DARE TO SPEAK OUT!

Assist Survivors of Sexual and Gender Based Violence
“By addressing issues of gender based violence and Sexual Gender Based violence, Men for Gender Equality Now is contributing to breaking the silence on issues which for a long time have been taboo: defilement, incest, early marriage, rape, wife beating and HIV/AIDS.”
ABBREVIATIONS

ACRWC African Charter on the Rights of Women and Children
AIDS Acquired Immune Deficiency Syndrome
CBO Community Based Organisations
CEDAW Convention on the Elimination of all Forms of Discrimination
Against Women
CRC Conventions on the Right of the Child
CSO Civil Society Organisation
FEMNET African Women’s Development and Communication Network
GBV Gender Based Violence
HIV Human Immuno-deficiency Virus
MEGEN Men for Gender Equality Now
MEW Men for the Equality of Men and Women
MTC Men’s Traveling Conference
PEP Post Exposure Prophylaxis
PFA Platform For Action
RRT Rapid Response Team
SGBV Sexual Gender Based Violence
STI Sexually Transmitted Infection
UN United Nations
VAW Violence Against Women
When the Survivor Support Programme was conceptualised soon after MEGEN was founded in 2004, because of the ingenuity and urgency, the teamwork and dedication that characterised rescue operations, the initiative was dubbed the Rapid Response Programme. There was nothing but determination and passion to guide the responders. With the enactment of the Sexual Offences Act in 2006, however, and as the society came to look upon the MEGEN members and responders as a crucial link to comprehensive care and support for survivors, it has become necessary to structure and expound our technique for our members, network partners and the public.

Gender Based Violence deprives a person their right to dignity in a complex game of power relations. While we celebrate the gains the organisation has made over the years, I call upon all men – and women – to safeguard the sacred duty of supporting the survivors of Gender Based Violence, to restrain from blaming them no matter what, to re-assert them and, even when justice is not possible, respect them as human beings with rights – human beings worth defending.

I take this opportunity to thank the members who have risked life and limb; the members of public and public officials who have accorded the team support; the wellwishers who have helped the Team run from day to day; and the MEGEN leadership and membership that has guided and transformed the organisation into an indomitable force of change – a paradigm shift from men as perpetrators, beyond by-standers, and into a bastion to walk with the survivors of Gender Based Violence. It gives me great pleasure to invite you to share in this unique technique herein presented in a most comprehensive yet practical format – an insight into MEGEN’s unique way of responding and making a statement in supporting survivors of Gender Based Violence. There are many men: fathers, brothers, sons, and men of conscience, that abhor the violence. As MEGEN endeavours to transform masculinities to embrace gender equality through its other programmes, our onus includes actualising these ideals by going a step further to respond – to stop the violence and create proactive responses within our spheres of influence. If this guide enables the reader to support a survivor through the maze of abuse, medical attention, the legal process, to ultimate healing, then the objective of this manual will have been perfectly achieved.

Thuku wa Njuguna
Since inception, MEGEN has worked on training and community mobilization to influence communities to challenge unequal gendered power relations between men and women.

While looking at Gender and Power, the organisation has focused specifically at preventing and reducing the prevalence of Gender Based Violence incidences. We have worked to challenge perceptions that violence is unchangeable, and to stamp its belief that men can indeed be key allies in ending Gender Based Violence in our society.

MEGEN’s focus on men is to encourage them to change and denounce violent behaviour. The need to complement the work done by the MEGEN survivor support teams at the grassroot level, led to the development of this guide.

Our main aim is to:
- share MEGEN’s experience in assisting survivors of GBV in a simple and easy way, other members of society can join in the campaign to end GBV;
- equip members of the community with the right tools to handle / assist with cases of SGBV;
- inform members of the community on where to go in case they need help;
- inform them on what to expect whenever they visit various offices for assistance.

In the process of developing this guide and implementation of the Ford Foundation Grant many people have been of help; Cnstbl. Linus Lotulya, Alfred Akama, Mohamed Shukri, Steve Owaga, David Osano, Emmanuel Inangai, Agnes Leina, Philip Otieno, Benter Mogalo, Jeremiah Ochoo, George Njenga, Esther Mbogu, Thuku Njurguna, Benedicta Nyambura, Anne Njihia, Pst. George Kimani, Evans Lisimba and representatives like minded organizations (IWD, WRCDI, YWLI among others).

On behalf of MEGEN I say thank you for the continued support you have given to us for the past years. We are also grateful to The Ford Foundation for providing the financial resources that made it possible for us to produce this guide. We hope that this publication will be of use to as many people as come across it.

Ms. Sylvia Sitawa
Coordinator
Men for Gender Equality Now in Kenya (MEGEN) was originally set up by the African Women’s Development and Communications Network (FEMNET). It was initiated during a regional Men-to-Men Consultative meeting on SGBV, held in Nairobi, Kenya, in December 2001. The consultation developed a plan of action, specifying follow-up actions at both regional and national levels. Participants committed themselves to taking action nationally and requested FEMNET to host a Regional Network of Men against SGBV. MEGEN was initiated by men and women who attended this consultative meeting, and who have participated in the regional network set up by FEMNET.

**Vision:**

“A violence free society where females and males are valued equally.”

**Mission:**

“Transforming the Kenyan Society to embrace gender equality.”

**Goal:**

“The creation of a critical mass of Kenyan females and males who believe in gender equality and are able to influence communities, organisations, and the public to embrace gender equality.”

**MEGEN Programmes**

**Rapid Response Team**

MEGEN runs a rapid response team, which assists survivors of SGBV in accessing medical and legal services, as well as temporary shelter. The team attends courts in its trade mark red T-shirts, branded with anti-violence messages, in order to show solidarity during court deliberations. In close contact with the police, the team also rescues survivors from violent situations.

**The Men’s Traveling Conference (MTC) and training**

Every year during the 16 days of Activism on Gender Violence, MEGEN organizes a Men’s Traveling Conference (MTC). During this period, members divide into groups which conduct campaigns across the country reaching out to remote areas, where they meet with men and women in various places, such as bus stations, churches, mosques and provincial administration offices, in order to raise awareness on the role men can play in ending GBV.

The methodology includes participatory theatre, community sensitization workshops, one on one dialogue, and distribution of campaign materials with messages about GBV. During the rest of the year, training and education seminars are held in local communities and with key stakeholders.

**Media and Public Awareness**

In order to increase visibility of its work, MEGEN runs media campaigns promoting positive male role models. It also liaises with journalists to improve reporting on GBV and gender equality.

**Artists**

MEGEN has a team of community artists, who develop art and theatre with messages on GBV and gender equality.

**Resource Mobilization**

A committee of members is responsible for raising funds, and for providing consultancy services on issues of GBV and men’s involvement.

**Welfare**

In order to secure the well-being of MEGEN members, a fund has been established through which members can be assisted to set up income-generating projects.
Who Is The Guide For?

The aim of this guide is to help members of the general public to understand their roles and responsibilities in prevention and response to Sexual Gender Based Violence (SGBV). It is also designed to help the user gain knowledge required at all levels & in all sectors, to be able to effectively respond to cases of SGBV.

Why Use This Guide?

This guide hopes to present the elements of responding to Sexual Gender Based Violence (SGBV) in an effortless and understandable manner and within the Kenyan context. This guide aims to serve as a Kenya specific resource and gives a step-by-step detail on how to handle, respond and help survivors of SGBV.

The guide is a simple and convenient resource for non-gender specialists.

How To Use The Guide

The guide is designed as a reference document rather than a text to be read from start to finish. It recognises that people using the guide will have different needs and different levels of knowledge and experience in relation to responding to SGBV. The guide has a Table of Contents to help you find information quickly and includes ready-to-use practical tips to support daily work. A step-by-step sequence is also included to help anyone who wishes to assist a survivor of SGBV.

“Change is a continuous process. Those who oppose it eventually succumb to its overwhelming wave.”

DISCLAIMER:
The guide is intended to be a simple and convenient tool for the general public, CSOs, CBOs and service providers. It is not intended to be an academic or highly technical content, and does not claim to provide the knowledge and skills to transform people into becoming rapid responders. It contains basic concepts and key steps for successful and effective response to SGBV and thus ensuring a violence free society.
or a long time Sexual Gender Based Violence (SGBV) was viewed as a private or family matter. However, there has been a paradigm shift in the last few years about this topic and it is now viewed as both a public health problem and a human rights violation. Numerous studies have been published that document the prevalence of SGBV and its serious effects on women, girls and children and lately men and boys. Human rights organisations and civil society organisations have spoken about SGBV and have advocated for viewing SGBV as a societal problem rather than a private matter. Legislators have been lobbied to enact and implement laws that criminalise SGBV. Global conferences have passed resolutions condemning SGBV. The United Nations has defined it and recognised it as a problem that effects individuals, families, communities and nations. Yet, with all this progress what has been omitted is a lack of co-ordinated services for the victims of SGBV. Although people who go to health care facilities often have symptoms related to SGBV, they are commonly not asked about SGBV in their lives. But the real problem is that these people do not get the assistance that they need for what often underlies their behaviour and symptoms is undiagnosed SGBV.

SGBV, if undetected and untreated, can reduce the effectiveness of a person’s health. What now needs to be done is to begin to address the effects of SGBV on the victims.

In developing countries, a visit to a reproductive health facility may be the only health care visit that a person makes. This visit thus becomes a timely and unique opportunity to assess them for SGBV. Service providers, especially those in health settings such as reproductive and sexual health, maternal child health and prenatal settings have a critical role to play when dealing with victims of SGBV. However, in order for victims of SGBV to talk about the violence in their lives they first need to trust their service providers (police and medical practitioners) to understand and respond properly to this disclosure. Sensitising service providers about SGBV is key to increasing victims’ level of trust.

This literacy guide endeavours to address the important gaps in services to survivors of SGBV. The guide applies what we know about SGBV and its effects and offers a step-by-step guide for responding to SGBV.
violence occurs to anyone, young or old irrespective of sex or creed. In the context of Africa, Cultural norms and deeply rooted social practices have, for a long time, been the basis on which gender violence is perpetuated, accepted and condoned by society. In Kenya for example, Many victims of abuse or gender violence are reluctant to report to anyone in authority or better still to the police due to fear of stigma and victimization by law enforcement officers, and there is also a wide-spread perception that the legal authorities do not take appropriate action, and that reported cases are either not investigated, or not leading to conviction. A study from 2006 revealed that only 12% of respondents who had been physically or sexually abused reported to someone in authority such as a village elder or the police.

This indicates a need to change attitudes and behaviour as well as build the capacity and knowledge within the public, and among the police, judges and lawyers, about the effects of Gender Based Violence and their critical role in prevention / protection and making the culprits / perpetrators accountable.

**Violence**
Can be defined as the intentional use of physical force or power, threatened or actual against oneself or another person or group of persons or community that can either result in or has a high likelihood of resulting in injury, psychological harm, mal-development or deprivation.

In order to understand and appreciate the need for urgent action by different actors in the society, this chapter will provide information on the concepts, forms and extent of Gender Based Violence (GBV).

**Definitions**

**Violence Against Women (VAW)**
- The Beijing Platform of Action (PFA) defines violence against women as “any 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 private life.”
- Violence against women is supported and/or legitimised by gender norms, values and beliefs in the superiority of males and subordination of women.

**Gender Based Violence (GBV)**
Refers to all forms of violence that happens to women, girls and men because of the unequal power relations between them and the perpetrators of such violence.

**Sexual Gender Based Violence (SGBV)**
Forms of Gender Based Violence that are sexual in nature. They include but are not limited to Rape, Incest, Indecent Acts and prostitution.

**Rape**
Is forced, unwanted sexual intercourse. The Sexual Offences Act 2006 describes it as “unlawful and purposely use of ones private parts to penetrate another person’s private parts without permission.” Rape is about power; in most cases the perpetrator uses force, threats, coercion or intimidation before committing the offence of rape. It is important to note that both men and women of any age can be raped.

Many victims of abuse are reluctant to report to anyone in authority due to fear of stigma and victimization.
Defilement
Sexual intercourse with a child (anyone below the age of 18 years) even if the child agreed to have sex with the person.

Indecent acts
Unlawfully and intentionally touching another person on his / her private parts, breasts or buttocks.

Incest
Sexual intercourse with someone who S/he knows is a relative (child, parent, sibling, cousin, niece, nephew) adopted into the family or any other person who is under your care.

Abuse
Misuse of power through which the perpetrator gains control or advantage of the abused, using and causing physical, psychological or emotional harm or inciting fear of that harm. Abuse prevents persons from making free decisions and forces them to behave against their will.

Coercion
Forcing or attempting to force another person to engage in behaviours against their will by using threats, verbal insistence, manipulation, deception, cultural expectations or economic power.

Power
The capacity to make decisions. All relationships are affected by the exercise of power. When power is used to make decisions regarding one’s own life, it becomes an affirmation of self-acceptance and self-respect that, in turn fosters respect and acceptance of others as equals. When used to dominate, power imposes obligations on, restricts, prohibits and makes decisions about the lives of others.

Perpetrator
A person, group or institution that directly inflicts, supports and condones violence or other abuse against a person or a group of persons. Perpetrators are in a position of real or perceived power, decision-making and/or authority and can thus exert control over their victims.

Consent
When a person makes an informed choice to agree freely and voluntarily to do something. The phrase against her/ his will is used to indicate an absence of informed consent. There is no consent when agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception or misrepresentation.

Sexual Rights
The rights of all people to decide freely and responsibly on all aspects of their sexuality, including protecting and promoting their sexual health, be free from discrimination, coercion or violence in their sexual lives and in all sexual decisions, expect and demand equality, full consent, mutual respect and shared responsibility in sexual relationships, including the right to say “NO” to sex if you do not want it.

Sexual Health
Healthy sexual development, equitable and responsible relationships and sexual fulfillment including freedom from discrimination.

Discrimination
Differential treatment of men or women on the basis of age, sex, gender, color, ethnicity or social status rather than individual merit.

Forms Of Violence
These include but are not limited to:

1. Physical Violence
This is the most common form of violence, and probably the most difficult to deal with since it perpetrated within the confines of home and the family. Such is the extent of this form of violence that women and girls have come to accept it as a norm in marriage.

Physical Violence includes:
- Wife battering;
- Child labour;
- Desertion;
- Intimidation.

2. Economic Violence:
This type of violence has been cited as one of the subtle forms of violence that is perpetrated on women due to their economic dependence. Women and girls suffer the worst humiliation and violation in cases where men can give or withhold financial support.

Economic Violence includes:
- Deprivation of necessities and basic needs like food, clothing and school fees for girl child;
- Trafficking women and girls.

3. Social-Cultural Violence
Some traditional practices encourage violence against women and girls from cradle to the grave with far reaching health, mental, physical and social effects.

Forms of sexual violence:
- Sexual harassment;
- Demand for sex in return for favours;
- Sexual abuse of children and mentally or physically disabled persons;
- Marital rape;
- Forced marriage;
- Female genital Mutilation (FGM);
- Forced abortion;
- Trafficking of women and girls.

Social-Cultural Violence includes:
- Female Genital Mutilation (FGM);
- Early and forced marriage;
- Early discriminatory dietary practices;
- Wife inheritance;
- Folk tales, songs, proverbs and sayings that undermine women’s capabilities and teach them to subordinate their own needs in order to please and serve men;
- Gender based division of labour and heavy workloads and other forms of exploitation and abuse.

4. Sexual Violence:
This refers to any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances or acts to traffic, or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including but not limited to home and work.
5. **Political Violence:**
This type of violence is mainly perpetrated by politicians, to gain mileage and to advance their own interest. Sometimes it goes to the extreme end of culminating into war related violence involving communities and persons of different ideological interests.

### Factors That Perpetuate Violence

Violence is the result of complex interplay of individual, social, cultural and environmental factors. Understanding how these factors are related to violence is a significant step in stopping it. These factors include but are not limited to:

1. **Abuse of Power**
   - **Power:** Is understood as the capacity to make decisions. All relationships are affected by the exercise of power. When power is used to make decisions regarding one’s own life, it becomes an affirmation of self-acceptance and self-respect that, in turn fosters respect and acceptance of others as equals. When used to dominate, power imposes obligations on, restricts, prohibits and makes decisions about the lives of others. Power imbalance is the main source of SGBV.

2. **Socialization**
   - The social construction of gender is a lifetime process of learning, applying, experiencing and reaping the consequences of the construction. On the other hand it offers the opportunity to transform society and communities within the principles of “Human Rights”, equality and social justice. The socialization process is the greatest determinant of how the gender discourse will be moved forward. Therefore it is important to look at the bigger picture. It is also pertinent for women and men to have dialogue between them. (See page 22 for more details)

3. **Gender Inequality**
   - Gender inequality is the unequal valuing by society of the similarities and the differences of men and women, and the roles they play. It is based on women and men being unequal partners in their home, their community and their society.

   Men’s behaviour, just like that of women, is constrained by traditional expectations about gender. While this does not excuse the violence and sexual assaults perpetrated by some men, it is important to recognise that dominant versions of masculinity exert a powerful effect on boys and men. All over the world, men are under pressure to conform to sometimes destructive ideas about what it is to be a man.

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**Power and Control Cycle**

**Tension Building**
- Man may begin to get angry, easily irritated.
- Woman tries to calm down the man.
- Woman behave cautious not to aggravate the situation.

**Honeymoon/Calm**
- Man may apologise, promise to change.
- Man may buy gifts, behave lovingly.
- Woman is least likely to leave during this time.
- Woman may “forgive” man, believes that he will change.
- This is also called the “honeymoon” phase.

**Violent Episode**
- Man loses control, blames the woman for provoking him.
- Man may deny or minimise abuse.
- Woman may be very frightened or become emotionally numb.
- Woman may flee and decide to leave.

**Hope Love Fear Terror**

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DARE TO SPEAK OUT
Understanding Masculinity And Its Link To SGBV

Masculinity refers to the social attributes and ideas of how individuals gendered as men should see themselves. “Masculinity” does not exist except in contrast to “femininity.” It is a relatively recent historical product of massive societal change. Many cultures socialize their male children to be aggressive and competitive and train their female children in non-violence and often, in the passive acceptance of masculine authority.

The male socialization process in many parts of the world has led some men to believe that women are second class citizens—unequal, less strong, less able and defined by their roles as caretakers, mothers, homemakers and wives. It is difficult to deconstruct the socialization process; to unlearn what has been viewed as innate. As such, although the vast majority of men do not attack or harass women, those who do are unlikely to think of themselves as deviant.

Men and boys are, in most cultures, socialized to be competitive, aggressive and dominant. Political and economic power are valued and rewarded. Physically and financially powerful men are viewed as desirable by women and enviable by other men. Men are also, at times, socialized to be sexually promiscuous, even sexually irresponsible. Amongst themselves, men often brag about their sexual prowess—long a means of establishing status between men. The role of “stud” has often been coveted and valued in many societies, by both men and women.

Men are socialized into their gender roles and pressured to follow rules about how a man should think, feel and act. Men are urged to excel. They are supposed to grow up to be powerful and not to show weakness; they are preferred, valued and encouraged more and prepared better for careers than are females. They are expected to be independent, demanding and aggressive. Aggressive behavior, as an example, is reinforced and glorified by the violence in movies, sports and the military. The male heroes are generally strong, tough, often superhuman and ultra macho.

Dominant versions of masculinity place both men and women at greater risk of HIV and STIs. These ideas emphasise sexual prowess, having multiple sexual partners and risk-taking. Masculinities are tied to hierarchy and power relations - not all men are equal, but are divided by class, religion, sexuality and ethnicity. Some male statuses are higher than others - so that older, wealthier men enjoy more benefits in society than, for example, younger poor men.

There are many different kinds of masculinity that vary across cultures, social class, ethnicity, sexuality and age. However, Masculinities change over time - dominant versions of masculinity are not static. Men, like women, are a diverse rather than an homogeneous group. In fact, it may be more appropriate to talk about the existence of ‘masculinities’ than ‘masculinity’, since there are many different versions of being a man. It is important to identify men and who do not demonstrate the negative characteristics routinely associated with masculinity. These men appear to reject aggression towards others and seek a more active role in family life and childcare. While some men and boys may be seeking healthier behaviours, men overall are still more likely than any other group to be involved in activities that place their own and their partners reproductive and sexual health at risk.

Gender equality is therefore the equal valuing by society of the similarities and the differences of men and women, and the roles they play. It is based on women and men being full partners in their home, their community and their society.

Understanding Male And Female Behaviour

- As gender is an achieved status both males and females perform gender.
- For males, gender is less confined to the physical body, but also involves attitudes, perception, and intelligence. Historically, intelligence itself was a quality linked only to males;
- Historically, men have controlled cultural constructions of femininity and have positioned women’s bodies as sites of objectification;
- Even when men’s bodies are thought of in physical terms, they are most often situated in contexts pertaining to power over women, or in comparison to women’s bodies, separating the powerful from the less powerful;
- Through the sexualization of women’s bodies, the physical body itself becomes the site of sexuality in which personality and emotion are removed or ignored;
- The conception of masculinity and femininity as body-based, and the individual pursuit of a particular body, is deeply ingrained within many cultures;
- Appearance-based version of masculinity and femininity prescribes a range of behaviors with which men and women must comply in order to signal their masculinity or femininity;
- The relationship between femininity and masculinity is one of polarization and exclusion. All social constructions are partially defined by what they exclude, therefore, dominant constructions of femininity and masculinity are partially constituted by what they push to the peripheries;
- Many cultures socialize their male children to be aggressive and competitive and train their female children in non-violence and frequently, in the passive acceptance of masculine violence. Young men are impelled to adhere to codes of bravery and fierceness that force them to complete and fight, to hide their emotions and to be self-sufficient;
- Masculinity concepts entail that men be the heads of their households. Unemployment and narrow options for men to forge a livelihood have brought poverty, which in turn has made men in the developing countries lose pride in their masculine identity;
- Sexual prowess and high levels of sexual activity are very often seen as a paramount way to reaffirm masculinity both to men themselves, women and other men.
Women are often denied the curiosity about sex and sexual knowledge, they are not supposed to initiate sex, feel any desire or enjoy sex. Men consider their sexual desire as a biological instinct, and they are socialized to believe that women are there to fulfill this natural desire;

Sexual practices have been defined in terms of men’s needs. e.g. if a woman insists on condom use - she goes against the construction of sexual intercourse;

These sexual beliefs have led to a social acceptability of any kind of sexual behaviour by men including violence and abuse.

**What It Means to be Masculine:**

- Strength, power, and intelligence are common traits that are associated with masculinity, this only help to reinforce the links between male and mind, and male and power;
- A male’s body is seen as a means through which to demonstrate power and authority (via muscle and strength), and a female’s body is ideally small and delicate, which can be interpreted as weakness and a form of metaphorical invisibility;
- Physicality in masculinity is explicitly linked to social power. Thus, men’s bodywork is used to signify men’s overall prowess within the culture.

**Violence Within The Life Frame**

Even though most documentation refers to the different forms of violence affecting women and girls, this does not mean that men and boys are not affected; nor does it fail to recognize that the violence they suffer is no less of a crime.

**Pre Birth**

- Sex-selective abortion; battery during pregnancy.
- Coerced pregnancy.

**Infancy**

- Female infanticide; emotional and physical abuse.
- Differential access to food and medical care.

**Adolescence**

- Child marriage; genital mutilation.
- Sexual abuse by family members and strangers.
- Differential access to food, medical care and education.

**Adulthood**

- Physical, psychological and sexual abuse of women / men by intimate partners and relatives.
- Forced pregnancies by partner; sexual abuse in the workplace.
-Sexual harassment; rape.
- Abuse of widows, including property disinherence and sexual cleansing practices.

**Elderly**

- Abuse of widows, including property grabbing / disinherence/ sexual cleansing practices and accusations of witchcraft.
- Physical and psychological violence by younger family members.
- Differential access to food and medical care.
**Social**
This is the stigma, trauma, or depression associated with either being abused or being the perpetrator of violence. Most of our communities condemn perceived perpetrators more than seeking ways of reforming them. While on the part of the survivors they would tend to distance themselves.

**Economic**
This is the burden of using resources for payment of legal fees and constant travel to appear in court - especially in areas where the court is far from the community; In some cases the sale of property to repay fines charged on particular cases has led to a family not being able to recover financially thus they get plunged into poverty.

**Health**
This is experienced mostly by survivors who incur high costs of medical treatment for diseases they might contract after being violated i.e HIV/STI. In the case of physical violence, disability may be an ultimate consequence.

**Low productivity**
This is experienced when one is distressed whether perpetrator or survivor and leads to reduced concentration hence low productivity levels.

**Death**
This is the ultimate price one can pay for violence. In the case of victims, they will not live to tell of the incident. While in the case of the perpetrator the law will take its course and a death sentence will be passed.

**Who Can You Go To For Assistance?**
Within our communities there are various people who can assist and arbitrate in cases of gender violence. These include trained paralegals, gender advocates, government officers - the Children’s Officer, local Chief’s, Administration Police Officers and Gender Desk Officers.

Of all these groups of people, the paralegals are in constant contact with the community and are therefore a very important resource.

**What a Paralegal should not do**
- Avoid creating dependency on paralegalism and should not turn paralegalism into a profession - S/he must work in order to sustain their livelihood;
- Avoid any intimate relationship with the survivor;
- Do not be excited (be calm);
- Do not interrupt the interviewee unnecessarily (only interrupt for clarification);
- Do not ask leading questions i.e questions that require a “Yes” or “No” answer;
- Do not be judgmental about the interviewee.

**Qualities of a Paralegal**
- Knowledgeable i.e. (basic literacy) be able to read and write;
- Volunteer spirit;
- Transparency and accountability;
- Good listener;
- Patient;
- Must be gender sensitive and adhere to the principles of nondiscrimination;
- Must be self-confident;
- Must be trustworthy;
- Have ability to communicate effectively and simply;
- Knowledge of the culture of the community where they serve;
- Nonjudgmental;
- Must be a person of integrity;
- Must have good probing skills
- Should not be sympathetic but rather empathetic.

**Who is a Paralegal?**
A Paralegal is an individual qualified through education or experienced to provide legal services to the general public.

**Role of a Paralegal**
- Educate the community about their legal rights;
- Offer basic legal assistance;
- Help improve access to justice;
- Help the community identify, prioritize and satisfy their needs in relation to their rights;
- Refer those with problems to appropriate stakeholders;
- Community mobilization and lobbying for law reforms;
- Helping the lawyers.

**What Are The Consequences Of Violence?**
There are various consequences of violence. These include:

**Legal**
This involves enduring lengthy court processes and serving a jail sentence.

**Where Does Violence Happen?**

**Domestic Violence**
In the privacy of homes and families;

**Economic Violence**
In families, work place, public and institutions;

**Sexual Violence**
In families, streets and communities

**Social-cultural Violence**
In families, community, institutions and workplaces;

**Political and cross border**
During war, trafficking and slavery

**Who Are The Perceived Perpetrators Of Violence?**
Depending on the setting, violence can be perpetuated in many ways. Some people perpetuate violence unknowingly. However most commonly, it is people close to the victims who perpetuate violence. Some of these groups of people, include but are not limited to, the following:

- Close family members;
- Intimate partners;
- Care-givers;
- Strangers and gangs;
- Media;
- Law enforcement agencies and combatants;
- Entertainment promoters.

**What Are The Consequences Of Violence?**

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This is the burden of using resources for payment of legal fees and constant travel to appear in court - especially in areas where the court is far from the community; In some cases the sale of property to repay fines charged on particular cases has led to a family not being able to recover financially thus they get plunged into poverty.

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This is the ultimate price one can pay for violence. In the case of victims, they will not live to tell of the incident. While in the case of the perpetrator the law will take its course and a death sentence will be passed.
Facts And Myths About SGBV
Gender Based Violence is perpetuated through myths that are repeated so often that both victims and perpetrators start believing they are true. The following are some of the common myths and the facts:

**MYTHS**
- Violence is part of our culture;
- Some women ask for or provoke men to rape, batter or abuse them;
- Violent behaviour is a mark of masculinity;
- All men are naturally violent;
- In some cultures violence is an expression of a man’s love;
- Marital rape is not possible;
- Women say “No” when they mean “Yes”;
- Men cannot be violated.

**FACTS**
- Violence is a crime that is culturally condoned, but is punishable by law;
- Nobody asks for or deserves to be violated and men should take responsibility for their actions;
- Male violence is as a result of distorted and degraded humanity;
- Most men are not violent and even those who are violent can change;
- Violence is a crime that should not be justified or rationalised;
- Rape refers to sex without consent whether it committed by a husband or any other person;
- When women say “NO” they mean it and men should respect these;
- Violence can happen to any one whether male / female feelings.
Dialogue is the best way of helping communities understand their rights."

The Rights Based Approach (RBA) is based on the premise that in everything that is done in development, there are right holders and duty bearers. Agencies and development workers are duty bearers and women, men, girls, boys and infants are right holders. Their rights take precedence over development.

The RBA entails:
- Knowing the human rights obligations of the State;
- Partnering between duty bearers and rights holders;
- Working with communities to empower them on human rights;
- Understanding international human rights principles;
- Ensuring policies and programmes do not violate human rights;
- Assessing and analyzing the realization of human rights;
- Measuring progress and reports against indicators.

The RBA is an effective approach:
- Which starts with civil, cultural, economic, political and social rights of individuals and groups;
- For ensuring gender equality in programming;
- Seeks to redress the obstacles to the enjoyment of human rights;
- Uses International Human Rights (IHR) guide policies, programmes and activities;
- Uses IHR to analyze inequalities and injustices;
- Also starts with the State obligations to respect, protect and fulfill IHR law.

The RBA ensures:
- That human rights are addressed as a cross-cutting theme in every sector of development;
- It espouses the principles of participation and empowerment, ensuring that all actions contribute to the realisation of human rights;
- That human rights principles guide all programming, on the premise that human rights cannot be separated from all other rights and sectors of life;
- Seeks to strengthen both right holders and duty bearers.

30

DARE TO SPEAK OUT!
Historical Background Of Human Rights and Gender Movement

The history of the human rights movement has some key landmarks linked to the work of the United Nations and its member states. The following are the key landmarks relating to gender equality and the advancement of women's rights:

**Formation of the UN (New York)**
- Universal Declaration of Human Rights

**World Summit on Children (New York City)**
- Plan of Action for Children
- The Convention on the Rights of the Child (CRC)

**First Conference on Women (Mexico City)**
- Plan of Action for the Advancement of Women. Theme: Equality, Development and Peace

**Second Conference on Women (Copenhagen, Denmark)**
- Revised Plan of Action. Added the sub-themes: Health, Education and Employment

**Third Conference on Women (Nairobi)**
- Forward Looking Strategies for the Advancement of Women up to and beyond the Year 2000

**International Conference on Human Rights (Vienna, Austria)**
- Vienna Human Rights Plan of Action

**International Conference on Population and Development (Cairo, Egypt)**
- Cairo Plan Of Action

**Millenium Summit (New York City)**
- Millenium Development Goals (MDG)

**Fourth World Conference on Women (Beijing, China)**
- Beijing Platform For Action
Global Conventions, Declarations and Plans of Action

These represent the commitments of Member States of the United Nations who have acceded to them by signing and ratifying the Conventions. Kenya is a signatory to most of them:

<table>
<thead>
<tr>
<th>INSTRUMENT</th>
<th>KEY COMMITMENTS</th>
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<tbody>
<tr>
<td>The Universal Declaration of Human Rights:</td>
<td>• Outlaws discrimination of any kind;</td>
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<td></td>
<td>• Offers protection from violation;</td>
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<tr>
<td></td>
<td>• Offers right to justice in case of violation.</td>
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<td>Convention Relating to the Status of Refugees (1951):</td>
<td>• Defines a refugee;</td>
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<td>• Guarantees refugees a number of rights specific to their status;</td>
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<td></td>
<td>• Stipulates the treatment they are entitled to by host country;</td>
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<td></td>
<td>• Complements and reinforces other international human rights.</td>
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<td></td>
<td>• Outlaws sex discrimination in all its forms and affirms gender equality;</td>
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<td></td>
<td>• Commits States to take action to eliminate violence.</td>
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<tr>
<td>The Convention on the Rights of the Child (CRC) (November 1989):</td>
<td>• Elaborates the rights entitlement of every child including non-discrimination on the basis of sex;</td>
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<td></td>
<td>• Provides for protection from all forms of sexual exploitation and abuse;</td>
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<td></td>
<td>• Obliges States to protect children from sexual exploitation and abuse;</td>
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<td></td>
<td>• Obliges States to take measures to reintegrate children who have suffered SGBV.</td>
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<tr>
<td>Vienna Declaration and Programme of Action (25 June 1993)</td>
<td>• Provides framework for eliminating SGBV;</td>
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<td></td>
<td>• Implores States to take action;</td>
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<td></td>
<td>• Acknowledges the human rights of women and the girl child as inalienable, integral and invisible part of the universal human rights;</td>
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<td>• Stipulates all forms of SGBV to be incompatible with the dignity and worth of the human person;</td>
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<td></td>
<td>• Provides good basis for criminal courts to impose punishment to perpetrators.</td>
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<tr>
<td>The Optional Protocol to the Convention on the Elimination of All forms of Discrimination Against Women:</td>
<td>• Provides for the protection of survivors from intimidation;</td>
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<td></td>
<td>• Provides mechanisms for complaints against Governments.</td>
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<tr>
<td>United Nations International Covenant on Civil and Political Rights:</td>
<td>• Recognizes human rights as the foundation of freedom, justice and peace;</td>
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<td></td>
<td>• Provides for equal enjoyment of rights by women and men;</td>
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<td></td>
<td>• Provides for protection of life, dignity, against torture and degrading treatment.</td>
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<tr>
<td>Declaration on the Elimination of Violence Against Women</td>
<td>• Strengthens CEDAW and provides definition of violence and expands its scope;</td>
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<td></td>
<td>• Elaborates the rights women should enjoy in equality with men;</td>
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<td></td>
<td>• Obliges States to take action and not to invoke culture, religion and tradition.</td>
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<tr>
<td>Vienna Declaration and Programme of Action;</td>
<td>• Put the issue of violence against women into the human rights agenda;</td>
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<td></td>
<td>• Affirms the rights of women and the girl child as integral and inalienable part of universal human rights;</td>
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<td></td>
<td>• Implores State Parties to work towards elimination of violence against women.</td>
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<tr>
<td>Cairo Declaration and Plan of Action:</td>
<td>• Provide more effective assistance to families and individuals within them who may be affected by such problems as extreme poverty, chronic unemployment, and domestic and sexual violence, among others;</td>
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<td></td>
<td>• Governments are urged to prohibit female genital mutilation and to prevent infanticide, prenatal sex selection, trafficking of girl children and use of girls in prostitution and pornography;</td>
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<td></td>
<td>• Proposes the elimination of all kinds of violence against women and ensuring women’s ability to control their own fertility.</td>
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<tr>
<td>Beijing Declaration and Platform of Action:</td>
<td>• Violence against women included among the 12 global critical issues of action;</td>
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<td></td>
<td>• Defines violence against women;</td>
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<td></td>
<td>• Commitments made by Governments to eliminate gender based violence;</td>
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<td></td>
<td>• Outlines specific actions for Government to take, including providing support to survivors;</td>
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<td></td>
<td>• Recognizes the consequences of SGBV including HIV/AIDS infection.</td>
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<tr>
<td>Millennium Development Goals:</td>
<td>• MGD 3 focuses on issues of gender equality;</td>
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<td>• Underlines gender equality as a prerequisite to the achievement of other goals;</td>
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<td></td>
<td>• Calls for action to protect women and girls from gender based violence.</td>
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Regional Conventions and Protocols

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<tr>
<th>INSTRUMENT</th>
<th>KEY COMMITMENT</th>
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<tbody>
<tr>
<td>African Charter on Human and Peoples’ Rights:</td>
<td>• Promotes and protects people’s rights;</td>
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<td></td>
<td>• Establishing a commission to receive reports from member States.</td>
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<tr>
<td>African Charter on the Rights and Welfare of the Child:</td>
<td>• Defines the age of the child as 18 years;</td>
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<td></td>
<td>• Entitles the child to protection, from exploitation, abuse, trafficking, abduction and sexual exploitation;</td>
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<td></td>
<td>• Binds States to action, once they ratify the Charter.</td>
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</table>

“Every member of the public needs to know of the global conventions, declarations, and plans for action that Kenya is a signatory to.”
The Kenya Government Response

The Kenya Government is a State Party to most of the global and regional conventions listed prior, which are related to the issues of gender equality and the human rights of women, men and children.

In spite of the slow pace, the advocates of gender equality have persistently kept these issues on the national agenda. The impact of gender based violence and unequal power relations in the achievement of other development goals has gradually crystallized, hence key Government strategies and plans of action have increasingly included the gender dimension and more recently, Sexual Gender Based Violence.

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</table>
| The Kenyan Constitution/ Draft Constitution    | • Affirms gender equality as a principle;  
|                                               | • Prevails over all the other laws;  
|                                               | • Protects citizens from torture or inhuman treatment                                                                                      |
| The Sexual Offences Act 2006:                  | • Created to respond to the growing problem of sexual and gender based violence;  
|                                               | • Brings different offences under one law;  
|                                               | • Defines gender based violence;  
|                                               | • Specifies minimum sentences for different sexual offences according to ages of survivors.                                                  |
| The Penal Code:                                | • Provided for the prosecution of offenders but was limited in scope and lenient to perpetrators;  
|                                               | • SGBV cases now covered under the SOA.                                                                                                       |
| National Gender and Development Policy:        | • Recognizes SGBV as a crime and recommends action for survivors;  
|                                               | • Proposes action at different levels and for various groups of service providers;  
|                                               | • Recommends setting up safe shelters for survivors of violence, besides other actions                                                       |
| The National Framework for Sexual and Gender Based Violence: | • Developed in response of the escalation of cases of SGBV;  
|                                               | • Proposes action for addressing the actions under the four pillar concept;  
|                                               | • Suggests key players to be involved in the implementation                                                                                   |
| The Children’s Act:                            | • Entitles children to protection from physical, psychological abuse and neglect and exploitation including sale, trafficking and abduction;  
|                                               | • Accords child survivors of abuse appropriate treatment and rehabilitation;  
|                                               | • Protects children from sexual exploitation and use in prostitution.                                                                        |
| Vision 2030:                                   | • Acknowledges that cases of SGBV are on the increase;  
|                                               | • Proposes strategies for reducing gender disparities and vulnerabilities including reducing SGBV;                                             |

“As a right holder your rights take precedence over development.”
What The Bill Of Rights Gives You

Article 19

Section 1: The Bill of Rights is an integral part of Kenya’s democratic state and is the framework for social, economic and cultural policies.

Section 2: The purpose of recognising 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.

Section 3: The right and fundamental freedoms in the Bill of Rights

a) Belong to each individual and are not granted by the state;

b) Do not exclude other rights and fundamental freedoms not in the Bill of Rights, but recognised or conferred by law.

Article 20

1) Every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom

Equality and freedom from discrimination

Article 27

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.

Article 28

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

Article 1: “All human beings are born free and equal in dignity and rights...”

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.”

What You Need To Know About The Sexual Offences Act - 2006

Purpose of the Act:

• To explain sexual offences and make ways for prevention and protection of all persons from illegal sexual acts;

• Is a big step in the fight against sexual offences as it has strong punishment for the criminals and also has sections which were not looked at by other laws in Kenya.

Important features of the Sexual Offences Act

• Brings together different sexual offences into one complete law;

• Explains in full offences considered as sexual and the different punishment for the offences;

• The Act looks at cases of both male and female victims and so it is not a law by “women to fix men”;

• It provides for minimum sentences which is a first in Kenyan Law making. This is important because if the law says that the accused shall be jailed for twenty (20) years, the Court MUST jail him/her for twenty (20) years and not less;

• It also looks at cases of sexual offences against disabled persons and they are recognized as persons who need special protection;

• It looks at cases of sexual violence which can be committed by people who are in positions of authority or trust;

• It also looks at new cases of sexual offences against children e.g. child pornography;

• It also looks at cases where companies can also be charged for committing sexual offences e.g. trafficking in women, child pornography e.t.c. and shows different punishment for those companies;

• It removes some of the sections in the Penal Code which were dealing with sexual offences and puts them in the Act where they have tougher punishments;

• It says that only Attorney General can stop cases of sexual offences and so parties cannot agree to stop a case.

Implementation of the Sexual Offences Act

• The Government of Kenya demonstrated its commitment to the implementation of the Sexual Offences Act by setting up the Task Force on the Implementation of the SOA (TFISOA);

• A Task Force of 30 members, was appointed by the Attorney General through Gazette Notice No. 2155 of March 16, 2007, to oversee the implementation of the SOA. The implementation of this Act will contribute towards ensuring the goals aspired to in various conventions, policies and laws are attained;

• The Act domesticates specific provisions of the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), Conventions on the Right of the Child (CRC) and the African Charter on the Rights of Women and Children (ACRWC), to which Kenya is a signatory. It captures recent jurisprudence emanating from the International Charter on the Treatment of Refugees (ICTR) and the International Convention on the Treatment of Youth (ICTY) which defines rape and related offences
as crimes against humanity. It also encompasses some of the aspirations of the Vision 2030;

- The Act allows for progressive practices in the investigation and prosecution of sexual violence by providing for collection of evidence of all types by forensic experts that will be used in prosecuting offenders;
- In addition the Act incorporates a new aspect of handling survivors and perpetrators of sexual offences by providing for medical treatment and counseling orders issued by the court where necessary and in instances where a person is predisposed to misuse of alcohol or drugs;
- The Act recognizes the value of a multi-sectoral approach to handling sexual violence.

**Role And Duties Of Law Enforcement Agents**

Law enforcement ensures that justice comes in the following forms: Medical, Police, Social and Legal.

1. **Medical**
   - A survivor must seek treatment after experiencing violence. In cases of sexual violence it is important to ensure that the perpetrator too is checked for evidence of the violence;
   - Retain the treatment card and where possible make copies of any document that you have been given from hospital to the police.

2. **Police**
   Recording an account of what happened is very important in ensuring that the perpetrator is brought to book.
   - Ensure that the case is reported and that the office has written it down in the Occurrence Book (OB). Once this is done, an OB number must be taken and kept well by the survivor;
   - There after a Statement of Complaint is to be taken. Please note that this can be taken orally (see page 44);
   - It is important to record real names and the right address; Also note that all people in contact with the case are to be listed at the bottom of the charge sheet;
   - Fill out a P3 form which is free. One can get it from the police station or download from the Kenya Police website. Note that before submitting the form that it must have the out patient number;
   - It is important to bring eyewitnesses if any, especially in cases where it is a child who has been abused;
   - In order to preserve evidence a complainant must ensure that they hand over all exhibits to the police station before 24 hours; In case of rape clothes should not be wrapped in polythene bags;

3. **Social**
   - A survivor is at liberty to use the services of a counselor (a counselor should however not give their statements in public);

4. **Legal**
   - Approach law enforcement agencies to ensure that they get justice for crimes committed against them.

This is how to go about giving a report to the police

- Ensure that the case is reported and that the office has written it down in the Occurrence Book (OB). Once this is done, an OB number must be taken and kept well by the survivor;
- There after a Statement of Complaint is to be taken. Please note that this can be taken orally (see page 44);
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- In order to preserve evidence a complainant must ensure that they hand over all exhibits to the police station before 24 hours; In case of rape clothes should not be wrapped in polythene bags;
The statement will include:

1. Contact details: These shall include but not limited to: Name/s as they appear in an Identification card or birth certificate, the age, the status (marital, school going), where from, work and any other information about yourself.

2. The date the crime took place, and Time e.g. I was at….. when I met the person (perpetrator) and.....Explain the incident in as much detail as possible.

3. All the evidence recovered. Include who recovered it and who it was handed to, when it was handed over.

4. Signature date time and place where the statement was taken.

REMEMBER:
It is possible to add to your statement. One can say “That’s all I wish to state as of now”. However it is important to visit a police station and record a statement immediately after the crime has taken place and after visiting a hospital.

If you do not understand english you can demand that the statement be read to you in a language you can understand.

You can also make a copy of your statement.

DNA testing for police cases is free.
Access to justice for survivors of Sexual Gender Based Violence (SGBV) remains a huge challenge in Kenya, in spite of new and stronger laws which seek to safeguard human rights in relation to SGBV. While Men for Gender Equality Now (MEGEN) and other like minded partner organisations recognize the need to train, and work together with civil society, members of the public, the police and the justice system to improve the dispensation of justice, and has initiated trainings in that regard, we also recognize the need to empower local communities to know and claim their rights, and the rights of survivors.

In this chapter we shall in a simple and easy to understand way be highlighting steps to follow when one has been raped, how to easily know if someone is in an abusive relationship, and a few practical tips on how to handle SGBV cases.

It is important that whoever uses this guide encourages members of the public to step up and assist survivors of gender violence. While at the same time discourage silence and secrecy that has been the norm in our communities and which has contributed widely in attempts by communities to cover up incidence of SGBV.

Lastly it is important to encourage the survivors to speak out about the violence they have experienced so that they can get justice for these crimes committed against them; To help ensure that perpetrators are brought to book; and to ensure they do not become repeat offenders.

"I was telephoned by someone who is a neighbour to a certain couple who live in a violent relationship. On this day the husband had battered his wife very badly. I visited the said home and found the wife helpless. I asked one of the neighbors to accompany me to take her to hospital. The neighbour accepted and looked for transport to facilitate the process. Upon reaching the local hospital, the wife was treated and later we were referred to the local Police Post where we were issued with a P3. She recorded a statement but the police never followed up to make an arrest. As a gender activist in the area, I intervened about three weeks later and the husband was arrested and later charged with assault at the local court.

The case took about 2 months and the man was found guilty of the offence. He was given a fine of 15,000 or 3 years imprisonment. He failed to pay the fine and was taken to prison to serve his jail term."

WHAT YOU NEED TO KNOW
1. Be involved in the safety of the people in your community.
2. If you have been involved in a violent incident, call someone you trust to accompany you to the hospital or police station.
3. Be sure to go to hospital for treatment.
4. When at the police station, fill out the P3 form and record a statement.
5. Know the gender activists in your area they will help in cases of referral.
6. Physical abuse is against the law and is punishable by jail.
7. Avoid silence or secrecy.
8. Death is the ultimate consequence of such violence. Ensure you seek assistance as soon as possible.
Signs Of Abusive Relationships
Important warning signs that you may be involved in an abusive relationship include when someone:
• harms you physically in any way, including slapping, pushing, grabbing, shaking, smacking, kicking, and punching;
• tries to control different aspects of your life, such as how you dress, who you socialise with, and what you say;
• frequently humiliates you or makes you feel unworthy (for example, if a partner puts you down but tells you that he or she loves you);
• threatens to harm you, or self-harm, if you leave the relationship;
• twists the truth to make you feel you are to blame for your his/her actions;
• demands to know where you are at all times and constantly becomes jealous or angry when you want to spend time with your friends.

Signs That A Friend Is Being Abused
In addition to the signs listed above, here are some signs to show that a friend might be in an abusive relationship:
• unexplained bruises, broken bones, sprains, or marks;
• excessive guilt or shame for no apparent reason;
• secrecy or withdrawal from friends and family;
• avoidance of school or social events with excuses that don’t seem to make any sense;
• substance abuse.

“Men listen to fellow men, thus peer approach is important in the discussions of GBV and HIV/ AIDS.”
Try to recognize an abusive relationship before it begins. If your significant other is dependent, trying to control or change you, pushing and domineering, or gets jealous when you spend time with family and friends, these are signs of an unhealthy relationship. Unhealthy relationships are very likely to turn violent. It’s best to get out of an abusive relationship before it begins, if possible.

Realize that you don’t have to be stuck in your situation. If you already find yourself in a violent relationship, there is still a chance for you to get out. You do not have to be stuck in a relationship that makes you feel unhappy.

Understand the cycle of violence. Violent relationships tend to follow a recognizable cycle: Tension Building (significant other gradually getting angrier and making threats), the Battering Incident (where the violent act occurs), the Honeymoon Phase (where the significant other feels guilty, apologizes, grovels, and swears s/he will change), and back to the Tension Building phase. When your violent relationship is in the “Honeymoon Phase” and your partner seems to be changing, this is NOT going to last. Violent relationships don’t get better; they only get worse and worse.

Recognize the Abusive Continuum. Physically abusive relationships rarely get right into serious violence. They begin with mild violence (shoving, pushing, slapping), moves into medium (punching, kicking, and choking), severe (battering, threatening with a weapon), and finally fatal (strangling, stabbing, or shooting.) If your relationship is in one phase in the Abuse Continuum, it won’t be long before it develops into the next.

Get in touch with someone in the outside world. Chances are you’ve been cut off of a social life since getting into this unhealthy relationship, but it’s crucial for you to reach out to the people you love and that love you. Call or go to see a parent, sibling, family member, trusted friend, officer of the law, ANYONE that will be willing to help you and take your situation seriously.

Get out! Take yourself (and any children that are also in danger) out of the house. Go somewhere far away and safe. If you haven’t already, call a police officer or (if necessary) a Gender Advocate or Paralegal and explain your situation to them. Overcome the fear you’ve gained from any and all threats (toward both yourself and your loved ones) you’ve gotten from your partner if you leave him/her, tell anyone about the abuse, or call the police. The relationship is NOT going to get better if you stay.

“A 75 years old woman left her home with her two grand children to fetch fire wood in the nearby forest. A man appeared from the forest armed with a panga. He ordered the grand children to go way. The children run away in fear and they left their grand mother at the mercy of the man who in turn raped her. The children reported the incident to the members of the public at the nearby shopping centre.

These people then accompanied the children to the said forest and apprehended the man who was taken to the area chief’s office. I was contacted as a gender activist to assist in the case. Together with the members of the public who assisted in apprehending the perpetrator we divided ourselves in two groups and took the survivor to hospital and perpetrator to the local police station.

The perpetrator was booked in the OB after the survivor reported the incident and was issued with a P3 form.

We then took him to the hospital where he was examined by the doctor to prove that he was actually the perpetrator. The survivor was treated and given some medication. The perpetrator was then charged with rape and was sentenced to 15 years imprisonment with no option of a fine.

WHAT YOU NEED TO KNOW
1. Be aware of your surroundings and have company you can rely on when in a potentially dangerous area.
2. Be involved in the safety of the members of your community.
3. Take note of what the law says about penalties for particular crimes and ensure that a perpetrator receives the right sentence.
4. In case a sentence is passed and you are not satisfied, feel free to write to the sitting judge / magistrate and state your concern.
5. The magistrate should then re-call their decision and pass the right one.
6. In case of rape ensure you visit a hospital immediately. (See steps to follow when raped Page 52)
**Steps To Follow In Event Of A Rape**

1. Go to a safe place such as a hospital or police station. It is also important to call someone you trust to accompany you.

2. Do not shower or bath.

3. Preserve evidence. If you change clothes, wrap them in a brown paper bag or newspaper and not a plastic bag.

4. Avoid urinating. If need be urinate in a bottle and carry the urine to a hospital.

5. Do not brush your teeth or cut your nails.

6. Seek medical assistance by visiting the nearest medical facility and get preventive treatment for HIV/STI/ Pregnancy within 72 hours. i.e the post exposure prophylaxis and for any physical injuries incurred. Depending on what hospital one visits, this process will also mark the beginning of counseling / therapy for the survivor.

7. Ensure a survivor attends this and any other session to ensure healing both mentally and physically.

8. Ensure that the Post Rape Care form is filled before you leave the hospital. Take the original and duplicate copies with you.

9. Report the matter to the police and fill in p3 forms. Also note that these forms can now be downloaded from the Kenya Police Website. In cases where a hospital does not have a gender violence recovery centre, ensure that you seek psychological support and counselling.

10. Seek legal advice – Rape is a crime and it should not be covered up. Keep telling your story again and again until you get justice. (See organisation contacts Page 58)
MEN’S TRAVELLING CONFERENCE

The Men’s Traveling Conference (MTC) is an annual outreach event during the 16 days of activism on Gender Violence. During this period, MEGEN activists and partners travel by bus around the country, to engage grass-roots men and women in discussion around GBV and gender quality, in the places where they are at.

The flag off of MTC at Mathare North.

Meeting people where they are at - be it market places or by a ferry terminus is an important feature of the MTC.

During the 5 day trip they raised awareness on violence and the roles men can play to prevent it.

A training session by a MEGEN member.

Liasing with the media is important for increasing impact of the campaign.

In stops along the route, the MTC teams met with senior police officers, sharing strategies for ensuring justice for survivors.

Participants enjoying a MEGEN edutainment session.

Entertainment at one of the stops.

Activists carried out fact-finding on gender and violence to enable follow up activities during the year.

People from Kenya, Zambia, Malawi and Uganda - gender activists, counsellors, police officers and magistrates joined the campaign.

DARE TO SPEAK OUT!

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1. **What are the duties of, and procedure the law enforcement officers must follow when you come to report?**
   - See role and duties of law enforcement officers. (Page 42)

2. **What action can you demand from the police?**
   - A survivor can demand to have the case recorded in the OB and must demand to get the OB number.
   - In case S/he does not understand English, the statement must be read to them in a language they understand.
   - Demand for justice for crime committed against him/her.

3. **Where can you report to when you don’t get the necessary assistance?**
   - See the list of contacts at the back of this publication. Feel free to target any of the organisations listed there. All depending on your proximity to them. (Page 60)

4. **What should I do when I have been raped?**
   - See the steps to follow above. (Page 52)

5. **What should I do when I hear that someone has been violated or is being violated?**
   - Report the matter to the police. In cases where you have community action groups working on gender issues or a gender advocate/paralegal in your local community please contact them for assistance.
   - Also see steps to follow. (Page 52)

6. **Why is it important to go to the Police to report cases of human rights abuse?**
   - This will help us uphold our rights; while at the same time ensure that perpetrators are brought to book.

7. **Can I go to any hospital?**
   - Yes! You can visit any hospital. Today all District hospitals have the post rape care services. Reports from these hospitals will still serve the purpose in providing evidence to the police.

8. **Can I go to a Chief / Council Of Elders for assistance?**
   - Yes you can but ensure that you are accompanied by a Paralegal, this will help ensure that the case is not compromised and that the right legal processes are followed in getting justice.

9. **If 72 hours have since passed after i have been abused can i still report the case?**
   - Yes, you can.

10. **What assistance can I get from MEGEN and other like minded organisations?**
    - One can be rescued from the violent situation and in some cases be sheltered temporarily.
    - You can get assistance on how to deal with the police.
    - One can get medical attention; including access to Post Exposure Prophylaxis (PEP) and psychosocial counseling.
    - Legal assistance.
    - Training on how to defend oneself.
MEGEN has actively worked on issues of assisting survivors of GBV / SGBV since 2003. MEGEN has grown and now works with over 22 community action groups across the country to assist survivors of SGBV.

This guide is intended to share with member of the community information on how and when to get redress. It can be used by anyone in the community who has been abused and needs assistance or knows someone who is being abused.

This guide is not a quick fix to all the human rights abuses. One must follow the right steps, in partnership with the right stakeholders to ensure that they get justice done.

“It is usually better to build on existing experience and relationships with particular groups rather than targeting groups with whom you have no relationship. To this end there is need to get access to different groups and build a relationship with them, it is also important to meet their urgent and felt needs as well as world on their vulnerability, responsibility and influence in relation to SGBV and HIV/AIDS prevention.”
CONTACT LIST

Men for Gender Equality Now - MEGEN:
PO Box 54562, 00200 Nairobi, Kenya
Phone: 020-444 35 17.
e-mail: coordinator@megenkenya.org
admin@megenkenya.org
Website: www.megenkenya.org

The African Women’s Development and Communications Network – FEMNET
KUSCO Center, Upper Hill Kilimanjaro Road, off Mara Road,
P.O Box 54562 – 00200
Nairobi
Tel: 020 2712971/2
Fax: 020 2712974
Email: admin@femnet.or.ke
Web: www.femnet.or.ke

MEDICAL SERVICE PROVIDERS

Nairobi Women’s Hospital
Gender Based Violence Recovery Centre, Patient Support Centre
P.O. Box 20723 – 00200 Nairobi
Tel: 020–2726300 – 9, ext 43136 or 44101
Mobile: 0722829500, 0733606400
Email: knhadmin@knh.or.ke

Liverpool VCT, Care and Treatment
Tel: 020–2714590 / 2715308 / 3861879
Fax: 2723612
Mobile: 0728607615 / 0733601333
Email: enquiries@liverpoolvct.org
Website: www.liverpoolvct.org

LVCT Training Institute
Kilimani Business Center
P.O. Box 19835-00200 KNH Nairobi
Tel: 020 3861879
Fax: 020 2723612

Nyanza Regional Office
Tivoli Center
P.O Box 3294 – 40100
Kisumu Kenya
Tel:057 – 2020906 Or 46 2025945

Eastern Regional Office
Embu VCT Center, Embu
Tujenge Building, Eastern hotel
Tel: 068 – 31602

OTHER KENYAN WOMEN’S RIGHTS ORGANISATIONS

Coalition on Violence Against Women Kenya (COVAW)
Haven Court, Block B, suite 7
Wayaki way (opposite Lion’s Place)
P.O Box 106658 – 00100
Nairobi
Tel: 020 – 8040000/1
Email: info@covaw.or.ke
Web: www.covaw.or.ke

Child Rights Advisory Documentation and Legal Centre (The CRADLE)
Wood Avenue, Off Argwings Kodhek Rd, Kilimani
P.O. Box 10101-00100 Nairobi
Tel: 020-3874575 / 6 Mobile: 0722201875
Fax: 020-2710156
Email: info@thecradle.or.ke
Website: www.thecradle.or.ke

Kenya Association of Professional Counselors
- Head Office
Parklands 2nd Avenue, Off Limuru Road
P.O. Box 55472-00200 Nairobi
Tel: 020 3741051 / 6, 020 3741123
Mobile: 0721296912, 0733761242
Web: www.kapc.or.ke
E-mail: nairobi@kapc.or.ke
KAPC also has offices in:
Mombasa - Tel: 041-493050 or 0725797888, 0722 733 27
Kisumu - Tel/Fax: 057-2027071, 057-2027959 or 0727232452, 0733770531

Amani Counselling Centre and Training Institute
- Head Office
Mbagathi Way, Near Langata Rd Junction
P.O. Box 41738-00100 Nairobi
Tel: 020-602672 / 3
Fax: 6002674
Cell: 0733263870
Email: info@amanicenter.org
Amani also has offices in
Mombasa - Tel: 041-2315906
Nyeri - Tel: 061-2034641
Kisumu - Tel: 0572024525
Im Worth Defending – IWD
Kamunde Road, En’gyo 1997 Plaza
P.O Box 23127 – 00100
Nairobi
Tel: 020 – 2673723 / 0729082908
Email: info@imworthdefendingafrica.org
Web: www.imworthdefendingafrica.org

Men for the Equality of Men and Women
Contact: Rev. Timothy Njoya
P.O Box 960 – 00502
Karen Nairobi

Kenya Human Rights Commission – KHRC
Gitanga Road. Opp. Valley Arcade shopping center
P.O Box 41079 – 00100
Tel: 020 3874998/9 or 38746065/6
Email: admin@khrc.or.ke
Web: www.khrc.or.ke

Women’s Research Center & Development Institute (WRCDI)
Wote Makueni, Opposite the Makueni District Hospital
P.O Box 3340 – 00200
Tel: 0733 181301
Email: wrcdinstitute@iconnect.co.ke

Development Knowledge Link Africa – DEVLINK
P.O Box 6811 – 40103
Kisumu Kenya
Or
P.O Box 170 – 40305
Mbita Suba District
Tel: 57 – 2025502
Cell 0725 67 4218
Email: info@devlinkafrica.org
Web: www.devlinkafrica.org

Young Women Leadership Institute
ACS Plaza, 4th Floor
Lenana Rd. Nairobi
P.O Box 42661 – 00100
Tel: 020 386005/6
Email: info@ywli.or.ke
Web: www.ywli.co.ke
Men for Gender Equality Now (MEGEN) is a society of men and women activists, who engage in community sensitization and education work, advocacy and campaigning to challenge unequal power relations between men and women, transform harmful masculinities into positive ones and put an end to Gender Based Violence (GBV).

MEGEN was started as a way of reaching out to men and involving them in the fight against GBV and for a more gender equal world.