



The Chairperson,  
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## **ORAL STATEMENT BY AMNESTY INTERNATIONAL**

### **Examination of Kenya's State Report under the Convention**

Chairperson, Honourable Committee members,

Amnesty International welcomes this opportunity to address the UN Committee on the Elimination of Discrimination against Women on issues concerning Kenya's obligations under the Convention. These relate specifically to violence against women living in slums and informal settlements and how, for these women, such violence is exacerbated by the lack of adequate access to sanitation facilities for toilets and bathing.

Amina, a young lady living in Mathare – one of over one hundred such informal settlements in Nairobi – told Amnesty International how she was almost raped while walking to the closest latrine. It was 7pm when she was surrounded by a group of four men who hit her, undressed her and were about to rape her when her cries were heard and a group of residents came to save her. Although she knew one of the men involved in the assault, Amina did not go to the police as she feared reprisal attacks.

Sadly, Amina's story is all too familiar in Nairobi's slums and informal settlements which host the majority of the city's population estimated at over three million people. Women and girls in the slums live under the constant threat of sexual violence, leaving them too scared to leave their houses to use latrines even during the day. Latrines are few and far between and invariably involve walking long distances. According to official figures, only 24 per cent of residents in Nairobi's informal settlements have access to toilets and latrines at household level. Access to the few public toilets is often unaffordable and unsafe. Most women interviewed by Amnesty International explained that they have to pay user-fees in order to access available communal public facilities. These costs impact their ability to meet other basic needs such as food, with the result that many of the women would rather not use them at all. Access to the public facilities is also restricted because of general insecurity.

The lack of adequate access to sanitation hits women particularly hard. They need greater privacy than men when using toilets and washing themselves. The shortage of toilets and places to wash in the slums and informal settlements exacerbates women's insecurity and heightens the risk of gender-based violence. For most women and girls they would dare not venture out after dark to use the few available sanitation facilities lest they be raped. They would rather use their houses for sanitation purposes. For many women, they would rather shower and bathe their children and dependents in their small –mostly one-roomed houses – often sacrificing their privacy and what many of them say is their dignity – rather than venture out of their houses and face the risk of rape.

Generally, the lack of adequate access to sanitation in the slums and informal settlements has contributed to a high-incidence of water-borne and other diseases.

The inadequate access to sanitation in slums and informal settlements prevails despite existing Kenyan law and standards, and the government's ongoing slum-upgrading programme. Kenya's new 2010 Constitution for the first time recognizes and makes enforceable several economic, social and cultural rights. In particular, the Constitution recognizes that every person has the right to "accessible and adequate housing, and to reasonable standards of sanitation". In addition progressive official public health and sanitation policies, including Kenya's Millennium Development Goal (MDG) policies, have been in place for many years. These policies provide for the fulfillment of ambitious targets on sanitation including the international MDG target to reduce by half, between 1990 and 2015, the proportion of people without sustainable access to basic sanitation.

Yet these policies are not translated into practice. With regard to Nairobi the failure to address the sanitation situation is in large part because slums and informal settlements are not included in the city's urban plans. This gap ensures that national laws and building standards which require landlords to provide accessible toilets and places to wash to their tenants are not implemented in the slums and informal settlements by the City Council and the central government.

Violence against women because of lack of adequate access to sanitation, as with general violence against women, goes largely unpunished because of ineffective policing in the slums and informal settlements. Amnesty International research shows that most women and girls in Nairobi's slums live under the constant threat of violence in their everyday lives – at home, at work and on the street, because there is little or no effective police presence. In addition ineffective policing of these areas affects women's ability and willingness to seek justice for the violence they suffer.

The official failure to address women's sanitation requirements and the insufficient policing in the slums and informal settlements increases the vulnerability of women and girls to gender-based and other forms of violence. This is in violation of Article 1 of the Convention, as interpreted by General Recommendation 19 of this Committee. The government's failure to implement existing measures on public health and sanitation in order to prevent gender-based violence is in contravention of Articles 1, 2, and 3, as interpreted by General Recommendation 19. In addition the negative impact of the lack of adequate access to sanitation on women's privacy, costs of living and the women's and their children's and dependants' health contravene Articles 5, 12 and 14 of the Convention.

In order to address the issue of gender-based and other forms of violence in Nairobi's slums and settlements the government must take steps to urgently ensure improved access to essential public services such as sanitation. It must also eliminate disparities in access to such services between informal settlements and other localities.

In particular, the Kenyan government should take the following, among other measures:

- Ensure equal protection under the law to all the people living in slums and informal settlements, including by applying and enforcing legislation requiring landlords to construct toilets and private washing facilities in the immediate vicinity of each household.
- Where appropriate provide assistance to households to construct toilets and private washing facilities.
- Increase the levels of policing in the slums and informal settlements by establishing police posts and ensuring other effective forms of policing in consultation with residents of the slums and settlements.

The Kenyan Government should also:

- Invite the UN Special Rapporteur on violence against women, its causes and consequences to visit Kenya.