

What To Do In The Case Of Rape Or Sexual Assault

**A guide for victims and their families
and friends**



Including advice for persons with disabilities

The purpose of this booklet

This simple guide has been written to support victims of sexual abuse and their families to know their rights and to understand what services are available to them. The booklet is also a useful source of summary information for duty bearers in the community (e.g. village elders, faith groups, Assistant Chiefs and CBOs) as well as formal service providers such as hospitals and the police.

Definition of sexual violence

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic women's sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the survivor, in any setting, including but not limited to home and work. (Sexual Offences Act, 2006)

Note: Sexual violence can happen to anyone, adult or child, male or female. It is a worldwide issue affecting all communities and countries of the world, rich or poor.

A word on language and content

To make this booklet easy to understand, especially for those for whom English is not their first language, we have used simple words including the term 'victim'. We acknowledge that people who have experienced abuse are also often referred to as 'survivors' and that this is a preferred term for some audiences.

Persons with disabilities are known to be more at risk of sexual abuse than others. For this reason we have included specific guidance concerning persons with disabilities in this booklet.

Acknowledgements

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Essential steps following a sexual assault

- 1** Get to a safe place and tell someone you trust as soon as possible. **DO NOT** touch or move anything where the attack happened.
- 2** **DO NOT** wash your body or hair. **DO NOT** wash clothes. Keep them in a bag made from paper or wrap them in newspaper or cloth. **DO NOT** put them in a plastic or polythene bag. Experts can use these to help catch your attacker. **DO NOT** let people interfere with or clean the place where the attack happened.
- 3** Go to a **HOSPITAL** or health centre as soon as possible. Do not queue because this is an emergency. Never wait more than 72 hours before getting medical help.
- 4** Go to the **POLICE** and report the attack.



What to do immediately after an attack

A sexual attack is a shocking and distressing experience. It is important for the victim to get help from a trusted friend or family member. The helper should first try to make the victim feel secure and offer reassurance. They should listen to and comfort the victim and try to understand how they are feeling.

The victim is likely to have a lot of emotions like anger, shame, sadness and fear. She/he might want to keep the sexual attack secret so that other people do not find out what happened.

Sometimes sexual abuse is repeated over long periods. Some victims feel guilty and it is important that they are reassured, and understand that a sexual assault is **never the victim's fault**. The attacker is the person to blame.



If the victim is deaf or has other communication difficulties it will take longer to understand what they are saying. If they can use sign language make sure it is understood. Be patient and take extra time to understand them.

If the victim has problems with learning and understanding, they will need special help and patience. Sometimes it helps to draw a picture to explain what happened.

Next steps

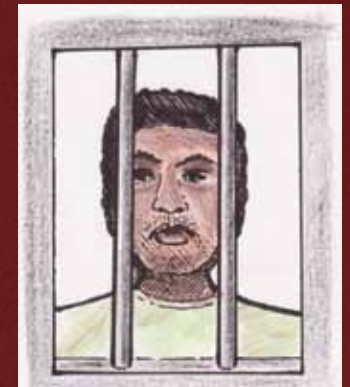
After receiving immediate emotional support the victim will need to decide what other steps to take. The helper should encourage the victim to seek medical help and to report the matter to the police.

The victim should go straight to the hospital or medical centre. The police can be informed after immediate medical treatment.

Many victims and their families might wish to deal with the matter only with relatives or the village elders. This should be avoided as it often results in the victim getting no support or professional counselling and the attacker not being properly punished.



The law in Kenya says that sexual assaults are very serious crimes and should be punished with prison sentences. Attackers should not be left free to commit more attacks.



At the hospital or medical centre

The victim should go to the hospital **as soon as possible** after the attack. Certainly do not wait more than **72 hours** (3 days). The police can be informed after any urgent medical treatment.

The victim should be accompanied by a helper, and they should go straight to the registration desk. Do not queue because this is an emergency. Get a card and if the victim is a child they should be admitted immediately. The victim may be traumatised and anxious and the doctor or nurse should treat them with compassion and respect.

There are 2 reasons to go to hospital:

- 1. To receive proper medical help.**
- 2. To collect medical evidence for catching the suspect.**



The doctor or nurse will need to ask personal questions about what happened during the attack, and to make a full medical examination of the victim's



body including their private parts. The victim has the right to be treated with dignity and respect and given time and support to answer questions truthfully.

If the victim was raped or defiled they should be given counselling and treatment as soon as possible (at least within 72 hours of the attack). The treatment is to prevent pregnancy, HIV (using PEP) and other sexually transmitted infections (STIs).

A form called a PRC1 should be completed by the medical staff. The form should be kept in the hospital and copies given to both the police and the victim.

If the victim has problems understanding, or is blind or deaf the doctor and victim's helper should take time to communicate in the best way.

At the police station

Go to the police with a friend or helper. When you arrive at the police station report to the customer care desk, and if you are female they should direct you to the Gender Desk. Interviews should take place in private, away from other people who are visiting the police station.

The police will write the report in the Occurrence Book and give the report a number. They should then help the victim to make a statement which explains what happened during the assault. The victim will be asked to sign the statement to say that it is true



Sexual offences against females should be dealt with at the Gender Desk in the police station. You have the right to request a female police officer if one is on duty.



A statement is a written report which describes what happened during the assault. Only sign the statement if you are sure you understand and agree with what has been written.

and accurate. Only sign the statement if you understand it and believe it is correct.

People who saw what happened are witnesses and should also give statements.

In all cases of sexual assault a P3 form should be completed. The P3 form is free. You do not have to pay for the P3 form to be filled.

This form is a request from the police to the hospital for information about the medical examination of the victim. The form is taken to the hospital and completed by the doctor that does the medical examination. It should describe in detail any injuries which the victim has. It is signed and dated by the doctor and returned to the police.

At the police station continues overleaf →

If the victim has a disability the police should take extra time and care to make sure the statement is accurate and understood by the victim, for example, if the victim is blind, they should have the statement read out to them before signing it.

The P3 form is free. You do not have to pay for the P3 form to be filled.



Remember, if the victim has injuries go straight for medical help, do not wait for the P3 form. It can be filled in later.

If the victim is a child the police should take full care of the child and find the parent or guardian as soon as possible. However if the attacker is a family member the child should not be sent home but provided with safe alternative accommodation.

If the victim is wearing clothing which could be used as evidence they should be handed to the police. Remember that clothes for evidence should be kept in a bag made from paper or wrapped in newspaper or cloth. **DO NOT** put them in a plastic or polythene bag.

A person with a disability has the same rights to police services as anyone else.



The police should also arrange to visit the locality where the assault took place (the crime scene) to collect evidence.

Police should keep to the professional legal procedures at all times. They should not try to find informal solutions by bargaining or negotiations of any kind.



Summary

- ✓ The needs of the victim should come first at all times.
- ✓ The victim should receive support, care and respect from all professional services.
- ✓ You do not have to pay money for police services.
- ✓ Sexual abuse is **never the fault of the victim.**

Key references

- o The Survivors of Sexual Violence Management Toolkit. WILDAF booklet (2009)
- o A Health Handbook for Women with Disabilities (Chapter on Abuse, Violence & Self-defence), Hesperian (2007)
- o National Guidelines on Management of Sexual Violence in Kenya. Ministry of Public Health & Sanitation & Ministry of Medical Services (2009)
- o National Monitoring and Evaluation Framework Towards the Prevention of and Response to Sexual and Gender Based Violence in Kenya. National Gender & Equality Commission (2014)
- o The Sexual Offences Act (SOA) 2006
- o Protection Against Domestic Violence Act (2015)
- o The Children Act (2001)
- o The Criminal Procedure Code (Revised Edition 2012)
- o The Constitution of Kenya (2010)
- o UN Convention on the Rights of Persons with Disabilities
- o UN Convention on the Rights of the Child
- o UN Convention on the Elimination of All Forms of Discrimination Against Women

Useful Organisations

- o Gender Violence Recover Centre, Nairobi Women's Hospital
- o Federation of Women Lawyers (FIDA)
- o Women Challenged to Challenge
- o Kenya Association for the Intellectually Handicapped
- o The CRADLE – The Children Foundation
- o African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN)
- o Kibwezi Disabled Persons' Organisation
- o Advantage Africa

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'What do you say when a parent takes 200 shillings and agrees to close their eyes when their daughter has been raped?' (Leader of Community Disabled Persons' Organisation).

'People around here do not recognise that disabled people have sexual rights, they see them as sex objects to use and forget'. (Special Unit Teacher).

'Let me tell you as a Police Officer, I know sexual abuse is common, but it is rarely reported to us'. (Senior Police Officer).

'Incidents of sexual abuse happen in rural areas where service providers are very far away and roads are in a bad state. Some families are too poor to raise money for transportation to police, to hospital and the court'. (Probation Officer).

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Research

Working together to tackle sexual violence against persons with disabilities