



INITIATIVE FOR STRATEGIC
LITIGATION IN AFRICA



February 6, 2023

MEDIA STATEMENT

State Obligation To Prevent Violence against Women in Public Transport and Associated Spaces – February 2023

For Immediate Release

Litigation on Failure of State to Fulfil its Due Diligence Obligation to Promote Women Mobility Rights by Enacting Laws and Policies to Prevent Violence against Women in Public Transport and Associated Spaces

Nairobi, Kenya

On 9th December 2022, the Centre for Rights Education & Awareness (CREAW) and Wairimu Muthoni Wachira, a survivor of gender-based violence in public transport, filed a case at the Constitutional and Human Rights Division of the High Court of Kenya, that is, HCCHR PET E538/2022 – Wairimu Muthoni Wachirah & Centre for Rights Education & Awareness (CREAW) vs the Attorney General and others.

The petitioners seek to hold the state accountable for the failure to promote and protect women's mobility rights in Kenya by enacting laws and policies that protect women from violence when using public transport and associated spaces. This case intends to cure the longstanding challenge in Kenya of women experiencing various forms of violence from in public transport and associated spaces. Most of these cases usually go unreported or where reports are made, no action is taken. Where there is public outcry over an incident of violence in public transport and associated spaces, a public perception is often created that the state is responding to the incident. In some instances, a criminal investigation will be initiated but this is rarely the case.

This case seeks to create a wider social impact through enactment of laws that will ensure that women exercise their right to freedom of movement devoid of any form of violence.

It also seeks to create jurisprudence on mobility rights for users of public transportation services and clarify the state obligation.

This case was placed before Hon. Lady Justice M. Thande on 14th December 2022 where the court directed that the matter be mentioned on 7th February 2023 for directions. The petitioners are represented by Winfred Odali who is an alumni of ISLA's Feminist Litigation Network. The Initiative for Strategic Litigation in Africa (ISLA) is acting as advisor to counsel.

ISLA's Feminist Litigation Network (FLN) aims to develop a pool of African feminist strategic litigators. ISLA achieves this by investing in partner organizations and a raft of capacity strengthening activities such as the strategic litigation institute. Winfred works as a Junior Feminist Lawyer at ISLA where she is steadily developing a portfolio of cases to support FLN partner organizations such as CREAM in holding the state accountable for the failure to protect women from violence, among others.

Join the conversation on social media by following:

#MobilityWithoutViolence

#EndVAWinPublicTransport

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