



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### KEN102613.E

Kenya: Domestic violence; recourse and protection available to victims of domestic violence  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Human rights sources report that violence against women in Kenya is "widespread" (AI 2007; Freedom House 2007), and that sexual violence is often committed by family members (AI 2007). The Executive Director of the Centre for Rehabilitation of Abused Women (CREAW) states, in an article by the Integrated Regional Information Networks (IRIN), that domestic violence is highly prevalent and that "wife beating is commonplace ... and often condoned" (UN 27 Oct. 2005; see also *The Nation* 30 Oct. 2005). The United Nations Human Rights Committee adds that domestic violence in Kenya is a "recurrent practice" (UN 29 Apr. 2005, Para. 11). *Country Reports on Human Rights Practices for 2006* describes domestic violence in Kenya as a "serious problem" and indicates that traditional culture allows a husband to physically discipline his wife (US 6 Mar. 2007, Sec. 5). This source also indicates that police generally do not get involved in cases of domestic violence as they consider these private family matters (*ibid.*, Sec. 5). The Kenya Female Advisory Organization (KEFEADO), a non-governmental organization in Nairobi which promotes human rights and gender equity (n.d.a), indicates in its annual report that the number of cases of sexual violence and wife battering increased in 2006 (n.d.b). A member of parliament was cited in an article as saying that assault against women is common and that 90 percent of such cases are related to domestic violence (*The Standard* 21 June 2007).

#### State protection and recourse for victims

The *Sexual Offences Act 2006*, which criminalizes rape, child pornography, defilement, sexual harassment and sex tourism, received assent on 14 July 2006 (Kenya 21 July 2006; US 6 Mar. 2007, Sec. 5) but had not yet been implemented by the end of 2006 (*ibid.*). It does not specifically prohibit spousal rape (*ibid.*; AI 2007) unless the couple is separated (UN 8 Mar. 2007). The *Penal Code* addresses assault and indecent assaults against women (Kenya 1970, Sec. 144, 250 and 251); however, it does not contain specific provisions on domestic violence (US 6 Mar. 2007, Sec. 5). A report by the United Nations Committee on the Elimination of Discrimination against Women corroborates the fact that no law specifically addresses domestic violence in Kenya (UN 16 Oct. 2006, Para. 23; see also UN 29 Apr. 2005, Para. 11). A bill on domestic violence is reportedly being drafted (UN 16 Oct. 2006, Para. 132; Women's LEAF Sept. 2007); however, no information regarding when such a bill is to come before parliament could be found among the sources consulted by the Research Directorate.

The National Commission on Gender and Development (NCGD) was launched by the Ministry of Gender, Sports, Culture and Social Services with the stated intention of realizing "gender equality and equity in all aspects of development for a fair and just society" (Kenya n.d.). One of its functions is to investigate gender-based violations and advise the relevant authorities (*ibid.*). However, the UN and Freedom House indicate that the resources allocated to the NCGD are insufficient (UN 16 Oct. 2006, Para. 36 and 37; Freedom House Oct. 2006).

IRIN indicates that the Kilimani police station, located in Nairobi, was converted to an all-female station in 2004 and exclusively handles cases of gender-based violence with female staff who have been trained on such issues (UN 27 Oct. 2005). Additional information on this police station could not be found among the sources consulted by the Research Directorate.

The Gender Violence Recovery Centre (GVRC), a program run by the Nairobi Women's Hospital since 2001, provides assistance, including medical services and psychological treatment, to survivors of domestic violence and sexual abuse (US Apr. 2007; UN 27 Oct. 2005). According to IRIN, the Centre treats up to 15 survivors of sexual abuse and domestic violence every day (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Oral sources:** Attempts to contact the Federation of Women Lawyers Kenya (FIDA-Kenya) were unsuccessful.

Maendeleo Ya Wanawake Organization (MYWO), the Coalition on Violence against Women (COVAW) - Kenya, the Centre for Rights, Education and Awareness (CREAW), the National Commission on Gender and Development and the Association of Media Women in Kenya (AMWIK) did not provide information within the time constraints for this Response.

**Internet sites, including:** Association for Women's Rights in Development (AWID); Association of Media Women in Kenya (AMWIK); British Broadcasting Corporation (BBC); Centre for Rights, Education and Awareness (CREAW); Coalition on Violence against Women - Kenya (COVAW); Education Centre for Women in Development (ECWD); Federation of Women Lawyers Kenya (FIDA Kenya); Human Rights Watch (HRW); Kenya Police; Office of the

United Nations High Commissioner for Human Rights (OHCHR); Open Society Institute; United Kingdom Home Office Country Information; Women's International League for Peace and Freedom.

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