Police officers play a critical role in tackling sexual and gender-based violence. Under the law, they have a duty to assist victims to access justice and receive immediate medical attention.

Protecting victims of sexual violence: The role of the police

1. Record the sexual assault in the occurrence book (OB).
2. Allow the victim to contact immediate family members or primary care givers.
3. Record statements from the victim and witnesses in privacy.
4. Preferably a female officer should accompany the victim to the nearest health facility.
5. A clinical officer should assist the victim in filling the P3 form as per MOH Directive No. MOH/DMS/HR/11(Dated 24th May 2018).
6. Gather and preserve evidence where the crime took place to enable arrest and prosecution of the suspect.
7. Direct the victim to available medical, legal and social support and care services.
8. Testify and provide evidence in court during prosecution of the suspect.

Police should not:
- Deny or blame the victim
- Physically examine the victim
- Expose the victim to any form of victimization
- Interfere with the evidence
- Seek favors from the victim

Who to involve:
- Close family or friends of the victim (if not the accused person)
- Medical practitioner
- Witnesses

Laws on abortion in Kenya
Abortion is a sensitive and contentious issue - with religious, moral and political dimensions. It is also a public health concern globally and in Kenya.

Does the Constitution of Kenya permit abortion? Article 24(4) provides that: Abortion is permitted if, in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the mother is in danger, or if permitted by any other written law.

Does the Constitution permit post-abortion care? Article 43(2) provides that: No person may be denied emergency medical treatment. This includes post-abortion care, that is medically given to women for treatment of abortion complications.
Preserving dignity during the arrest of women with abortion offences

The Constitution of Kenya 2010, Statutory Provisions and International Law demand that the dignity of women should be upheld during arrest in all criminal cases. The following is a breakdown of the rights of women in the event of an arrest by police on abortion charges.

Who qualifies for access to safe abortion services?

In accordance with the Constitution, The Health Act 2017, and the National Guidelines on the Management of Sexual Violence 2014, a woman:
- In need of emergency treatment;
- Whose pregnancy poses a danger to her life;
- Whose health is in danger. The Health Act 2017 defines health as a complete state of physical, mental and social wellbeing and not merely the absence of disease.
- Whose pregnancy resulted from rape, incest, defilement or sexual assault;

What is the legal right and duty of a registered and licensed medical professional?

- Inform a woman when she qualifies for safe abortion;
- Perform safe abortion where a woman qualifies for one;
- Has a right not to be harassed when offering safe abortion services; and
- Has a right to conduct timely and effective referrals when he/she cannot perform the abortion.

Are medical professionals compelled to perform safe abortion services?

The Constitution allows freedom of religion, thought and belief. Any registered and licensed medical professional who has an objection is not under a legal duty to do so. But must refer the woman in a timely and effective manner to an alternative medical professional who does not object.

Does the law allow backstreet abortion?

No. Safe abortion must be conducted only by a registered and licensed medical professional using proper equipment, correct techniques, in a functional and well-equipped health facility and only in the circumstances permitted above. Persons who violate the law are liable to punishment.

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