



## Kenya: Seeking Justice for Rape, One Year On

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Nairobi — Pamela (not her real name), a resident of Kenya's largest slum, Kibera, continues to experience pain and discomfort one year after she was gang-raped when election-related violence erupted in the country.

"The saddest part of the experience is that I don't know the rapists so I can't even say I am waiting for justice; they pushed my head under the bed and so many of them raped me until I fainted; when I came to, they had fled," Pamela said.

"Some of my children watched as I was raped; fortunately, the eldest girl fled through the window before they got hold of her."

Hundreds of women and girls like Pamela are resigned to their fate, with no recourse to justice, one year after the political leadership signed a national coalition accord, ending the violence and ushering in a new political dispensation.

Ideally, prosecution of those accused of the rapes should have started, but, according to **CARE International** - which has a legal-aid programme for the affected women and girls - only four cases have been initiated so far, with no conviction recorded.

"Women who were raped did not immediately report this crime for fear of being stigmatised in their communities or chased out of their homes by angry husbands," **Beatrice Spadacini, spokeswoman for CARE International**, said. "There was also fear of reprisal from the perpetrators, many of whom are still out and about or are men in uniforms."

In Pamela's case, her husband abandoned her upon learning of her rape ordeal.

"He never even came home when he was told what had happened; his clothes and shoes are still in my house; I hear he went to Mombasa; he is too ashamed to face me and his five children," she said. "It is difficult meeting the family's needs single-handed but then again it is good I don't have a man in my life because I was torn up so bad by the rape I don't think I could bear to have sex again."

Pamela says the wounds she sustained make it difficult for her to walk fast or perform any strenuous tasks.

"I did not even have the strength to walk after the incident; I only used salty water to bathe until I got better," Pamela said. "I learnt of my HIV-positive status when I was strong enough to go to hospital, since I had not tested for HIV before the rape I don't know whether I

contracted it then or not; all I know is that I was not sickly before that but now I often feel as if my veins are bursting."

According to the Federation of Women Lawyers in Kenya, the number of rapes committed during post-election violence last year is estimated at more than 3,000.

## **Evidence**

**CARE**, the Kenya Gender Commission and UN Development Fund for Women (UNIFEM) collected more than 300 testimonies from women raped during the violence and presented them to a commission of inquiry set up after the signing of the national accord.

According to **CARE**, of the 300 testimonies, 60 reported rapes were committed by members of the General Service Unit (GSU), a special forces unit of the Kenyan military.

Spadacini said **CARE** staff, with other members of civil society, testified on behalf of the women before the commission, chaired by Judge Philip Waki. This resulted in the inclusion of a chapter dedicated to Sexual Violence in the commission's final report.

"In the process of documenting rape cases, what became clear was that women and girls were often raped regardless of their ethnic background," Spadacini said.

**CARE** established community reporting centres immediately after the violence and ensured access for survivors to essential medical and legal services.

"Women of all ages and backgrounds were raped by angry men, including some who were reportedly members of law enforcement agencies, Spadacini said.

And, as the country marks one year since the signing of the national accord, women such as Pamela are still hurting and continue to be traumatised.

Jane Akinyi, another resident of Kibera, said she was gang-raped by marauding youth despite revealing her HIV-positive status to them.

"I pleaded with them not to rape me, I even showed them the ARVs I was taking but they persisted, saying I looked healthy and was lying to them," she said. "My sister's children [aged three and four], whom I am looking after since their mother's death, watched as I was raped, and they are still traumatised."

Akinyi said although she can identify her rapists she is not keen to pursue any legal justice.

"It is too trying; firstly, I have forgiven them, secondly, even if I took them to court, there is no guarantee that they will be convicted, they can always get off through whatever means they use, so I have decided to move on with my life and to live positively," she said.

**CARE** and its local partners have established a referral network for reported rape cases to ensure they are handled comprehensively and that clients receive essential services, including legal assistance and psycho-social support.

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