

Justice for survivors of sexual abuse through multi-sector community responsibility in Kenya

➔ **By Advantage Africa and Kibwezi Disabled Persons' Organisation**



Topic area: Access to justice for women with disabilities in the incidence of sexual violence and abuse.

Background

Advantage Africa is a UK based NGO that works to support people affected by poverty, disability and HIV/AIDS to improve their education, health and incomes. Advantage Africa have developed a close relationship with Kibwezi Disabled Persons' Organisation (KDPO) since they began a partnership in 2004. KDPO is a community based organisation of persons with disabilities, with 12 self-help groups focused on looking for practical ways to improve the living standards of children and adults with disabilities and to raise awareness over their rights. It has over 1,500 registered members with disabilities and two of its most senior staff are disabled. Advantage Africa has been helping KDPO to grow as an organisation and especially to develop its advocacy skills. 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). The latter is currently under review

for compliance with the CRPD. Formal legal and judicial processes co-exist with systems of traditional justice. These traditional processes take many forms and are practiced in more than fifty different ethnic groups across Kenya.

Kibwezi is a district in eastern Kenya where most families rely on agriculture for their livelihoods. Here, violence against women in general is not uncommon. They are considered to have a lower status than men leaving them more vulnerable to gender-based violence, such as rape and domestic violence. In Kibwezi, the community elders are frequently expected to deal with reported incidences of violence by facilitating a traditional reconciliation method known as "cleansing". The family of the perpetrator is required to give a number of goats as "compensation" to the family of the victim after negotiations between the male heads of the two families. Women are not engaged in the process and are not the recipients of this "compensation".

However, this system has rarely included cases involving women and girls with disabilities. This is partially due to the fact that many families, whose one or more members are women or girls with disabilities, are headed by women who are not entitled to take part in the "cleansing" negotiations. Nevertheless, this is mostly due to the widespread belief that abuse and violence against people with disabilities is not a reportable issue. Very few women and girls with disabilities report crimes of violence to the police, and where they do, they are easily intimidated and convinced to drop the case. It is precisely because of these negative attitudes that women and girls with disabilities are at high risk of violence and abuse.

KDPO developed this project after becoming increasingly aware of the lack of support for women and girls with disabilities, who had become victims of abuse, including raping of girls with disabilities as they made their way to school. Advantage Africa agreed to support them in applying for a joint participatory research project to better understand how to improve the sexual and gender-based violence response system in Kibwezi.

What happened?

Over a period of six months, KDPO facilitated a big awareness raising campaign targeting key groups of people involved in providing support to those experiencing violence and abuse. At the same time they worked with Advantage Africa to implement their participatory research.

To build their own skills and confidence, they worked with two experienced civil society organisations—Cradle and Women Challenge to Challenge—to develop appropriate methods to sensitise communities on issues concerning violence against people with disabilities, in general, and women and girls with disabilities, in particular.

The project focused primarily on the communities' elders, decision-makers, law enforcement bodies, as well as people with disabilities. The aim was to inform them about the types and prevalence of sexual violence against women and girls with disabilities.

A workshop was organised. Stakeholders came together to work on creating an inclusive response system to support women and girls with disabilities experiencing violence. A diverse range of stakeholders came, including community elders, people with disabilities, family members, teachers, nurses from the hospital engaged in medical response to violent attacks, religious leaders, police officers involved in the reporting of cases, local authorities, State social workers engaged in coordinating support for survivors, and other NGOs engaged in gender-based violence in Kenya.

What worked?

After learning about how to raise awareness with communities, schools, service providers and local authorities, members of KDPO have been attending weekly community meetings (called Barazas) across the district to talk openly about these issues. This became a very effective way of bringing this issue to the attention of communities and decision-makers.

The involvement of communities and the village elders was the most effective strategy in developing ways to minimize and progressively eliminate violence against people with disabilities. Since they became aware of this issue, and the existence of protection clauses under legal agreements, communities have been much more willing to support people with disabilities in reporting abuse, and bringing the abusers to the police. The engagement of KDPO in research,

with Advantage Africa, helped them to develop as an organisation. Not only did they learn new research skills, but they also established links with a much wider range of stakeholders, which contributed to establish new relationships with people working in the field of gender-based violence such as police officers, nurses and community elders.

In fact, the participatory nature of the research contributed to the establishment of an improved community response system for people who experienced by abuse.

What changed?

This is a relatively new initiative, and as such the work which is still early in the process to generate change.

However, there have already been some significant examples of changes in attitudes and practices. For the first time there has been recognition that violence against anyone with a disability is a crime. The Deputy District Chief spoke publicly about this issue and declared that he would personally confront anyone accused of sexual abuse against women and girls with disabilities. Some key groups of people, including pastors and village elders, have immediately taken up this issue and have started to talk to their communities about how violence against women and girls with disabilities can be managed and prevented. Church services are now used to inform people on how to report abuse.

A recent case involving a woman with an intellectual disability was brought to the criminal justice system by the community itself, and has been adequately investigated.

For the first time the community has expressed its shock in exposing this case and its support for justice for the victim.

What did we learn?

Although awareness raising and community sensitisation are already making a significant difference, beliefs and understanding of disability remain deep-rooted. It will take time to work with communities to understand, guarantee and realize that women and girls with disabilities are important and valued community members, who have the same rights as any other women. For this reason, women and girls with disabilities still remain critically vulnerable to sexual abuse.

Moreover, the fact that people with disabilities also lack awareness and understanding of their rights. This means that often they don't seek medical support and/or don't report crimes committed against them. This translates in significant delay in seeking justice, but also in getting medical help and preserving evidence. As a result women and girls with disabilities, who have experienced sexual abuse, are at an increased risk of sexually transmitted diseases like HIV/AIDS.

Women and girls with disabilities in Kibwezi face not just attitude barriers, but also significant environmental barriers when dealing with the consequences of abuse. Police and hospital services are located in towns and it prevents those living in rural areas with the difficult task of making the journey. Local transport is expensive and people with disabilities are often charged higher prices if local transportation is accessible to them. For some, such as those with intellectual disabilities or those who are deaf, the communication with service providers, such as medical staff or police, can be overwhelmingly difficult.

Their needs therefore often go unmet exposing them to a higher risk of abuse. Poverty is also a key factor in the vulnerability of women and girls with disabilities. Thus, one important strategy in the prevention of further abuse is to

empower women to be economically active and independent. As the KDPO coordinator described: "The more (economically) empowered a woman with a disability is, the stronger she would advocate for her wellbeing."

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