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Painful Tradeoffs: Intimate-partner Violence and Sexual and Reproductive Health Rights in Kenya

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The paper is the result of an action-research collaboration between a Kenyan gender-based violence rehabilitation NGO called Women's Rights Awareness Programme (WRAP) and the Realising Rights research programme. The research is based on qualitative and descriptive quantitative analysis of WRAP's client records. The paper shows how intimate-partner violence involves multiple violations of sexual and reproductive rights, with devastating impacts on the health and wellbeing of those affected.

The health impacts of intimate-partner violence have been well documented

and include HIV and other sexually transmitted infections, pregnancy complications, and depression and anxiety. However, there is a lack of evidence about women's experiences of and responses to intimate-partner violence in particular contexts, and the implications for health service provision. This paper addresses this gap by examining how Kenyan women experience and conceptualise intimate-partner violence, how various definitions of rights shape their expectations and responses to violence, and the barriers they face in realising their rights.

Sexual and reproductive health (SRH) and rights, as defined in several international human rights covenants, are central to individual physical and mental wellbeing, and fundamental to many development goals. However, rights articulated in international human rights law are far from being a reality for many Kenyan women. This paper defines rights as 'legitimate claims', where legitimacy is based on three intersecting dimensions: social, legal and personal. By

using this framework, it is possible to identify the types of constraints faced by individuals in realising their human rights in the context of intimate-partner violence.

The paper then presents the findings of the study, drawing on their analysis of WRAP's client records to explore the impacts of violence on sexual and reproductive health and rights; insecurity of accommodation and vulnerability to abuse during pregnancy; women's personal understanding of rights and responsibilities vis-à-vis ; social and legal definitions of rights; and service delivery for survivors of violence.

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This evidence is drawn together to examine how WRAP clients perceive their rights and the extent to which they are able to realise them. In their personal understandings of rights, Kenyan women draw substantially on customary and social dimensions and many have limited knowledge of their legal rights. Few believe they have an absolute right not to be beaten or forced into sex under any circumstances. Women often subordinate their right to be free from violence to the imperatives of material survival for themselves and their children. In trying to realise their rights, women face long paths to justice, often seeking, although not always receiving, help from social networks and legal, health and other service providers. Despite recent reforms, Kenyan law is still ineffective, with inadequate or ambiguous laws on child maintenance, abortion and sexual violence within marriage.

WRAP's data suggests that lack of financial independence and lack of alternative accommodation increase vulnerability to physical, sexual and emotional abuse. Women with weak social networks and pregnant women appear to be particularly vulnerable. A particularly striking insight from WRAP's client records is that intimate-partner violence exposes women to recurrent sexual and reproductive health risks, and women affected may have particular difficulties accessing services, leading to increased risk of chronic STIs and poor maternal health outcomes. The multiple barriers that WRAP's clients describe in realising their rights point to a need to standardise and prioritise

services, to strengthen coordination between services providers, and to train officials in gender and rights awareness. The findings indicate the need for more research on the causes of intimate-partner violence, in particular why some men in Kenya appear to favour forced sex over consensual sex.

Based on its findings, the paper makes a series of recommendations:

- The Kenyan government should strengthen standards and coordination between services for women affected by violence.
- Interventions are needed to ensure good quality and appropriate SRH services are accessible to abused women. These must take into consideration the differing needs of women affected by long-term exposure to violence within relationships on the one hand, and single episodes of violence on the other.
- Legal and justice-sector reform are necessary, including the explicit prohibition of marital rape in national law.
- Violence prevention interventions are needed. Religious and community leaders should publicly address violence as a social and moral issue.
- The Kenyan government and donors must allocate more resources for services to prevent and deal with intimate-partner violence.

Credits

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