

**An open letter to Cabinet Secretary for Health Dr. Cleopa Mailu, Acting Interior Cabinet Secretary Dr. Fred Matiang'i, and Inspector General of Police Mr. Joseph Boinnet**

**Stop police rape of civilians, and ensure access to medical care for victims**

25th October, 2017

Dear Cabinet Secretary for Health Cleopa Mailu, Acting Interior Cabinet Secretary Fred Matiang'i, and Inspector General of Police Joseph Boinnet:

Early accounts of the chaos that followed the announcement of the August 8, 2017 presidential election results indicated that rape and sexual violence occurred in affected communities. Since then, we, the organizations listed herein, in collaboration with community actors, human rights defenders, health workers, government institutions, and development partners, have received, recorded, and assisted numerous victims of sexual violence from Nairobi, Kisumu, and other parts of Nyanza and Western Region. Preliminary findings of in-depth [research conducted by Human Rights Watch](#) confirm incidences of sexual violence in Dandora, Mathare, Kisumu, and other affected areas.

**So far, we have counted at least 60 cases of sexual violence committed during the August 2017 election-related violence, and the numbers are rising by the day.**

The emerging cases reveal a disturbing pattern:

- The perpetrators described by victims were mostly police officers and/or men in uniform who were deployed to protect communities affected by the election-related violence.
- Other reported perpetrators include militia groups and gang members who took advantage of the chaos.
- Women, girls, and men are all affected and have suffered varied forms of sexual violence, including rape, gang rape, sexual assault, indecent assault, and forced nudity, in some cases accompanied by severe physical assault.
- Sexual violence experienced by the victims has been gruesome and terrifying. Some victims were raped collectively with others from their communities by the same perpetrators, while in other cases, children and husbands witnessed their mothers and wives being raped.
- The majority of the victims were unable to access timely medical care, mostly due to the prevailing context of insecurity and the ongoing nurses' strike. Some victims sought medical treatment at local clinics within their communities, but most of those facilities did not provide the required emergency and comprehensive medical and forensic post-rape care. In some cases, victims were asked to pay for the completion of Post-Rape Care and P3 medical forms, contrary to existing laws. Several victims urgently need medical treatment for resulting injuries and illnesses, as well as counselling and psychosocial support.

The emerging cases and patterns of sexual violence reflect a worrying but familiar reality in Kenya. Almost 10 years ago, the Commission of Inquiry into Post-Election Violence following the 2007 elections documented at least 900 cases of rape and other forms of sexual violence, which it termed "a tip of the iceberg." The current political context related to the fresh

presidential elections scheduled to take place on October 26, 2017 signals the potential for increased incidences of sexual violence.

The government has a standing Constitutional and legal obligation to prevent the occurrence of sexual violence in situations of civil strife, and to ensure effective and comprehensive medical, forensic, and legal services to victims of such violations. Therefore, the state should urgently: initiate measures to protect individuals and communities that may be vulnerable to sexual violence; ensure timely, accessible, affordable, quality, and comprehensive medical and forensic services for victims of sexual violence during this political period; and expeditiously investigate and prosecute perpetrators.

We wish to call your attention to the following concerns:

**To Acting Interior Cabinet Secretary Dr. Fred Matiang'i and Inspector General of Police Mr. Joseph Boinnet:**

1. We urge you to issue a **public notice outlining the protocols and code of conduct to be followed by police officers in the conduct of security operations**, including specific circumstances under which police may be permitted to enter the homes of civilians. All Kenyans are entitled to know the laid down rules and procedures that guide police conduct during operations, so that they can be aware and take appropriate action when a line is crossed.
2. We call on you to issue a **written and public caution to all police officers** to desist from committing any form of sexual violence, or other crimes or violations in the conduct of their duties.
3. We call on you to issue a **written and public caution to all police commanders who are responsible for specific police operation teams** to be vigilant and take immediate and decisive action against any police officer suspected or known to have committed sexual violence or other crimes in the conduct of their duties.
4. We further call on you to **work with local actors in accordance with the community policing policies to enhance security within affected communities** so as to mitigate the potential for sexual violence by civilians who may take advantage of existing chaos to commit crimes.
5. We urge you to **take swift and proactive action to strongly condemn and investigate reported cases of sexual violence and to put in place mechanisms that will support survivors to come forward and report their cases in a secure, sensitive, and timely manner** without fear of reprisals from perpetrators, especially in cases involving police officers; such actions are in service of the justice and accountability that are owed to the entire Kenyan populace.

**To Cabinet Secretary for Health Dr. Cleopa Mailu:**

You have, on numerous occasions, explicitly noted the significant strain caused by the ongoing nurses' strike on the provision of health care services across the country. This burden is even higher in situations that require emergency interventions to avert life-long health consequences,

such as pregnancy and HIV in people who have suffered sexual violence. Moreover, the inability of survivors of sexual violence to access timely and appropriate medical services significantly hampers the collection and documentation of medical forensic evidence that is vital to support accountability efforts.

1. We therefore urge you to **expeditiously work with the Governors, county government health officials, and development partners in affected areas and potential hot spots to put in place contingency measures to ensure that sufficient personnel are available in health facilities** to provide emergency post-rape care and other services during this period.
2. We urge you to **work with the Governors and county government health officials in affected areas and potential hot spots to ensure the provision of sufficient post-rape care treatment and forensic commodities in health facilities**, especially local health facilities that are closest and most easily accessible to communities.
3. We call on you to issue a **written and public notice reminding health providers and administrators that they are obligated to provide free medical treatment to survivors of sexual violence**, including completion of Post-Rape Care and P3 medical forms, in accordance with the Sexual Offences Act of 2006 and Sexual Offences (Medical Treatment) Regulations of 2012. To this end, we urge you to work with relevant county government officials to establish working relations with private health facilities that may be most accessible to affected communities in order to facilitate provision of free medical treatment to survivors of sexual violence.

Your expeditious action is not only required under our Constitution and laws, but also necessary to assure all Kenyans, survivors, their families, and communities that the state does not condone sexual violence committed by the police or any other person, and will take all measures necessary to end impunity for these violations.

Sincerely,

1. Africa Center for Open Governance
2. Center for Reproductive Rights
3. Center for Rights Education and Awareness
4. Civil Society Organizations Network – Kisumu
5. Coalition on Violence against Women
6. Constitution and Reform Education Consortium
7. Federation of Women Lawyers – Kenya
8. Grace Agenda
9. Independent Medico-Legal Unit
10. International Center for Transitional Justice
11. International Commission of Jurists – Kenyan Section
12. Inuka Kenya Ni Sisi
13. Journalists for Justice
14. Kenya Human Rights Commission
15. Kenya Medical Women's Association
16. Kenyans for Peace with Truth and Justice
17. Physicians for Human Rights

- 18. Wangu Kanja Foundation
- 19. Women Concerns Centre
- 20. Women's Link Worldwide

**Cc:**  
**National Gender and Equality Commission**  
**Kenya National Commission on Human Rights**



Physicians for Human Rights



women's **L I N K** worldwide

