

STOP AIDS NOW! Gender Development Project Activity Report

Reporting period: January - December 2008

Organization: Kenya Human Rights Commission/ Health Rights Advocacy Forum (HERAF)

Geographic area of implementation: Nairobi, Machakos, Kajiado and Thika

Activity: Legal Aid Clinic

This activity involves providing needy clients with free legal counsel. This service is provided to clients who visit KHRC during legal aid clinics held twice a week on Tuesdays and Thursdays. The legal aid clinic was in liaison with other organizations and institutions that deal with gender violations such as the Federation of Women Lawyers - Kenya (FIDA), The CRADLE (Children Foundation), Kituo Cha Sheria, Child Legal Aid Network (CLAN) and other legal firms offering free legal services to needy clients.

Clients in need of psychosocial support, counseling and treatment services were linked or referred to Kenya Network of Women Living with Aids (KENWA) and Women Fighting Aids in Kenya (WOFAK). In addition, others were referred to institutions such as the Nairobi Women's Hospital and Kenyatta National Hospital for medical attention, counseling and VCT services, while those who presented cases of physical abuse that had resulted to mental illness were referred to Mathari Mental Hospital and to private mental health specialists.

During the period between (January-May 2008), a total of 65 clients were attended to under the GDP docket. Of the total number attended, 44 were female clients while 21 were male. Out of the 44 women, 25 presented gender violence and partners' risk behaviors that made them vulnerable to HIV infection. The remaining clients presented cases of land ownership/property rights, child support and financial/economic difficulties as a result of injustices meted out to them.

Out of the 21 male clients referred to the GDP, 5 of them reported cases of marital dispute, with 3 reporting cases of violence by their partners. The most common cases included gender based violence, land ownership/property rights, child support and economic/financial difficulties as a result of various injustices. During the activities, the need for counseling in addition to referral services for redress emerged. This was as a result of the realization that some of the sexual and gender based violence survivors were in dire need for such psychosocial support in order that they overcame the traumatic experiences that they had faced.

In addition, a legal aid clinic was conducted in Korogocho slums, Nairobi during the International Women's day, on March 8th 2008. Over 200 women attended the function which was supported by Amnesty International – Kenya. Various cases were attended to in addition to medical care, counseling and VCT services that were provided by

Kenyatta National Hospital and the Nairobi Women's Hospital. Cases presented for further legal redress included rape, incest, property ownership defraud, gender based violence and issues on HIV treatment, care and support.

During the period between June-December 2008, a total of 184 clients were attended to under the GDP docket. However, only a total of 98 presented gender related issues with the remaining 86 clients presenting non-gender related cases. Out of the 98 cases, 27 were female clients and 71 were male clients. 16 female clients specifically presented with gender violence and partners' risk behaviors that made them vulnerable to HIV infection, while the others presented with cases of land ownership/property rights, child support and financial/economic difficulties which resulted in both emotional/psychological distress and abuse. Most of the male clients presented cases on labor claims, accident claims as well as land disputes. Clients reported that these cases tended to have a snow-ball effect, affecting relationships with their spouses/partners, with most of them engaging in behavior that not only put them at risk but also their partners.

Cases presented for further redress included rape, incest, property ownership defraud, gender based violence and issues on HIV treatment, care and support. Apart from referrals to appropriate institutions for further redress, most clients received conclusive basic counseling from KHRC staff.

The project activity during the year 2008 focused on integrating three GDP themes namely; HIV and AIDS, human rights, and women empowerment. The legal aid clinic provided services to vulnerable clients especially women and girls at risk of HIV infection, re-infection, economically disempowered and those suffering from gender based sexual/psychological/physical violence. A few of the legal aid clients reported cases of infidelity from their partners thereby fearing HIV infection. They sought assistance on how to deal with their partners some of whom had absconded from their matrimonial responsibilities. There were two cases of women who reported cases of incest, both of them expressing concern about their daughters' HIV status, aged 7 and 11 respectively.

Generally, most of the clients attended to during the clinics were women who were low income earners with primary school education and men who were categorized as follows: retired, low income earners, subsistence farmers, those retrenched from work, and/or unemployed (aged between 22-65 years.) Most of them were married with children, with a few indicating that they were grandparents. Unlike most men who attended the clinics, a larger number of women were unable to communicate in English; the most comfortable medium was Swahili.

The activity primarily targeted women and girls vulnerable to HIV and AIDS, gender and human rights violations although men who presented their cases were also attended to. There were also 3 clients aged 18 who reported cases of incest, and reported cases of children aged 7 and 11 respectively, indirectly represented by their mothers.

The activities were also meant to benefit People Living with HIV/AIDS but none of the clients who visited the legal aid clinic disclosed their HIV status although most women expressed fear of HIV infection by their partners. However, there was an evidence of a greater awareness on issues around HIV infection, treatment, care and support. Despite this, most women lacked the socio-economic empowerment to make independent choices with regard to their sexuality.

The clients understood that the legal aid clinic is meant to assist them to seek redress of gender rights violations they face and liaising with other organizations to assist them in matters that relate to the nature of the problem. The clients were found to be open to referral institutions and organizations that they were referred to.

Clients who came to the legal aid clinic usually did not have a clear understanding of what human rights are, and the scope of the legal aid clinic. A brief explanation of human rights was given to them to increase their understanding on human rights. They were also briefed on their rights as women and what they were supposed to do in pursuing justice and redress of any legal issues.

During the activities, information on medical services available for victims of rape, incest and violence was shared with clients before making referrals to either Kenyatta National Hospital or the Nairobi Women's Hospital. Basic counseling was also offered to these clients as a means of minimizing traumatic experiences when need arose.

The clients were involved in the activity by presenting and discussing their legal needs with the legal officer, institutions and law firms that they were linked to. A synopsis of each case was prepared for purposes of a follow up monitoring and evaluation.

The clients had opportunity to de-brief with staff members from KHRC before referrals were made to the various medical institutions. One woman whose child had been raped by an uncle was distressed and needed de-briefing as a means of ensuring emotional stability before she could seek medical attention and legal redress for her daughter.

Strategies used during the legal aid clinic activities

- Face to face discussions/word of mouth
- Telephone conversations
- Email correspondence
- Posting information on the website: www.heraf.or.ke
- Dissemination of IEC materials - Various IEC materials were distributed to the clients. These included brochures and fact sheets on HIV and AIDS, Gender and Human Rights. Others included newsletters. The materials were also issued to organizations that visited the project's office, displayed and distributed in workshops, seminars and conferences. An average of 500 fact sheets and newsletters on HIV&AIDS, gender and human rights were distributed.
- Psychosocial counseling - counseling was integrated in the legal aid services as a way of helping clients to debrief and as a result enabled

them make independent and informed decisions with regard to redress of their issues.

Challenges

- There was a high demand for services from clients who not only needed the legal redress but also counseling sessions in relation to their presented issues.
- A limited number of staff to handle the cases presented with regard to gender related issues since they were all referred to the GDP docket.
- Many women are still not confident in reporting and seeking for help for fear of further violence if found out by their partners.
- Most clients attending the legal aid clinic seemed reluctant about the suggested referral services. One client stated, “If my husband knew that I have visited FIDA, I will be in more trouble.” Another client said, “When I came here, I thought you were going to help me deal with the problem and not send me somewhere else.” For such cases assurance of further protection was given to the clients who expressed further violation as a result of reporting issues on violence.

Impact of the activities on women and young girls

- Through the legal aid clinic women and girls have been able to openly talk about issues related to gender violence that they experience. The openness about incest was also commendable as this would be helpful in ensuring that the aggrieved children get redress. During the activity, clients were continually assured of confidentiality and as a result most of them were willing to open up.
- The legal aid sessions presented an opportunity to educate women on both their economic and political rights. Information on the various legal and medical institutions was presented to them and was hoped that with this knowledge, most women would be empowered enough to make independent and informed decisions about issues affecting them.
- There has been greater collaboration with relevant partner organizations and as a result, more women have a diversity of organizations from which to seek respective redress i.e. legal, medical and psychological.
- Women have also become empowered in seeking for legal redress in issues related to women rights and HIV/AIDS by way of the information shared with them during the legal aid clinics.

Lessons Learnt

- The integration of psycho-social counseling services alongside the legal aid clinics for the sexual and gender based violence survivors has been helpful in enabling them overcome their traumatic experiences.
- There is continued need to address poverty as a contributing factor to issues related to gender based violence and the disempowerment of women on their rights, especially property and sexual and reproductive health rights.
- Client follow up remains a great challenge since the project is unable to adequately link up with clients after the referral process.

- Information sharing and/or dissemination is critical in ensuring that gender related issues, especially women's rights and HIV&AIDS, serves as an empowering tool for women and girls at the grassroots level.
- The project further realized that at the community level there is still little understanding about organizations and institutions that provide support to women and girls at risk of gender based violence and HIV infection. There is therefore the need to educate the public regarding services provided by such organizations. Such organizations include Kenya National Commission for Human Rights (KNCHR), Kenya Human Rights Commission (KHRC), Federation of Women Lawyers in Kenya (FIDA), Coalition against Women Violence in Kenya (COVAW) and Child Legal Aid Network (CLAN) among others. There was the perception that a lot of human rights focus tends to sideline the poor who have no means of accessing justice and more so their basic rights such as equality, health and education.
- Concerns were also raised by men who attended the legal aid clinic on the need for the programme to address the snail pace of legal redress since most of them had been following up cases for years without success.

Conclusion

In conclusion, the legal aid clinic was a success since the organization was able to achieve most of the GDP objectives. However there still remains a challenge at the grassroots level whereby people are lacking the knowledge of the existence of these services. In addition, as a result of the tradition beliefs and norms that curtail the empowerment of women and young girls' and their access to informed knowledge about their rights, we still have large numbers of women and young girls including men and young boys who continue to suffer silently from gender based related violence.