



# EVIDENCE COMMUNITY BASED STUDY-20-14

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**Women Challenged to Challenge**  
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# WCC as an organization

- Registered in 2001
- A national Kenyan organization
- Brings together women with different disabilities
- Aims to give collective voice on issues affecting lives of WwDs in Kenya
- Areas of focus → empowerment and self-development



# Outline



- Background - *some facts about disability in Kenya*
- Why the study?
- Coverage – *where?*
- Findings
- Gaps and Challenges
- Recommendations
- Case studies

# Background



- About 15% of world's population live with some form of disability (WHO, 2011)
- 4.6% of Kenya's population has a disability
- PwDs experience inequality in access to services – *health, education, job opportunities*
- UNCRPD: increasing understanding of disability as a human rights issues
- Kenya has made progress to legally recognize the need to protect rights of PwDs - (*Constitution of Kenya, 2010; Sexual Offences Act, 2006, Disability Act, 2003, Children's Act, 2001*)

# Study Objectives



- Document types of GBV experienced by Women/Girls with Disabilities
- Establish the nature and magnitude
- Identify gaps and challenges experienced with the justice system
- Suggest strategies for capacity strengthening for law enforcement agencies

# Scope and Coverage



- Geographical coverage for the project is 10 counties
- However 8 counties covered in the study (*Nairobi, Kiambu, Meru, Kitui, Narok, Baringo, Busia and Migori*)

# Understanding GBV Against women and Girls with disabilities



- encompasses a wide range of human rights violations, including sexual abuse, rape, domestic violence, sexual assault and harassment
- Gender-based violence (GBV) is violence that is directed against a person on the basis of gender.
- Women and Girls with disabilities are likely to suffer more due to their vulnerability

# Study findings



- Misconceptions and Negative perceptions about disability persist
- Stigma and discrimination (hidden in homes or left without protection)
- Isolation
- W/GwDs are not considered whole and are seen as liabilities that will depend on their families as long as they live.
- violence and abuses experienced by the W/GwDs in the hands of their caretakers



## Findings Cont..



- Sexual abuse is most commonly cited, including being used as sex objects by relatives and family members
- Violence and abuses experienced by the W/GwD are not seen as violations or abuse
- Mentally challenged are most vulnerable to sexual abuse
- They lack family and community support yet reporting starts at community level

# Vulnerability and risks to abuse

- All agreed that W/GwDs are at a higher risk to sexual abuse compared to the others
- Reasons:
  - Nature of disability → defenselessness
  - Inability to see and/or recognize violator
  - Inability to communicate/report
  - Lack of protection – being left alone
  - Culturally entrenched misconceptions about sexuality of W/GwDs (clean virgins; cure for STIs/HIV)
  - Curiosity about sexuality of W/GwDs

*“Deaf women are often raped at night due to their inability to shout for help” -  
Teacher in Migori*

- That ages 9-30 years are most at risk
- That those entering puberty are most at risk



# Vulnerability cont...



- Mentally challenged are most vulnerable to sexual abuse:
  - Low ability to recognize perpetrator
  - Low ability to understand and describe what has happened to her
  - Inclination to leave home and wander aimlessly
  - Most are friendly and easy to take advantage of
  - High dependence on others who end up taking advantage of them

*“Girls with mental disability who appear to be friendly (but are often) unaware of their surroundings are more likely to suffer sexual abuse” -a Magistrate in Nairobi.*

# W/GwDs and rights



- All aware W/GwDs have rights; enshrined in Kenya's legal instruments and policies
- Some enumerated rights that W/GwDs ought to enjoy – *(i.e. rights to education, health care/medication, shelter, general care and freedom)*
- But not always the case as observed by a CO in Kiambu: *“There are no rights for a child with disability”*.
- Violations of these rights are rampant – *e.g. stigma and discrimination; locked up; isolation; used as labourers and sex objects; denial of education*



# Gaps and challenges in accessing justice

- Supportive legislations exist to protect PwDs rights but many challenges to seeking justice exist:
- Ignorance and low knowledge W/GwDs rights and how to go about seeking justice
- Low confidence in the justice system
- Self stigma and feelings of shame about disability
- Lack of champions and advocates against GBV of W/GwDs
- Cases being withdrawn midway and Existence of '*Kangaroo*' courts in the community

# Recommendations



- Disaggregate data to reflect abuses and violations by disability at all level
- Implementation of the relevant disability-related policies and legislations
- monitoring and evaluating all reported cases to ensure they are prosecuted by the responsible authorities
- harmonize the reporting procedures and protocols starting at the assistant chief's office
- Community and Service providers to be equipped with disability skills.

AND



THANK YOU