



DEFENDERS
COALITION

The Gendered Nature of The Right to Protest in Kenya: An Assessment



//

***Every person has the right, peaceably and unarmed,
to assemble, to demonstrate, to picket, and to present
petitions to public authorities.***

Cap 37, Constitution of Kenya

//

ACKNOWLEDGEMENTS

I wish to extend my sincere gratitude to all individuals and institutions that supported the execution of this study. The Defenders Coalition commissioned and funded this project. I am particularly grateful for the substantial support provided by the Defenders Coalition, especially the contributions from the Director, Mr. Kamau Ngugi, Ms. Gloria Madegwa, Ms. Winnie Sengwer Mr. Ahmed Shire and Mr. Obino Nyambane.

Mr. Ngugi and Ms. Madegwa offered invaluable critical insights during the formulation of the project, including the conceptualization and preparation of the research tools, and reviewed initial drafts of the report. Ms. Madegwa and Ms. Sengwer facilitated introductions to all coordinators of women human rights defenders (WHRDs) in all localities by email and telephone conversations. Ms. Sengwer introduced us to all the WHRD coordinators and provided telephone numbers of all WHRDs. Mr. Shire and Mr. Nyambane supported the survey by providing access to the data base of all WHRDs from which a sample size was calculated and the emails and telephone numbers that facilitated contact with WHRDs for the survey.

Special thanks to Dr. Mshai Mwangola, for her invaluable insights in reviewing the original draft of this research. Her comments, ideas and positive critic were significant in finalizing this study.

My gratitude also goes to the WHRD coordinators in the five counties where the qualitative component of the project was conducted, i.e. Ms. Mino Kyaa of Nairobi, Ms. Marylize Laini in Mombasa, Ms. Beatrice Otuma of Vihiga, Ms. Fatuma Yusuf in Wajir, and Ms. Hellen in Kisumu, for organizing the focus group discussions (FGDs) and the in-depth interviews (IDIs). I am also grateful to all the WHRDS who offered their views and opinions to various segments of the project. Without your valuable input this project would not have met its objectives.

Special thanks to the project's Statistician, Ms. Angela Wanjala, project coordinator, Mr. Patrick Musonye and the research assistants, Ms. Getrude Akinyi, Ms. Moaline Waga, Ms. Marion Wayua, Ms. Monica Wanjiru, Ms. Lillian Anyango, Ms. Daisy Karwitha, Ms. Nicole Ochido, and Ms. Asha Abdikadir for their dedicated efforts in collecting high quality data.

CONTENTS

The right to Protest	6	
Executive summary	6	
Introduction	8	
1.1	The global context to peaceful protests	8
1.2.	The context of peaceful protests in Kenya	9
1.3.	The Plight of Women Human Rights Defenders in Kenya	9
1.4.	Study Rationale	10
1.5.	Overall objective	11
2.0. Methodology	12	
2.1.	Quantitative component	12
2.2.	Qualitative component	12
2.2.	Geographical Scope	12
2.3.	Data analysis	13
2.4.	Ethics considerations	13
3.0 Women and the Human rights defense in Kenya	14	
3.1.	WHRDS socio-demographics	14
3.1.1.	The study population	14
3.1.2.	Age distribution of the survey population	15
3.1.3.	Education levels	15
3.1.4.	Marital status	16
3.2.	Years of experience in Human rights defense work	16
4.0. WHRDs Participation in peaceful protests and assemblies.	17	
4.1.	Reasons for not participating in the protests	17
4.1.1.	Violent dispersal of protests	18
4.1.2.	Police protection during protests	18
4.1.3.	Arrests or detentions during protests	19
4.1.4.	Gender based burdens of WHRDs during protests.	20
4.1.5.	Likelihood of participating in protests in future	20
4.2.	Forms of social support for peaceful protests	21
4.2.1.	Support from spouses	21
4.2.2.	Parental support for WHRDs' engagement in peaceful protests	22
4.2.3.	Family support for WHRDs' engagement in peaceful protests	22
4.2.4.	Friends' approval and support for WHRDs engagement in peaceful protests	23
4.2.5.	Community approval and support for WHRDs engagement in peaceful protests	24
4.2.6.	Societal approval and support for WHRDs engagement in peaceful protests	25
4.2.7.	Law enforcement agencies approval and support.	25
5.0. General Human Rights issues handled by WHRDS	27	
5.1.	Issues handled by WHRDs.	27
5.2.	. Threats to WHRDs	28
5.3.	Range of threats received by WHRDs	29
5.4.	. Purposes of the threats	30
5.5.	Sources of threats to WHRDs	31
5.6.	Impact of the threats to WHRDs	32
5.7.	WHRDs' challenges in the course of their work.	33
5.8.	Factors obstructing the work of WHRDs	34
5.9. Conclusions.	35	
5.9.1	Security	35
5.9.2.	Sexualization of the human rights defense by law enforcement agents	35
5.9.3.	Financial strain	36
6.0. Recommendations	37	

The right to Protest

Executive summary

Peaceful protests are recognized as potent advocacy tools that enable protesters to express dissatisfaction with current situations and assert demands for social, political and economic change. The conspicuous nature of protests and the accompanying public pressure gives them the potency to prompt policymakers to take tangible steps and actions to address the grievances raised.

The right to protest has been cherished in Kenya, both during the colonial era and after independence. In the current constitution, the right to protest is protected in article 37 which stipulates that ‘every person has a right, peaceably and unarmed to assemble, to demonstrate, to picket and to present petitions to public authorities’. Despite this, the enjoyment of this right is still often routinely curtailed by the state and state agents. Although both male and female human rights defenders (HRDs) bear the brunt of the state and state agents as the latter clamp down, often violently, on protestors’ rights to peaceful protest, women, children and other vulnerable groups and minorities suffer disproportionately whether directly or indirectly when compared to men. This study was thus conducted to examine this gendered nature of the right to protest in Kenya from the experiences and perspectives of women human rights defenders (WHRDs).

This project employed a cross-sectional mixed-method study design involving qualitative and quantitative methodologies comprising of surveys (quantitative) and in-depth interviews (IDIs) and focus group discussions (FGDs) (qualitative) with WHRDs.

This study confirmed that WHRDS have been active participants in peaceful protests with over 80% of them having engaged in peaceful protests in the last two years. Less than half of them however participated in the protests that were organized by the opposition parties in 2023 against the cost of living. Among the reasons for their lack of participation were unavailability, lack of interest, fear of police brutality, the politicization of the protests, fear of arrests and lack of security for the protests. In their last engagement in protests, 39% stated they were violently dispersed by police. A third of the WHRDs stated that they were arrested and or detained, with a similar percentage stating that they fell ill or got injured during the protests. 46% of the WHRDs observed there was insufficient police security during the protests, which exposed them to harassment by agent saboteurs within protests who joined the demonstrations with ulterior motives, such as to rob protestors or even rape women. In spite of the difficulties

encountered during the protests, over 70% of the WHRDs stated that they would still participate in peaceful protests in future.

Most of the WHRDs reported that they had the approval and support of their spouses, close family members, community and society in general to participate in peaceful protests. 40% of the WHRDs stated that the law enforcement agents did not support their participation in peaceful protests while 15 % were unsure of what the position of the law enforcement agents was with respect to their participation in peaceful protests.

Most of the WHRDs cherished and defended their rights to participate in peaceful protests. However two key challenges remained unresolved: insecurity and the sexualization of their activities by law enforcement agents. Most of them observed that there was inadequate security for them during the protests which exposed them to criminal gangs disguised as protestors.

The primary responsibility for ensuring effective protection and a safe enabling environment for women human rights defenders during protests lies with the state. The state must work with WHRDs and other institutions and mechanisms to strengthen legal, policy, administrative and institutional frameworks to ensure effective protection of women during protests. Moreover, civil society organizations that support and promote civil liberties should identify and recognize the specific gendered needs of women human rights defenders and refrain from taking a general approach to the protection of human rights defenders.

01

Introduction



1.1 The global context to peaceful protests

Peaceful protests are widely recognized as potent advocacy tools that enable protesters to express dissatisfaction with current situations and assert demands for social, political and economic change. Peaceful protests often involve a large group of people engaging in non-violent civil disobedience to enact political change, including to confront gender-based discrimination, violence against women, and various other transgressions against the rights of women and other vulnerable members of society. Acts of civil disobedience can take a variety of forms: from sit-ins and marches to boycotts, public speeches and artistic performances. It is precisely this conspicuous nature of protests and the accompanying public pressure that accords protests the potency to prompt policymakers to take tangible steps and actions to address the grievances raised. These public displays often secure media attention and arouse public curiosity, effectively heightening awareness about civil liberties enshrined and protected by the constitution.

1.2. The context of peaceful protests in Kenya

Historically, the right to protest has been cherished in Kenya, both during the colonial era and after independence. The colonial era witnessed country wide defiance and protests galvanized through the Mau Mau movement that is credited with spearheading the independence process in Kenya. In the post-independence era, Kenyans protested against assassinations and autocracy in the presidency of Jomo Kenyatta and Daniel Arap Moi. When President Moi turned Kenya into a one-party state after the 1982 coup, several years of dissent culminated in the massive protests of 1990 that forced Moi to accede to multiparty democracy. These protests were spearheaded by the opposition politicians and the civil society. In 1992, mothers of political prisoners held an 11-month hunger strike in Nairobi to agitate for the release of their sons. Protests in 2007 against the presidential results that declared Mr. Mwai Kibaki the winner against Mr. Raila Odinga led to massive crackdown by police leading to the death of over 1,100 people. Similar protests were held following the 2013 and 2017 general election with disputed presidential results.

Constitutionally, the right to protest is protected in article 37 which stipulates that 'every person has a right, peaceably and unarmed to assemble, to demonstrate, to picket and to present petitions to public authorities'. Despite this, the enjoyment of this right is still often routinely curtailed by the state and state agents. In a monitoring report commissioned in 2023, the human rights Defenders Coalition (DC) - a national not-for-profit organization established in 2007 and registered under Kenyan law as a Trust - documented glaring evidence of the violation of the freedom of assembly, specifically by state security agencies who used limiting legislative laws such as the Public Order Management Act, 2012, and the Penal Code to contravene article 37 of the constitution (GoK 2010). Human Rights Defenders (HRDs) and other peaceful protesters were arbitrarily arrested by the police, unlawfully detained for long periods, and charged with trumped-up criminal charges besides being brutalized and murdered by security agencies. Among the most affected counties were Kisumu, Migori, Nairobi, Makeni, Kajiado, Nakuru, Kisii, Homabay and Mombasa.

1.3. The Plight of Women Human Rights Defenders in Kenya

Historically, from the establishment of the country called Kenya to the present moment, women have been at the forefront of leading protest against the state. They have been particularly active in mobilizing, participating in and leading mass civil disobedience initiatives. Non-violent protests offer women and WHRDs in particular a platform to magnify their voices and focus attention on a range of political, social and economic matters, including concerns for women's rights and gender parity. Through active engagement in protests and assuming

leadership roles, WHRDs actively challenge gender norms that might otherwise curtail women's participation in public and political domains. Such restrictions are particularly prevalent in sectors of society and in some communities where protest is conventionally regarded as a preserve for men of and is often associated with violence. This engagement holds promise for broader transformations in societal perspectives on gender roles,

HRDs in general often bear the brunt of the state and state agents as the latter clamp down, often violently, on protestors' rights to peaceful protest as well as in their defense of protestors' rights as enshrined in article 37. And as in many other crises such as war and pandemics, women, children and other vulnerable groups and minorities suffer disproportionately whether directly or indirectly when compared to men. The DC has documented instances where women and Women Human Rights Defenders (WHRDs) encountered increased risks during protests which included intimidation, violence, threats, harassment, arbitrary arrests, trumped-up charges related to their participation in the protests.. These risks were exacerbated by deeply ingrained gender-based discrimination and societal biases, as security forces have assumed women to be particularly vulnerable to, and more likely to be discouraged from participating in protest by, threats or incidences of violence and harassment.

1.4. Study Rationale

As a majority(50.44%)in the Kenyan population (KNBS 2019)women's participation in the democratic processes holds promise for Kenya's social, economic and political transformation. While women have historically been actively engaged in a range of protests, there continues to be prevailing perceptions that protest in Kenya has predominately been gendered male. There is a need to correct this impression by documenting the active embrace of Kenyan women of the right to protest. Secondly, it is important, particularly for security establishments to take note of the gendered implications not only of the ways in which the right to protest is exercised, but also the ways in which it is curbed, discouraged and stifled.

In addition, in the act of protest and in their defense of the right to protest, WHRDs confront the same hazards and transgressions faced by human rights defenders in general. However, the repercussions of these violations often take on a gender- specific nature for WHRDs, due to prevailing social and cultural norms and material conditions and realities within a specific context. Yet very little is known or documented about the experience of WHRDs and the promissory of these engagement to the participation of women in general in peaceful protests in Kenya.

1.5. Overall objective

The overall objective of this study was to examine the gendered nature of the right to protest in Kenya from the experiences and perspectives of WHRDs. Specifically, the study a) conducted a desk review of grey and published literature on the gendered aspects of the right to protest in Kenya; b) documented the experiences of WHRDs in the recent peaceful protests held in 2023 against the rising costs of living in order to inform a gender sensitive and transformative approach to women's exercise of their civil liberties in Kenya. c) examined factors that affect WHRDs engagement in peaceful protests both as human rights defenders and as female protestors in general d) recommend gender sensitive policies and procedures to safeguard WHRDs participation in peaceful protests and in their defense of the right of women to peaceful protests and to other civil liberties in general.

02

Methodology



This project employed a cross-sectional mixed-method study design involving qualitative and quantitative methodologies comprising surveys (quantitative) and in-depth interviews (IDIs) and focus group discussions (FGDs qualitative) with WHRDs.

2.1. Quantitative component

A survey was conducted with 279 WHRDs drawn from the membership of the DC who include members of Kenyan Human Rights Organizations (HROs), Community-Based Organizations (CBOs) and individual HRDs. The interviews were conducted through telephone by a group of 8 female research assistants who were conversant and trained on the interview guide as well as on the basic modalities of conducting telephone interviews.

2.2. Qualitative component

50 In-depth interviews were conducted with WHRDs affiliated with the Defenders Coalition. These were purposely selected from the three categories of WHRDs affiliated with the DC at a ratio of 1:1:2 for HROs, CBOs and individual HRDs. 10 Focus Groups Discussions (FGDs) were conducted with WHRDs.

2.3. Geographical Scope

The quantitative component of this study covered the entire country and employed the former provinces as the sampling units. The survey respondents were thus selected from all the former eight provinces. The qualitative component was conducted in the five counties of Nairobi, Kisumu, Mombasa, Vihiga, and Wajir.

2.3. Data analysis

Data analysis employed the requisite scientific qualitative and quantitative methodologies.

The data from the different methodologies – secondary data from the desk review, and primary data from survey, IDIs and FGDs – were triangulated and used to write the final report. Iterative analysis where data from different methods is compared was used with discrepancies and divergences between different data sets reflexively accounted for.

2.5. Ethics considerations

This research engaged people in discussions, interviews and conversations to seek their views on their perceptions, experiences and engagement in peaceful protests and human rights defense activities. It was guided by and adhered to commonly stipulated ethical guidelines and principles including seeking individual informed consent, voluntary participation, ensuring confidentiality and prevention of harm to informants.

03

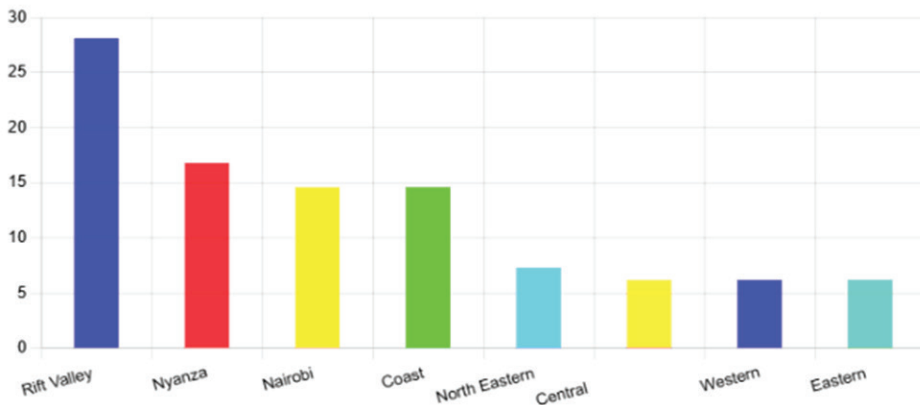
Women and the Human rights defense in Kenya

In this section the triangulated results from the mixed methodology are presented. The analysis and results are finely grained with concordance of the findings between the methods presented while discordance, where encountered between the findings of the different methods is explained through reflective interpretations of the findings by the researchers.

3.1. WHRDS socio-demographics

3.1.1. The study population

The study populations for the FGDs and IDIs were purposively selected to ensure an equal number of IDIs and FGDs were conducted in the five counties of Nairobi, Kisumu, Vihiga, Wajir, and Mombasa. The survey component recruited a nationally representative sample covering the regions shown in the bar chart below.



Bar Chart 1. Geographical distribution of sampled WHRDS

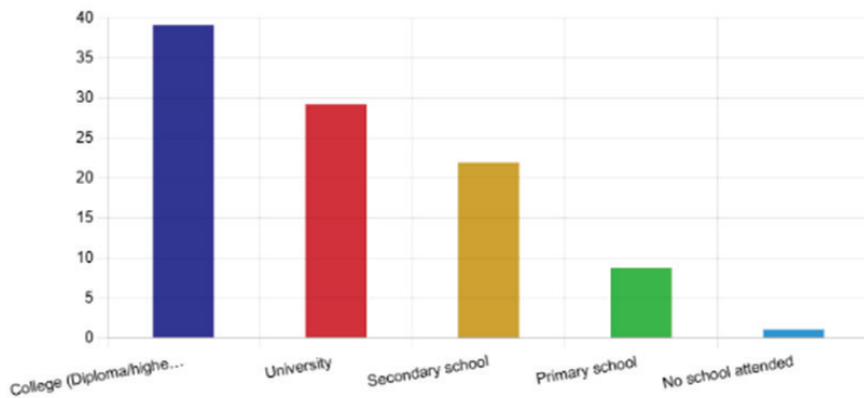
The Rift Valley region led in the sample size with about 29% of the WHRDS residing and working there. It was followed by Nyanza, Nairobi and Coast with an average representation of 18%, 15% and 15% respectively. North Eastern, Central, and western had a representation of about 6%.

3.1.2. Age distribution of the survey population

WHRDS in the age category 31 - 40 years had the greatest representation in the survey at 33%. They were followed by those in the 26 - 30 years and 41 - 45 years category at 13.5% and 11.7% respectively. WHRDs above 60 years were the lowest percentage at 4% which could imply that the older one got, the less likely they were to continue engaging in human rights work.

3.1.3. Education levels

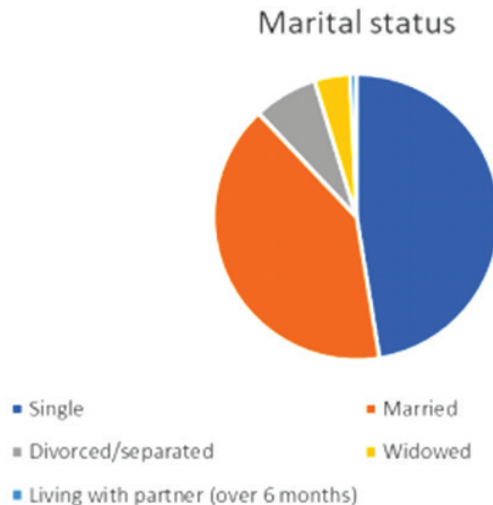
Majority of the WHRDs (over 68%) had post-secondary school education with 29.2% having university level education. 22% of the WHRDs had secondary school education while 8.76% had primary school education.



Bar chart 2. Education levels of WHRDs

3.1.4. Marital status

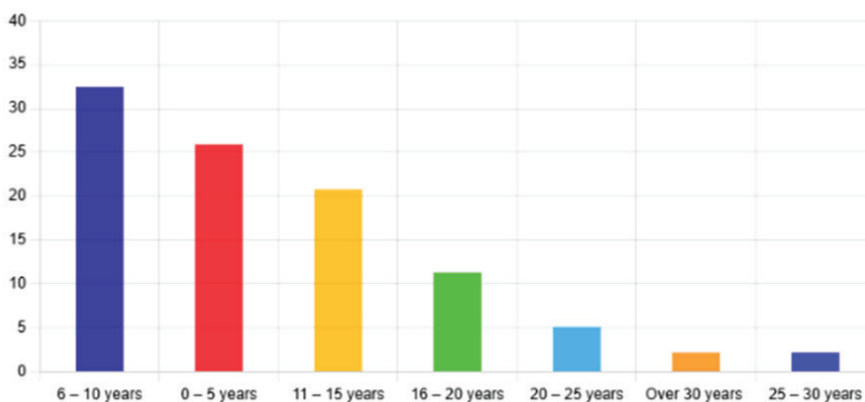
The WHRDs were almost equally distributed between those who were married (40.15%) and those who were single (47.08%) as the pie chart below shows. 7.3% identified as divorced while 4.1% reported to be widowed.



Pie chart 1. Marital status of WHRDs

3.2. Years of experience in Human rights defense work

More than a third of the WHRDS had worked in the human rights defense work for between 6-10 years. Another quarter had between 1-5 years of experience while 20% had between 11-15 years' experience. The bar chart below summarizes the experience of WHRDs by quantifying the number of years they had worked in Human Rights Defense work.



Bar Chart 3. Years of experience in Human Rights Defense work

04

WHRDs Participation in peaceful protests and assemblies

WHRDs were asked whether they had ever participated in the peaceful assemblies, and specifically if they had participated in protests in the last 2 years. Over 80% of the WHRDs stated that they had engaged in peaceful protest in the last two years. However with respect to the protests organized against the high cost of living and which heavily involved the participation of politicians from the main opposition party in Kenya (the AZIMIO la Umoja coalition), less than half (41%) of the WHRDS participated.

Participation in the protests against high cost of living



Pie chart 2. Participation in the protests against high cost of living

4.1. Reasons for not participating in the protests

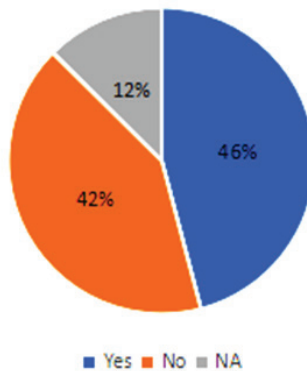
WHRDs who did not participate in the protests were asked to state the reasons why they did not participate in the protests. Majority of those who did not participate in the protests (28%) stated that they were not available. Other reasons provided for lack of participation include lack of interest, fear of police brutality, the politicization of the protests, fear of arrests and lack of security for the protests.

The WHRDs who took part in the protests were asked to state whether a) they were violently dispersed by law enforcement agents; b) there was sufficient police protection; c) there were any arrests during the protests and d) they got injured or sick as a result of the protests. Their responses are summarized below.

4.1.1. Violent dispersal of protests

As the pie chart below shows, WHRDs who answered in the affirmative regarding violent dispersal of peaceful protests were almost equal in proportion to those who stated that they were not violently dispersed at 46 % and 42 % respectively.

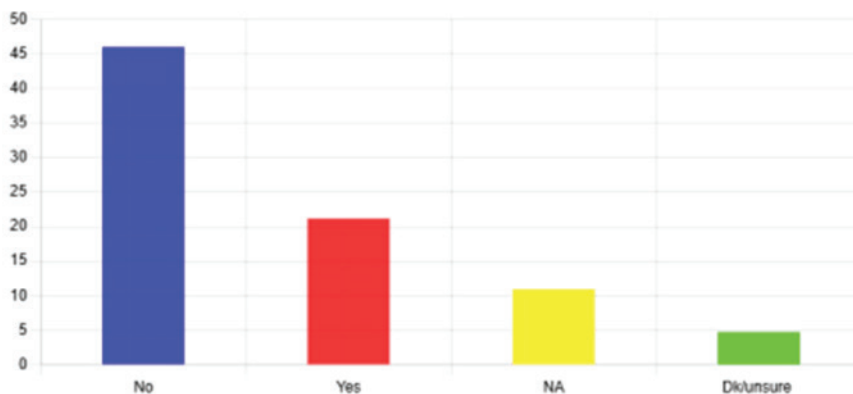
WHRDS experienced violent dispersal of protests



Pie chart 3. Whether WHRDS experienced violent dispersal of protests

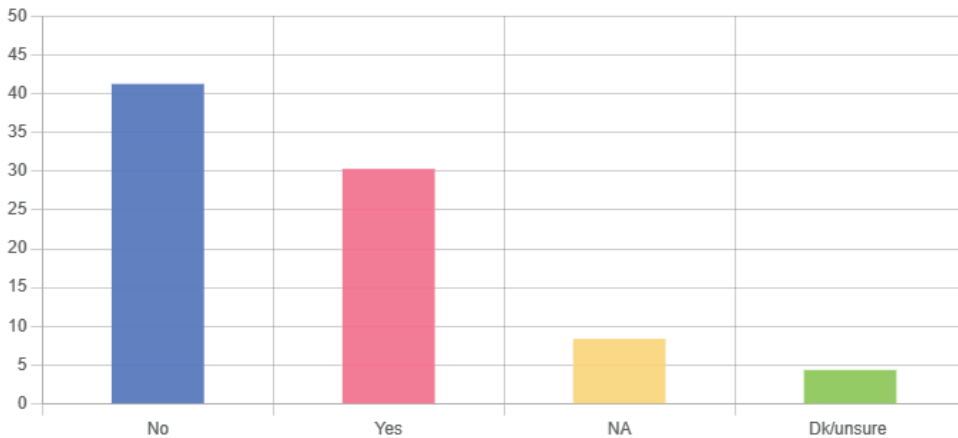
4.1.2, Police protection during protests

46% of the WHRDs observed there was insufficient police security during the protests as the bar chart below shows.



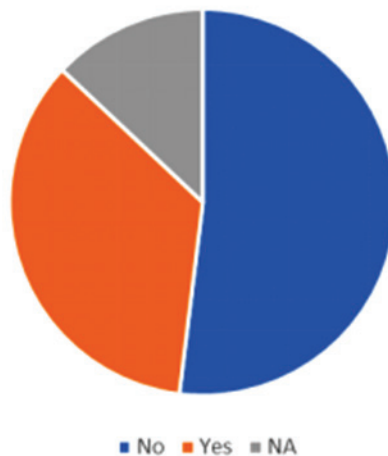
4.1.3. Arrests or detentions during protests

Majority of the WHRDs (41%) stated that they were not arrested during the protests while 43% stated that they were neither injured nor fell sick during the protests. A worrying trend however emerged with a third of the WHRDs stating that they were arrested and or detained, with a similar fraction stating that they fell ill or got injured during the protests.



Bar chart 5. Arrests or detentions during protests

Injuries or sickness during protests



Pie chart 4 Injuries or sickness during protests

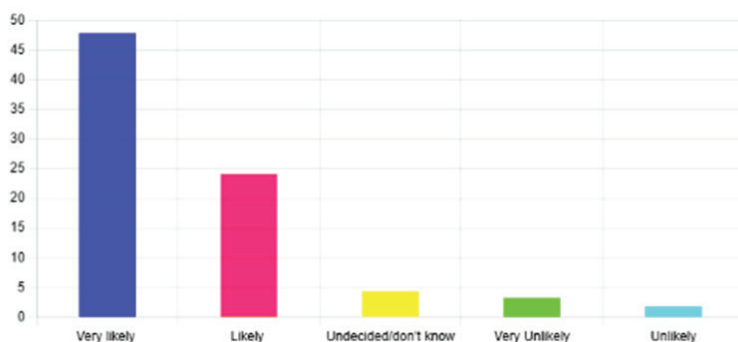
4.1.4. Gender based burdens of WHRDs during protests.

WHRDs stated that the absence of security during protests often exposed them to harassment by agent saboteurs within protests who join the demonstrations with ulterior motives, such as to rob protestors or even rape women.

Yes there are those with that mindset, they want to steal, so they wait when you are at the market place, they disrupt the demonstration, there is that confusion and commotion, they start stealing. They also target women to violate them, so they check where there is no security, they disrupt the meeting, and so you run to the bushes, and when you run to the bushes, they follow you, what happens? [they violate you] (FGD Participant Vihiga)

4.1.5. Likelihood of participating in protests in future

In spite of the challenges faced during the protests, over 71% of the WHRDs stated that they would still participate in the peaceful protests in future. About 5% stated that they were unlikely to participate in protests in future while 4% were undecided.



Bar chart 5. Likelihood of participating in protests in future

The survey results on the resolve by WHRDs to pursue the human rights defense work was corroborated in most of the IDIs and FGDs conducted. Many of the WHRDs stated that they would not relent in their defense of human rights at the community level. This is illustrated by the quotes below.

“ We should be prepared to face the opposition because our work has many people opposed to it. So we as women should be very ready, and then be united, if anything, lets communicate among ourselves, so that we can be on one side, and face the opposition as one.

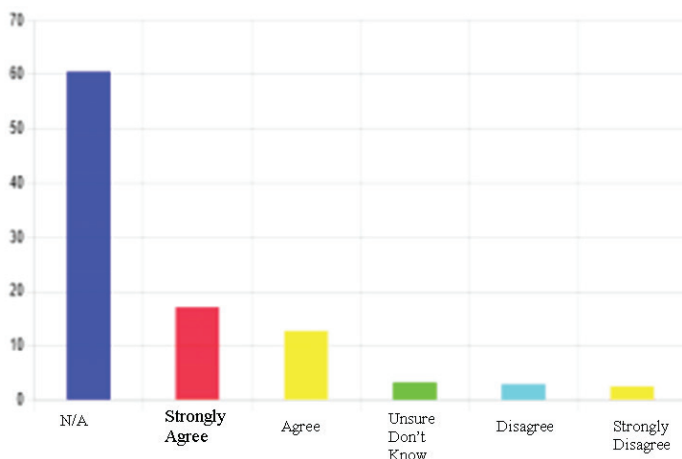
-FGD Participant, Vihiga

4.2. Forms of social support for peaceful protests

WHRDs were asked about their perceptions of the level of support they received from the different levels of their social networks, beginning from their immediate family and extending to the wider society when they participated in the protests.

4.2.1. Support from spouses

Majority of the married WHRDs stated that their spouses approved and supported their engagement in peaceful protests. About 5% though stated that their spouses neither approved nor supported their engagement in peaceful protests.



Bar chart 6. Spousal support for engagement in peaceful protests

While majority of the WHRDS stated that their spouses supported their engagement in peaceful protests, some IDIs and FGD discussants stated that their spouses disapproved of their engagement occasionally resulting in severe marital conflicts as this quote shows.

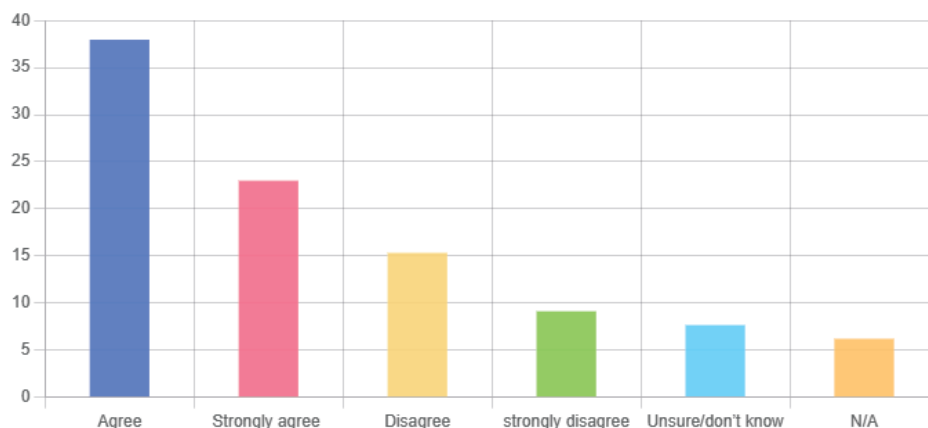
Another thing is domestic violence, for instance maybe you are out there fighting for your right to demonstrate, peaceful demonstration, when you come back your husband or the person you are staying with will chase you to go back, telling you enda kwa hao watu wenyu wakupee chakula (go back to those your people to give you food). Like for me I have twins, the other time nliwaacha kwa nyumba nikaenda kudemonstrate, kurudi nilifukuzwa (I left them in the house and went for the demonstrations, when I came back, I was chased away), I didn't have peace (FGD participant, Kisumu).

4.2.2. Parental/guardian support for WHRDs' engagement in peaceful protests

Majority of the WHRDs stated that their parents approved and supported their engagement in peaceful protests at 54%. 24% of the WHRDs stated that their parents did not support while 14% were unsure whether their parents/guardian support their engagement in protests.

4.2.3 Family support for WHRDs' engagement in peaceful protests

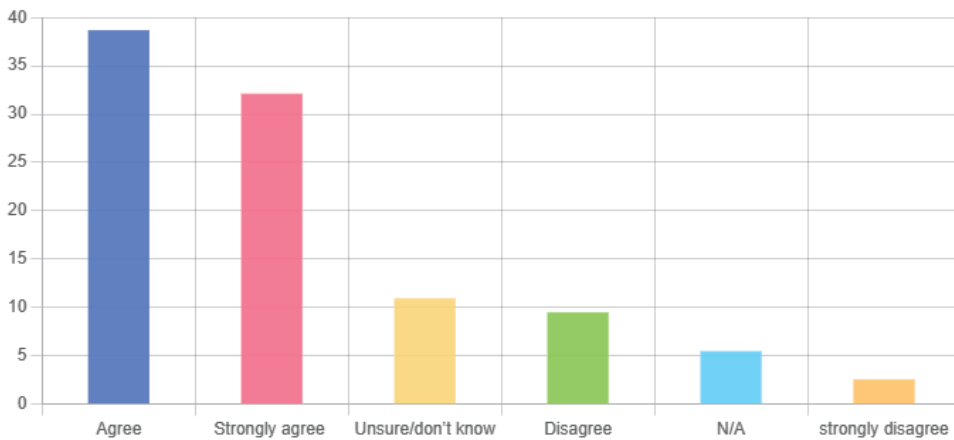
61% of the WHRDs stated that their families supported their engagement in peaceful protest



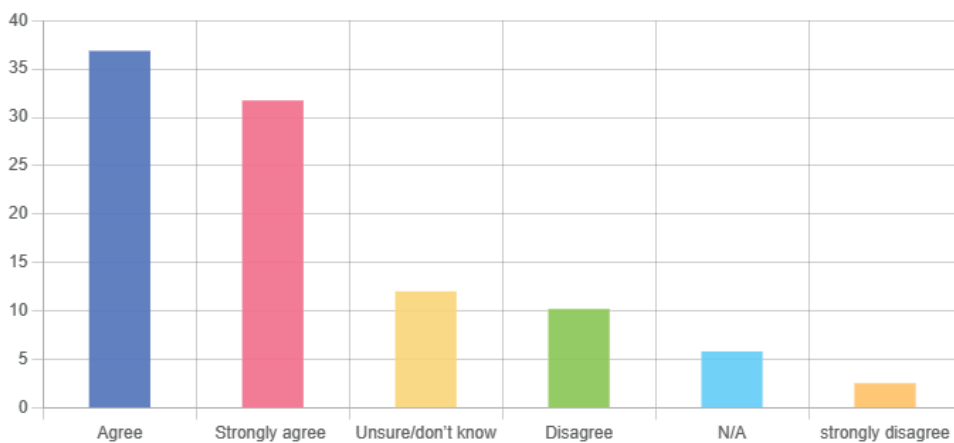
Bar chart 7. Family support of WHRDs' engagement in peaceful protests

4.2.4. Friends' approval and support for WHRDs engagement in peaceful protests

WHRDs were asked whether their friends approved or supported their engagement in peaceful protests. As the bar charts below show, more of the WHRDs friends approved (71%) approved of their engagement in peaceful protests while a slightly lower percentage (69%) supported WHRDs' engagement in peaceful protests. In terms of the support for WHRDs engagement in peaceful protests, almost a quarter of the WHRDs were unsure or stated directly that their friends did not support their engagement.



Bar Chart 8. Friends approval for WHRDs engagement in peaceful protests



Bar Chart 9. Friends support for WHRDs engagement in peaceful protests

4.2.5. Community approval and support for WHRDs engagement in peaceful protests

There was a high level of community approval for WHRDs engagement in peaceful protests at 69%. However over a quarter of the WHRDs were in the category of those who were unsure or marked their community as disapproving of the engagement in peaceful protests. A familiar trend was observed with the support variable where there was lesser support for WHRDs' engagement in peaceful protests when compared to approval rate at 64%.

Table 1. Community approval for WHRDs engagement in peaceful protests

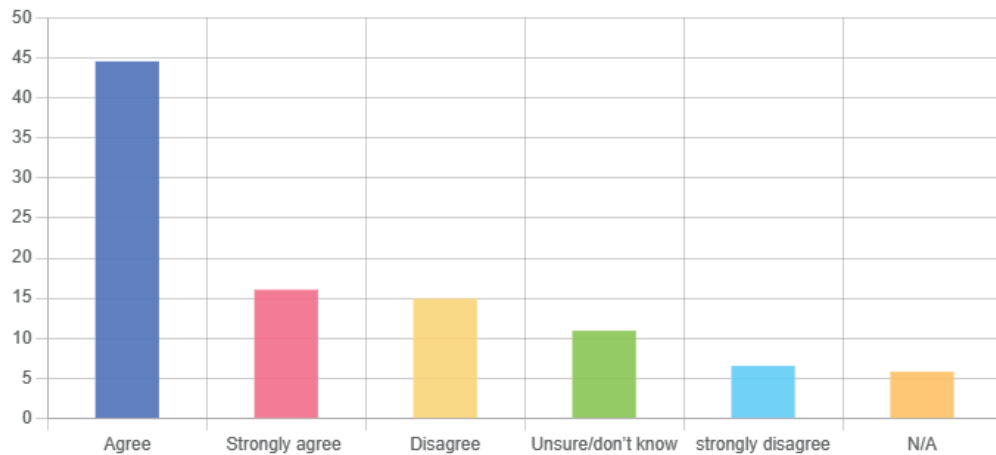
Value	Frequency	Percentage
Agree	133	48.54
Strongly agree	55	20.07
Unsure/don't know	27	9.85
Disagree	26	9.49
strongly disagree	16	5.84
N/A	16	5.84

Table 2. Community support for WHRDs engagement in peaceful protests

Value	Frequency	Percentage
Agree	121	44.16
Strongly agree	55	20.07
Unsure/don't know	35	12.77
Disagree	30	10.95
N/A	16	5.84
strongly disagree	16	5.84

4.2.6. Societal approval and support for WHRDs engagement in peaceful protests

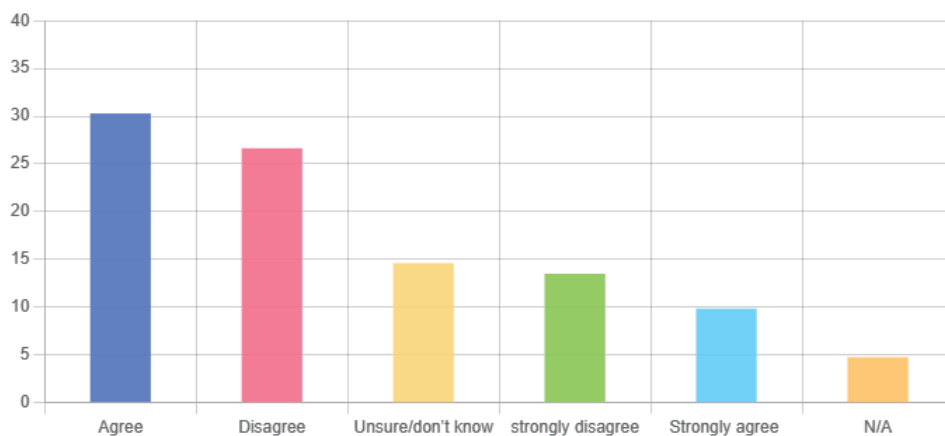
Slightly above 60% of the WHRDs interviewed stated that the society in general both approved and supported their engagement in peaceful protests. Almost a third of the WHRDs were either unsure or stated unequivocally that their societies disapproved of their engagement in peaceful protests.



Bar chart 10. Societal support for WHRDs engagement in peaceful protests

4.2.7. Law enforcement agencies approval and support.

Less than half of the WHRDs (45%) stated that the law enforcement agents approved their participation in peaceful protests. Of the remaining WHRDs, 35% stated that the law enforcement agencies did not approve of their engagement in peaceful protests while 12% were unsure or did not know the position of the law enforcement agencies regarding peaceful protests. 55% of the WHRDs did not provide a favorable assessment when asked whether the law enforcement agencies supported their engagement in peaceful protests. In this category, 40% stated that the law enforcement agencies did not approve while almost 15% stated that the were unsure what the law enforcement agencies position was.



Bar chart 11. Law enforcement agencies support of WHRDs engagement in peaceful protests

05

General Human Rights issues handled by WHRDS



5.1. Issues handled by WHRDs.

WHRDs handled a wide range of issues both at local and national level. As Table 2 below shows, these ranged from matters of general concern to Kenyans such as land /property, environment, governance and children’s Rights - sometimes with a specific gender lens; to matters that disproportionately affect women negatively such as early marriages and gender-based violence, and rights abuses involving other marginalized communities such as the LGBTQIA+ , refugee / migrant and “indigenous” communities.

Table 3. Human rights issues handled by WHRDS.

Value	Frequency	Percentage
Women’s Issues	189	68.98
GBV	153	55.84
Children rights	127	46.35
Early marriages	59	21.53
Land/ Property	52	18.98
Health	45	16.42
Youth issues	38	13.87
Environmental Matters	32	11.68
Peace and security	24	8.76
LGBTQ+	18	6.57
Key population issues	17	6.2
Persons with Disabilities	16	5.84
Incest	15	5.47
Corruption/ Rule of Law	14	5.11

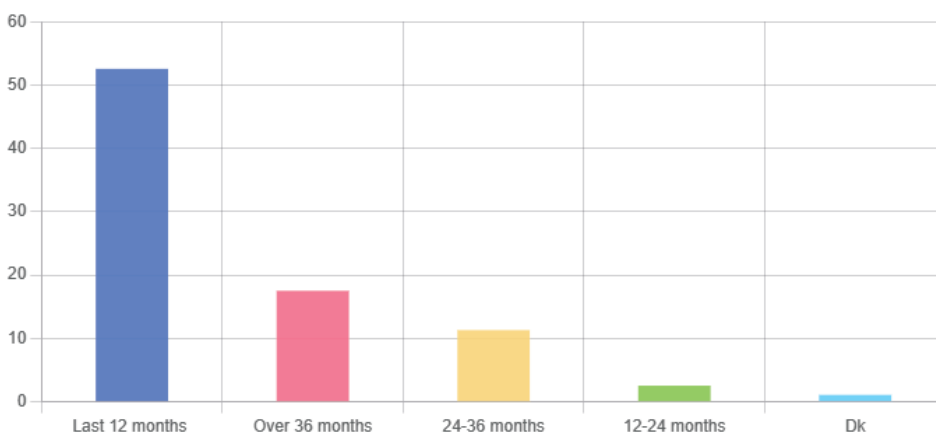
Discussions in the IDIs and FGDs corroborated the findings from the survey on the wide range of issues handled by WHRDs in their localities. A corollary to the survey findings emerging consistently was the intersectional nature of human rights abuses where a victim or group of victims are subjected to multiple abuses at the same time. These quote below from an FGD participant illustrate these issues.

“ We deal a lot with cases of incest, now where a girl has given birth with a brother, the girl is often told to abandon the child in the hospital. Maybe the girl does not want to do so, so she comes back to the home with the baby. Usually the community will demand that she be ejected. Such girls end up running away and coming to the town to ‘sell themselves’ [do sex work] to provide for the baby. Now that starts a new chapter of abuse as you know the kind of abuses that sex workers endure **”**

-FGD participant, Vihiga

5.2. . Threats to WHRDs

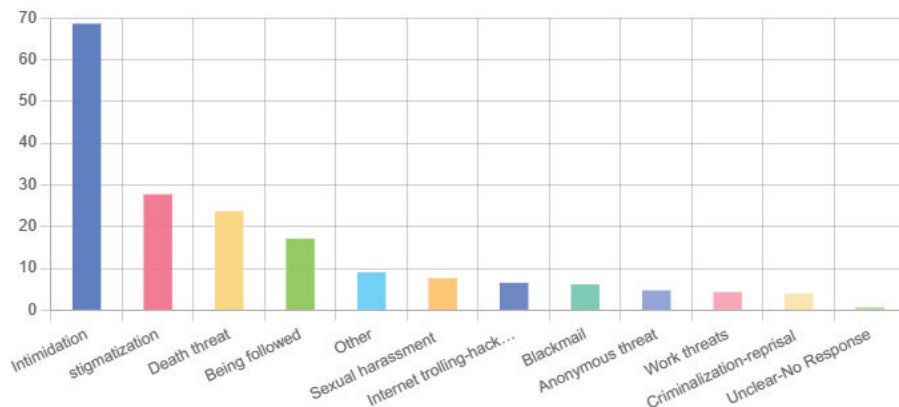
Over 80% of the WHRDs stated that they had received threats or they knew a colleague who had been threatened in the course of their human rights defense work. When asked about the last time they received such threats, over half of them stated that they received the threats within the last 12 months, as the pie chart below shows.



Bar chart 12. Last time WHRDs received threat as a result of their work.

5.3. Range of threats received by WHRDs

WHRDs received a wide range of threats in the course of their human rights defense work. The bar chart below summarizes these threats as reported by the WHRDs.



Bar chart 13. Range of threats received by WHRDs

As illustrated in the bar chart above, WHRDs received threats in the form of intimidation, stigmatization, death threats, stalking, sexual harassment, threats over the internet such as on Facebook, blackmail, work place threats and criminalization/reprisal of their work. Other forms of threats included physical attacks (including caning), threats to vacate residence, verbal abuse, harassment, armed gang threats, profiling by perpetrators, body shaming, threats for eviction by community including actual eviction, burning house, denial of access to children, phone threats, police raids, betrayal and family rejection.

WHRDs gave endless incidences and kinds of threats they faced in the course of their work in the IDIs and FGDs conducted. Most of the threats were due to the fact that they were women, as most of their male counterparts rarely faced such threats.

“ Sometimes you might have a case that involves maybe the duty bearers or government administrators, they will look at, how is your security beefed up, and majorly you find that most of us are married, have to tend to my dignity as a wife, as a mother, so you find that when I'm handling a case, my life is threatened, the life of my husband is threatened, the life of my kids is threatened, so the issue of security.

-FGD participant, Kisumu.

”



5.4. Purposes of the threats

WHRDs defenders were asked to state what they thought were the purposes of the threats they had received. Majority of the WHRDs thought that the threats were intended to stop a specific activity as opposed to an intention to disrupt their human rights defense work in general. About 20% of the WHRDS stated that the threats were intended to cause them psychological and/or physical harm while 11% felt that the threats were made in order to warn them of future acts of violence if they pursued the current matter they were dealing with.

Table 4. Purposes of threats

Value	Frequency	Percentage
To stop a specific activity	190	69.34
To cause psychological or psychosocial harm to recipient	53	19.34
To warn of future acts of violence against the recipient	31	11.31
To warn of damage to reputation/ honor	26	9.49
To warn of future acts of violence against a group	16	5.84
To cause Sexual violence	15	5.47
Other	11	4.01
Dk	3	1.09



5.5. Sources of threats to WHRDs

WHRDs mentioned a wide range of sources of threats to their work. Public security apparatus, (police, administrators such as chiefs and state intelligence services) were the highest sources of threats to the WHRDs at 47%. Family members were mentioned by 20% of the WHRDs as sources of threats. Politicians, members of criminal organizations or networks, religious leaders/ movements/ fundamentalists and businesses owners, employees of businesses or representatives with business interests were also mentioned by WHRDs as sources of threats.

Table 5. Sources of threats to WHRDs

Value	Frequency	Percentage
Public security forces (military, police, state actors, state security or intelligence agents)	129	47.08
Family members	54	19.71
Politicians	34	12.41
Members of criminal organizations or networks	28	10.22
Religious leaders/movements/ fundamentalists	28	10.22
Social networks	22	8.03
Businesses, employees of businesses, representatives with business interests	7	2.55
Dk	5	1.82
Other(specify)	110	40.15

5.6. Impact of the threats to WHRDs

The threats to the WHRDs had varying effects to their continued defense of human rights in their localities. Close to a half of the WHRDs (47%) stated that they continued with the defense of human rights undeterred in spite of the threats. For over half of the WHRDs, the threats altered their activities with a few (4%) reporting that they had to stop human rights defense in particular categories of human rights abuses as table below shows.

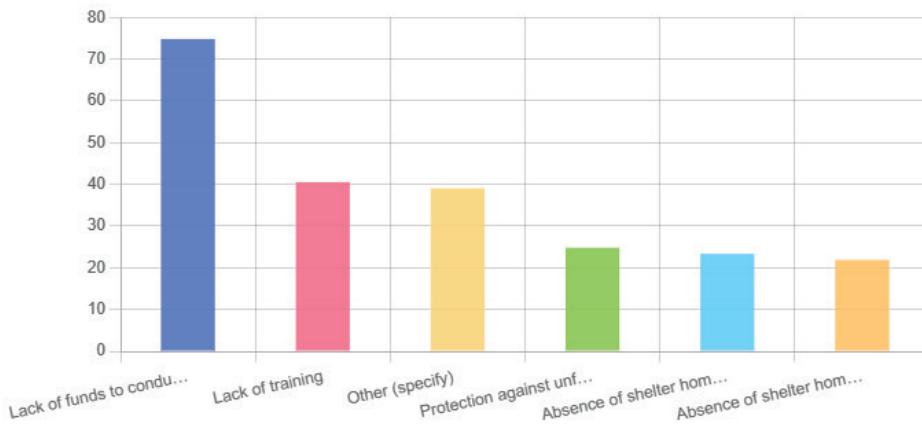
Table 6. Impact of the threats to WHRDs

Value	Frequency	Percentage
I continue to defend human rights	130	47.45
I had to leave the area I lived permanently/ temporarily	30	10.95
I had to request protection from relevant stakeholder	28	10.22
I had to request protection from colleagues	17	6.2
I had to stop HRD of that specific category	11	4.01
I had to change my identity	6	2.9
Other	91	33.2

Other impacts of the threats mentioned by a few WHRDs include the following: instilling massive fear of human rights defense work, changing usual routes, fear for children and family life, loss of job, loss of morale, changing the mode of transport, change dressing code and, temporary change of offices, lowered HRD's self-esteem and confidence, interference with social life, safety concerns for family members, deteriorated health, loss of property, social ostracization and isolation by friends, going into hibernation for some time, undertaking self-defense classes, frequent change of residence (both temporarily or permanently) and psychological unrest (anxiety/worry).

5.7. WHRDs' challenges in the course of their work.

WHRDs identified a number of challenges in the course of their defense of human rights at the local level. Top on the list was the lack of funding to conduct their activities which was mentioned by $\frac{3}{4}$ of the WHRDs. Other challenges include, lack of training (41%), lack of protection against unfair cultural norms and traditions (25%), absence of shelter homes for victims of human rights violations (23%) and defenders of human rights violations (22%).



Most of the WHRDs explained the financial burden they faced in the defense of human rights. The WHRDs complained that once they intervened in a case, the victims expected them to take care of the attendant financial expenses, including transport, medical expenses and legal fees which caused a heavy financial burden to them.

“

I believe we are doing wonderful work, but we use our resources, we sacrifice a lot. A woman comes to you bleeding: What do you do? You jump on that motorbike with her and take her to the hospital. You use your time and resources. Some of us face the risk of domestic violence from our spouses for using our resources to help others leaving our families with nothing. In the absence of safe houses for children victims of violence, we are forced to take children into our own houses and sometimes our spouses do not like it. My husband told me one day, your work is to collect children from the streets to fill our house. I just shut my ears and ignored him

”

-FGD Participant, Kisumu.

Other challenges mentioned by the WHRDs include the following: lack of psychosocial support; lack of recognition by law and authorities; inability to preserve evidence; lack of security in dangerous interventions and environments; Lack of offices for local WHRDs; Lack of legal support and medical protection; and absence of legislation to protect WHRDs.

5.8. Factors obstructing the work of WHRDs

Four factors were mentioned prominently as obstructing the work of WHRDs in their localities. Social, cultural or religious norms were mentioned by over half of the WHRDs (51%) as impediments to their work. Other impediments in order of importance were, attitudes and values in your community or family (38%) State institutions (28%) and laws and regulations incompatible with human rights stipulations (20%). Other impediments include, corruption, balance between personal work and volunteer HRD work, male chauvinism and threats by perpetrators of human rights violations,

Table 7. Factors obstructing the work of WHRDs

Value	Frequency	Percentage
Social, cultural or religious norms	142	51.82
Attitudes and values in your community or family	104	37.96
State institutions	76	27.74
Laws and regulations incompatible with human rights standards	55	20.07

5.9. Conclusions.

WHRDS are a very important component of the human rights defense movement in Kenya. Compared to their male counterparts, they possess unique capacities, capabilities and the benefit of presence including the following: presence at the heart of social interactions and encounters with human rights violations; intuition to discover covert forms of human rights violations especially involving children and adolescents; perceived incorruptibility; the advantage of numbers; and empathy and amenability to volunteer. However in the course of their work, during protests and in their defense of the rights to protest, WHRDs confront the same hazards and transgressions faced by human rights defenders in general. However, the experience and repercussions of these violations often take on a gender-specific nature for WHRDs due to the prevailing social and cultural norms within a specific context. Some of the threats WHRDs during their participation in protests are summarized below:

5.9.1 Security

In the face of a clamp down by security forces, the solution for HRDs usually is to hide in and behind secluded building or streets in urban areas and in or around bushes in the rural areas. Unfortunately, these environments exacerbate the threat to women as they become easy targets for robbery and physical and sexual assault by security agents, crooks, agent provocateurs and saboteurs.

5.9.2. The 'love- hate' relationship between WHRDs and society

Most WHRDs received a lot of support and encouragement when protesting against global and national forms of human rights violations such as corruption, repression by state agents such as the police and high costs of living. However, when dealing with violations that challenged dominant societal norms such as power relations between men and women or the socially approved mechanisms of conflict resolutions for instance in the case of incest, widow inheritance and/or land inheritance, WHRD's reported receiving the greatest resistance and backlash.

5.9.3. Sexualization of the human rights defense by law enforcement agents

WHRDs complained of targeted harassment by state agents on account of their perceived physical weakness. During protests for instance, WHRDs complained about state agents targeting them for molestation through cajolery and/or

physical abuse as opposed to their male counterparts. While defending protestors unfairly arrested and/or incarcerated WHRDS reported being ridiculed and asked for sexual favors by the police in order for their cases to be addressed.

5.9.4. Financial strain

Most WHRDS understood their work to be voluntary and often worked within their communities consequently lowering the financial burden of their engagement (i.e reduction in time and transport costs). However financial strains emerged related to the care for poor survivors of human rights violations where WHRDS would be forced to use their own resources to cater for survivors who had no food, transport, medication and/or essential resources such as sanitary towels etc.

06 Recommendations



Individual Women Human Rights Defenders

Women human rights defenders need to be cognizant of the fact that the prevailing discriminatory social and cultural norms hold a conservative view that relegates a woman's role to the family and procreation. These conservative views may deliberately or inadvertently be reproduced in formal structures that may constrict their participation in protests. They must therefore demand for recognition and protection from all duty bearers during protests and explore ways in which solidarity with colleagues can enhance their safety during protests.

While there exists good relationship and collaborations between male and female human rights defenders, concerns of laxity by male human rights defenders, especially in cases handled by WHRDS and which challenge male dominance in the community need to be addressed to avoid the disenchantment of WHRDs.

Society and Community Members.

Society and community members need to be cognizant of the equality of genders and the indivisibility of human rights and the rights of women to participate in protests and in the general defense of human rights. Families, communities and society in general need to be sensitized to overcome gender stereotypes that focus on women's sexuality or reputation in defining women participation in protests.

Civil Society Organisations

Civil society organizations should identify and recognize the specific gendered needs of women human rights defenders and refrain from taking a general approach to the protection of human rights defenders.

While the model of volunteerism and engagement in human rights defense at the local levels as a common good remains attractive, the economic costs of such engagements for WHRDs can no longer be ignored. CSOs that support WHRDS should come up with a financial programs that ensure WHRDs do not spend their personal resources to support survivors of human rights violations over and above the time they volunteer to human rights defense work.

Government

The primary responsibility for ensuring effective protection and a safe enabling environment for women human rights defenders during protests lies with the state. The state must work with WHRDs and other institutions and mechanisms to strengthen legal, policy, administrative and institutional frameworks to ensure effective protection of women during protests.

The government should extend the notion of the gender desks in police stations to WHRDS victims of violence during protests to ensure that these cases are attended to effectively and responsive support is provided to the victims.



DEFENDERS
COALITION

CHAMPIONING SAFETY, SECURITY AND
WELLBEING OF HUMAN RIGHTS DEFENDERS!

WWW.DEFENDERSCOALITION.ORG

Defenders Coalition P. O. Box 26309- 00100 Nairobi
info@defenderscoalition.org +254 712 632 390 | 0716 200 100

