



COUNTY GOVERNMENT POLICY ON SEXUAL AND GENDER BASED VIOLENCE 2017





COUNTY GOVERNMENT POLICY ON SEXUAL AND GENDER BASED VIOLENCE 2017



This model policy framework ©2017 should be read together with the model legislative framework ©2017 for County Governments on sexual and gender based violence and by extension the Constitution of Kenya, and all other legislative policy frameworks related to the subject.

County Governments are encouraged to domesticate the model legislation to their needs and specific context.



Published by:

National Gender and Equality Commission Headquarters
Solution Tech Place, 1st Flr, Longonot Road,
Upper hill, next to Crowne Plaza Hotel P.O.BOX 27512-00506, Nairobi, Kenya
Tel +254 709375100/ +254 (20) 3213199
Toll Free Line: 0800720187
SMS: 20459
www.ngeckeny.org Twitter: @NGECKENYA
www.facebook.com/NGECKENYA

Kisumu Office

Reinsurance Plaza, 3rd Floor, Wing B
Oginga Odinga Street
Tel: 0774755595

Nakuru Office

Tamoh Plaza, 1st Floor, Kijabe Street
P.O BOX 15263-401 NAKURU
Tel: 0774755593

Garissa Office

Opposite Care International Offices, Garissa town
Tel: 0774755603
©2017



FOREWORD

Kenya has a progressive Constitution and has made major strides in developing legislative and policy frameworks on response, prevention and management of SGBV. At the international and regional level, there exist a series of instruments that protect women and girls against SGBV. Kenya is a signatory to most of the commitments in these instruments and have a horde of legislative and policy frameworks to addressing SGBV.

This Model County policy on Sexual and Gender Based Violence (SGBV) was prepared to provide guidance to the County Governments on critical elements and considerations for Policy on SGBV. This Policy should be read alongside the Model Legislative Framework on SGBV prepared with support of the Commission. I encourage Counties to domesticate the Policy to their County needs.

I believe this Policy framework will further provide a mechanism for coordinating the response to SGBV. I urge the County Government to provide adequate resources and enhance partnerships for a comprehensive response to increasing incidences of SGBV.

The policy framework is hoped to bring long-term and sustained change. We urge County governments to provide adequate resources and enhance partnerships with Stakeholders.



Winfred O. Lichuma, EBS
Chairperson
National Gender and Equality Commission

ACKNOWLEDGEMENTS

The National Gender and Equality Commission is grateful to the people and institutions who contributed in various ways to ensuring the development of the model policy on sexual and gender based violence for County Governments. We want to particularly recognise the County Government for their valuable input in the policy through the office of the County Executive Committee members in charge of gender, the County Commissioners, the women representative's and the County Assemblies in the various Counties of Kakamega, Busia, Kisumu, Makueni, Kiambu and Nairobi.

We would also like to acknowledge the valuable technical inputs from the Judiciary, the National police service, Office of the director of Public Prosecution, Ministry of Health, and FIDA Kenya. The policy was also subjected to various validation meetings and we would like to thank the members of the National GBV Working Group coordinated by the NGECC; as well as the Ministry of Public Service Youth and Gender Affairs, Kenya Law Reform Commission, Office of the Attorney General, and the Council of Governors.

We acknowledge that this project would not have been possible without the financial and technical support from the International Development Law Organisation (IDLO), through the generous support of DANIDA. We sincerely thank Dr. Ruth Aura who was the lead consultant in the development of the model policy.

Finally, we are grateful to Commissioner Winfred Lichuma, EBS, NGECC Chairperson, and staff particularly those in the gender and women department who were instrumental in the design, formulation and finalisation of the policy.



Paul Kuria
Ag. Commission Secretary/CEO
National Gender and Equality Commission

ABBREVIATIONS

| | |
|----------|--|
| ACHPR | African Charter on Human and Peoples Rights |
| AU | African Union |
| BPFA | Beijing Declaration and Platform for Action |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CIPEV | Commission of Inquiry into the Post-Election Violence |
| CRC | Convention on the Rights of the Child |
| CSI | Crime Scene Investigation |
| CSW | Commission on the Status of Women |
| DEVAW | Declaration on the Elimination of Violence Against Women |
| FGM | Female Genital Mutilation |
| GoK | Government of Kenya |
| HIV/AIDS | Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome |
| ICGLR | International Conference on the Great Lakes Region |
| KDHR | Kenya Demographic and Health Report |
| KDHS | Kenya Demographic and Health Survey |
| KLRC | Kenya Law Reform Commission |
| KNCHR | Kenya National Commission on Human Rights |
| M & E | Monitoring and Evaluation |
| NCIC | National Cohesion and Integration Commission |
| NGEC | National Gender and Equality Commission |
| NGO | Non-Governmental Organisations |
| ODPP | Office of the Director of Public Prosecutions |
| PBCM | Peace Building and Conflict Management Directorate |
| PEV | Post-election violence |
| SGBV | Sexual-Gender based violence |
| UDHR | Universal Declaration of Human Rights |
| UNAIDS | United Nations Programme on HIV/AIDS |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| UNIFEM | United Nations Development Fund for Women |
| UNSCR | United Nations Security Council |
| WHO | World Health Organisation |

DEFINITION OF TERMS

| | | |
|----|--|---|
| 1 | Adolescent | - These are persons aged between 10 and 19 years as defined under the National Adolescent Sexual and Reproductive Health Policy 2015 Policy. |
| 2 | Child Marriage | - This is a situation where marriage, cohabitation or any arrangement is made for such marriage or cohabitation with someone below - the age of 18 years |
| 3 | Defilement | - An act which causes penetration of a child's genital organs |
| 4 | County Executive Committee Member | - Minister responsible for Gender and Youth Affairs |
| 5 | Child | - Defined under Section 2 of the Children's Act |
| 6 | Sexual Based Violence | - Actual, attempted or threatened (vaginal, anal or oral) rape, including marital rape; sexual abuse and exploitation; forced prostitution; transactional/survival sex; and sexual harassment, intimidation and humiliation. |
| 7 | Gender Based Violence | - Is violence visited upon a person based on their gender and includes child marriage; female genital mutilation; forced marriage; forced wife inheritance; interference from in-laws; sexual violence within marriage; virginity testing; widow cleansing; damage to property; defilement; harassment; incest; intimidation; physical abuse; sexual abuse; stalking; verbal abuse; or any other conduct against a person, where such conduct harms or may cause imminent harm to the safety, health, or well-being of the person, or any other act that results in, or is likely to result in, physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life. |
| 8 | Inhuman Treatment | - A cruel act; a deliberate infliction of pain and suffering, cruelty, abuse, ill-treatment, ill-usage, maltreatment - cruel or inhumane treatment. |
| 9 | Harmful Practices | - All behavior, attitudes and/or practices which negatively affect the fundamental rights of people as their right to life, health, dignity, education and physical integrity. |
| 10 | Multi-sectoral approach | - Is the holistic inter-organizational and inter-agency efforts that promote participation of people of concern, interdisciplinary and inter-organizational cooperation, and collaboration and coordination across key sectors, including (but not limited to) health, psychosocial, legal/justice and security. |

| | | |
|----|------------------------------|--|
| 11 | Safe House/shelter | - A residential facility providing short-term intervention for victims of SGBV in crises. This intervention includes meeting basic needs as well as providing support, counseling and skills development. |
| 12 | Stakeholders | - Both state and non-state actors and includes Police, Office of the Attorney General, Office of the Director Public Prosecution, Probation, Prisons, faith based organizations, public officials and civil society organizations, donors, media, private sector, Community based organization, Council of elders, traditional leaders and other relevant stakeholders |
| 13 | Unwholesome treatment | - Treatment not conducive to physical or mental health. |
| 14 | Victim | - Any natural person who suffers injury, loss or damage as a consequence of an offence; it is also defined under Section 2 of the Victims Protection Act |

TABLE OF CONTENTS

| | |
|--|-----------|
| ABBREVIATIONS..... | 7 |
| DEFINITION OF TERMS | 8 |
| Chapter 1 - Background Information..... | 12 |
| 1.1 Introduction..... | 12 |
| 1.2 Statement of the problem..... | 13 |
| 1.6 Objectives..... | 14 |
| 1.7 Rationale | 15 |
| 1.8 Guiding Policy Principles..... | 15 |
| Chapter 2 - Situational Analysis..... | 17 |
| 2.1 Introduction..... | 17 |
| 2.2 Legislative and Policy Framework | 19 |
| 2.3 National Legislative and Policy Framework..... | 20 |
| 2.4 Legislations and Policy Implementation Challenges..... | 22 |
| Chapter 3 - Policy Objectives and Actions on Prevention and Response to SGBV..... | 22 |
| 3.1 Introduction..... | 23 |
| 3.2 Objectives for consideration | 23 |
| 3.2.1 <i>Objective 1: Prevention Strategies.....</i> | <i>23</i> |
| 3.2.2 <i>Objective 2: Response Strategies</i> | <i>25</i> |
| 3.2.3 <i>Objective 3: Developing Coordination, Monitoring Systems and Data Collection.....</i> | <i>27</i> |

| | |
|--|-----------|
| Chapter 4 - Policy Implementation..... | 30 |
| 4.1 Introduction..... | 30 |
| 4.2 Institutional Framework..... | 30 |
| 4.3 Actors and their Roles and Responsibilities..... | 32 |
| 4.4 Coordination Framework..... | 37 |
| 4.4.1 County SGBV Steering Committee..... | 37 |
| 4.4.2 County SGBV Operational Committee..... | 38 |
| 4.4.3 County SGBV Management body..... | 38 |
| 4.4.4 Community/Ward SGBV Committee..... | 38 |
| 4.5 Monitoring and Evaluation..... | 39 |
| 4.6 Financing of the SGBV interventions..... | 40 |
| 4.7 Resource mobilization..... | 40 |
| 4.8 Policy Review..... | 40 |

CHAPTER 1 - BACKGROUND INFORMATION

1.1 Introduction

SGBV is a common phenomenon against women and girls and is a major human rights violation not only in Kenya but across the globe.¹ The Report reveals that women are disproportionately affected by GBV and this is evident by the fact that violence initiated by wives was only a fraction of the level of violence initiated by husbands. The report discloses further that violence against men generally is minimal and it stands at 3%.² This is not to say that men and boys are not subjected to the violence but women are disproportionally affected by the vice. Women who have been poorly educated and economically dependent on their male partners remain more vulnerable with men being the most common perpetrators and this is attributed to unequal power relationships between men and women.³ Addressing this vice is part of the government's commitment towards eliminating gender inequalities. This is especially so considering that Kenya has a very progressive Constitution and has made major strides in developing legislative and policy frameworks on response, prevention and management of SGBV. The Constitution prohibits any form of violence and exalts the freedom and the security of the person among others.⁴

It is noted with concern that the commitment to addressing SGBV has advanced more quickly in policy documents than in practice. However, there are wide gaps between actual legislation, the experience of victims of SGBV emanating from implementation process and lots of operational confusion at multiple levels. This is particularly apparent with the advent of the Constitution of Kenya 2010 which created two levels of Government⁵– National and County with different operational structures; it thus desirable that in preventing and responding to SGBV, increased efforts are made to take action against the vice. In so doing, finding a sound model structure with which to curb the vice at the county level shall be considered progressive especially since Counties are engineered to be closer to the people. With the support of the Global Call to Action, the commitment to fight all forms of SGBV demands for specialists' attention as well as adequate structures. Developing a pathway would benefit the entire society in combating SGBV and create conducive environment free from violence for all. Despite the efforts made by the government to address SGBV gaps still exist in the law and policy frameworks. This therefore calls for efforts to adopt a multifaceted approach to tackle the problem contextualized to Counties' specific needs.

1. World Report on Violence and Health: Violence by intimate Partner World Health Organization http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap4.pdf accessed on 2 September 2016

2. The Kenya Demographic & Health Survey (2008-09), Kenya National Bureau of Statistics at pg 285

3. R Jewkes Intimate Partner Violence: Causes and Prevention, (2002) 359, available at <http://www.thelancet.com/journals/lancet/article/PIIS0140673602083575/abstract.htm>, accessed on 2 September 2016

4. Article 29 of the Constitution 2010

5. Supra n4 above Article 6

1.2 Statement of the problem

Despite government interventions in terms of legislative and/or policy framework, SGBV still remains a serious challenge to society. There is impunity and every day Kenyans are treated to news in the media of people subjected to various types of violence ranging from rape, physical assault and emotional abuse. Notable is the recent case of a woman whose both hands were cut off by her husband for failing to sire him a child and a woman who attempted to cut off her husband's private organs.⁶ In some cases the local authorities are ill-equipped to enforce the law or policies. Kenya has ratified numerous conventions which seek to protect rights and fundamental freedoms of citizens. At the international and regional level there exist a series of instruments that protect women and girls against SGBV.⁷ Clearly SGBV is a serious violation of human rights in all its forms and government must do much more to make the fight a reality for the benefits of the citizens. Protecting the citizens must be enshrined in the law and indeed Kenya has done so through the constitution, numerous acts of parliament such as the Protection against domestic act, children's act and the sexual offences act and through various policies.

There has been progress in addressing SGBV at the National level. The County governments have not been left behind. They are equally making inroads towards a holistic approach through some of their legislative and policy frameworks to enhance enforcement and implementation. This Policy provides for strategies to facilitate and enhance implementation of the national legislation and policy frameworks on SGBV at the County government level contextualized to the respective county needs. The policy framework is hoped to be gender transformative and gender synchronized to bring long-term and sustained change. There is need to ensure that the framework is actionable, well coordinated and sufficient resources are allocated for its implementation at County level. These include such elements as: maintaining an updated database, including training and workshop sessions, developing safe structures for victims etc; a genuine commitment towards intra-County

6. Daily Nation 1st August 2016, Man in childless marriage chops wife's arms Article by Eunice Kilonzo, See also Standard Newspaper 9th August 2016 Merk to support Jackline Mwendu a victim of infertility stigma Article by Standard Reporter, See Daily Nation 24th February 2017 "Now woman denies knifing husband's manhood in row" Article by Galgalo Bocha pg 12.

7. See for instance Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A (III) (UDHR)), Vienna Declaration and Programme of Action: World Conference on Human Rights (adopted 12 July 1993 UN Doc. Conf. 157/23); Declaration on Elimination of Violence Against Women (adopted 20 December 1993 UNGA Res 48 /104) (DEVAW); UN Resolution on Elimination of Domestic Violence Against Women (adopted 19 February 2004 UNGA Res 58/147); Beijing Declaration and Platform for Action (adopted 17 October 1995, UN Doc A/Conf. 177/20) (BPFA); the Convention on Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA Res 34/180) CEDAW) and regionally, African Charter on Human and People's Rights (adopted 27 June 1981 UN Doc CAB/LEG/67/3) (ACHPR) and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003) (Maputo Protocol) among other recognizes that violence against women is an impediment to women's right to peace and development. The instruments roots for elimination of all forms of violence against women and obligates state to take legislative, policy or other appropriate measure to end violence against women in line with their international obligations. Protocol on the Prevention and Suppression of Sexual Violence against Women and Children adopted on the 30th November 2006, International Conference on the Great Lakes Region (ICGLR)

cooperation and collaboration; sustained financial support for SGBV capacity building and creation of legal awareness. A comprehensive policy and legal framework contextualized to the County needs that adopts a rights-based approach is critical in addressing SGBV in society.

1.3 Purpose

The purpose of this policy is to put in place a framework to accelerate implementation of laws, policies and programmes for prevention and response to SGBV.

1.4 Vision

The Vision of the Policy is *a society free from the practice of SGBV and other harmful vices, and one that recognizes the equal value of men, women and children.*

1.5 Goal

The goal of the Policy is to accelerate and reinforce efforts towards the elimination of all forms of SGBV and improve the quality of life and wellbeing of every person.

1.6 Objectives

1.6.1 General Objective

The overall objective of the policy is to progressively eliminate sexual and gender-based violence through the development of a preventive, protective, supportive and transformative environment.

1.6.2 Specific Objectives

The specific objectives of the policy cover three core areas: Prevention, Response, and Coordination, Monitoring and Building Evidence.

a) Prevention

- Foster a prevention-focused environment where gender-based violence is not tolerated; and
- Reduce vulnerability of groups most at risk to SGBV

b) Response

- Through collaborative effort improve enforcement of laws and policies towards SGBV prevention and response.
- Provide comprehensive services to victims of sexual and gender-based violence.
- Improve accountability and eliminate impunity for sexual and gender-based violence.
- To increase access to quality and comprehensive support services across sectors.
- To improve sustainability of SGBV prevention and response interventions.

c) Coordination, Monitoring and Building Evidence

- Build coordination and monitoring systems and expand the data available on SGBV
- To facilitate a coordinated approach in addressing SGBV and to ensure effective programming.

1.7 Rationale

National data reveals high SGBV prevalence in Kenya with variations cutting across various forms and geographic locations. Women and girls are disproportionately affected by SGBV; however, men and boys also experience SGBV. There is growing evidence that orphans and vulnerable children, Persons with Disabilities, the elderly and persons in humanitarian crisis situations are most vulnerable to SGBV. The high prevalence of SGBV in Kenya and its negative impact on the society necessitates the development of a comprehensive policy framework to ensure effective prevention of and response to SGBV. SGBV in its various manifestations negatively affects individuals, their families and the entire community. At the individual level SGBV results in pain and psychological trauma. At the social level SGBV often results into breakdown of the family unit. Economically, SGBV results in an economic burden on the government in terms of increased spending on health care, social services, the civil and criminal justice system, absenteeism from work, and lost productivity and output. SGBV creates an unequal political landscape in which all those affected are denied the opportunity to participate in decision making for development.

Currently, there are many efforts by state and non-state actors working on prevention and response to SGBV in Kenya. However, these need to be coordinated in order to provide an overall guiding framework for the effective management of SGBV interventions. The concept of “SGBV” is often misunderstood and generally taken to mean “a women only issue.” Men and boys are often left out of the dialogue and perceived as opponents rather than partners in SGBV prevention. However, men and women, boys and girls are all affected by SGBV and all have an important role to play in changing social attitudes and preventing SGBV. This misunderstanding often leads to misinformation. A policy framework would help demystify these misconceptions and aid in effective SGBV prevention and response. Other factor complicating the response to SGBV is the stigma towards those affected by SGBV. This limits reporting of SGBV cases. In addition, there is limited information to survivors who experience violence on where to seek support. Furthermore, there is also lack of standardized data management tools, systems and a monitoring and evaluation framework for SGBV intervention. The SGBV policy will facilitate the development of a comprehensive M&E framework. SGBV prevention and response interventions require significant human and financial resources. This policy will provide an enabling environment for adequate resource allocation from the County government and its partners.

1.8 Guiding Policy Principles

National policy against gender-based violence

Kenya recognises SGBV as a violation of human rights. It is also takes cognisant of the fact that women and girls suffer disproportionately against SGBV and its vices. As such, it is Kenya’s avid position to ensure promotion of gender equality; equity and empowerment of women as a crucial

human resource for social and economic development to enable them to escape the vices majorly contributed to by their lack of resources. Thus, Kenya is committed to using its powers to fight, prevent and provide response to all forms of gender-based violence in society in a harmonised and coordinated approach.

Laws and policies against SGBV and which promote human rights and development

The legislative framework is comprised of laws that govern conduct in the society. The law provides a set of enforceable rules and guidelines that compel or prohibit certain types of behaviour. Policies enshrine government commitments and priorities and provide the framework for achieving these goals. Laws and policies must therefore work hand in hand to achieve development goals, advance human rights and create a just and equitable society.

Consideration of Cultural Issues

Gender based violence is manifested as a result of misinterpretation; misunderstanding and misguided cultural values in the society. All stakeholders are to join hands in fighting the negative attitudes on gender, culture and human rights in order to eliminate the culture of silence on SGBV. On the other hand, positive cultural values that promote non-violence, respect and solidarity with victims can be reinforced to achieve a society that does not tolerate sexual and gender-based violence.

Involvement of the masculine gender

Women and girls statistically make up the majority of the victims of SGBV worldwide and the same is true in Kenya. However, SGBV can include men, women and children as victims, and both men and women as perpetrators. Additionally, both sexes are affected by the impact SGBV has on society and the country. Therefore, while SGBV is often mistakenly seen as impacting the feminine gender, long-term solutions to prevent and respond to SGBV must include the participation of men and boys. Strategies to prevent and respond to SGBV must therefore include dialogue between men and women, boys and girls, aimed at changing the cultural, social, economic and other systems and structures that deny human rights and equality between women and men. Existing efforts to involve men and boys in fighting SGBV should be encouraged and be taken into account in prevention and response activities.

Importance of Devolution and Responsibility of communities and Individuals

Elected and appointed leaders have a key role to play in preventing SGBV and in providing support to victims. Moreover, individuals must recognize their responsibility – to report SGBV cases, to support victims and to demonstrate to perpetrators that SGBV will not be tolerated in the community.

CHAPTER 2 - SITUATIONAL ANALYSIS

1.1 Introduction

Sexual and gender-based violence (SGBV) is violence inflicted or suffered on the basis of gender differences. This form of violence mostly impacts women who are considered generally vulnerable. CEDAW General Recommendation No.19 indicates that SGBV especially against women encompasses the following:

“(a) Physical, sexual and psychological violence occurring in the family; including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs? (Article 2 DEVAW).”⁸

Such acts of violence though defined with respect to women, include acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or in private life.⁹ These acts amount to violation of human rights, and is often linked to unequal gender relations within communities and abuses of power.¹⁰ According to UNIFEM report¹¹, domestic violence stands out as one of the most prevalent forms of SGBV; violence occasioned by male partners in relationships amounts to 70% of report cases; wife battering occurs regularly in 85% of all cultures.¹² This implies that domestic violence is a prevalent form of SGBV. This is further supported by a study conducted by WHO as early as 2001 which suggested that SGBV was widely prevalent in each of the Sub-Saharan States owing to the manifest cultural practices with weak legislative frameworks.¹³

8. A resource package, Strengthening Health System Responses to Gender-based Violence in Eastern Europe and Central Asia, 2014 accessed at <http://www.health-genderviolence.org/news/191> (accessed 27 October, 2016). See also definition in, CEDAW Committee’s Recommendation Number Eighteen, A/RES/48/104 (23 February 1994), which defines GBV as:-

“Violence directed against a woman because she is a woman or which affects a woman disproportionately. It includes physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”

The UN Declaration on the Elimination of Violence against Women, DEVAW, Article 1, 1993 defines the term ‘violence against women’ as:

“Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”

9. Inter-Agency Standing Committee Guidelines for Gender-Based Violence Interventions in Humanitarian Settings (2005)

10. *Beijing Declaration and Platform for Action*, 15 September 1995, Paragraphs 113 & 114.

11. UNIFEM (2010) Women Human Rights in Ethiopia, Sudan, Tanzania and Uganda. Report on Convention to Eliminate All Forms of Discrimination Against Women; and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

12. Terry, Geraldine (2007) Women’s Rights; Oxfam, Small Guides to Big Issues ‘Domestic violence is the most common form of violence against women’, pg 121

13. WHO, Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence, 2013

In Kenya, it is estimated that almost half (45 percent) of women aged 15-49 have experienced either physical or sexual violence.¹⁴ The National Crime Research Centre data on SGBV provides a grim image of instances of SGBV.¹⁵ It is indicated in their report that the Centre has so far supported over 21,341 survivors of SGBV, of whom 56% were women, 36% girls, 3% men and 5% boys.¹⁶ A study conducted by Dimovitz, Kirsten on GBV management in Nairobi revealed that male victims of SGBV were a smaller compared to women which ratio stood at 14:86.¹⁷ It is also reiterated that most of the respondents who reported to the Nairobi Women's and Children's Hospital GVRC centre seeking services, most were women residing in informal urban settlements or slums areas of Nairobi.¹⁸ The study further revealed that medical facilities are not accessible to victims and in most instances are at least 40-90 minutes from near bus stations.¹⁹ Police were also indicated to be a puzzle in the long line of bureaucratic processes and which is compounded by outside of legal services which have their own barriers in seeking services and help. These factors are said to create high attrition rates in access to justice, because survivors do not have the time, resources, or willpower to navigate the system. Another study revealed that the mentally disabled persons are subject of sexual abuse within rural settings.²⁰ A member of Siaya County Assembly representing persons living with disability has raised concerns over flagrant sexual abuse of mentally ill persons in the society.²¹ In Kwale County, a GBV study revealed that youthful girls experience early cases of marriages, pregnancy, and forced marriages.²² Taita Taveta County similarly experiences its own forms of SGBV which is said to be compounded by the fact that most culprits go scot free due to lack of evidence as most residents are not aware of how to preserve evidence.²³ It is in fact more severe that a majority of child sexual abuse cases go unreported because of fear of stigmatization in the region.²⁴ In Trans Nzoia, it is also reported that defilement is the most common type of Sexual and Gender Based Violence.²⁵

In sum, it is noted that SGBV is widespread and occurs in varied forms within the counties. Since devolution begun in Kenya, the Counties have been inadequately equipped to handle SGBV cases. For instance, in Nandi it is said that lack of awareness has been the bane on change in the fight against SGBV in the region. However, the Nandi the Council of Elders in a continued change are

14. The Kenya Demographic Health Survey (2014)

15. The National Crime Research Centre, Gender Based Violence in Kenya, 2014

16. Supra n14 above pg 2

17. Dimovitz, Kirsten, "Exploring Gender-Based Violence Management in Nairobi" (2015). Independent Study Project (ISP) Collection. Paper 2151. http://digitalcollections.sit.edu/isp_collection/2151

18. Dimovitz, Kirsten, Supra n17 above pg 18

19. Dimovitz, Kirsten, Supra n17 above pg 21

20. Tusemezane, (A monthly magazine by Peace Initiative Kenya); Promoting a Society free of Gender Violence. Suffering in silence - Persons living with disability bear the brunt of Sexual Gender Based Violence, 2014

21. Supra n 20 above pg 4

"Margaret Oketch notes that those living with mental disability are sexually abused repeatedly by different people."

22. Supra n 20 above pg 7

23. Supra n 20 above pg 7

24. Supra n 20 above pg 8

25. Supra n 20 above pg 12

now open to discussing gender based and sexual violence which they admit has contributed to an increased number of failed marriages, sexual violations as well as sexually transmitted diseases including HIV infections.²⁶ An organization known as Sauti ya Mwanamke have been on the forefront trying to fight SGBV within the Coastal region. With support from the Peace Initiative Kenya, the group has engaged with Taita Taveta County resulting into passing of a policy to establish a GBV kitty to support victims and survivors of GBV.²⁷ Essentially therefore, Counties are seen as a great actor in aiding the fight against SGBV. Despite the existing data on SGBV in Kenya, reporting has been a challenge due to underlying infrastructural impediments and lack of one national SGBV monitoring and evaluation framework that can consistently collate and present data on SGBV for analysis.²⁸

1.2 Legislative and Policy Framework

Kenya has been at the fore front in efforts to eliminate all forms of SGBV especially since the promulgation of the Constitution 2010. By dint of a Constitutional provision, all international and regional legislative and policy frameworks adopted and ratified by Kenya have become part of the domesticated laws to fight SGBV.²⁹ Within this context, Kenya has taken steps in ratifying international treaties and regional conventions on elimination of SGBV and gender equality. She has also put in place a national policy and legislative framework that supports the campaign against all forms of SGBV in practice. Globally, the Beijing Declaration and Platform for Action of 1995 adopted a set of priority areas which Kenya acceded to. The prohibitions on sex discrimination in the UN Convention on the Elimination of All Forms of Discrimination against Women encompass SGBV. The UN Convention on the Rights of the Child requires States Parties to protect children from all forms of violence, maltreatment or exploitation, including sexual abuse.³⁰ The UN Declaration on the Elimination of Violence against Women affirms that violence against women constitutes a violation of the rights and fundamental freedoms of women.³¹ Further, the African Union (AU) adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2003 which was ratified by Kenya in 2010. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa devotes Article 4 entirely to the topic of violence against women, calling for a range of state measures to address violence which takes place "in private or public", including the punishment of perpetrators, the identification of causes of violence against women and the provision of services for survivors.³²

26. Supra n 20 above pg 16

27. Tusemezane, (A monthly magazine by Peace Initiative Kenya); On the frontline of anti-GBV war, Issue No. 8, pg 6

28. NGEV, National Monitoring and Evaluation Framework towards the Prevention of and Response to Sexual and Gender Based Violence in Kenya, pg 16

29. Article 2(5) and (6) provides that the general rules of international law as well as any, treaty or convention ratified by Kenya form part of the law of Kenya

30. Convention on the Rights of the Child, CRC/C/OPAC/BEL/Q/1/Add.1, 3 April 2006.

31. UN Declaration on the Elimination of Violence against Women, General Assembly Resolution 48/104, dated 20 December 1993

32. Assembly of the African Union, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Maputo, 11 July 2003, Article 4.

1.3 National Legislative and Policy Framework

Table 1: Summary of national legislative framework addressing elements of SGBV

| Statute | Summary |
|--|--|
| The Constitution 2010 | Provides that every person has right to freedom and security of their person which includes the right not to be subject to any form of violence from either public or private sources, any form of torture whether physical or psychological or cruel, inhuman or degrading treatment. The right to security means that the Constitutions safeguards women's right against SGBV and any other related form of gender-based violence. |
| The Penal Code Cap 63 Laws of Kenya | Other than bigamy which is provided for under section 171, there are no provisions for such forms of SGBV as marital rape, wife or husband battery, domestic violence etc. Some of these offences are only derivative of main offences such as assault under section 250 and 251. |
| The Children Act, 2001 | Provides for a child care, administration institutions, and sets the age of marriage at 18 years in line with Convention on the Rights and Welfare of the Child. |
| HIV & AIDS Prevention and Control Act 2006 | Prohibits deliberate transmission of HIV/AIDS and outlaws discriminatory acts and policies based on one's HIV/AIDS status in all places and safe guards rights and dignity of those already affected |
| The Sexual Offences Act, 2006 | Provides for prevention and the protection of all persons from harm from sexual acts and access to justice and psychosocial support |
| Employment Act, 2007 | The Act prohibits discrimination and harassment of employees on the basis of sex, guaranteeing equal remuneration for work of equal value. |
| Counter Trafficking in Persons Act, 2010 | Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. |
| Prohibition of Female Genital Mutilation Act, 2011 | Prohibits the practice of Female Genital Mutilation and safeguards against violation of a person's mental or physical integrity |
| The Land Act, 2012 | Secures rights of women to matrimonial property |
| The Land Registration Act, 2012 | Requires spousal consent in any dealing with matrimonial property |
| Matrimonial Property Act, 2013 | Provides for the rights and responsibilities of spouses in relation to matrimonial property. |
| Marriage Act, 2014 | Provides for the minimum age in marriage and types of marriages. The Act guarantees parties to a marriage, equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage. |
| The Protection Against Domestic Violence (PADV) Act, 2015 | Provides for the protection and relief of members of a family from domestic violence. |

Table 2: Summary of Policy Framework on SGBV

| Policy | Summary |
|---|--|
| National Gender and Development Policy (2000) | <ul style="list-style-type: none"> - Makes recommendations on diverse issues on violence including: amendments of SGBV laws, more so the Penal Code to include gender related crimes; privacy in conducting SGBV hearings; SGBV tailored trainings on agents in the judicial system; setting up safe shelters for victims of domestic violence; and ensuring access to information. |
| Kenya Adolescent Reproductive Health Policy (2003) | <ul style="list-style-type: none"> - Which recommends development of safety nets and rehabilitation and rescue mechanisms for victims of sexual abuse and violence and enhancing measures to protect young people in penal institutions from sexual abuse |
| National Adolescent Sexual and Reproductive Health Policy (2015) | <ul style="list-style-type: none"> - It provides for mechanisms for addressing adolescents' sexual and reproductive health (SRH) needs. It recommends multifaceted approaches to adolescent SRH issue which provides for mitigation of risk factors and puts in place a safety net for early detection and prevention of SRH challenge. It routes for |
| National Guidelines on the Management of Sexual Violence (2014) | <ul style="list-style-type: none"> - Is a guiding policy framework on procedures and services for management of survivors of sexual violence and explicitly recognizes sexual violence as a serious human rights and health issue which calls for imperative attention by all concerned. - Provides elemental information on management of sexual violence in a multi-pronged manner. - Gives medical practitioners information on steps to be taken when treating a survivor of sexual violence, preservation of evidence for court use, issues of psycho-social support and other ethical issues related to the management of health-related problems of sexual violence. |
| The Education Gender Policy (2007) | <ul style="list-style-type: none"> - Addresses prevention and response to school related gender based violence. - It recommends mainstreaming of policies that address GBV at all education levels; establishing modalities for dealing with SGBV including harassment; and developing and implementing clear anti-sexual harassment and anti-gender based violence policies at all levels in the Ministry of Education and all educational institutions. |
| Vision 2030 Second Medium Term Plan (2013—17) | <ul style="list-style-type: none"> - Emphasizes the need for establishment of integrated one stop SGBV response centres in all healthcare facilities in Kenya and undertaking public awareness campaign against FGM, early and forced marriages. |
| The National Reproductive Health Strategy (2009-2015) | <ul style="list-style-type: none"> - Provides for the implementation of Post-Rape Care Services ensures the inclusion of sexual violence as a key issue within the Reproductive Health Strategy and sets the development of standards for post rape care service delivery. |

1.4 Legislations and Policy Implementation Challenges

Despite the existence of policies and legislative frameworks, plans and programmes addressing SGBV, challenges still abound. These include:

- a) Persistence biased socio-cultural attitudes, beliefs and behaviours in society that perpetuate negative stereotypes, and discrimination and gender inequality.
- b) Trivialisation of SGBV experienced by men and boys.
- c) Variation of quality, availability and accessibility of services is limited.
- d) Ineffective enforcement of legislation.
- e) Limited resources.
- f) Legal illiteracy and general lack of awareness on SGBV.
- g) Inadequate political will.
- h) Data collection and poor record keeping of SGBV.
- i) Lack of essential multi-sector and coordinated approaches to SGBV.
- j) Absence of or limited shelters/safe houses.
- k) Weak programming around SGBV work
- l) Poor monitoring and evaluation mechanisms.
- m) Addressing the issue of sex between minors.
- n) Lack of DNA laboratories at the county level resulting into weak chain of custody of forensic evidence resulting in acquittals.

CHAPTER 3 - POLICY OBJECTIVES AND ACTIONS ON PREVENTION AND RESPONSE TO SGBV

1.1 Introduction

The International human rights law sets principles, ideals and standards which obligate states to comply with at national level. SGBV is one of the leading forms of human rights violation which is sought to be eliminated. The Constitution of Kenya embraces most human rights principles enunciated in the international human rights framework that address SGBV. This policy is anchored on both the international and national instruments addressing SGBV. This section highlights Policy objectives, challenges and strategies for implementation at County level.

1.2 Objectives for consideration

1.2.1 Objective 1: Prevention Strategies

Develop an SGBV prevention environment

Challenges

- Low understanding of the concept of gender, entrenched ideas of gender roles and negative social attitudes create an environment that fosters SGBV.
- Knowledge and understanding of SGBV – law, legal rights and individual responsibilities.
- Insufficient and inconsistent coordination of prevention programmes and implementation.

Policy Statements

The County Government commits itself to:

- Promote gender equality and SGBV prevention programmes in educational institutions.
- Undertake public education on SGBV in the community to leverage for positive social norms and attitudes.
- Undertake legal literacy and legal rights awareness.
- Actively involve men and boys in the fight against SGBV.
- Educate people, especially the youth, including adolescents on reproductive health, specifically on sexuality and biological changes.
- Integrate and work with reformed perpetrators into long term prevention programming
- Mobilize Government institutions, CSOs and the Private Sector to support Policy against SGBV and to support implementation of the SGBV laws and other laws that promote gender equality.
- Engage the media in broadening the knowledge of evidence about SGBV
- Improve coordination on gender equality and prevention of SGBV within the County specifically, and Country generally.
- Build capacity of those coming into contact with victims of SGBV and of those at high risk of SGBV.

- Provide support to community-based prevention programmes.
- Ensure that issues of SGBV are integrated into county policies, legislation and strategic plans.

Develop Anti-Sexual harassment and GBV Policy at the work place

Challenges

- The vast number of sexual harassment situations go unreported, mainly for personal and social reasons (fear of retaliation, libel suits, victimization, stigmatization etc)
- The role of Counties in addressing sexual harassment at the work place is not known to the public
- Inadequate experience and tools to handle sexual harassment cases at the work place
- Lack of guidelines and procedures for addressing sexual harassment

Policy Statements

The County Government commits itself to:

- Sponsor and facilitate programmes to inform county staff about sexual harassment and to make them more sensitive to its forms and the damaging consequences.
- Facilitate sessions that publicize the procedures, sanctions and remedies available against it.
- Notify the County staff of prohibited conduct
- Include the sexual harassment policy in orientation materials for new staff.
- Advise County staff of their rights, obligations and responsibilities under the policy and procedures.
- Build capacity of personnel responsible for the administration of the policy and procedures through appropriate formal training.
- Develop procedures for prompt corrective action and discipline

Reduce vulnerability of groups at risk of SGBV

Challenges

- Some individuals and groups in society are at high risk of SGBV and need specific attention, services and programmes to reduce their vulnerability.

Policy Statements

The County Government will undertake to:

- Put in place mechanisms to identify groups and individuals at high risk of SGBV.
- Promote links between actors who can help to identify those at risk
- Develop and reinforce programmes for economic empowerment of vulnerable groups
- Promote the development of shelters, safe houses, rehabilitation and reintegration facilities for all survivors and also programmes for protection of SGBV service providers

- Integrate SGBV rehabilitation programmes in the correctional facilities
- Fast-track programmes for implementation of SGBV offenders' rehabilitation and reintegration into the community.

1.2.2 Objective 2: Response Strategies

To increase access to quality and comprehensive response and support services across sectors Challenges

- Appropriate services are not available to all SGBV victims in all communities.
- Referral processes for victims are not clearly defined or known in the community and there is weakness in the coordination between service providers.
- Available services are not always easily accessible to everyone due to the cost and distance to reach them and outreach is limited.
- Some service providers lack specialized knowledge and skills to deal with vulnerable victims, including child victims as well as adolescents.
- Non-recognition of males as victims of SGBV leading to limited support.

Policy Statements

The County Government commits to:

- Identify a minimum package of support to victims;
- Provide every County hospital with a SGBV focal point;
- Develop and build on existing services which are victim-centred.
- Expand access to short and long-term support services (health, legal, social infrastructure to ensure integration of SGBV response).
- Ensure allocation of adequate finances to support services at all levels within the County.
- Fast-track dissemination and implementation of minimum standards for service delivery across sectors and enhance comprehensive care and support for survivors, perpetrators and their families.
- Ensure gender mainstreaming in all policing functions and operations, especially in relation to the handling of SGBV victims.
- Strengthen the referral process and coordination of multi-sectoral approach for interventions and for referral and reporting on cases.
- Ensure that hospitals display charters and provide information to all parties at front desks to increase awareness.
- Ensure that specific needs of men and women, boys and girls affected are incorporated into the planning, delivery and evaluation of humanitarian and disaster response
- Collaborate with the relevant partners (CSOs and national government) to strengthen capacity of institutions and service providers handling SGBV across the health and social sectors and the criminal justice system.

- Support the establishment of SGBV response centers offering quality and comprehensive services in every sub-county level and wards with at least one county referral centre at county level.
- Ensure access to services is free and available for victims;
- Ensure a minimum package of support is available for victims in every community
- Mobilize and train community resources to respond to SGBV
- Ensure establishment and monitoring of formal protocols and referral systems between the health and specialist SGBV sectors.
- Establish referral pathways between health care services, violence against women services and non-formal community-level responders.
- Provide a County toll-free 24/7 telephone hotline and online service for victims/survivors of violence against women, providing information, advocacy, support and counseling.
- Facilitate free legal assistance, advice, advocacy and other support services to victims/survivors, and accessible information about their rights and entitlements.
- Facilitate the professional and social reintegration of victims/survivors, ensuring their capacity to make decisions about their lives from a position of economic, social and emotional strength.
- Facilitate programmes for rehabilitation and reintegration of perpetrators
- Facilitate cross-county boarder and cross-jurisdictional enforcement of protection orders.

To facilitate the establishment and strengthening of existing safe houses/shelters

Challenges

- Inadequate and quality safe houses/shelters
- Concept not well internalised by the community
- Insufficient funds
- Lack of awareness on the importance of safe houses/shelters
- Poor coordination to multi-sectoral management of safe houses/shelters

Policy Statements

The County Government commits to:

- Establish shelters to provide temporary stay for victims of SGBV
- Provide services in the most effective and efficient way as far as possible.
- Ensure provision of services that are holistic, intersectoral and delivered by appropriate multi-disciplinary team
- Delivery of appropriate and quality services
- Contextualize the shelter arrangements to the community environment

- Ensure access to a most empowering environment and programmes appropriate to victim's individual developmental and therapeutic needs.

Improve accountability for SGBV

Challenges

- Ignorance of the law, fear or embarrassment of raising complaints and apprehension about the consequences of prosecution impacts the reporting of SGBV cases.
- Trial period and keeping victims informed is a challenge that has faced the fight to eliminate SGBV.
- The current system of dealing with offenders does not address underlying causes or prevent re-offending.
- In many communities, suspected SGBV cases that do not involve sexual violence are dealt with by the local authorities through a civil process, which trivialises SGBV and offers limited or no protection for victims.
- Lenient and inconsistent penalties.

Policy Statements

The County Government commits to:

- Raise awareness of the SGBV laws and provide adequate information on the legal process;
- Improve systems of identifying and reporting SGBV cases in a safe and confidential environment, without unnecessarily burdening the victims;
- In collaboration with relevant partners, encourage continuous training of law enforcement officers dealing with SGBV cases.
- Provide support to communities to promote understanding of gender and positive social norms and attitudes;
- Strengthen the community-based justice system/mediation to deal with some of the SGBV case in the best interest of the victim.
- Provide support to spouses and families of imprisoned perpetrators;
- Provide rehabilitative programmes for offenders.
- Develop specific community-based justice mechanisms that deal solely with SGBV cases.

1.2.3 Objective 3: Developing Coordination, Monitoring Systems and Data Collection

Build coordination and monitoring systems

Challenges

- Inefficient coordination of multi-sectoral intervention at the implementation level has led to weakness and gaps in SGBV prevention and response.

- Need for specialized courts to ensure proper and adequate handling and prosecution of SGBV cases. Experiences of complainants/survivors with court personnel in regular courts suggest that such personnel frequently do not have the necessary gender-sensitivity or comprehensive understanding of the various SGBV laws.
- Reporting systems are not sufficiently synchronized, which limits the ability to effectively monitor SGBV data and information sharing among stakeholders.

Policy Statements

The County Government commits to:

- Reinforce the system for coordinating implementation of the Policy against SGBV.
- Accelerate gender mainstreaming into all legislation, policies, plans and programmes.
- Fast-track implementation of laws and policies in collaboration with various state and non-state actors at national and county levels.
- Develop and implement standards and guidelines to prevent SGBV and institute standard operating procedures at service delivery centers.
- Develop work place policies addressing SGBV prevention and response in public and private set ups.
- Put in place clear regulatory measures to curb public exposure to explicit content that is likely to result in moral degradation.
- Adopt, strengthen and enforce stringent policies against SGBV in relevant institutions of learning.
- Develop standards for safety nets such as shelters and rescue centers that support SGBV victims and survivors.
- Build a cohesive and common system for monitoring SGBV data and implementation of the Policy against SGBV.

Improving data collection of evidence on SGBV

Challenges

- Baseline data on SGBV is usually incomprehensive and incomplete, making progress and gaps in SGBV prevention and response extremely difficult to measure.
- Poor keeping of records and insensitivity to those reporting.
- Inadequate resources.

Policy Statements

The County Government commits to:

- Support and facilitate the gathering of statistical data at regular intervals on the causes, consequences and frequency of all forms of SGBV, and on the effectiveness of measures to prevent, punish and eradicate violence against women and protect and support complainants/survivors

- Establish SGBV data collection/research centers under the leadership of the County Executive Officer in charge of Gender and Youth Affairs.
- Improve collection, analysis and use of data and research to enhance SGBV prevention and response efforts
- Strengthen existing monitoring and evaluation and data management systems on SGBV across sectors
- Ensure sufficient budgetary allocation for coordination, capacity development, awareness creation evidence generation, monitoring and evaluation to achieve this policy's objectives.
- Collaborate with non-state actors including the private sector, CSOs and development partners to ensure that all SGBV prevention and response programmes are adequately resourced.

CHAPTER 4 - POLICY IMPLEMENTATION

1.1 Introduction

1.2 This section deals with implementation and coordination structures in an attempt to articulate inter-agency responsibility and coordination mechanism, so that each party understands their roles. This policy will therefore guide all future decisions and processes to ensure that all issues revolving around SGBV are well understood. The County government will ensure that the implementation agenda for change, as articulated in this policy, is effectively monitored and regularly reviewed. This policy adopts and will be implemented through a multi-sectoral and integrated approach including collaboration between the national and county governments with external support from development partners, civil society and the private sector. The goal is to fast track the elimination and prevention of any forms of SGBV within the present generation. At national level, there is political will and commitment to address SGBV as a violation of human rights and an impediment to economic development. However, preventing and responding to SGBV is rendered complex by the fact that it cuts across many sectors and reflects deeply rooted cultural and social practices.

1.2 Institutional Framework

Enhanced coordination will be achieved through a defined coordination structure. For effective short- and long-term SGBV prevention, interventions must take place across all the key sectors and at three levels, so that structural, systemic and individual protections are institutionalized. These levels are as follows:

a) Structural reform

This includes preventative measures at the broadest level to ensure rights are recognized and protected through international, statutory and traditional laws and policies. Examples include:

- Substantive and procedural law reform.
- Supporting policy development within ministries of health, social welfare, justice and security.
- Human rights education with traditional and community elders.
- Gender mainstreaming across laws, policies and, programmes;
- Implementation of Standards and guidelines for SGBV prevention at public and private service delivery centres.
- Develop an advocacy and public awareness strategy for SGBV
- Engage men and boys as allies, advocates, role models, champions and change agents in advocacy against SGBV
- Provide alternative sources of income for female circumcisers
- Capacity development of institutions and service providers responding to SGBV across

- sectors including teachers, healthcare workers, Police, Chiefs, Magistrates and Judges
- Integrate SGBV training as part of the training curricula for Police and medical doctors

b) Systems reform

This involves systems and strategies to monitor and respond when rights are breached. Intervention at this level includes developing and building the capacity of statutory and traditional legal/justice systems, healthcare systems, social-welfare systems and community mechanisms through:

- Education and training for governmental and non-governmental agencies providing health, security and social-welfare services to women and girls, men and boys.
- Technical assistance to government departments.
- Assessing and addressing risks and vulnerabilities of target beneficiaries.
- Coordination of multi-sectoral and interagency efforts.
- Generation of knowledge and information for advocacy.
- Capacity development of institutions and service providers responding to SGBV across sectors.
- Enhance legal aid services for SGBV victims through collaboration with Legal Aid Service (LAS), LSK and other legal aid providing CSOs.
- Create awareness of existing services for increased uptake.
- Develop a county directory for SGBV service providers.
- Develop a multi-sectoral and multi-stakeholder SGBV referral mechanism
- Develop standards and guidelines to regulate SGBV response across sectors

c) Operational response

This comprises response at the individual level through direct services to meet the needs of women and girls, men and boys who have been subjected to SGBV. For instance:

- Community-based education and information campaigns about sexual and gender-based violence as well as about the availability of services.
- Case management, referral and advocacy.
- Counselling and support.
- Medical forensic examination, treatment and follow-up.
- Linkage with the National Police Service and the Courts.
- Ensure sufficient budgetary allocation by County Government to implement this Policy.
- Promote Gender Responsive Budgeting
- Strengthen collaboration with Development Partners
- Foster public private partnerships
- Provide technical support to key government institutions charged with implementing the SGBV policy, through the MDP
- Foster community participation.

- Integrate SGBV strategy into existing financing mechanisms.
- Foster inter-agency cooperation in the delivery of SGBV services.

Many SGBV programmes existing have concentrated their efforts at the operational response level. This has been the reason why only mitigating on SGBV has been possible as opposed to preventing the vice. Thus, by planning activities that focus on the structural and system transformations as means of SGBV prevention, lasting reforms that not only protect those who have been exposed to gender-based violence, but also work towards the elimination of SGBV shall be propagated at a faster rate. Consequently, the County government needs to double up its efforts to support the structural and system reforms to ensure the fight against SGBV is taken hands on. This therefore calls for the following actors to contribute steadfastly towards elimination of SGBV.

1.3 Actors and their Roles and Responsibilities

The County government should work closely with National and international partners as well as other relevant stakeholders, including National Government Ministries, Departments and Agencies, CSOs, Development Partners, universities and private institutions. The following table provides a summary of their roles:

Table 3: Summary of SGBV Actors and their Roles and Responsibilities

| Institution | Mandate |
|--|--|
| Ministry of Public Service, Youth and Gender Affairs State Department of Gender | <ul style="list-style-type: none"> - Facilitates interagency and inter sectoral planning for SGBV response in prevention, protection and prosecution, monitors compliance with legislation and international conventions. - Facilitates the development of interagency systems for incident reporting, documentation, referrals, information sharing, monitoring and evaluation, and coordination - Facilitates access to resource and best practice materials, including new information available in newsletters, journal articles, and reports that disseminate best practices, lessons, innovations, and other practical tools for this relatively new area of humanitarian aid. - Overall leadership and coordination in policy implementation, and resource mobilization, data aggregation and analysis. |
| National Gender Research and Documentation Centre | <ul style="list-style-type: none"> - Central repository for SGBV Data Management and Research |
| Kenya Law Reform Commission | <ul style="list-style-type: none"> - Facilitates law reform conducive to social, economic, and political development. - Develop the bills submitted to Parliament for electoral legislative reforms. |
| National Gender and Equality Commission | <ul style="list-style-type: none"> - Monitors, facilitates and advises on the integration of principles of equality and freedom from discrimination in all national and county policies, laws and administrative regulations in all public and private institutions. - Ensures compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination. NGENC hosts the regular SGBV forum |
| Judiciary | <ul style="list-style-type: none"> - Criminal justice system addresses SGBV to ensure accountability for the perpetrators and promote the safety of survivors. Judiciary works in coordination with police, advocates, health care providers, criminal justice actors, child protection services, employers, media, and faith based leaders. - Develop Bail and Sentencing policies to assist in determining cases of SGBV in a manner consistent with the law and constitution and ensure speedy determination of cases. - Increase and improve the institutional capacity of all courts to deal with gender based crimes. - Ensure that Magistrate and Judges are comprehensively trained on matters of gender based crimes. - Ensure full implementation of the Witness Protection Act in relation to gender based criminal cases. - Develop and constantly review rules relating to gender based crimes. |

| Institution | Mandate |
|---|--|
| The Attorney General's Office | <ul style="list-style-type: none"> - Administration of justice for SGBV victims/survivors - Ensuring a standardized and coordinated government approach on matters relating to SGBV. - Streamlining the development and implementation of legislation. Particularly developing and reviewing legislation to strengthen and accommodate modern methods of evidence delivery. |
| Director of Public Prosecutions | <ul style="list-style-type: none"> - Prosecutes criminal offences and ensures effective administration of criminal justice system. Prosecutes election offences. |
| National Police Service | <ul style="list-style-type: none"> - Provides security through enforcement of law and order; provides security personnel during election activities; investigates SGBV offenses and collaborates with the Department of Public Prosecution (DPP) on law enforcement. |
| Independent Police Oversight Authority and National Police Service Commission | <ul style="list-style-type: none"> - Oversee institutional accountability of National Police Service on SGBV |
| National Cohesion and Integration Commission (NCIC) | <ul style="list-style-type: none"> - Commission facilitates processes and policies that encourage elimination of all forms of ethnic discrimination irrespective of background, social circle, race, and ideological belief(s). The Commission is a key player in the coordination of efforts aimed at electoral SGBV. |
| National Assembly | <ul style="list-style-type: none"> - Enacts legislation and approves regulations relating to elections, political parties and campaign finance. Oversees the executive branch including all institutions mandated to undertake legal functions or enact secondary legislation. |
| Ministry of Health | <ul style="list-style-type: none"> - Government agencies will be relevant in budgeting, facilitating the application and enforcement of SGBV law and policies. - Runs the health information management systems (HIMS); - Elaborates the Standard Operating procedures on clinical management of SGBV and sets standards - Delivering SGBV health related services at national and county level such as health financing, trauma counselling, treatment of victims/survivors, community health awareness. Effective participation in multi-sectoral referral infrastructure. - Providing continuous capacity building to staff on SGBV health related services. - Relevant data collection |

| Institution | Mandate |
|--|--|
| <p>Other government agencies including Ministry of Education, Kenya National Human Rights Commission, Commission on administrative Justice, Ministry of Interior</p> | <ul style="list-style-type: none"> - Government agencies will be relevant in budgeting; facilitating the application and enforcement of SGBV law and policies at devolved level. - While the Article 59 commissions are charged with responsibility for oversight and re-dress mechanisms where justice has been denied, delayed or there has been abuse of power. - The Directorate of Peace Building and Conflict Management Directorate (PBCM Directorate) within the Ministry of Interior and Coordination of National Government is responsible for the coordination all peace related interventions in Kenya. Also responsible in providing a framework for mobilizing, coordinating and consolidating county peace committees, who are the sub-county level and tasked to address SGBV issues. - National Disaster Operations Centre within the Ministry of Interior and Coordination of National Government is responsible for managing and coordinating disaster response at the national level |
| <p>Ministry responsible for Security</p> | <ul style="list-style-type: none"> - Overall provision of security to create an enabling environment for SGBV prevention. - Investigation and arrests of potential and actual perpetrators of SGBV. - Continuous training of the Police Service to handle gender based offences. - Relevant data collection |
| <p>County Government/ Council of Governors</p> | <ul style="list-style-type: none"> - County Governments will be relevant in budgeting, facilitating the application and enforcement of SGBV law and policies. - Facilitate or encourage the creation of county SGBV networks or strengthen existing SGBV networks at the county level - Establish facilities and infrastructure necessary for SGBV responses at the County level - Collect and aggregate information on prevention, occurrence, responses related to SGBV - Implementation of SGBV programmes - Monitoring and review of SGBV elimination programmes and delivery at the County level. - Coordinate the referral infrastructure for survivors/ victims across the different sectors in the County. - Build the capacity of local administration to effectively speedily and appropriately handle cases of SGBV. - Create public awareness on SGBV and ensure that Chiefs and Assistant Chiefs register all cases of SGBV in their areas. |

| Institution | Mandate |
|--------------------------|--|
| Civil Society | <ul style="list-style-type: none"> - Service providers (e.g. members of the Africa Unite Network, Male Alliance Network members, Refugee Consortium of Kenya) in SGBV prevention (awareness raising, women’s empowerment and women rights), protection and prosecution (referral systems). - Claims accountability for SGBV laws and policies and budgetary allocations. Participates in CIDP elaboration and annual budget reviews at county level. - Provision of SGBV services and participation in the SGBV referral infrastructure. - Participation in data collection and analysis, including undertaking research and surveys. - Resource mobilization for SGBV policy implementation. - Design appropriate programmes and interventions. - Advocating for appropriate policies and legislation for prevention and response to SGBV - Complimenting government’s efforts in awareness creating and disseminating the policy provisions to the grassroots. - Developing strategies for multi-stakeholder interventions to mitigate the impact of SGBV in this regard build the capacity of vulnerable and poor people to understand and fight SGBV. - Provide rehabilitation for SGBV victims in this regard, establish safe havens for victims and set up kitties to support SGBV victims |
| Women’s (Right) Movement | <ul style="list-style-type: none"> - Could be seen as part of civil society, but in this case highlighted as separate given the special need for Kenya to strengthen women voice and agency in SGBV legislation and policies’ advocacy (revision and oversight). Holds duty bearers accountable on SGBV. |
| Survivors organisations | <ul style="list-style-type: none"> - Beneficiaries of SGBV programme (prevention, protection and prosecution). Able to hold duty bearers accountable. |
| (Social) Media | <ul style="list-style-type: none"> - Information provider, and analysis on enforcement of SGBV policies and legislation, serves a public watchdog function; - Provides a campaign platform for awareness raising and education, and for all stakeholders to communicate concerns and opinions. - Awareness creation on SGBV - Policy dissemination - Gender responsive coverage of SGBV interventions |
| Development partners | <ul style="list-style-type: none"> - Co-funding SGBV programme aligned to Government priorities under the Aid Effectiveness Agenda |

| Institution | Mandate |
|--|---|
| Private sector | <ul style="list-style-type: none"> - Engagement in Public-private partnerships, CSR towards components of SGBV prevention, protection (e.g. infrastructure) and also ensuring enforcement of employee related policies such as sexual harassment policies at the work places - Financing of SGBV programmes. - Participation in data collection on SGBV trends in the country. - Implementation of the SGBV policy through adoption of Codes of Conduct aimed at tackling SGBV in the workplace - Provision of SGBV services and participation in the SGBV referral infrastructure |
| Focusing on SGBV in emergencies and humanitarian setting | <ul style="list-style-type: none"> - Engage with humanitarian stakeholders to strengthen their capacities for prevention and response. |

1.4 Coordination Framework

The purpose of a comprehensive coordination structure is aimed at ensuring:

- Adequate and efficient utilization of public resources and mobilization of additional funds required for building and strengthening the infrastructure for SGBV response across sectors;
- Timely uptake of response and support services by SGBV victims/survivors and their families and ultimately, access to justice;
- Collection and collation of information on SGBV prevalence and interventions towards SGBV to inform policy and legal reforms and programming at national and county levels

At the national level, the implementation of the Policy will be aligned to coordination and management systems which comprise of the Inter-Agency Steering Committee; the National SGBV Technical Committee and the County coordination.

1.4.1 County SGBV Steering Committee

The County SGBV Steering Committee is at the highest level of County coordination at the political level. The Committee will be reflected in each of the 47 counties of Kenya and is responsible for providing county specific strategic policy direction, enacting and implementing relevant laws, policies, and mobilizing resources for SGBV prevention and response at the county level. The County SGBV Steering Committee will meet on a bi-annual basis to monitor progress towards county-specific achievement of the National SGBV Policy objectives. The Committee will also share information on policy and legal decisions affecting SGBV prevention and response at the county level. The Committee will be chaired by the County Woman Representative. Other Committee members include: Chairs of County SGBV Committees, County Executive Members, Chairs of County Assembly Committees, relevant development partners and private sector actors.

1.4.2 County SGBV Operational Committee

Currently the County SGBV Operational Committees (as reflected at National level) are reflected in each of the 47 Counties of Kenya and are responsible for technical advice and resource mobilization towards implementation of this Policy at the County level, but in line with the National Policy implementation structures. The Committees meet on a quarterly basis to share experiences and best practices in dealing with SGBV across sectors within the County. The results from this Committee are intended to be utilized to inform policy and legal reforms relevant for SGBV prevention and response at the National level. The Committee will report to the Inter-Agency Steering Committee on a bi-annual basis. The Committee will be chaired by the County Commissioners. Other members of the committee include: Line Ministry representatives as well as representation from County Health Facilities; the National Police Service; the Judiciary; Chairperson- Court User Committees; County Health Records Information Officers; Youth and Gender Officers; Social Development Officers; civil society and faith based organizations; Chairperson of Community SGBV Committee; interested development partners and relevant private sector actors.

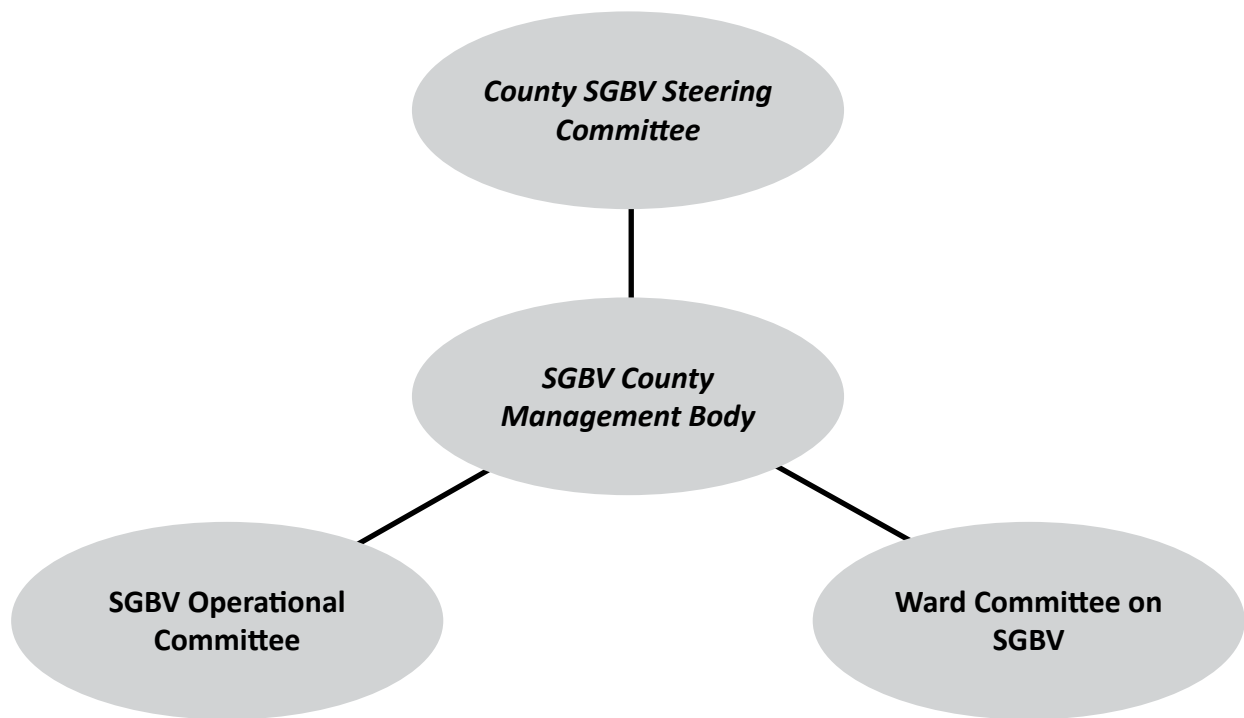
1.4.3 County SGBV Management body

This policy proposes the establishment of the County SGBV Management body at the County level which shall be responsible for the co-ordination and oversight of all initiatives relating to gender-based violence and shall be chaired by CEC member responsible for Gender and Youth Affairs. It shall consist of the CEC members responsible for finance and health, representatives from legal services, human rights, professional support services and others as may be co-opted by the members. The members shall meet regularly to advise the County Executive Committee member in charge of Gender and Youth Affairs on policy implementation and prevention strategy. The advisory body will consult with external partners as required. The body will also establish a policy implementation team to advise the County Executive Committee member in charge of Gender and Youth Affairs and help facilitate policy and procedure training in each County and Sub-Counties.

1.4.4 Community/Ward SGBV Committee

The Community/Ward SGBV Committee will be reflected in each of the 47 Counties of Kenya and is responsible for providing information on gains and challenges faced during community prevention and response mechanisms to SGBV at the county level. The Committee also acts as the community watchdog for prevention and response. The Committee will be co-chaired by: Chairperson of Community Policing at the County level. Other members of this committee will include representation from: Community Health Facilities and Workers; Council of Elders; faith-based Leaders; Social Workers; Paralegals; Case Managers; Community Policing Teams, Community Based Organizations and interested development partners.

Representation of coordination for SGBV at County level



1.5 Monitoring and Evaluation

A Monitoring and Evaluation framework will be developed to accompany this SGBV Policy document so as to facilitate effective routine managerial and coordination control, strategic assessment of outcomes and impact, and provide the material from which lessons can be learned and policy analysis developed. The monitoring framework for the Policy will outline information requirements, data collection methods, and analytical frameworks and will include plans for ongoing monitoring activities to inform the future direction of the policy. The framework will also outline and clarify the indicators for the policy objectives and outputs. The evaluation plan will include key regular evaluation activities, including the outputs to objectives and sequential policy progress reviews. It will also identify and allocate resources for specially-commissioned impact assessment, case studies and specialist technical evaluations.

Monitoring and evaluation: Monitoring and evaluation will be at various levels. Monitoring will be undertaken to facilitate information dissemination and sharing. The evaluation will seek to attain the achievement of outputs and impact at the objectives level and confirm that Programme activities have been carried out effectively and to appropriate quality standards. This will consist of:

- Systematically collect a range of sex desegregated data at fixed intervals to document changes in the target population;
- Undertake special analyses as necessary to explore changes in particular agreed key indicators;

- Disseminate and publish monitoring information in appropriate formats to all relevant stakeholders to facilitate lesson learning and contribute to dialogue and the future design of the policy framework.
- Developing Research Tools that ensure prevention programs are regularly evaluated to determine their effectiveness and to identify areas for improvement.
- Presenting annual report to the County Assembly and to the national SGBV coordinating body by the County Executive Officer in charge of gender and Youth Affairs.
- Provision for a multi-sectoral mechanism to monitor implementation of the Policy on information gathering and analysis; monitoring progress; identifying good practices and obstacles throughout implementation; and proposing measures for future action.

1.6 Financing of the SGBV interventions

The ultimate financing of the fight against SGBV activities rests with the government exchequer. The government will ensure that the adequate budgetary allocations for implementation of the SGBV interventions across all sectors in every financial year through the treasury. This is critical if any meaningful achievements are to be recorded as every activity requires finances or resources for implementation. The National and County governments will mobilize the communities to fund raise and support the financing of the SGBV activities. The National and County governments will engage with the private sector to undertake their corporate social responsibility and give back to the society by making funds available from their kitty to finance the services and activities on the fight against SGBV. The National and County governments in collaboration with the civil society organizations in the fight against SGBV will prevail upon the development partners to provide grants to ensure availability of the funds to run the SGBV activities and programmes and ensure sustainability.

1.7 Resource mobilization

The successful implementation of this Policy will depend on the availability of sufficient financial, human and infrastructural resources. In order to demonstrate commitment to implementing the Constitution, relevant laws and the policy, the Ministries, Departments and relevant Agencies shall integrate budgetary processes towards the fight against SGBV and allocate sufficient resources for the implementation of this Policy. Government funds will be complemented by funds from the National government, development partners and the private sector.

1.8 Policy Review

This Policy will be implemented within a **five (5) year** period and shall be subjected to mid-term review within three (3) as need be, to take into account the social and economic realities associated with SGBV.



Published by:

National Gender and Equality Commission Headquarters

Solution Tech Place, 1st Flr, Longonot Road,
Upper hill, next to Crowne Plaza Hotel P.O.BOX 27512-00506, Nairobi, Kenya
Tel +254 709375100/ +254 (20) 3213199
Toll Free Line: 0800720187
SMS: 20459
www.ngeckenyak.org Twitter: @NGECKENYA
www.facebook.com/NGECKENYA

Kisumu Office

Reinsurance Plaza, 3rd Floor, Wing B
Oginga Odinga Street
Tel: 0774755595

Nakuru Office

Tamoh Plaza, 1st Floor, Kijabe Street
P.O BOX 15263-401 NAKURU
Tel: 0774755593

Garissa Office

Opposite Care International Offices, Garissa town
Tel: 0774755603
©2017



The views and opinions in this report are those of the authors and do not necessarily reflect the views of the funding agencies or their associates.



Published by:

National Gender and Equality Commission Headquarters

Solution Tech Place, 1st Flr, Longonot Road,
Upper hill, next to Crowne Plaza Hotel P.O.BOX 27512-00506, Nairobi, Kenya
Tel +254 709375100/ +254 (20) 3213199
Toll Free Line: 0800720187
SMS: 20459
www.ngeckkenya.org Twitter: @NGECKENYA
www.facebook.com/NGECKKenya

Kisumu Office

Reinsurance Plaza, 3rd Floor, Wing B
Oginga Odinga Street
Tel: 0774755595

Nakuru Office

Tamoh Plaza, 1st Floor, Kijabe Street
P.O BOX 15263-401 NAKURU
Tel: 0774755593

Garissa Office

Opposite Care International Offices, Garissa town
Tel: 0774755603
©2017

The development of this document has been made possible thanks to the generous support of DANIDA.

