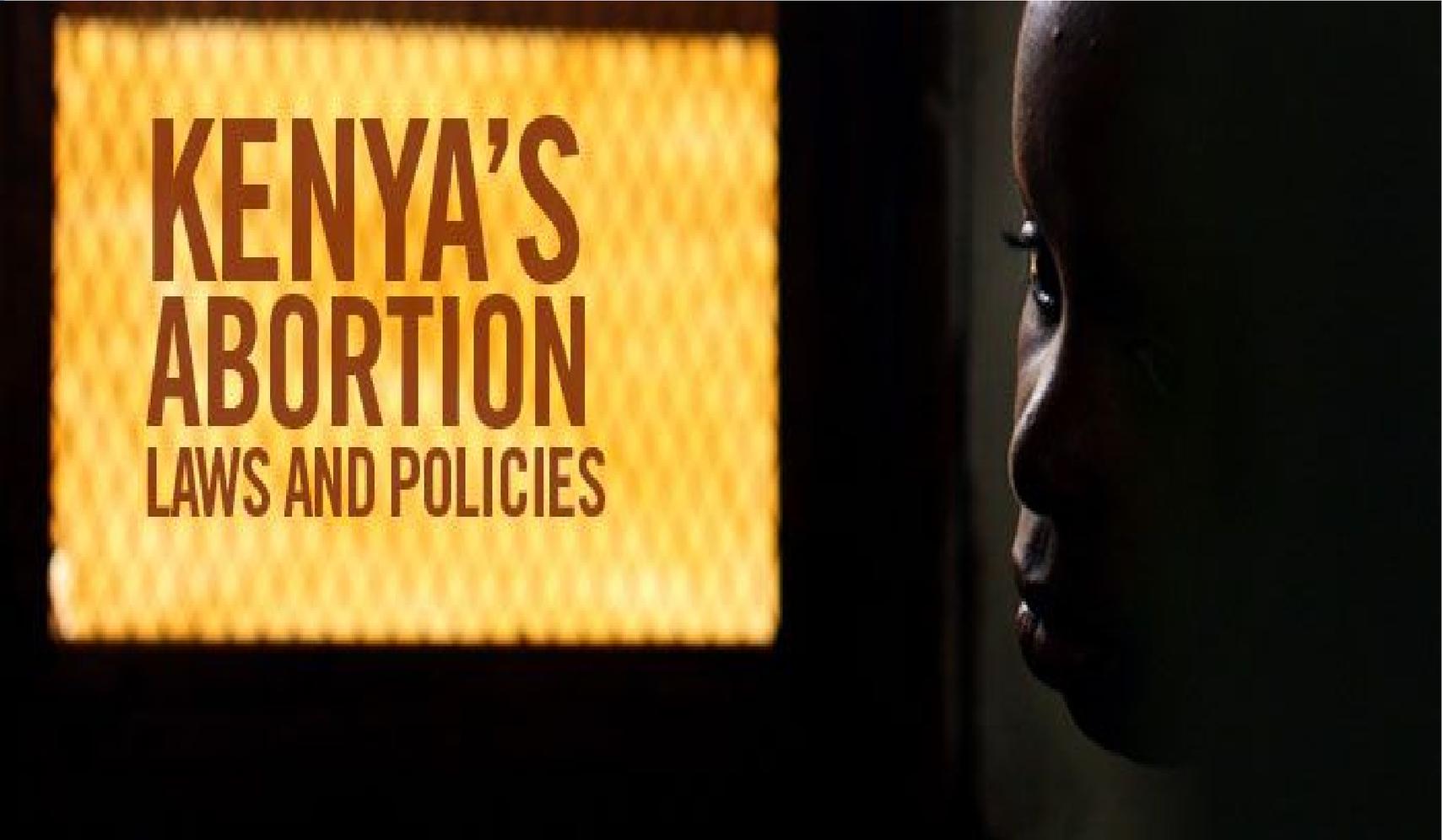
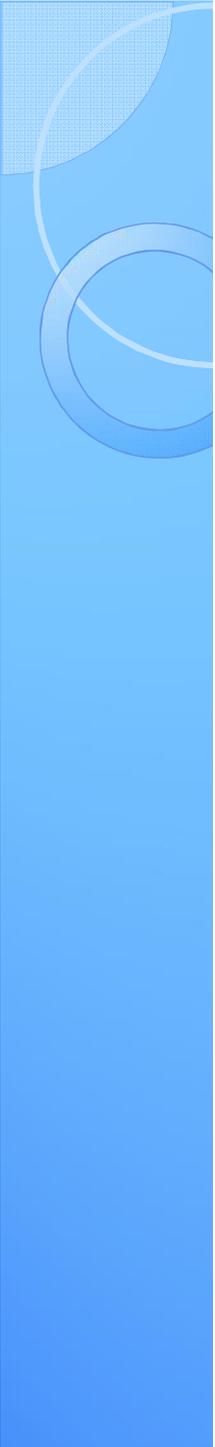


A RIGHTS BASED APPROACH TOWARDS SRHR: THE KENYAN EXPERIENCE



**KENYA'S
ABORTION
LAWS AND POLICIES**



Presentation Overview

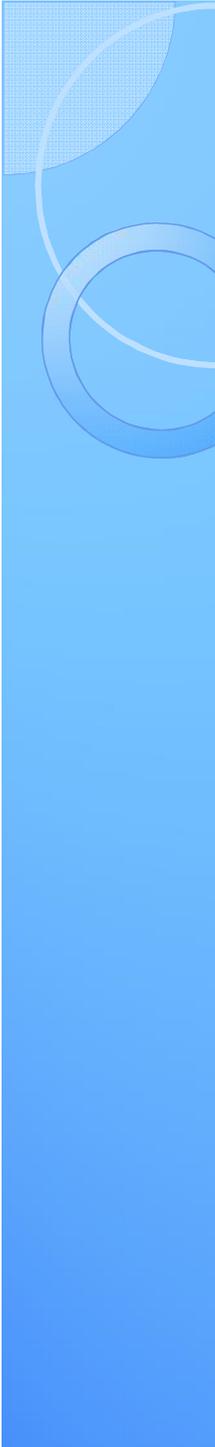
1. Legal environment – Laws on Sexual and Reproductive Health Rights;
 2. Challenges facing the implementation of SRHR in Kenya;
 3. KELIN's interventions towards ensuring realization of SRHR;
 4. Conclusion and way forward
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CONSTITUTIONAL LAWS REGULATING REPRODUCTIVE HEALTH



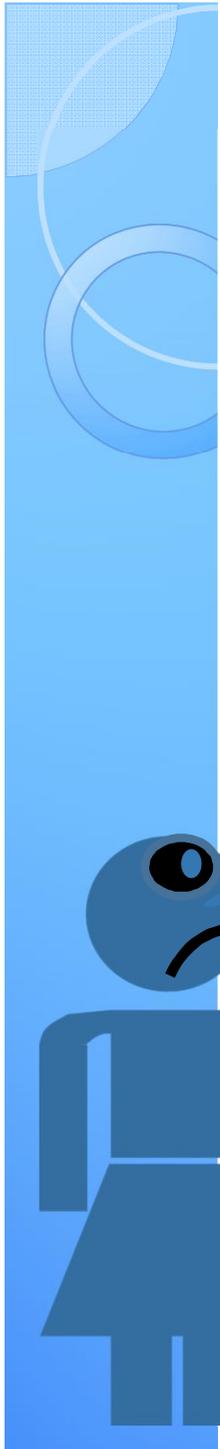
- Article 43 (1)(a)
 - Article 43 (2)
 - Article 46
 - Article 53 (2)
 - Article 26(4)
 - Article 27 (4)
 - Article 28 AND 29(f)
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BEYOND THE CONSTITUTION..

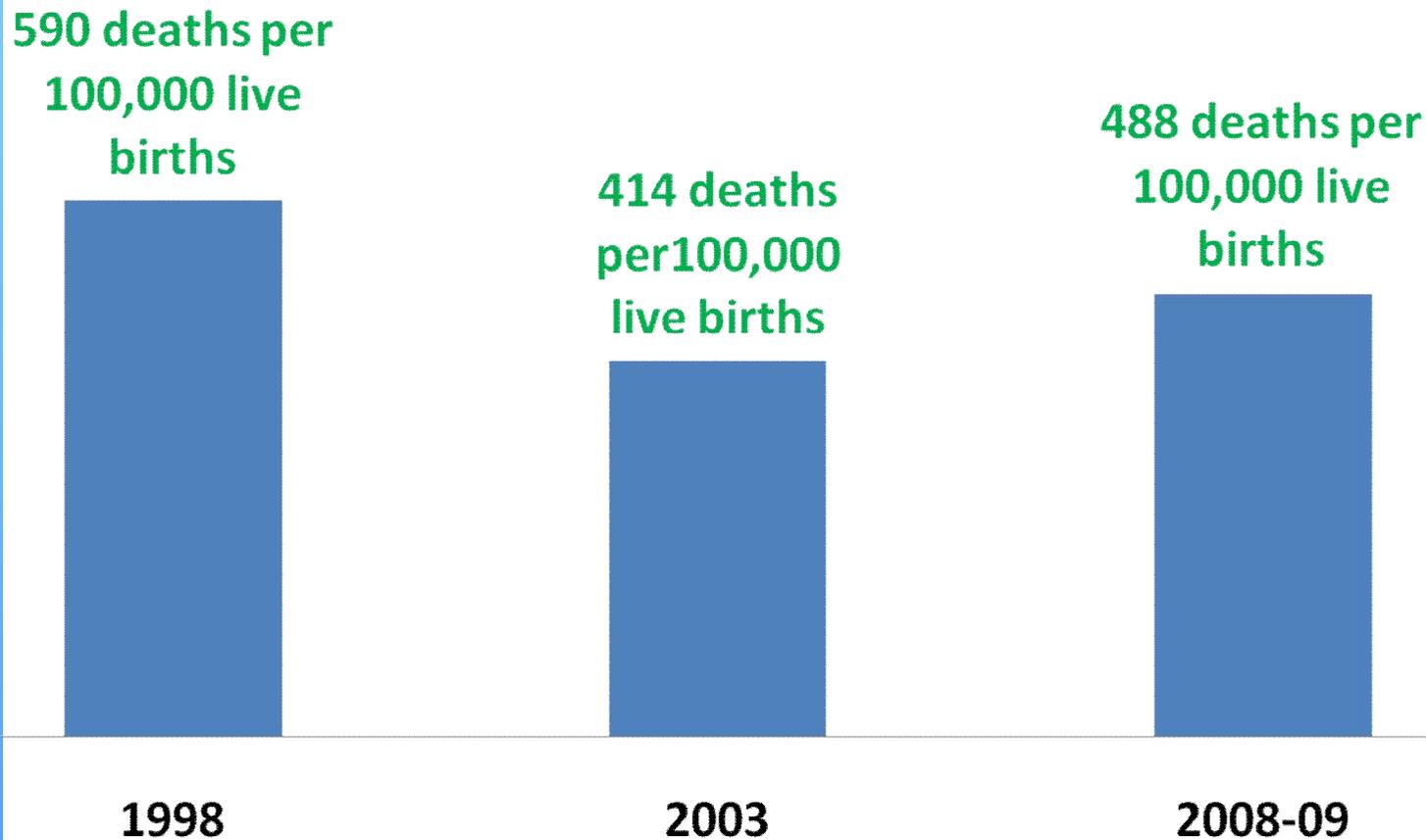
Interrogation of National Laws that protect SRHR

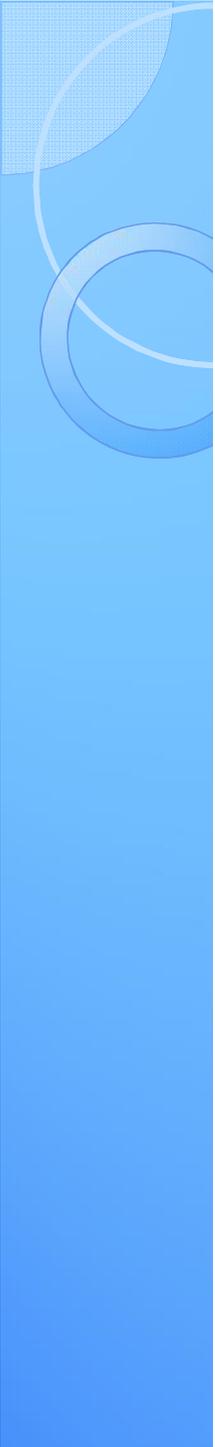
- ❖ The Protection Against Domestic Violence Act, 2015
 - ❖ The Sexual Offences Act, 2006
 - ❖ The HIV Prevention and Control Act, 2006
 - ❖ Victims Protection Act
 - ❖ The Marriage Act
 - ❖ Prohibition Against Female Genital Mutilation Act, 2011
 - ❖ National Guidelines on the Management of Sexual Violence, 2014
 - ❖ Adolescent Sexual and Reproductive Health and Development Policy, 2014
 - ❖ Reproductive Health Care Bill, 2014
-



Trends in Maternal Mortality Rate-Kenya (Source: KDHS Reports)

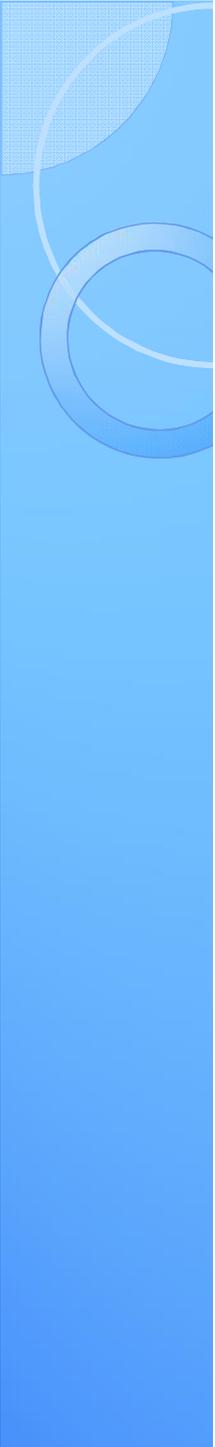
Maternal Mortality Ratio (MMR) 1998-2008/09





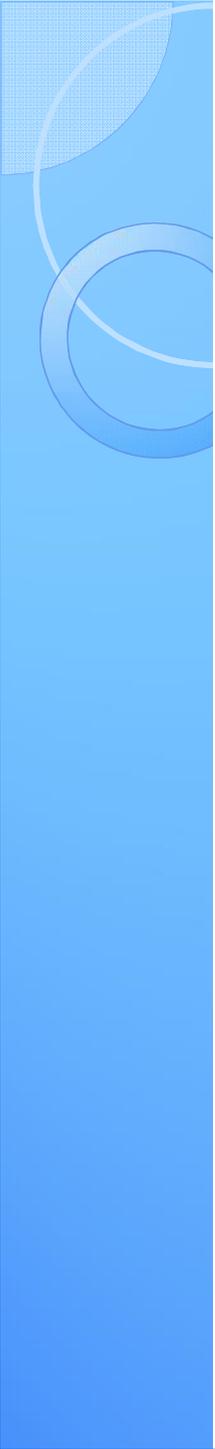
WHAT ARE KENYA'S SRHR ISSUES?

- Kenya's maternal mortality rate continues to rise, whilst disrespect during childbirth is a norm.
- Our statistics on unsafe abortion from the Ministry of Health revealed close to 465,000 cases annually
- FGM and early child marriage continue to thrive;
- Annual Police Statistics reveal that in 2014 there were 893 cases of rape, 3,685 cases of defilement as compared to 3,286 cases in 2013 and 240 cases of incest recorded in 2014, a general increase in the number from 226 recorded in 2013.



STRATEGIES TO ENSURE REALIZATION OF SRHR

- Three pronged approach that involves the following:
 - 1. Ensuring that the laws and policies enacted are human rights compliant;
 - 2. Access to justice for violations of SRHR; and
 - 3. Build the capacity of Community and CSO partners to ensure civic education at rural levels.



HEALTH BILL AND REPRODUCTIVE HEALTH CARE BILL

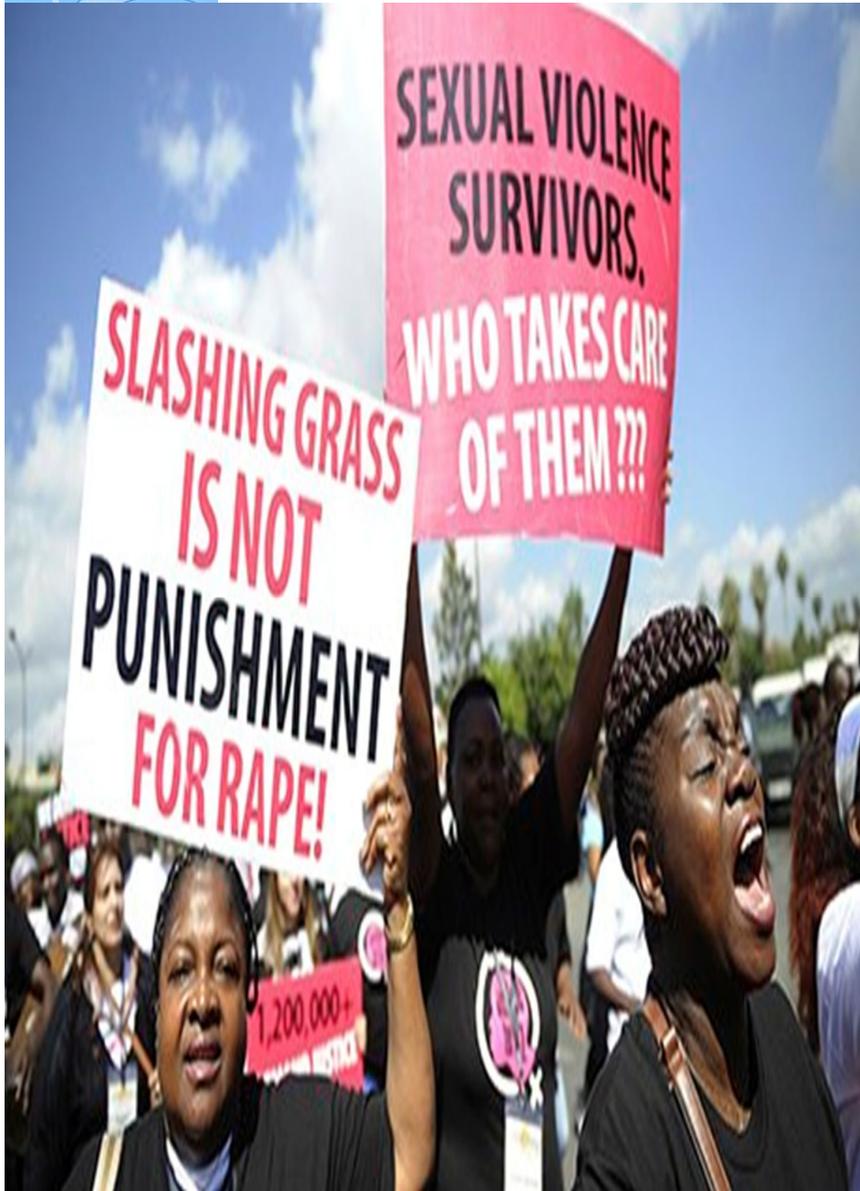
- Health Bill is controversial with retrogressive clauses on abortion and emergency medical treatment
- Bill has now gone through the Committee of Whole house stage. CSO participation has been minimal
- CSOs have opportunity to interact with the Bill at the Senate.
- The Reproductive Health Care bill is more progressive on SRHR but has been met with resistance from religious leaders. It expounds grounds for abortion, prohibits sterilization of women and allows adolescent sexuality education.

FORCED AND COERCED STERILIZATION OF WOMEN LIVING WITH HIV

- In December 2014, KELIN and 6 other petitioners sued Marie Stopes International, Medecins Sans Frontieres and the Cabinet Secretary for Health.



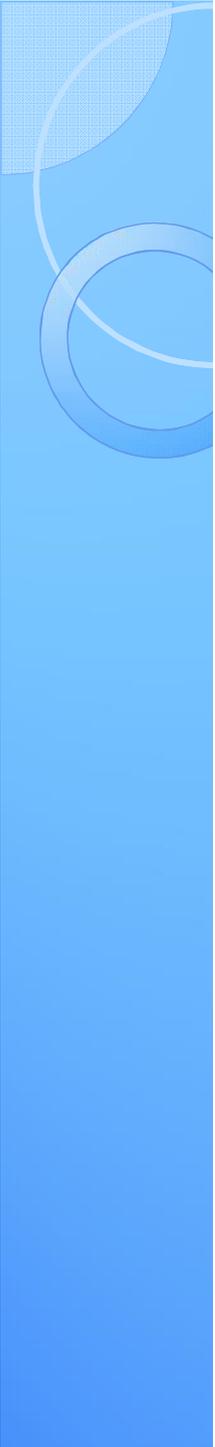
MORE CASES ON SRHR COMING UP..



- Petition 266 of 2015 by FIDA Kenya seeking the Court's interpretation on abortion
- Case by the Centre for Reproductive Rights for disrespect during child birth .
- CRR litigation and judgment on detention of mothers at Pumwani Maternity Hospital
- COVAW case for compensation of victims of post election violence

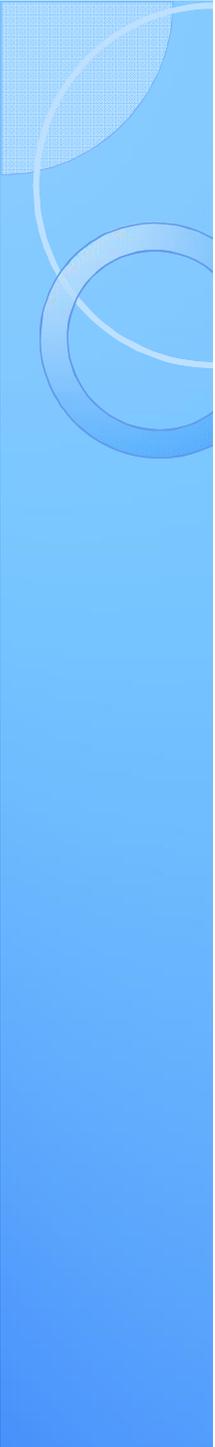
CIVIL SOCIETY EMPOWERMENT





CONTINUOUS TRAININGS AND ADVOCACY ON THE IMPORTANCE OF A RIGHTS BASED APPROACH

- KELIN has been at the forefront in training civil society and communities on the importance of incorporating a rights based approach in their work
- Recent collaboration with the Harvard University, NORAD and CEHURD in training East Africa Community members, CSOs and govt officials on a rights based approach towards Universal Health Coverage



LESSONS LEARNT

- 1. Much more aggressive engagement is needed by CSOs in bill making processes;
 - 2. Identify passionate champions with traction to push your agenda in Parliament;
 - 3. More awareness creation among police officers is much needed on the rights based approach;
 - 4. Need to litigate more on SRHR particularly on maternal mortality
 - 5. Meaningful engagement with communities needs to trickle down post NGOs.
-

ANY QUESTIONS?

