



Policy Brief

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Combating Gender Violence in Kenya

Worldwide, concern is growing about violence against women. Not only is violence against women acknowledged as a violation of women's basic human rights, but an increasing amount of research highlights the health burdens, socio-economic effects and demographic consequences of such violence.

Gender-based violence occurs across all socio-economic and cultural backgrounds, and in many societies, including Kenya, women are socialized to accept, tolerate and even rationalize domestic violence and to remain silent about such experiences. Violence of any kind has a serious impact on the economy of a country; because women bear the brunt of domestic violence, they bear the health and psychological burdens as well. Victims of domestic violence are abused in what should be the most secure environment – their own homes.

To stop this violence, which sometimes causes great physical harm, death, psychological abuse, separation, divorce and a host of other social ills, the Kenyan government enacted the National Commission on Gender and Development Act of 2003 to help in coordinating and mainstreaming gender concerns in national development.

The UN Convention on the Elimination of Violence Against Women (COVAW), adopted by the General Assembly on 20 December 1993, defines violence against women as “any act of gender-based violence that results in, or is likely to result in sexual or mental harm or suffering to women, including threats, such acts as coercion or arbitrary deprivations of liberty, whether occurring in private or public life”. The African Union Commission has pointed to violence against women as one of the impediments to meeting the Millennium Development Goals in sub-Saharan Africa (DSA/AUC, 2005).



Gender-based violence involves both men

and women, with women and girls usually, but not always, being the victim. It stems from unequal power relationships within families, communities and states. Violence is generally directed specifically against women for diverse reasons and affects them disproportionately. This policy brief reviews the issues and sets out some recommendations for rectifying the situation in Kenya.

Data on Gender-Based Violence in Kenya

The 2003 Kenya Demographic and Health Survey included some questions on domestic violence (CBS et al., 2004). In the survey, spousal violence was measured using incidents such as:

- ♦ Pushing, shaking or throwing something at the spouse.
- ♦ Slapping or twisting the arm.
- ♦ Kicking or dragging.
- ♦ Threatening or attacking with a knife, gun or other type of weapon.
- ♦ Forcing one to have sexual intercourse.
- ♦ Forcing one to perform unwanted types of sexual acts.

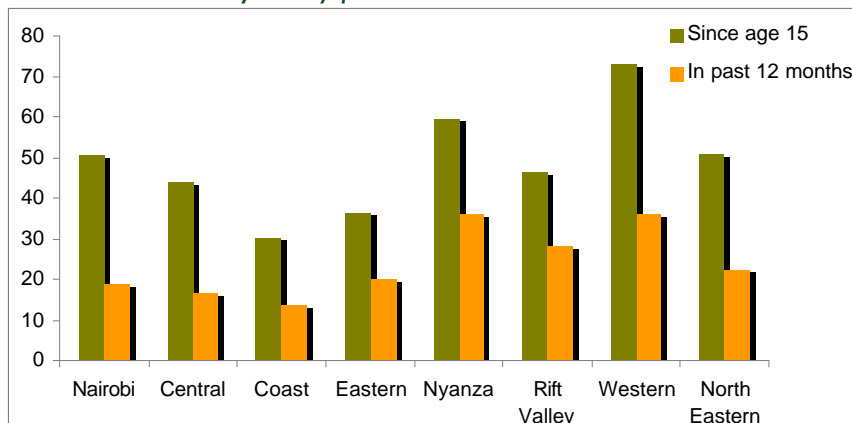
Data from the survey imply that domestic violence may contribute to separation and divorce. Almost two-thirds of divorced or separated women report having experienced violence since the age of 15, compared with 53 per cent of married women and 30 per cent of those widowed.

Almost half of women who have never been married report having experienced physical violence since age 15. The survey showed no significant difference in gender violence trends among urban and rural women.

Education level was slightly significant, with women who had at least some secondary

In some of Kenya's patriarchal social structures, culturally sanctioned wife battering and rape have been traditionally regarded as an expected occurrence in a family.

Percentage of women who have experienced violence since age 15 and in the last year, by province



Source: CBS et al. (2004), Kenya Demographic and Health Survey 2003.

education less likely to have experienced domestic violence in the one year preceding the survey. The survey showed that women who are not employed are less likely to have experienced violence than are those who are employed.

The main perpetrators of violence were identified as husbands and, to a lesser extent, teachers, mothers, fathers and brothers. Notably, one-quarter of women who experienced physical violence since they were aged 15 years reported teachers as the perpetrators.

Marital Violence

Of ever-married women 26 per cent reported emotional violence from husbands, 40 per cent reported physical violence and 16 per cent reported sexual violence. Almost half of ever-married women reported suffering emotional, physical or sexual violence, while 8 per cent experienced all three forms of violence by their current or most recent husband.

The experience of all forms of spousal violence rises with age. Divorced or separated women were most likely to have been abused emotionally, physically, and sexually, giving the impression

The 1989 UN Convention on the Rights of the Child (UNCRC) – to which Kenya is a signatory – is a framework guiding programmes for all children. It includes among the rights *The right to survival, development and protection from abuse and neglect (Art. 6)*. This includes sexual abuse.

that the violence might have been a factor in the termination of their marriages, although older age could also be a factor.

On the other hand, currently married women and those who had no living children reported less emotional, physical and sexual violence, perhaps because they were more likely to be newly-married and still in their courtship phases.

The most common form of spousal violence was slapping or arm twisting, which was reported by one-third of women. Almost one-quarter of ever-married women have ever been pushed, shaken or thrown by a husband; 17 per cent have been punched; 15 per cent have been forced to have intercourse; and 11 per cent have been kicked or dragged.

The least commonly reported forms of marital violence against

During the violence following Kenya's 2007 general elections, Nairobi Women's Hospital alone treated 1,171 cases of gender-based violence.

women were attacking with a weapon, forced sexual acts other than intercourse, strangling or burning, and threatening with a weapon.

Marital rape appears to be common, with 15 per cent of married women and separated or divorced women reporting having experienced forced sexual intercourse; 12 per cent reported this experience in the 12 months preceding the survey.

Gender-Based Violence and HIV/AIDS

In sub-Saharan Africa, HIV/AIDS is not only one of the most challenging problems, it tends to affect women and children more negatively than men. Young women and older people have become the primary caregivers of those who are ailing. Women are biologically more likely to be infected than men, and young women are particularly vulnerable. Moreover, women in the 19–24 age group are at high risk because of prostitution, limited power in decision making and intergenerational sex.

A preference among men for much younger, supposedly HIV/AIDS-free girls further

exacerbates the problem. Poor women affected by HIV/AIDS, already economically insecure, are often deprived of their rights to property and adequate health services and are frequently displaced from their homes. Violence accelerates women's exposure to HIV infection.

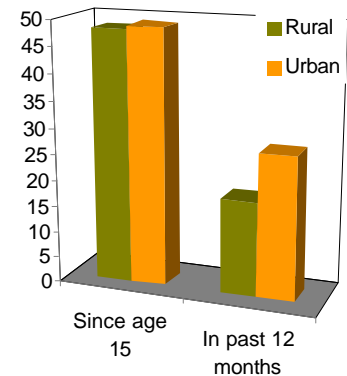
Gender-Based Violence in Conflict Situations

Violence against women in conflict situations has reached epidemic levels and is an escalation of what happens in the lives of women during peacetime. Women and girls of all ages are raped and abducted to serve as sexual slaves. Pregnant women are physically assaulted, and many women have been murdered or infected with HIV/AIDS.

Rape as a weapon of war strikes at the heart of a people's values, destroying families and communities, as women who are raped are very often outcasts rejected by family and society. A pregnancy resulting from rape makes the situation even worse.

Violence against women during conflict situations becomes multiplied and intensified many times over, as women's bodies become "battle grounds" where opposing forces fight to gain control. Since women do not have the same advantages as men, they remain victims of gender-based violence and discrimination. Similarly during conflicts, the levels of domestic,

Percentage of women who have experienced violence since age 15 and in the last year, by area of residence



Source: CBS et al. (2004).

sexual and other forms of gender-based violence have been found to be systematic and widespread in this context.

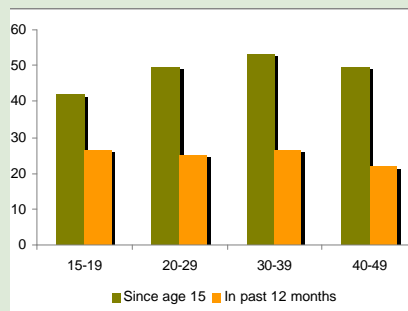
The growing incidence and brutality of violence against women in conflict situations has become so alarming that it is now considered one of the "crimes against humanity" that can be prosecuted by the International Criminal Court in The Hague.

Why Combat Gender-Based Violence?

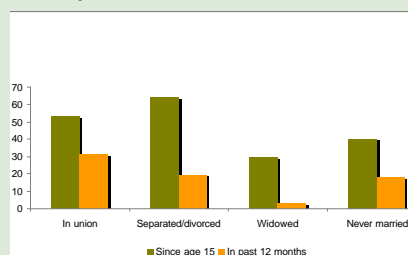
Violence of any kind is dehumanizing. Gender-based violence intends to keep the victim in a subservient position – most especially when the victims are girls and women. It has been well-articulated that gender equality is central to any effort towards sustainable human development. Women's empowerment and their full participation on an equal basis in all spheres of society, including in decision making and access to power, are fundamental for the achievement of equality, development and peace.

Rape, sexual slavery, enforced prostitution and other types of sexual violence have been classified by the international community as crimes against humanity and gender-based crimes as war crimes under Articles 7 and 8 of the Rome Statutes of the International Criminal Court.

Percentage of women who have experienced violence since age 15 and in the last year, by age



and by marital status



Source: CBS et al. (2004).

Policy Recommendations

Kenya is a signatory to international conventions and covenants aimed at protecting the lives and rights of all people – including women and girls. Full implementation and

Kenya's Children Act 2001 legislates the protection of children from physical and psychological abuse, neglect, and other forms of exploitation, as well as protection from harmful cultural practices and rites – with the latter specifically including female genital mutilation.

monitoring of adherence to such agreements would go far in protecting women's human rights.

More to the point, Kenya has enacted its own national laws that require wide public awareness and full implementation. Key among these are the Sexual Offences Act 2006 and the Children Act 2001.

Other actions that would contribute to addressing gender-based violence in Kenya include the following:

- ♦ Increase awareness of the impact of education on women's awareness and practice of their reproductive health rights, and the harm posed by all forms of violence, including negative cultural practices (see for example Felix and Paz-Ingente, 2003).
- ♦ Intensify public awareness campaigns to build social consensus that violence against women is repugnant, counterproductive and morally reprehensible.
- ♦ Increase facilities and services to comprehensively address prevention management and rehabilitation programmes on gender-based violence.
- ♦ Accelerate the implementation of gender-specific economic, social and legal measures aimed at combating the HIV/AIDS pandemic.
- ♦ Assure that full assistance is provided to the victims of abuse for their physical and mental rehabilitation.

- ♦ Institute tough measures to protect women and girls from gender-based violence and other forms of violence in situations of armed conflict.
- ♦ Integrate the particular needs of women and girls into the design of refugee camps.
- ♦ Increase budgetary allocations in sectors dealing with gender issues.
- ♦ Fast track the implementation of the Sexual Offences Act 2006.

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National Coordinating Agency for Population & Development

PO Box 48994 - GPO, Nairobi 00100, Kenya

Tel: 254-20-271-1600/01

Fax: 254-20-271-6508

www.ncapd-ke.org

NCAPD is a semi-autonomous government agency that formulates and promotes population policy and coordinates related activities for sustainable development in Kenya.