal Aid and Referral Services (especially for cases involving children/minors)</i></p>	<p>Mugo Kibiru Rd, off Ngong Rd,</p> <p>P.O Box 7979- 00200 Nairobi, Kenya</p> <p>Tel: (+254) 20 3867757, 20 386 9610</p> <p>Fax: (+254) 20 386 9610</p> <p>Email: info@clan.or.ke</p>

<p>Kenya Human Rights Commission (KHRC)</p> <p><i>Organization conducting legal, policy and advocacy work</i></p>	<p>Gitanga Road opp. Valley Arcade Shopping Center, P.O Box 41079-00100, Nairobi, Kenya</p> <p>Tel: +254 020 2044545; +254 20 2106709</p> <p>Cell: (+254) 722 264497; (+254) 733 629034</p> <p>Fax: (+254) 020 3874997</p> <p>Email: admin@khrc.or.ke</p> <p>Website: www.khrc.or.ke</p>
<p>The Kenyan Section of the International Commission of Jurists (ICJ Kenya)</p> <p><i>Organization conducting legislative, policy and advocacy human rights activities</i></p>	<p>Vihiga Road, off Othaya Road, Kileleshwa, Nairobi</p> <p>P.O. Box 59743 - 00200 Kenya</p> <p>Tel: (+254) 20 2084836/8</p> <p>Fax: (+254) 20 2625467.</p> <p>Mobile: (+254) 720 491549, 733 491549</p> <p>Website: www.icj-kenya.org</p>
<p>Africa Center for Open Governance</p> <p><i>Organization conducting democracy and governance work</i></p>	<p>P.O Box 18157-00100, Nairobi, Kenya</p> <p>Telephone: (+254) 20 4443707</p> <p>Mobile: (+254) 737 463166</p> <p>Email: admin@africog.org</p> <p>Twitter: @africog</p> <p>Facebook: AfriCOG</p>
<p>Womankind (in collaboration with the Centre for Rights and Education Awareness (CREAW))</p> <p><i>Organization offering general support and referral services</i></p>	<p>Chalbi Drive, Lavington – off Isaac Gathanju Road, Nairobi</p> <p>Email: info@creaw.org</p> <p>Website: www.womankind.org.uk</p>

<p>AIDS Law Project <i>Organization offering Legal Aid and Referral Services</i></p>	<p>Hazina Towers Wing A Monrovia Street, 13th Floor, Door 3 P.O. Box 4045- 00200 Nairobi Tel: (+254) 20 2219718 Fax: (+254) 20 342471 Email: info@aidslawproject.org Website: infoaidslawproject@gmail.com</p>
<p>National Gay and Lesbian Human Rights Commission (NGLHRC) <i>Organization conducting work on Sexual Minorities and Gender Identities</i></p>	<p>Mpulla House #4, Arboretum Drive, off State House Road P. O. Box 51870 - 00100 City Square, Nairobi Office: (+254) 20 5204048/ (+254) 721 426294 Facebook: http://facebook.com/nglhrc Twitter: @nglhrc E-mail: admin@nglhrkenya.com or nglhrc@gmail.com Website: www.nglhrkenya.com</p>
<p>Gay and Lesbian Coalition of Kenya (GALCK) <i>Organization conducting work on Sexual Minorities and Gender Identities</i></p>	<p>P. O Box 13005- 00100, Nairobi, Kenya Tel: (+254) 20 2426060, (+254) 734 133733 Email: info@galck.org Website: www.galck.org</p>

COUNSELING SERVICES

<p>Gem Counseling Centre <i>Centre offering General Counseling Services</i></p>	<p>Jabavu Road, Opposite Life Ministry Building, Hurlingham P.O.Box 67572- 00200, Nairobi Tel: (+254) 20 2719243, 20 2729922</p>
<p>Aga Khan University Hospital <i>Hospital offering General Counseling Services</i></p>	<p>Aga Khan Hospital, 3rd Parklands Avenue, P. O. Box 9445, Nairobi Tel: (+254) 20 3662000 ext. 2008</p>

<p>Neema Counseling & Training Center <i>Centre offering General Counseling Services</i></p>	<p>Trishul Towers, Opposite Paramount Plaza Murang'a Road P.O.Box 13828- 00800, Nairobi Tel: (+254) 20 344280 Cell: (+254) 733-878613</p>
<p>Maranatha Counseling and Training <i>Centre offering General Counseling Services</i></p>	<p>Coffee Plaza, Haile Selasie Avenue P. O. Box 809-00300 Tel: (+254) 020 2245877</p>
<p>Kenya Institute of Professional Counseling <i>Institute offering General Counseling Services</i></p>	<p>7th floor, View Park Towers P. O. Box 14404- 00100, Nairobi Tel: (+254) 20-208 8433, 245 984, 221 3099 Cell: (+254) 733- 878576, 721 987163, 721-661788, 723-511120 Email: kipc@africaonline.co.ke Website: www.kipc.ac.ke</p>

Gender Based Violence (GBV) Services

<p>Healthcare Assistance Kenya (HAK) <i>Organization offering free GBV Referral Services</i></p> <p>The National Gender Violence Hotline 1195</p>	<p>State House Crescent, Off State House Avenue, Africa Alliance of YMCA's Bldg, 1st Floor P. O. Box 49069, Code 00100 GPO, NAIROBI – Kenya.</p> <p>Office Contacts: Landlines: (+254) 705 208065, 705 208068 Mobile : (+254) 722 570308 / 733 738626 Email: info@hakgbv1195.org; jikinge@hakgbv1195.org Website: www.hakgbv1195.org</p>
<p>Nairobi Women's Hospital Gender Violence Recovery Centre <i>Private Hospital/Centre offering free Gender Based Violence Recovery Services (including clinical/medical management, psychosocial support and legal aid referral services)</i></p>	<p>Nairobi Women's Hospital Ngong Road, Nairobi Tel: (+254) 20 386 2774 Website: www.gvrc.or.ke</p>

<p>Kenyatta National Hospital Gender Based Violence Recovery Center</p> <p><i>Government Hospital offering free Gender Based Violence Recovery Services</i></p>	<p>Kenyatta National Hospital Hospital road, off Ngong Road P. O. Box 20723 - 00202 Tel: (+254) 20 2726300, 272 6450/1-5, 272 6550, Mobile: (+254) 738 606409, 733 606400, 710 600943, 722 749881, 722 829550/1/2 Fax: (+254) 20 272 5272 Email: cpro@knh.or.ke, knhadmin@knh.or.ke</p>
<p>LVCT (formerly, Liverpool Voluntary Counseling and Treatment)</p> <p><i>Organization offering VCT services, HIV/AIDS testing and support and, supporting GBVRC services</i></p>	<p>P. O. Box 19835- 00202, KNH Tel: (+254) 20 2714590, 2715308, 2731585/6 Fax: (+254) 20 2723612 E-mail: enquiries@liverpoolvct.org Website: www.liverpoolvct.org</p>
<p>Family Health Options Kenya (FHOK)</p> <p><i>Organization offering sexual and reproductive health services</i></p>	<p>Family Health Plaza, Langata/Mbagathi Road Junction P.O. Box 30581 - 00100, Nairobi Kenya Tel: (+254) 20 6004296/7; (+254) 20 6003923/7; 20 6003928/7 Mobile: (+254) 734 600186 Email: info@fhok.org Website: www.fhok.org</p>
<p>Kibera Women for Peace and Fairness</p> <p><i>Organization offering free GBV Services</i></p>	<p>Kibera Estate Cell: (+254) 722 437620</p>
<p>Women Challenged to Challenge (WCC)</p> <p><i>Organization offering GBV Services</i></p>	<p>APDK offices, Waiyaki Way opposite ABC place P. O. Box 10593 - 00100 Nairobi Tel: (+254) 20 4452034 Tele-Fax: 020 4441363 Cell: (+254) 725 868450</p>

<p>Biafra Clinic <i>Clinic offering GBV Services</i></p>	<p>Biafra Clinic Opposite ALRAHMA Mosque 1st Avenue/12th Street, Eastleigh P. O. Box 16212 - 00610, Eastleigh Mobile: (+254) 718 222555 Email: biafraclinic@yahoo.com</p>
<p>Amani Counseling Center <i>Center offering GBV Services</i></p>	<p>Mbagathi Way, off Lang'ata Road Tel: (+254) 20 602672, 20 602673 Email: accti@wananchi.com Website: www.amanicentre.org</p>
<p>SWOP (Sex Workers Outreach Project) <i>Organizations offering services to at most risk populations (especially to Commercial Sex Workers)</i></p>	<p>4th floor, AJS Building Keekorok Road, Nairobi Cell: (+254) 733 719711, 733 602551</p>
<p>African Medical and Research Foundation <i>Organization offering services for the Disabled</i></p>	<p>Wilson Airport, Lang'ata Road P. O. Box 30125, Nairobi Tel: (+254) 20 6994000 amrefke.co.org www.amref.org</p>

SHELTERS AND SAFE HOUSES

<p>Women's Rights Awareness Programme (WRAP) Shelter/ Safe House for Women and Children</p>	<p>Mvuli Lane, off Thika Superhighway Opp. Muthaiga Police Station P. O. Box 3006 – 00200, Nairobi, Kenya Office Mobiles: (+254) 722 252939; 721 367677; 722 258550 E-mail: info@wrapkenya.or.ke; wrapkenya@hotmail.com Website: www.wrapkenya.or.ke</p>
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<p>Mama Fatuma Children's Home</p>	<p>Mama Fatuma Eastleigh, 2nd Avenue, Nairobi Tel: (+254) 20 676 4735; 722 660 047 Email: mamafatumachildren@hotmail.com Website: www.mamafatumas.org</p>
<p>Rescue Dada – Shelter and Rehabilitation</p>	<p>Rescue Dada Center Songot Walk – off Park Road, Nairobi Tel: (+254) 20 676 7607 Email: rescuedada@wananchi.com Website: www.rescuedadacentre.org</p>

EMERGENCY SERVICES

<p>Kenya Red Cross <i>Humanitarian organization offering emergency evacuation and medical services</i></p>	<p>Headquarters: South C, Red Cross Road, Off Popo Road P. O. Box. 40712, 00100 Tel: (+254) 02 395 0000 Cell (1): (+254) 703 037000, 722 206958, 733 333041 Toll Free HOTLINE: 1199 Email: info@redcross.or.ke</p>
<p>Flying Doctors Society of Africa <i>Organization offering Emergency and Rescue Services</i></p>	<p>C/O Africa Medical Research Foundation Wilson Airport, Lang'ata Road P. O. Box 30125-00100, Nairobi Tel: (+254) 20-604651-6</p>
<p>Healthfirst International Ltd <i>Company offering Emergency and Rescue Services</i></p>	<p>General Mathenge Drive/Ring Road, Parklands P. O. Box 48350, Nairobi Tel: (+254) 20 353 500, 20 374 7434, 20 374 6820/3, 20 374 6717</p>

<p>Avenue Rescue Services <i>(Emergency and Rescue Services)</i></p>	<p>Avenue Healthcare Annex 1st Parklands Avenue P. O. Box 45280-00100, Nairobi Tel: (+254) 20 374 7431, 20 374 4554</p>
<p>Amref Flying Doctors Service <i>(Emergency and Rescue Services – including for GBV victims)</i></p>	<p>Wilson Airport, Off Lang’ata Road P. O. Box 18617-00500, Nairobi Tel: (+254) 20 344170, (+254) 20 60065 Email: emergency@flyingdoc.org</p>
<p>St. John’s Ambulance <i>(Emergency and Rescue Services)</i></p>	<p>St. John’s House, County Lane, Off Parliament Road P. O. Box 41469-00100 Tel: (+254) 20 340 262, 20 340 274, 20 340 283 Emergency Line: (+254) 20 210 000, 20 244 444 Email: stjohnkenya@africaonline.co.ke</p>

ANNEX2: REGIONAL AND INTERNATIONAL ORGANIZATIONS INSTITUTIONS

NAME OF INSTITUTION	CONTACT DETAILS
Equality Now	Regional Office: Nairobi P. O. Box 2018 – 00202, Nairobi, KENYA Phone: (+254) 20 271 9913/9832 Fax: (+254) 20 271 9868 Email: equalitynownairobi@equalitynow.org
Human Rights Watch	Headquarters – New York, USA 350 Fifth Avenue, 34th Floor, New York, NY 10118-3299, USA Tel: 1-(212) 290-4700 Nairobi Office: Address: K-REP Centre, 2nd Floor, Suite 2B, Wood Avenue, off Lenana Road P. O. Box 51696-00100, GPO, Nairobi, Kenya Tel: (+254) 20 220 8000 Mobile: (+254) 707 644 405 Mobile: (+254) 733 946 963 Fax: (+254) 20 386 4391

<p>Amnesty International</p>	<p>Amnesty International USA Headquarters: 5 Penn Plaza, 16th Floor, New York, NY 10001 Phone: (212) 807-8400 Fax: (212) 627-1451</p> <p>Washington National Office: 600 Pennsylvania Ave. SE, 5th Floor, Washington, D.C. 20003 Phone: (202) 544-0200 Fax: (202) 546-7142</p> <p>Nairobi Office: Amnesty International Kenya 3rd Floor, Parkfield Place, Kanjata Road, Off Waiyaki Way P. O. Box 1527, 00606, Sarit Centre, Nairobi, KENYA TEL: (+254) 20 428 3000; 20 218 5905 Email: info@amnesty.org</p>
<p>Association for Women's Rights in Development (AWID)</p>	<p>Cape Town Office: 5 Clairvaux Road, Kalk Bay Cape Town, South Africa, 7990 General Enquiries: contact@awid.org</p>
<p>Woman Kind Worldwide</p>	<p>Headquarters – United Kingdom: Development House, 2nd Floor, 56-64 Leonard Street, London EC2A 4LT Tel: +44 (0) 20 7549 0360 Fax: +44 (0) 20 7549 0361 Email: info@womankind.org.uk</p>

<p>United Nations Special Rapporteur on Violence against Women, its Causes and Consequences</p> <p><i>Currently - Ms. Rashida Manjoo (South Africa)</i></p>	<p>OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland Fax: + 41 22 917 9006 Email: vaw@ohchr.org</p> <p>To file complaint, complete "Individual Complaint Form"</p>
<p>United Nations Special Rapporteur on the situation of Human Rights Defenders</p> <p><i>Currently – Mr. Michel Forst (France)</i></p>	<p>Office of the High Commissioner for Human Rights – Palais Wilson United Nations Office at Geneva CH 1211 Geneva 10, Switzerland To submit an allegation of a violation against a human rights defender: urgent-action@ohchr.org Fax: +41(0) 22 917 9006</p>
<p>Women Watch (United Nations)</p>	<p>Women Watch An initiative of the Inter-Agency Network on Women and Gender Equality (IANWGE) - United Nations Email: womenwatch@unwomen.org</p>

ANNEX 3: PUBLIC AUTHORITIES/INSTITUTIONS

National Police Service Contacts

General Contacts

Police Control Room	(+254) 20 2724154	(+254) 721 23399
Police Headquarters	(+254) 20 240000	(+254) 721 228989
Central Police Station	(+254) 20 222222	(+254) 721 337999
Ngong Police Station	(+254) 045-40077	(+254) 721 350016
C.I.D. Headquarters	(+254) 20 2723090	

The Inspector General of the National Police Service	Jogoo House "A" Taifa Road Post Office Box 44249-00100, Nairobi, Kenya Tel: (+254) 20-2110671 Email: nps@nationalpolice.go.ke Website: www.nationalpolice.go.ke
The Deputy Inspector General Kenya Police Service	Vigilance House, Harambee Avenue Post Office Box 30083-00100, Nairobi, Kenya Tel: (+254) 20 341 411/18 Website: www.kenyapolice.go.ke
The Deputy Inspector General Administration Police Service	Jogoo House "A" Taifa Road Post Office Box 3006-00100, Nairobi, Kenya Tel: (+254) 20 222 8411 Website: www.administrationpolice.go.ke
Directorate of Criminal Investigations	Mazingira House, Kiambu Road Post Office Box 30036-00100, Nairobi, Kenya Tel: (+254) 20 343312, 260 3724

Government Hospital Contacts

THE KENYATTA NATIONAL HOSPITAL Largest Hospital (Referral) in Kenya: located in Nairobi	Hospital road, off Ngong Road P. O. Box 20723 - 00202 Tel: (+254) 20 2726300, 272 6450/1-5, 272 6550, Mobile: (+254) 738 606409, 733 606400, 710 600943, 722 749881, 722 8295500/1/2 Fax: (+254) 20 272 5272 Email: cpro@knh.or.ke ; knhadmin@knh.or.ke
MBAGATHI DISTRICT HOSPITAL Public Hospital in Nairobi	Mbagathi Way, next to Kenyatta Market Tel: (+254) 20-2724712
COAST PROVINCIAL GENERAL HOSPITAL (MOMBASA)	P. O. Box 90231-80100 Mombasa Tel: (+254) 41 222 2148; 2314 202/3/4/5 Mobile: (+254) 722 207868
MOI TEACHING AND REFERRAL HOSPITAL (ELDORET)	Tel: (+254) 053 33471 Mobile: (+254) 722 209795

National Institutions (Government and Quasi-Governmental)

National Gender and Equality Commission (NGEC)	Solutions Tech Place, Upper Hill Longonot Road, Next to Crowne Plaza Hotel P. O. Box 27512-00506, Nairobi, Kenya (+254) 20 272 7778 (+254) 20 272 7776 Email: info@ngeckkenya.org Website: www.ngeckkenya.com/hq
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Kenya National Commission on Human Rights (KNCHR)	<p>Head Office (Nairobi): CVS Plaza, Kasuku Lane, Off Lenana Road, P. O. Box 73359-00200 Nairobi, Kenya Tel (Landline): (+254) 020 271 7908/00/28 Mobile: (+254) 733 780000, 736 780000, 724 256448, 726 610159 Fax: (+254) 20 271 6160 General Enquiries: haki@knchr.org Complaints: complaint@knchr.org</p>
Independent Policing Oversight Authority (IPOA)	<p>1st Ngong Avenue, ACK Garden Annex, 2nd floor P. O. Box 23035 00100 Nairobi, Kenya Tel: (+254) 20 490 6000 Email: info@ipoa.go.ke Website: www.ipoa.go.ke</p>
Office of the Director of Public Prosecutions (ODPP)	<p>NSSF Building, 19th Floor Bishops Road, Community Area, Nairobi. P. O. BOX 30701-00100 GPO, Nairobi. Tel: (+254) 20 273 2090 Email: dpp@odpp.go.ke Website: www.odpp.go.ke</p>
Office of the Attorney General and the Department of Justice (Republic of Kenya)	<p>State Law Office, Harembee Avenue, Nairobi P. O. Box 40112 - 00100, Nairobi, Kenya Tel: (+254) 20 2227461, 2227462/3/4/5/9, 2251355, 0732529995 and 0700072929. Email: info@ag.go.ke Website: www.attorney-general.go.ke/ Facebook: facebook.com/pages/Office-of-the-Attorney-General-Kenya/275002645964485</p>

<p>Judiciary</p>	<p>Supreme Court of Kenya City Hall Way, Nairobi P. O. BOX 30041-00100, Nairobi, Kenya</p> <p>High Court of Kenya Taifa Road, Nairobi, Kenya Tel: (+254) 20 222 1221 Email: info@judiciary.go.ke</p> <p>Judicial Service Commission (Nairobi), Court of Appeal in Kenya, Registrar of High Court in Nairobi and Chief Court Administrator in Nairobi Tel: (+254) 20 222 1221. Website of the Judiciary in Kenya: www.judiciary.go.ke</p>
<p>National Commission on Administrative Justice (NCAJ) – also, “Office of the Ombudsman”</p>	<p>Head Office (Nairobi): 2nd Floor, West End Towers Opposite Aga Khan High School off Waiyaki Way – Westlands P.O. Box 20414 – 00200, Nairobi Tel: (+254) 020 227 0000/230 3000/260 3765/244 1211/803 0666 Email: info@ombudsman.go.ke (for general inquiries); complain@ombudsman.go.ke (for complaints)</p> <p>Branch Office Contacts: Kisumu Branch Office: Central Square Building, 2nd Floor, Oginga Odinga Street P. O. Box 1967 – 40100, Kisumu. Tel: (+254) 718 965 590 / 731 248 906 Email: kisumu@ombudsman.go.ke</p>

Mombasa Branch Office:
Haki House, 2nd Floor
Panal Freighters Lane off Haile Selassie Road.
P. O. Box 80979 – 80100, Mombasa
Tel:(+254) 41 222 0468 / (+254) 731 011116
Email: mombasa@ombudsman.go.ke

ANNEX 4: MEDIA CONTACTS

Nation Media Group Ltd	(+254) 20 328 8000; 20 328 8430/7/8; 20 221 222; 719 038 000
Standard Group Centre	(+254) 20 214 467; 20 322 2111; 20 251 241
Kenya Broadcasting Corporation	(+254) 20 222 3757; 20 222 1630/44
Citizen – Royal Media Group	(+254) 20 272 1415/6; 20 273 0711; 20 221 592; 719 060 000; 732 169 000
Mediamax Group Limited: K24/Kameme FM	(+254) 20 494 4100; (+254) 709 824 100; (+254) 730 144 100
Radio Africa Group: Kiss FM, Nairobi Star and Classic FM	(+254) 20 444 7410; 20 424 0000; 711 046 200;
Capital FM	(+254) 20 210 0200

ANNEX 5: EXCERPTS OF RELEVANT INTERNATIONAL, REGIONAL AND NATIONAL HUMAN RIGHTS INSTRUMENTS

A. INTERNATIONAL INSTRUMENTS

Universal Declaration of Human Rights (1948) - UDHR

Preamble

Whereas recognition of the **inherent dignity** and of the **equal and inalienable rights of all members of the human family** is the foundation of freedom, justice and peace in the world (...)

Article 1

All human beings are **born free and equal in dignity and rights**. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without **distinction of any kind**, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the **right to life, liberty and security of person**.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law.

All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the **right to an effective remedy** by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has **the right to freedom of opinion and expression**; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the **right to freedom of peaceful assembly and association**. (...)

Convention on the Elimination of All Forms of Violence against Women (1981)

Noting that the **Charter of the United Nations reaffirms** faith in fundamental human rights, in the **dignity and worth of the human person** and in the **equal rights of men and women**,

Noting that the Universal Declaration of Human Rights affirms the **principle of the inadmissibility of discrimination** and proclaims that **all human beings are born free and equal in dignity and rights** and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex, (...)

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the **maximum participation of women on equal terms with men in all fields**, (...)

Aware that **a change in the traditional role of men as well as the role of women in society and in the family** is needed to **achieve full equality between men and women**, (...)

Article 1

For the purposes of the present Convention, the term “**discrimination against women**” shall mean any **distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; (...)

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (...)

- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (...)

- (c) The same rights and responsibilities during marriage and at its dissolution; (...)
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Declaration on the Elimination of Violence against Women (1993)

The General Assembly,

Recognizing the **urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings.**

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (...)

Concerned that **violence against women is an obstacle to the achievement of equality, development and peace**, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that **violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms**, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognizing that **violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.**

Concerned that some groups of women, such as **women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute**

women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence, (...)

Welcoming the **role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,**

Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence, (...)

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

(...) the term “**violence against women**” means **any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.**

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

- a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the **equal enjoyment and protection of all human rights and fundamental freedoms** in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

- a) The right to life;

- b) The right to equality;
- c) The right to liberty and security of person;
- d) The right to equal protection under the law;
- e) The right to be free from all forms of discrimination;
- f) The right to the highest standard attainable of physical and mental health;
- g) The right to just and favourable conditions of work;
- h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

(...)

Declaration on Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1999)

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the **promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world, (...)**

Acknowledging the **important role** of international cooperation for, and the **valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals**, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources, (...)

Recognizing the **right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,**

Declares:

Article 1

Everyone has the **right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.**

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- a) To **meet or assemble peacefully;**
- b) To **form, join and participate in non-governmental organizations, associations or groups;**
- c) To **communicate with non-governmental or intergovernmental organizations.**

Article 6

Everyone has the right, individually and in association with others:

- a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- b) As provided for in human rights and other applicable international instruments, **freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;**
- c) To **study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.**

Article 7

Everyone has the right, individually and in association with others, to **develop and discuss new human rights ideas and principles and to advocate their acceptance.**

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a

nondiscriminatory basis, to **participation in the government of his or her country and in the conduct of public affairs.**

2. This includes, inter alia, the right, individually and in association with others, to **submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning** and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to **benefit from an effective remedy and to be protected in the event of the violation of those rights.**
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to **complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law** and to obtain from such an authority a decision, in accordance with law, **providing redress, including any compensation due**, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, inter alia:
 - a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
 - b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
 - c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.
5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 11

Everyone has the right, individually and in association with others, to the **lawful exercise of his or her occupation or profession**. (...)

Article 12

1. Everyone has the right, individually and in association with others, to **participate in peaceful activities against violations of human rights and fundamental freedoms**.
2. The State shall take all necessary measures to ensure the **protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration**.
3. In this connection, everyone is entitled, individually and in association with others, to be **protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms**.

Article 13

Everyone has the right, individually and in association with others, to **solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means**, in accordance with article 3 of the present Declaration.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in **safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.**
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the **promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.**

B. REGIONAL INSTRUMENTS

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ("Maputo Protocol")

[...]

CONSIDERING that Article 2 of the African Charter on Human and Peoples' Rights enshrines the **principle of non-discrimination** on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

FURTHER CONSIDERING that Article 18 of the African Charter on Human and Peoples' Rights calls on all **States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women** as stipulated in international declarations and conventions; [...]

RECOGNISING the **crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy**; [...]

CONCERNED that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, **women in Africa still continue to be victims of discrimination and harmful practices**;

FIRMLY CONVINCED that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated; **DETERMINED** to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights; (...)

Article 3: Right to Dignity

1. Every woman shall have the **right to dignity inherent in a human being and to the recognition and protection of her human and legal rights.**
2. Every woman shall have the right to respect as a person and to the free development of her personality. (...)

Article 4: The Rights to Life, Integrity and Security of the Person

1. Every woman shall be entitled to **respect for her life and the integrity and security of her person.** All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited. (...)

Article 5: Elimination of Harmful Practices

States Parties shall **prohibit and condemn all forms of harmful practices which negatively affect the human rights of women** and which are contrary to recognised international standards. (...)

Article 6: Marriage

States Parties shall ensure that **women and men enjoy equal rights and are regarded as equal partners in marriage.** (...)

Article 7: Separation, Divorce and Annulment of Marriage

States Parties shall enact appropriate legislation to ensure that **women and men enjoy the same rights in case of separation, divorce or annulment of marriage.** (...)

Article 8: Access to Justice and Equal Protection before the Law

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. (...)

Article 10: Right to Peace

1. Women have the **right to a peaceful existence and the right to participate in the promotion and maintenance of peace.** (...)

Article 17: Right to Positive Cultural Context

1. Women shall have the **right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.** (...)

Article 22: Right to Inheritance

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

C. NATIONAL/DOMESTIC (REPUBLIC OF KENYA) INSTRUMENTS

Constitution of Kenya (2010)

Article 19: Rights and Fundamental Freedoms

(...)

- (2) The purpose of recognizing and protecting human rights and fundamental freedoms is to **preserve the dignity of individuals and communities and to promote social justice** and the realisation of the potential of all human beings.

(3) The rights and fundamental freedoms in the Bill of Rights—

- (a) **belong to each individual and are not granted by the State;** (...)

Article 20: application of the Bill of Rights

(...)

- (4) In interpreting the Bill of Rights, a court, tribunal or other authority shall promote—

- (a) the values that underlie an open and democratic society based on human dignity, equality, equity and freedom; and (...)

Article 21: Implementation of Rights and Fundamental Freedoms

- (3) All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including **women**, older members of society, **persons with disabilities**, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.

Article 25: Fundamental Rights and Freedoms that cannot be Limited

Despite any other provision in this Constitution, the following rights and fundamental freedoms shall not be limited--

- (a) freedom from torture and cruel, inhuman or degrading treatment or punishment;
- (b) freedom from slavery or servitude;
- (c) the right to a fair trial; and
- (d) the right to an order of habeas corpus.

Article 27: Equality and Freedom from Discrimination

- (1) Every person is **equal before the law** and has the **right to equal protection and equal benefit of the law**.
- (2) Equality includes **the full and equal enjoyment of all rights and fundamental freedoms**.
- (3) Women and men have the **right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres**.
- (4) The State **shall not discriminate directly or indirectly** against any person on any ground, including race, **sex, pregnancy, marital status**, health status, ethnic or social origin, colour, age, **disability**, religion, conscience, belief, culture, dress, language or birth.
- (5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4). (...)

Article 28: Human Dignity

Every person has **inherent dignity** and the right to have that dignity respected and protected.

Article 29: Freedom and security of the person

Every person has the right to freedom and security of the person, which includes the right not to be—

- (a) deprived of **freedom arbitrarily or without just cause**;
- (b) detained without trial, except during a state of emergency, in which case the detention is subject to Article 58;
- (c) subjected to **any form of violence from either public or private sources**;
- (d) subjected to **torture in any manner, whether physical or psychological**; (...)
- (f) treated or punished in a cruel, inhuman or degrading manner.

Article 31: Right to Privacy

Every person has the **right to privacy**, which includes the right not to have—(...)

- (c) information relating to their family or private affairs unnecessarily required or revealed;
or
- (d) the privacy of their communications infringed.

Article 32: Freedom of conscience, religion, belief and opinion

- (1) Every person has the right to **freedom of conscience, religion, thought, belief and opinion**.
- (2) Every person has the right, either individually or in community with others, in public or in private, to through worship, practice, teaching or observance, including observance of a day of worship.
- (3) A person may not be denied access to any institution, employment or facility, or the enjoyment of any right, because of the person's belief or religion. (...)

Article 33: Freedom of expression

- (1) Every person has the right to freedom of expression, which includes—
 - (a) freedom to seek, receive or impart information or ideas; (...)

Article 36: Freedom of association

- (1) Every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind.

Article 37: Assembly, demonstration, picketing and petition

Every person has the **right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.**

Article 43: Economic and Social Rights

(...)

- (2) A person **shall not be denied emergency medical treatment.**

Article 44: Language and Culture

(...)

- (3) A person **shall not compel another person to perform, observe or undergo any cultural practice or rite.** (...)

Article 47: Fair Administrative Action

- (1) Every person has the right to administrative action that is **expeditious, efficient, lawful, reasonable and procedurally fair.**
- (2) If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the **right to be given written reasons for the action.** (...)

Article 48: Access to Justice

The State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice.

Article 49: Rights of Arrested Persons

- (1) An arrested person has the right— (...)
 - (c) to communicate with an advocate, and other persons whose assistance is necessary; ((...)

- (h) to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
- (2) A person shall not be remanded in custody for an offence if the offence is punishable by a fine only or by imprisonment for not more than six months.

Article 50: Fair Hearing

- (1) Every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body. (...)

Article 51: Rights of persons detained, held in custody or imprisoned

- (1) A person who is detained, held in custody or imprisoned under the law, retains all the rights and fundamental freedoms in the Bill of Rights, except to the extent that any particular right or a fundamental freedom is clearly incompatible with the fact that the person is detained, held in custody or imprisoned.

Article 59: Kenya National Human Rights and Equality Commission

- (1) There is established the Kenya National Human Rights and Equality Commission.
- (2) The functions of the Commission are—
- (a) to promote respect for human rights and develop a culture of human rights in the Republic;
 - (b) to promote gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development;
 - (c) to promote the protection, and observance of human rights in public and private institutions;
 - (d) to **monitor, investigate and report on the observance of human rights** in all spheres of life in the Republic, including observance by the national security organs;
 - (e) to **receive and investigate complaints about alleged abuses of human rights** and take steps to **secure appropriate redress where human rights have been violated**;
 - (f) on its own initiative or on the basis of complaints, to investigate or research a matter

in respect of human rights, and make recommendations to improve the functioning of State organs;

- (g) to act as the principal organ of the State in ensuring compliance with obligations under treaties and conventions relating to human rights;
- (h) to investigate any conduct in state affairs, or any act or omission in public administration in any sphere of government, that is alleged or suspected to be prejudicial or improper or to result in any impropriety or prejudice;
- (i) to investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct;
- (j) to report on complaints investigated under paragraphs (h) and (i) and take remedial action; and
- (k) to perform any other functions prescribed by legislation.

(3) Every person has the right to complain to the Commission, alleging that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.

Sexual Offences Act (No. 3 of 2006)

Section 2: Interpretations:

“**gang**” means two or more persons; (...)

“**Indecent act**” means an unlawful intentional act which causes-

- (a) any contact between any part of the body of a person with the genital organs, breasts or buttocks of another, but does not include an act that causes penetration. (...)

“**penetration**” means the partial or complete insertion of the genital organs of a person into the genital organs of another person; (...)

Section 3: Rape

(1) A person commits the offence termed rape if -

- (a) he or she **intentionally and unlawfully** commits an act which causes **penetration with his or**

her genital organs;

(b) the other person **does not consent to the penetration**; or

(c) the **consent is obtained by force or by means of threats or intimidation of any kind**. (...)

Section 4: Attempted Rape

Any person who attempts to unlawfully and intentionally commit an act which causes penetration with his or her genital organs is guilty of the offence of attempted rape and is liable upon conviction for imprisonment for a term which shall not be less than five years but which may be enhanced to imprisonment for life.

Section 5: Sexual Assault

(1) Any person who unlawfully -

(a) **penetrates the genital organs of another person** with -

(i) **any part of the body of another or that person**; or

(ii) an **object manipulated by another or that person** except where such penetration is carried out for proper and professional hygienic or medical purposes;

(b) manipulates any part of his or her body or the body of another person so as to cause penetration of the genital organ into or by any part of the other person's body, is guilty of an offence termed sexual assault.

Section 6: Compelled or Induced Indecent Acts

A person who intentionally and unlawfully compels, induces or causes another person to engage in an indecent act with -

(a) the person compelling, inducing or causing the other person to engage in the act;

(b) a third person;

(c) that other person himself or herself; or

(d) an object, including any part of the body of an animal, in circumstances where that other person-

(i) would otherwise not have committed or allowed the indecent act; or

(ii) is incapable in law of appreciating the nature of an indecent act, including the circumstances referred to in section 43,

is guilty of an offence and is liable upon conviction to imprisonment for a term which shall not be less than five years.

Section 10: Gang Rape

Any person who commits the offence of **rape or defilement under this Act** in association with another or others, or any person who, with common intention, is in the company of another or others who commit the offence of rape or defilement is guilty of an offence termed gang rape and is liable upon conviction to imprisonment for a term of not less fifteen years but which may be enhanced to imprisonment for life.

Section 23: Sexual Harassment

(1) Any person, who being in a **position of authority, or holding a public office**, who persistently makes any sexual advances or requests which he or she knows, or has reasonable grounds to know, are unwelcome, is guilty of the offence of sexual harassment and shall be liable to imprisonment for a term of not less than three years or to a fine of not less than one hundred thousand shillings or to both.

(2) It shall be necessary to prove in a charge of sexual harassment that-

(a) the submission or rejection by the person to whom advances or requests are made is intended to be used as basis of employment or of a decision relevant to the career of the alleged victim or of a service due to a member of the public in the case of a public officer;

(b) such advances or requests have the effect of interfering with the alleged victim's work or educational performance or creating an offensive working or learning environment for the alleged victim or denial of a service due to the member of the

(c) public from a public office.

Section 29: Cultural and Religious Offences

Any person who for **cultural or religious reasons forces** another person to engage in a sexual act or any act that amounts to an offence under this Act is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than ten years.

Section 78: Definition of Unlawful Assembly and Riot

- (1) When three or more persons assemble with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.
- (2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.
- (3) When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

Section 96: Incitement to Violence and Disobedience of the Law

Any person who, without lawful excuse, the burden of proof whereof shall lie upon him, utters, prints or publishes any words, or does any act or thing, indicating or implying that it is or might be desirable to do, or omit to do, any act the doing or omission of which is calculated-

- (a) to bring death or physical injury to any person or to any class, community or body of persons;
or
- (b) to lead to the damage or destruction of any property; or
- (c) to prevent or defeat by violence or by other unlawful means the execution or enforcement of any written law or to lead to defiance or disobedience of any such law, or of any lawful authority, is guilty of an offence and is liable to imprisonment for a term not exceeding five years.

Section 223: Threats to Kill

- (1) Any person who without lawful excuse utters, or directly or indirectly causes any person to receive, a threat, whether in writing or not, to kill any person is guilty of a felony and is liable to imprisonment for ten years. [...]

Section 238: Intimidation and Molestation

- (1) Any person who intimidates or molests any other person is guilty of an offence and is liable to imprisonment for a term not exceeding three years.
- (2) A person intimidates another person who, with intent to cause alarm to that person or to cause him to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, causes or threatens to cause unlawful injury to the person, reputation or property of that person or anyone in whom that person is interested. [...]
- (4) Nothing in subsection (3) shall apply to any peaceful picketing which is lawful under the provisions of any law relating to trade unions or trade disputes within the meaning of the Trade Unions Act.

Section 250: Common Assault

Any person who unlawfully assaults another is guilty of a misdemeanour and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for one year.

Section 251: Assault causing Actual Bodily Harm

Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour and is liable to imprisonment for five years.

(Context specific regarding forced disappearances of Women Human Rights Defenders)

Section 259: Kidnapping or Abducting with Intent to Confine

Any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined is guilty of a felony and is liable to imprisonment for seven years.

Section 260: Kidnapping or abducting in order to subject to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that the person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years.

MOH 363

Ministry of Health National Rape Management Guidelines:
Examination documentation form for survivors of rape/sexual assault
(to be used as clinical notes to guide filling in of the P3 form)

PRC
Post Rape Care Form



Date	Day	Month	Year	Province Code			District Code			OP/IP No.		
							Facility Name			PRC reg. No.		
Last Name				First Name			Date of birth	Day	Month	Year	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Contacts (Residence and Phone number) _____												
Disabilities (Specify) _____									Marital Status (specify) _____			
Orphaned vulnerable child (OVC) _____									Citizenship _____			
Date and time of Examination						Date and Time of Assault						No. of perpetrators
Day	Month	Year	Hr	Min	<input type="checkbox"/> AM	Day	Month	Year	Hr	Min	<input type="checkbox"/> AM	
					<input type="checkbox"/> PM						<input type="checkbox"/> PM	
Alleged perpetrators (Indicate relation to victim)							<input type="checkbox"/> Male	<input type="checkbox"/> Female	Estimated Age _____			
<input type="checkbox"/> Unknown			<input type="checkbox"/> Known			Occupation of perpetrator _____						
Place Assault Occurred /Where incidence occurred _____												
Administrative location _____												
Chief complaints / Presenting Symptoms												
Circumstances surrounding the incident (survivor account) remember to record penetration (how, where, what was used? Indication of struggle?)												

Type of Assault		Use of condom?		Incident already reported to police?								
<input type="checkbox"/> Oral		<input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes (indicate which police station)								
<input type="checkbox"/> Vaginal		<input type="checkbox"/> No		Date and time of report			Day	Month	Year	Hr	Min	<input type="checkbox"/> AM
<input type="checkbox"/> Anal												<input type="checkbox"/> PM
<input type="checkbox"/> Other (specify) _____		Attended a health facility before this one?						Were you treated?		Were you given referral notes?		
		<input type="checkbox"/> No <input type="checkbox"/> Yes (Indicate name of facility) _____						<input type="checkbox"/> Yes		<input type="checkbox"/> Yes		
								<input type="checkbox"/> No		<input type="checkbox"/> No		
		Date		Day	Month	Year	Hr	Min	<input type="checkbox"/> AM	<input type="checkbox"/> PM		
Comments												
Significant medical and/or surgical history												

MOH 363

OB /GYN History	Parity	Contraception type	LMP	Known Pregnancy? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of last consensual sexual intercourse
General Condition	BP	Pulse Rate	RR	Temp	Demeanor /Level of anxiety (calm, not calm)
Forensic					
Did the survivor change clothes? <input type="checkbox"/> Yes <input type="checkbox"/> No		State of clothes (stains, torn, color, where were the worn clothes taken)?			
Were the clothes put in a non-plastic paper bag? <input type="checkbox"/> Yes <input type="checkbox"/> No			Were the clothes given to the police? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Did the survivor have a bath? <input type="checkbox"/> Yes <input type="checkbox"/> No			Did the survivor go to the toilet? <input type="checkbox"/> Long call? <input type="checkbox"/> Short call?		
Comments:					
Does the survivor have any details on the assailant? Is the assailant known, is there any relation? Did the survivor leave any marks on the assailant? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Comments					
Genital Examination of the survivor-indicate discharges, inflammation, bleeding					
Describe in detail the physical status					
Physical injuries (sign in the body map) _____					
Outer genitalia _____					
Vagina _____					
Hymen _____					
Anus _____					
Other significant orifices _____					
Comments					
Immediate Management	PEP 1st dose <input type="checkbox"/> No <input type="checkbox"/> Yes (No of tablets)	ECP given <input type="checkbox"/> No <input type="checkbox"/> Yes	Stitching /surgical toilet done <input type="checkbox"/> No <input type="checkbox"/> Yes(Comment) _____	STI treatment given <input type="checkbox"/> No <input type="checkbox"/> Yes(Comment) _____	



**THE KENYA POLICE
MEDICAL EXAMINATION REPORT**

P3

PART 1-(To be completed by the Police Officer Requesting Examination)

From.....Ref.....
Date.....
 To the.....Hospital/Dispensary
 I have to request the favour of your examination of:-
 Name.....Age.....(If known)
 Address.....Date and Time of the alleged offence.....

 Sent to you/Hospital on the.....20.....under escort of.....
and of your furnishing me with a report of the nature and
 extent of bodily injury sustained by him/her.
 Date and time report to police.....
 Brief details of the alleged offence.....

 Name of Officer Commanding Station Signature of the Officer Commanding Station

PART 11-MEDICAL DETAILS - (To be completed by Medical Officer or Practitioner carrying out examination)

*(Please type **four** copies from the original manuscript)*

SECTION 'A'-THIS SECTION MUST BE COMPLETED IN ALL EXAMINATIONS

Medical Officer's Ref.NO.....
 1. State of clothing including presence of tears, stains (wet or dry) blood, etc.

 2. General medical history (including details relevant to offence).....

 3. General physical examination (including general appearance, use of drugs or Alcohol and demeanour)

This P3 Form is free of charge

**SECTION "B"- TO BE COMPLETED IN ALL CASES OF ASSAULT,
INCLUDING SEXUAL ASSAULTS, AFTER THE
COMPLETION OF SECTION "A"**

1. Details of site, situation, shape and depth of injuries sustained:-
 - a) Head and neck.....
.....
 - b) Thorax and Abdomen.....
.....
 - c) Upper limbs.....
.....
 - d) Lower limbs.....
.....
2. Approximate age of injuries (hours, days, weeks).....
3. Probable type of weapon(s) causing injury.....
4. Treatment, if any, received prior to examination.....
5. What were the immediate clinical results of the injury sustained and the assessed degree, i.e. "harm", or 'grievous harm'.*

DEFINITIONS:-

"Harm" Means any bodily hurt, disease or disorder whether permanent or temporary.

"Maim" means the destruction or permanent disabling of any external or organ, member or sense

"Grievous Harm" Means any harm which amounts to maim, or endangers life, or seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent, or serious injury to external or organ.

.....
Name & Signature of Medical Officer/Practitioner

Date.....

This P3 Form is free of charge

**SECTION "C"-TO BE COMPLETED IN ALLEGED SEXUAL OFFENCES
AFTER THE COMPLETION OF SECTIONS "A" AND "B"**

1. Nature of offence.....Estimated age of person
examined.....

2. FEMALE COMPLAINANT

a) Describe in detail the physical state of and any injuries to genitalia with
special reference to labia majora, labia minora, vagina, cervix and
conclusion.....

b) Note presence of discharge, blood or venereal infection, from genitalia or
on body externally.....

3. MALE COMPLAINANT

b) Describe in detail the physical state of and any injuries to
genitalia.....

c) Describe in detail injuries to anus.....

d) Note presence of discharge around anus, or/ on thighs, etc.; whether recent
or of long standing.....

This P3 Form is free of charge

SECTION "D"

4. MALE ACCUSED OF ANY SEXUAL OFFENCE

a) Describe in detail the physical state of and any injuries to genitalia especially penis.....
.....
.....

b) Describe in detail any injuries around anus and whether recent or of long standing.....
.....
.....

5. Details of specimens or smears collected in examinations 2 ,3 or 4 of section "C" including pubic hairs and vaginal hairs.....
.....
.....

6. Any additional remarks by the doctor.....
.....
.....

.....
Name & Signature of Medical Officer/Practitioner

Date.....

Protection International is an international, non-profit organisation that brings protection strategies and security management tools to human rights defenders at risk. Since 2004, Protection International has been working with local partners in over thirty countries throughout the world.

Protection International envisions a world where human rights and fundamental freedoms are universally recognized and respected, and where everyone has the right to defend these rights and freedoms without fear of threats or attack.

Our mission is to support human rights defenders through comprehensive protection programmes. Our programmes help defenders build their capacities in order to manage their protection effectively, to allow those that protect them fulfil their obligations, and to convince other individuals and institutions with a stake in the protection of human rights defenders to maximise their positive contribution. Protection International always works in partnership with defenders.

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E-mail pi@protectioninternational.org | www.protectioninternational.org

One-stop website on protection for human rights defenders:

www.protectionline.org