
Breaking the silence around sexual-and gender-based violence against boys and girls, women and men with intellectual disabilities in Kenya

➔ **By Kenya Association of the Intellectually Handicapped together with Colition of Violence against Women (COVAW)**



Topic area: Research and data gathering on violence against women and girls with disabilities.

Background

Kenya Association of the Intellectually Handicapped (KAIH) is an organisation set up and run by parents and family members of people with intellectual disabilities. It was the first organisation across East Africa to establish self-advocacy groups of people with intellectual disabilities back in 2004 and it now has 100 parents support groups and 5 self-advocates groups across Kenya. Kenya has ratified both the CEDAW and the CRPD which provide the framework for the legal promotion and protection of the rights for Kenyans with disabilities within both its Constitution (2010) and its Disability Act (2003).

KAIH became aware of the seriousness and extent of gender-based violence amongst youth, and other people with intellectual disabilities, during the research for a program on disability inclusive HIV and

AIDS: “The longer we had worked on it, the more we understood that many of the people with intellectual disabilities had suffered and experienced gender-based violence.” (Fatma Haji, Director, KAIH).

The poor treatment experienced by families trying to take cases of suspected abuse to the police or law-courts encouraged KAIH to begin an intensive community level program of rights-awareness. There was a lot of negative attitudes from health service providers and the police. People believed it was not possible for a person with an intellectual disability to report sexual abuse and therefore did not take the cases seriously, offer any kind of support or preserve the necessary evidence for later use in court. KAIH determined that this situation had to change.

What happened?

The program began with a period of sensitisation. People with intellectual disabilities and their families were counselled around their rights. At the same time, local authorities dealing with gender-based violence, were sensitised to the rights and needs of people with intellectual disabilities. Through their network of self-advocacy groups, KAIH was able to reach out to people with intellectual disabilities and educate them on how to communicate and make decisions around their reproductive health, and what to do in case of abuse. This took a lot of time because people with intellectual disabilities needed to fully understand what kind of behaviour is appropriate and what is not. “We used pictures to teach what is a bad touch, a good touch, a private touch... etc. They might be very helpful; if this happens who do you tell?; and how do you tell?; why should you share with somebody?...” (Fatma Haji, Director, KAIH).

Following this sensitisation KAIH launched a small research activity. When they started to uncover stories of repeated sexual abuse of vulnerable people, KAIH decided to get support from more specialist legal partners and to start a research project. This led to a

partnership with the Coalition of Violence against Women (COVAW), who has legal and gender experience but had not previously worked with people with disabilities. Together, they conducted a baseline survey to identify the extent and nature of gender-based violence against people with intellectual disabilities in two counties of Kenya.

The research was powerful in helping to identify some of the most significant barriers people with intellectual disabilities face in accessing justice, and gave KAIH and COVAW the basis on which to plan more targeted activities. For example, developing specific training and advice for the Judiciary Training Institute supported by the National Council for People with Disabilities, or the Consultation with the National Commission on Human Rights to adopt the issue as part of their work.

What worked?

The involvement of parents of people with intellectual disabilities in developing and implementing the awareness raising and counselling sessions was very effective. They have firsthand experience of the challenges and are aware of the kind of language needed to communicate the issues to others. They have been highly supportive of other parents and active in helping them to take cases to the police and law-courts. Dialogue sessions and training with the wider community helped to inform chiefs who became much more engaged and supportive. Specific training of health, police and judiciary on the rights and needs of people with intellectual disabilities by the self-advocacy groups and KAIH staff has been very powerful in informing service providers on their role in supporting alleged abuse. They are now more familiar with what accommodations are needed to enable people with intellectual disabilities to access their services and with the laws that protect their rights.

The donor, in this case the Open Society Foundation (OSF), played a significant role in helping KAIH to engage with a range of different partners who had experience in the field of gender-based violence. They supported KAIH to run their awareness raising program, but also facilitated the link with COVAW which brought about the possibility for taking legal action. This had a beneficial impact on both organisations who were able to bring their relative strengths to the partnership.

What changed?

Within the program people with intellectual disabilities, their families and communities have become far more aware of their sexual and reproductive rights. This means that people with intellectual disabilities have started to get married and sexuality is a topic that is more openly discussed. Gender-based violence and the vulnerability of people with intellectual disabilities is gaining attention. There have already been some successful prosecutions for gender-based violence against people with intellectual disabilities and more willingness from the police and judiciary to investigate reported abuse.

At the same time, people with intellectual disabilities are becoming more confident to bring such cases to the police. KAIH are getting a lot more requests from families wanting help. Before the program started, it was rare for KAIH to be directly contacted by families because of the feelings of shame and stigma from both the disability and the abuse. Families are now less likely to accept informal settlements negotiated by village chiefs.

KAIH have forged new partnerships with a wider range of stakeholders including those in the legal system as well as gender activists.

What did we learn?

The fact of bringing of cases to court has really had an impact on changing the way people with intellectual disabilities are treated by the authorities, but it also highlighted the huge challenges that remain:

- Training and awareness raising of health and legal professionals work well, but they are only able to engage relatively few at a time. It would be more effective to build disability rights into initial professional training.
- The discriminatory terminology, which still exists in legal and policy documents, is holding back progress. Supportive lawyers need to be engaged to undertake a policy review to help update negative language.
- The poverty of families has an impact on their access to justice. Many of the cases were being held-up in the court system or being settled through traditional village-based means because the alleged perpetrators were from more wealthy backgrounds and could afford to make informal financial arrangements. In addition, families were often struggling to be able to afford even the smallest payments for hospital visits or consultations, which made it hard for them to bring cases forward. The impact of poverty needs to be factored in to programs like this.
- Involving the local media was sometimes the only way to prevent cases from getting 'stuck' in the system by officials who were unconvinced by the seriousness of the issue.

KAIH also learned that they need a wide range of partners and connections in order to be able to support families. When they began to offer legal support for cases of alleged abuse, people started to come to them expecting support for other legal issues (such as land disputes or home ownership). It was important for KAIH to clearly and repeatedly communicate the area of legal support they could provide and, at the same time, build up knowledge of other organisations for referral. Poverty was also an important factor they were forced to address

because many families could not afford to go through the legal process for lack of money. To help alleviate some of this, they have been working hard to put families in touch with other income generating programs that are operating in their areas. At the start though, KAIH had to do a lot of local fundraising which it had not anticipated. Finally, KAIH learned that working with men and boys was equally important. Their initial work focused on supporting girls and young women in the self-advocacy groups, but it soon became clear that young men were also vulnerable to sexual abuse. KAIH realised that gender-based violence is not just a matter for women but involves the whole community. That means the support to, and engagement of, men and women in all program activities is essential.

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