



# CAMMINO DIRITTO

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## SEXUAL ABUSE IN KENYA

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*Sexual abuse is a crime known in many countries and has in everyone of them a different punishment. Kenya though, seems to be the nation with most cases of abuse and with even less solutions.*

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## 1. Brief notes

Every day in Kenya there are new cases of sexual abuses, that are not even taken into consideration as they should be. **Kenya is a patriarchal country** with a heavy stigmatization of the woman; the society still bases itself on the idea of chastity until marriage and sex is still a taboo. For this reason it is really difficult for teenagers, children and women who have been through sexual violence, to talk about it in an open way with the family, friends and even more with police, which give lack of assistance.

Violence is a deplorable act which causes mental harassment and although it is an action that takes few hours, even with the physical healing, victims bring the *psychological scars* for the rest of their lives. However, despite the cruelty in this act, in Kenya it is a constant growing crime.

In the last years group violence has increased, in particular against teenage girls. It all happens because there is **no control from the police**, therefore the gangs are free to walk the streets where the girls are the easiest preys. (1)

Also other countries have to cope with this type of situation, for example the urban centre of **New Delhi**, where group rapes in public areas are national week titles. In South Africa, about half million people are victims of this crime every year. According to the records, police in Kenya have not taken these crimes with the proper **seriousness** and professionalism. The punishments given are never right, since the criminals are forced to do public jobs or never be arrested; but may I ask, **can a public job be the right consequence to a violence?**

Generally, when the rapist is not arrested, victims are afraid to talk so they are not attacked a second time and they also feel ashamed and guilty, they keep it to themselves which means never speaking to anyone about it; no matter how much they are not guilty of it, they will be too ashamed to have new experiences.

Rape can be, for a man, a once in a lifetime offence or a frequent path for a pathologically disturbed person. Some people can even bring the violence to a new level of perversion until it turns them into a serial killer. In addition, rape, even group ones, it can be considered a sport from some high class college students, athlete or even leader of societies.

## 2. Violence in history

To better explain the violence we should start from its origins. In fact, violence sees its beginnings with the African slaves, violated, abused by the merchant of slaves, leaving a permanent mark in ethnic groups and in the psyche of the Americans (2). Since ever there are violations toward **females or weakest people** that constitute a minority. It is an example, the abuse of Chinese women from Japanese soldiers, to Hebrew women from Nazi, or more recently toward Muslim women in Bosnia, sexually assaulted by the so called “Christian” Serbs. *“Every war that has happened has been followed by abuses and violence on a large scale”*, as wrote **Sarah Elderkin** from the National (3).

Despite what we hear about rape toward men, it does happen, perhaps by other men in prison, generally speaking, violence is an aggression committed by a man towards women. There are many discussions about the motivations of dominance and lust by men in this act. Many feminists affirm, in fact, that *violence has nothing to do with the sexual act itself but has all to do with power*. Sexual abuse is seen so as the *dominance by the man in a society that devalued the strength of the man himself* (Sarah Elderkin) in everyday life but glorified the violence in athletic and film. Therefore, many men feel the need to show their physical supremacy and their power position above other humans.

Besides, the condition of the woman in the contemporary society has degenerated significantly, as affirmed by **Margaret Were**, *“women are not safe anymore. No matter they are 6, 16,36 or 66. The point is they are women and so a prey for rapists. Violence and abuse cases grew up [...]; the dreadful thing in Kenya is it has become a circumstance that rapists do not have to wait till dark or to be in abandoned places to act, since they act even in daylight.”*(4)

### 3. Associations in Kenya

An important case happened in Kenya, Nairobi to be precise, where a violence to the damage of a young girl, that changed her forever, has ended to be a positive example for many other girls.

Kanja, the name of the girl, in 2002 was raped with a loaded gun to her head and when she tried to fight, she was told to chose whether to live or die (5). After the accident she went to the police, whom did not take it seriously, as in Kenya sexual abuse is tolerated in their culture. Culture that makes it difficult to deal with violence in an appropriate way, due to the ban to openly discuss the sexuality. Therefore police targeted this accident **not as rape but as robbery with violence**.

This still is all a big problem in Kenya; a national research affirmed **about 32% of the girls go through a violence before the womanhood**. (6)

Until 2002 there were not any psychological support program, so that victims could have a way to react, being forced to become introvert, having to face depression or using alcohol or else to be able to cope and go on. In 2005 Kanja, after a full session of help, founded the **Wangu Kanja Foundation** (7), bringing her experience to help other women, girls and men who have been through violence, receiving a lot of comprehension and medical, psychological and legal support. With this association, Kanja created a safe haven to these women, where they are free to talk of their experiences without judgement. “ *I am trying to make violence a social problem in Kenya, in order to understand that it has consequences on everybody[...]. Kenya is patriarchal and therefore it is important that women are financially independent so to reduce their vulnerability*” (8).

Something similar happened in Nairobi to the Australian volunteer Charlotte Campbell-Stephen, who went to Nairobi to work with associations that help children. In 2006 Charlotte was raped for eight hours consecutively from a gang, memorizing every particular detail and telling them to the police. The volunteer in 2015 has promoted a documentary called “**I will not be silenced**” in occasion of the **Human Rights and Film Festival** of Melbourne.

To Charlotte it was said that nobody win rape cases in Kenya, that the judges are heavy believers of their patriarchal culture, which keeps the silence with the victims. Campbell-Stephen though has decided to continue her path and to bring her perpetrators to Court, challenging the system that still does not give power to women in Kenya. “*I will not be silenced*” not only shows this particular case in Court but is also a collection of stories of women who gain the strength to fight their executors thanks to Charlotte’s experience.

The Nation, however, has another flaw that goes with the lack of assistance: a **corrupted legal system**. (9) The Australian volunteer has spent her last seven years fighting for her rights, as it happens for every victim. Women are not allowed to have a lawyer, so they are given a State prosecutor for every case (10).

In the beginning of the process, Charlotte faced directly her executors and when she has been given a lawyer, her declaration files **were missing and lately tampered**, forcing her to declare and testify again.

Her perpetrators than have been acquitted from the charges but condemned to a violent robbery: charge that, differently to the rape, is considered to be a serious and important crime, punished with prison to life. What pushed Charlotte to go on in her battle was that her perpetrators never showed remorse for what they did.

To give support to Charlotte, the women of Nairobi that were inspired by her strength and Kinuya, the policeman who first view the case in 2006 and that understood the seriousness of the problem, finding the energy to fight the system and help her.

First case, this of Charlotte, was **the first process for rape to be open door in Kenya**. Charlotte with all this wanted to let other understand what happen to the victims and how they are treated and she fulfilled it.

“*It took me seven years and half, but I feel for the changes happened, other women will not face what I had to and if it will happen there will be protests*”, Charlotte said in an interview. (11)

#### 4. The most serious case and the punishment to cut the grass

The case that got most attention and to the limit of understanding happened also in Kenya to a sixteen year old girl who, coming back from the funeral of her grandfather, was raped by six guys. Those guys beat her and **pushed her in a latrine** about 10 feet deep, leaving her to her own destiny. When Liz parents found her and they went to the police, for three of her aggressor the punishment was to **cut the grass** of the police yard. Besides this left all perplexed and disappointed, seen the bad injuries to the back Liz went through.

An Ethiopian woman, **Nebila Abdulmelik**, working for women rights, launched a petition on **Avaaz** – online community of petition worldwide – which brought results, in fact it put pressure on Kenya’s government. **Sam Barratt**, director of the site said: *“they were restless to never give up. Everything began with a simple petition, moved on with street manifestations and it helped increasing the funds in order to assume a prosecutor able to bring in jail this evil people.”*

**Kimberly Brown**, the one who made the case legal, was in awe by the willingness to act of the new judge and says: *“this is not only an African problem or a Kenyan problem, it is a **worldwide problem**. Stories like the one of Liz inspires people to act and change feelings toward the lenience about the sexual violence.”* (12).

This violence caused many bad injuries to Liz, injuries that took a year to heal, going through many surgeries to the back. Despite this, she is not anymore in a wheelchair but this does not mean it is over. Although Liz is one of the **20 women and teenagers to report rape** in Kenya, she does not feel brave.

**She and her family were threatened** but the girl kept fighting and the perpetrators, early condemned to cut the grass, have been charged to **15 years of prison**. Now Liz hopes for the other three get the same punishment.

In the end, as **Njeri Rugene**, journalist that reported the news on the *Daily Nation*, says *“Avaaz put a lot of pressure in the change of rules with its petition, and has seen the international feedback (almost 2 million people signed the petition), authorities had start*

*to act*". (13)

#### Notes

- (1) Rape culture in Kenya - [Link](#)
- (2) The effects of slavery and torture on an American Slave - [Link](#)
- (3) Rape In Kenya - [Link](#)
- (4) Rape In Kenya - [Link](#)
- (5) Sexual Violence in Kenya: "To the police, rape wasn't a crime" - [Link](#)
- (6) National survey - [Link](#)
- (7) Wangu Kanya Foundation - [Link](#)
- (8) Sexual violence in Kenya: 'To the police, rape wasn't a crime' - [Link](#)
- (9) Criminal justice system response to the problem of corruption in Kenya - [Link](#)
- (10) "I will not be silenced" : fight for justice that gave Kenyan rape victims a voice - [Link](#)
- (11) "I will not be silenced" : fight for justice that gave Kenyan rape victims a voice - [Link](#)
- (12) Teenage victim in landmark Kenya rape case forced to leave village after threats – [Link](#)
- (13) Teenage victim in landmark Kenya rape case forced to leave village after threats – [Link](#)