



**JOINT STAKEHOLDERS SUBMISSION ON SEXUAL VIOLENCE BY THE
SEXUAL VIOLENCE THEMATIC GROUP OF THE KENYA STAKEHOLDERS'
COALITION OF THE UNIVERSAL PERIODIC REVIEW KENYA.**



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EXECUTIVE SUMMARY

1. This report was developed and submitted by the Sexual Violence Cluster, a member of the Kenya Stakeholders Coalition on the Universal Periodic Review (UPR). This coalition comprises over 200 civil society organizations (CSOs), organized into 30 thematic sub-clusters. The members of the **Sexual Violence Thematic Group** under the **Group Rights Cluster** made up of 23 CSOs who form membership of the Coalition Against Sexual Violence in Kenya and other partners.
2. The submission is informed by data collected from diverse stakeholders; duty bearers and rights holders' including survivors of sexual violence, civil society organizations and service providers in the health, security, justice and all other relevant sectors across Kenya. It reflects the coalition's concerns about the realization of survivors' rights, in alignment with the Constitution of Kenya 2010, International human rights commitments and the Sustainable Development Goals (SDGs). Kenya has made commendable progress in certain areas towards addressing sexual violence. However, critical challenges continue to hinder the realization of survivors' rights and addressing sexual violence.

Lack of effective coordination by health, justice and security actors mandated to address sexual violence.

3. Based on the 2022 findings of the Kenya Demographic and Health Survey (KDHS)ⁱ report on the prevalence of sexual violence, 13% of women reported that they had experienced sexual violence at some point in their lives, with 7% reported that they had experienced sexual violence in the last 12 months. A slightly lower proportion of men reported experiencing sexual violence; 7% have ever experienced sexual violence, and 4% have experienced sexual violence in the 12 months preceding the survey. The percentage of women who have experienced sexual violence increases with age, from 7% among those age 15–19 to 18% among those age 40–49.
4. The KDHS report further points that major contributors to sexual violence include poverty, illiteracy, insecurity, alcohol and substance abuse, uncensored media, political instability and poor enforcement of laws and policies. More women experience sexual violence because of abuse of power, gender inequality and disregard for human rights in a patriarchal society.
5. Despite the existence of different actors, policies, legislative reforms, and interventions, gaps still exist in the coordination of health, security, justice and other stakeholders. Weak coordination and networking among actors, at all levels, has been a limiting factor towards addressing sexual violence. To effectively deal with the innumerable issues related to sexual violence, it is pivotal that all the relevant stakeholders participate fully in the process of addressing sexual violence. It requires the engagement of both state and non-state actors to work harmoniously. However, there have been disjointed efforts leading to double-documentation and overlapping of mandates when it comes to addressing sexual violence. Despite its mandate, the government has not effectively coordinated actors in addressing sexual violence both during peacetimes and conflict situations. Consequently, some actors do not fully adhere to the existing policies and legal frameworks addressing sexual violence. This non-compliance has resulted in inadequate protection for survivors, insufficient prosecution of offenders, and a broader failure to create deterrence within communities. The persistent

gap between policy and practice continues to erode public trust in the government's ability to address sexual violence effectively.

6. The Sexual Offences Act 2006ⁱⁱ provides a comprehensive legal framework for addressing sexual offenses and envisages a coordinated multi-sectoral approach between the health, justice, security and other relevant actors for effective implementation. Since its enactment, the custodian of the Sexual Offences Act has been the National Legal Affairs and has since switched to the Department of Justice. Consequently, this has brought about lack of clarity in the anchorage of the Act as to which government agency is responsible for its implementation leading to lack of accountability in its enforcement by actors within the justice system and other key sectors. The Constitution of Kenya 2010 imposes a positive duty on the State and all State organs to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in Kenya.
7. In the 3rd cycle, a **recommendation 142.130** for the government to set up specialized courts that enable the speeding up and the effective treatment of gender based violence cases was submitted, to date the judiciary has set up specialized SGBV courts' now referred to as Gender Justice Courts was first launched in March 2022 and 10 others across the country in 2024 and there is a need for the SGBV courts to be established in all other counties in Kenya.
8. In 2023, a Petition No. E018 of 2023 -Republic v Joshua Gichuki Mwangi by KELIN on the case on **Mandatory Minimum Sentencing for Sexual Offences in Kenya in the Supreme Court**. The Supreme Court faulted the Court of Appeal for its declaration of [mandatory] minimum sentences unconstitutional since that was not an issue that had been raised by any of the parties before court and it was therefore a violation of the principle of stare decisis. It also distinguished between mandatory sentences and minimum sentences, where mandatory sentences leave no discretion for the judge to individualize punishment whereas minimum sentences set the floor rather than the ceiling. It held that although the term 'mandatory minimum' has been used in other jurisdictions, it is not applicable as a legally recognized term in Kenya
9. **The Judiciary Taskforce on Convicted Sexual Offenders Register (CSOR)**ⁱⁱⁱ ensured the automation of the Convicted Sexual Offenders Register. The CSOR is a national register that captures the details of all convicted sexual offenders in Kenya. It is maintained by the Chief Registrar of the Judiciary under the provisions of the Sexual Offences Act 2006. Although this is progressive, the CSOR has restrictions on accessibility and there are questions on who qualifies to be added onto the register. This is a gap that need to be addressed to ensure its effectiveness.
10. The government should establish a specialized police unit within the Ministry of Interior and National Administration to oversee and enforce the Sexual Offences Act effectively.
11. The government should develop and implement a comprehensive Multisectoral Action Plan for sexual violence, outlining clear roles, responsibilities, and coordination mechanisms among various stakeholders, including government agencies.
12. The government should establish rehabilitation programs for sex offenders to address the psychological, social, and behavioural aspects of offending behaviour and prevent incidences of repeat offenders
13. The Government should review and amend the Penal Code to align with the Bill of Rights

Prevalence of sexual harassment in informal sectors and public spaces.

14. Sexual harassment in Kenya's informal sectors^{iv} is a prevalent issue, affecting 47% of workers, with women experiencing a higher incidence rate (58%) than men (35%)^v. Research¹ indicates that 67% of sexual harassment incidents occur occasionally, while 20% happen regularly in these sectors. This highlights the need for comprehensive legislative and policy measures to protect all workers. Common perpetrators are fellow workers, supervisors, and customers, with incidents occurring predominantly during work hours. The root cause of the problem is patriarchal culture and power imbalances. Another contributing factor of sexual harassment includes a lack of awareness on how sexual harassment manifests in the informal sector, leading to normalization and underreporting.
15. The absence of written contracts and internal guidelines to address sexual harassment further exacerbates the issue, hindering effective monitoring and accountability. Furthermore, independent contractors and traders in informal sectors are not recognized as employees under the Employment Act leaving them unprotected from sexual harassment. The Sexual Offences Act does not protect citizens, in informal sectors, against sexual harassment, denying them the right to a safe working environment. According to the *Fiscal Accountability for Inequality Reduction: Even it up* report by Oxfam, Kenya has an estimated two million domestic workers, the majority of which are informally employed.^{vi} This is consistent with trends at the global level where an estimated 80% of domestic workers are in informal employment, with 87% being male domestic workers and 79% being female workers. In addition, Kenya's National Statistical System (NSS) does not capture domestic work sector as a standalone sector. The instrument offers enhanced protection for Kenyan domestic workers from violence and sexual harassment in their workplaces.
16. Lastly, there is inadequate legal support in reporting mechanisms. As a result, survivors suffer from psychological trauma while their families bear the economic burdens. Survivors also face decreased productivity and job satisfaction, resulting in layoffs and economic instability. The normalization of harassment perpetuates a vicious cycle of silence, fear, and recidivism further entrenching the problem.
17. In Kenya, there is inadequate legislation to protect informal workers, leaving them highly vulnerable to various forms of abuse. The current Sexual Offences Act (2006, revised in 2012) primarily addresses sexual harassment by individuals in positions of authority or by those holding public office. In section 23. (1) of the Act it states, *any person, who being in a position of authority, or holding a public office, who persistently makes any sexual advances or requests which he or she knows, or has reasonable grounds to know, are unwelcome, is guilty of the offence of sexual harassment and shall be liable to imprisonment for a term of not less than three years or to a fine of not less than one hundred thousand shillings or to both.*^{vii} Due to the vagueness of the Acts definition of sexual harassment, many perpetrators cannot be charged.
18. The Employment Act (2007, revised in 2012) mandates that entities with 20 or more employees should develop a policy to address sexual harassment. However, this leaves smaller entities with 19 or fewer employees without formal protection against instances of sexual harassment.
19. In the last cycle under **recommendation 142.178 and 142.179**, the government committed to take additional measures to eliminate discrimination and harassment in the workplace, including on basis of sex and sexual orientation and gender identity. This includes amendment of the Employment Act^{viii} to provide enforcement and redress mechanisms for sexual harassment. This has been partially implemented; in 2021, the Employment Act Amendment Bill lapsed following the last general elections but was reintroduced on 30 November 2022,

and published as the Employment (Amendment) Bill, 2022 (the “Bill”). On 1 August 2023, the Senate passed the Bill without amendments to the National Assembly for consideration. However, this does not include sexual harassment guidelines beyond formal workplaces and public spaces. In 2023^{ix}, President William Ruto promised to fast-track the ratification of the two outstanding ILO treaties on ending sexual harassment at the workplace and protecting the rights of domestic workers and other workers in the informal sector.

20. The Government should ratify International Labour Organization (ILO) Convention No. 189 and 190 on violence and harassment in the world of work to enhance protection for informal workers
21. The Government should further review the regulatory frameworks to cover sexual harassment in the informal sector and public spaces, including the review of Sexual Offences Act Section 23 and the Employment Act Section 6 (2 & 3).
22. The government should invest in raising public awareness on sexual harassment in informal workspaces and public spaces.
23. The government should strengthen referral pathways for survivors of sexual harassment.

Lack of comprehensive reliable data on sexual violence including Monitoring, Evaluation, Accountability and Learning Framework.

24. Data is crucial for developing evidence-based interventions and responses towards supporting survivors and addressing sexual violence. Existing research on sexual violence is limited and lacks disaggregation to cover intersecting issues. The data from the 2022 KDHS report^x, which focuses on individuals aged between 15 to 49 years, fails to capture a broader range of ages. This presents a significant gap, with the youngest survivor in Kenya was just 3 days old and the oldest was 105 years old^{xi}. The generating and managing of knowledge remain a major challenge due to lack of reliable and comprehensive data, which in turn limits the design and implementation of effective programs.
25. Overlapping links between thematic issues, such as health, legal, security and psychosocial, are not adequately addressed in the existing data, leading to divergence in responses. Medico-legal links are weak due to a lack of effective cross-sectoral referral mechanisms and data collection tools. The First Schedule of the Statistics Act 2006^{xii} itemizes gender as one of the matters on which statistical information may be collected, compiled, analysed and published. The Kenya National Bureau of Statistics (KNBS) is thus mandated by the Act to be independent of the Government in collecting, analysing and disseminating statistical data in Kenya and shall be the custodian of official statistical information. In 2022, the KNBS published a report titled *Women and Men in Kenya: Facts and Figures* which cites statistics on GBV from 2003-2019. This scenario demonstrates that the KNBS is currently not effective to generation of sexual violence data.
26. Each of the 47 County Governments publishes the County Integrated Development Plan. These publications contain statistics on GBV that are specific to the counties. There is also no standardized mechanism for coordinating the sharing of data between the devolved units and the National Government. The siloed approach of data management and dissemination is a hindrance to addressing sexual violence at national level. The gap is equally notable in the interface between the two levels of government, state agencies, non-state actors as well among the non-state actors
27. The KNBS is the custodian of official statistical information as defined in the Statistics Act 2006.^{xiii} The Gender Sector Statistics Plan (GSSP)^{xiv} Kenya shows that the Kenya National Statistical System (NSS) and the NSS exist to promote best statistical practices in the

production and dissemination of gender statistics. The NSS is a multi-sectoral institution that draws its membership from state and non-state agencies. The GSSP is a state institution that has been in existence since 2018. The implementation framework of the two agencies provides for quarterly mid-term and annual monitoring mechanisms of gender issues by producers and users of statistics. However, the functionality of the NSS is hampered by weak coordination, limited engagement between gender data producers and users, financial constraints, and inadequate human and technical capacity^{xv}

28. In 2022, the National Gender and Equality Commission (NGEC) developed the National Monitoring and Evaluation framework towards the prevention and response to sexual and gender-based violence in Kenya. The framework provides a mechanism for monitoring progress of response and prevention management programmes. It is also a systematic mechanism for coordination. NGEC also developed the National Monitoring and Evaluation^{xvi} framework towards the prevention and response to sexual and gender-based violence in Kenya. The framework provides a mechanism for monitoring progress of response and prevention management programmes. It is also a systematic mechanism for coordination but is yet to provide a progress report on the implementation and monitoring status of sexual violence.
29. The government should actualize their Generation Equality Forum Commitment on the development of a GBV management and information system to strengthen GBV prevention and response programming
30. The government to establish integrated data-sharing and reporting systems across sectors to improve the coordination and tracking of sexual violence cases. This system should facilitate real-time access to data for all relevant stakeholders and support evidence-based interventions.
31. The government should establish and adopt integrated national indicators and monitoring tools for sexual violence for standardization and synchronization of data collection and reporting.
32. The government should provide guidance to civil society organizations to ensure reliable data processing through the Kenya National Bureau of Statistics (KNBS).

Inadequacy in provision of survivor centred and trauma informed support services and access to justice for survivors of sexual violence.

33. Access to justice requires survivor-centred and trauma-informed service provision along the continuum of care which involves access to services from health, security, justice and other relevant actors. Survivor support services should abide by the principles of survivor care, which include providing confidentiality, ensuring safety and security for survivors. Survivors' access to services and justice is hindered by several challenges, from service providers insensitivity in handling cases, failure to uphold dignity, respect, and privacy when handling survivors. Health facilities, which also serve as the primary entry points for survivors, are often inaccessible or inadequately equipped affecting the ability to deliver high quality support.
34. Insufficient training has left service providers with little skills and knowledge to handle survivors and forensic evidence effectively within the criminal justice system. This negatively affects the quality of investigations and subsequently, survivors' access to justice. Despite the Witness Protection Agency's^{xvii} mandate to safeguard witnesses, threats and intimidation from perpetrators still deter survivors from pursuing legal action. The challenges are particularly severe for survivors with disabilities and key populations, who face additional barriers due to their specific needs, making access to services and justice even more difficult.

35. Sexual violence is a criminal offense and should not be resolved through traditional conflict resolution mechanisms but rather through the formal legal system. However, some actors at the local and grassroots administrative level such as chiefs and village elders' resort to Alternative Justice Systems to resolve cases of sexual violence and deny survivors the right to access justice. As a result, sexual violence continues to be a pervasive human rights concern with survivors grappling with access to survivor centred comprehensive care and support in health justice, security and other forms of access along the justice pathway.
36. The National Guidelines on Management of Sexual Violence in Kenya outline the procedures relating to medical management of sexual violence including providing information about the first steps that are to be taken after meeting a survivor of sexual violence. The ethical issues, how to get a history and what every healthcare provider in every institution needs to know about management of the health-related problems of sexual violence are highlighted. **The SGBV Strategy 2023-2030^{xviii}** aims to overcome institutional, social and structural barriers by providing a trauma responsive Justice system for survivors of sexual and gender-based violence. The National Standard Operating Procedures on Management of Sexual Violence Against Children^{xix} seeks to enhance the capacity of Health Care Providers and Health Management Teams to respond to and support child survivors of sexual violence. Building on both National and International Sexual and Gender Based Violence SOPs, the document provides a standardized, user-friendly guide on how to apply child-centred approaches for the effective management and support of child survivors of sexual violence; and describes clear procedures, roles and responsibilities for all health care providers.
37. The National Reproductive Health Strategy (2022 - 2032) highlights the responsibilities and roles of state agencies such as National Human Rights Institutions in expanding the utilization of modern technology and local community /social intelligence in SGBV and advocating for the expansion of safety nets and corridors for survivors of SGBV and their dependents. The 2005 Policy Framework for the Implementation of Post-Rape Care Services^{xx} ensures the inclusion of sexual violence as a key issue within the National Reproductive Health Strategy (2022 - 2032)^{xxi} and sets the development of standards for post rape care service delivery. The National Policy on Gender and Development^{xxii} 2019, addresses gender inequality and includes provisions for protecting survivors of sexual violence. It promotes the integration of gender considerations into various sectors, including justice. One of the Policy Actions was to develop and strengthen the capacity of relevant institutions to undertake effective and timely investigations and prosecution of SGBV related offenses.
38. **The Protection Against Domestic Violence Act, 2015^{xxiii}** addresses violence within domestic settings, including sexual violence and provides mechanisms for protection orders and support services for survivors. As per Section 19, a protection order may direct that a respondent shall not physically or sexually abuse or threaten to abuse the protected person. **The Victim Protection Act No. 17 of 2014^{xxiv}** mandates the Cabinet Secretary responsible for matters relating to justice to establish victim services in all counties and ensure equal access to the services by ensuring that all cases are investigated and prosecuted timely; ensuring equal access to courtrooms, prosecutors' offices and any other office that may be necessary for a victim; ensuring the provision of adequate and effective medical services to victims; ensuring that every courtroom is fitted with special facilities for victims awaiting courtroom appearance and that victims are separate from holding facilities for accused persons; availability of culturally sensitive services for persons and members of ethno-cultural and religious minorities; and the provision of facilities for persons with disabilities. The Act also provides for the Victim's right to compensation from the offender (Sections 22 & 23 VPA) but is not

clear on the procedure for victim of access compensation and the Board has presented concerns on lack of funding to ensure they fully deliver on their mandate.

39. **The Mental Health Act 2022^{xxv}** allows for survivors to access affordable mental health services in different health facilities. A research conducted by the Wangu Kanja Foundation and Physicians for Human Rights Kenya highlighted^{xxvi} the mental health impacts of sexual violence and access to quality mental health services in Kenya as a key concern regarding lack of survivor centred service provision along the continuum of care. Currently, Kenya lacks a legal framework that provides guidelines on minimum quality of service standards provided to survivors of sexual violence and this presents a gap in ensuring all services provided abide by the principles of survivor care and are in their best interest.
40. In Kenya, several laws and constitutional provisions address the rights and protection of sexual violence victims, emphasizing the importance of safe houses and recovery centres for survivors. **The Constitution of Kenya (2010)^{xxvii}** Article 28 and 29 guarantees the right to human dignity, the necessary support to restore their dignity and underlines the state's responsibility to provide safe environments for victims.
41. **The Sexual Offences Act (2006)^{xxviii}** Section 4: Provides for the protection of victims of sexual violence, imposing severe penalties for offenders and establishing a framework for the care and support of victims. The Act emphasizes the need for shelters where victims can seek refuge. Section 6: Mandates the provision of emergency treatment to victims of sexual violence, which includes the necessity of safe houses and recovery centres to offer both immediate and ongoing care.
42. **The Victim Protection Act (2014)^{xxix}** Section 13 calls for the establishment of victim support services, which encompass the creation of safe shelters and recovery centres to provide secure and supportive environments for survivors.
43. **The Children Act (2022)^{xxx}** Section 119: Identifies children in need of care and protection, including those who have been victims of sexual violence, and mandates the provision of safe environments, which could include shelters and recovery centres.
44. **The Protection Against Domestic Violence Act (2015)^{xxxi} Section 7:** Empowers the courts to issue protection orders, which may include the provision of safe shelter for victims of domestic violence, encompassing sexual violence cases.
45. The Child Justice Strategy^{xxxii} aims to safeguard and advance the rights of all children in Kenya. These laws collectively emphasize the responsibility of the Kenyan state and society to provide adequate protection and support to survivors of sexual violence. Safe houses and recovery centres are not only necessary for the immediate safety of victims but are also a legal and constitutional mandate to ensure their rights to dignity, health, and security are upheld.
46. The government committed to *establish one stop GBV Centers*, the Nanyuki Policare center meant to address Sexual and Gender Based Violence (SGBV) under one stop shop center was officially launched in May 2021^{xxxiii} and are yet to be launched and fully operationalized in other counties.
47. The government should develop standard operating procedures and guidelines to operationalize one stop survivor centred Sexual Violence centres and allocate human, financial and material resources in all 47 counties.
48. The government to strengthen and fully operationalize comprehensive survivor-centred one-stop sexual violence services in every county. These services should integrate health, justice, security, and safety components.

49. The government to ensure full implementation of the Sexual Offences Act on utilization of DNA evidence in prosecution and ensure maintenance of a data bank and the offenders' registry.
50. The government to prioritize reparations for the survivors of sexual violence as stipulated in the Victim Protection's Act under Section 23 and provide clear procedures for victims to access the reparations.
51. The government should develop and enforce national standards and guidelines for survivor-centred and trauma-informed support services. These standards should ensure consistency and quality in the provision of care across all service sectors in all 47 counties.
52. The government should train the service providers to fully apply survivor-centred and trauma-informed approaches in their service delivery.
53. The government should ensure that survivor support services are accessible and available in both urban and rural areas. This includes increasing the number of facilities, improving transportation options, and providing services in multiple languages and formats to meet diverse needs

Inadequate government owned safe shelters and recovery centers

54. There are inadequate government-funded shelters and safe spaces for survivors of sexual violence in which to seek temporary refuge from further abuse. This includes shelters operated by non-governmental organizations and private institutions with limited capacities due to high demand and urban locations. The inadequacy of safe shelters complicates situations for survivors of sexual violence who are then forced to bear the pain and indignity of staying in unsafe environments where they were violated. Out of the 47 counties in Kenya, there are only 13 Gender-Based Violence Recovery Centres over a span of 10 counties^{xxxiv}. This number is low compared to the population of survivors affected by sexual violence. Kenya lacks a clear national strategy that provides guidelines for the establishment and management of safe shelters.
55. This Gender Based Violence Recovery Centre (GBVRC) model has been adopted in various county and sub-county hospitals including ^{xxxv}; Centre for Assault and Recovery in Eldoret (CARE) situated in Moi Teaching and Referral Centre, Coast General Hospital Recovery Centre, Kenyatta National Hospital, Taita Taveta District Hospital, Bifra Clinic in Eastleigh Nairobi, Makueni County Hospital, Kisii level 6, Kenyena Sub-county Hospital, Eldama-Ravine Sub-county Hospital, Homabay County Referral Hospital, Makongeni Sub-county Hospital, Samburu County Referral Hospital and Kwale County Referral Hospital. These are only recovery centres in 10 counties out of 47 counties and 314 sub counties in Kenya, there is still a gap in establishment and operation of safe shelters for survivors.
56. The government should provide the infrastructure and human resource for establishment and operationalization of safe shelters in 47 counties to provide refuge and support for survivors of sexual violence
57. The government should develop a comprehensive national strategy for establishing and maintaining safe shelters and recovery centres. This strategy should include guidelines for shelter operations, minimum quality standards for service provision and operations, and a clear framework for funding and resource allocation both human and financial.

Lack of reparations for survivors Electoral Related Sexual Violence

58. Election Related Sexual Violence (ERSV) which is a form of Conflict Related Sexual Violence was perpetrated in Kenya during the 2007/2008 election period. According to the International Criminal Court^{xxxvi}, crimes against humanity such as murder, deportation or forcible transfer of population, persecution, rape, and other inhumane acts took place in the

country. During the ensuing violence, hundreds of men and women were sexually abused, castrated, harassed, and killed based on ethnic identity. Unfortunately, subsequent elections have still witnessed varying degrees of violence including sexual violence. For instance, in 2017, Kenya's presidential election also was marred by serious human rights violations, including gang rapes, unlawful killings and beatings by police during protests and house-to-house operations in western Kenya, which was aligned to the opposition.

59. The Constitution of Kenya under Articles 25(a), 29(d) and (f) and 50 provides for the security of the person and protection against all forms of violence. Article 27 provides for equal protection of both women and men before the law and in all spheres of life. It prohibits any discrimination and obligates the State to take measures to address any disadvantage suffered by any individual or group because of past discrimination. Article 28 provides for every person having inherent dignity and the right to have that dignity respected and protected.
60. The majority of Kenya's post-election violence took place in January and February 2008^{xxxvii}. The fighting resulted in 1,133 casualties, at least 350,000 internally displaced persons (IDPs), approximately 2,000 refugees, significant, but unknown, numbers of sexual violence victims, and the destruction of 117,216 private properties and 491 government-owned properties including offices, vehicles, health centers and schools.
61. In 2017, at least 12 people were reportedly killed and over 100 badly injured^{xxxviii}. The Kenya National Commission on Human Rights also reported that the police had killed at least 24 people nationwide, including one in Kisumu and 17 in Nairobi. The numbers reported are most likely much higher, as the Kenyan media were slow in reporting on the violence and families were afraid to speak out.
62. In the last review on **recommendation 142.136**, the government committed to intensify efforts to secure redress for survivors of sexual violence following 2007 and 2017 presidential elections and establish mechanisms to ensure such crimes are never repeated. Through the *Constitutional Petition No. 122 of 2013*, this Eight individuals, two male and six females, who were subjected to sexual violence during the post-election violence in Kenya in 2007/2008, sought justice and reparation before the High Court of Kenya. On 10 December 2020, the High Court in Nairobi issued a landmark judgment finding the Kenyan government responsible for failure to protect, investigate and prosecute the post-election sexual and gender-based violence (SGBV) that took place in Kenya in 2007-2008. The High Court in Nairobi ruled in favour of four of eight petitioners who are survivors of post-election sexual violence in Kenya. The four successful survivor-petitioners in the case were each awarded compensation of KES 4 million (approximately USD 35,000) "for the violation of their constitutional rights." However, as of late 2021, the compensation had not yet been delivered. They have also not received any other forms of reparations from the government including 'restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition'.
63. The Office of the Attorney General and the National Treasury should speedily compensate the survivors awarded in Petition 122 of 2013.
64. The State Department Directorate on Gender Based violence should support the development and strengthening of national institutions' capacities, of judicial and health systems, and of local civil society networks to provide sustainable assistance to victims of ERSV.
65. The government of Kenya through should develop and implement a reparative framework for the survivors of ERSV to provide victims/survivors with reparations in accordance with the

relevant provisions of international law to cover compensation, restitution, satisfaction, guarantees of non-repetition, and rehabilitation of survivors.

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- i <https://www.knbs.or.ke/reports/kdhs-2022/>
- ii https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/SexualOffencesAct_No3of2006.pdf
- iii <https://judiciary.go.ke/judiciary-taskforce-on-convicted-sexual-offenders-register-engages-stakeholders-on-the-automation-of-the-convicted-sexual-offenders-register/>
- iv Informal sectors refer to an economy that is not directly regulated by the government, including, but not limited to, public transport, informal traders, domestic workers, farmers, key and vulnerable populations. The operational framework is context-based and changes over time.
- v <https://hivos.org/document/a-rapid-assessment-on-the-prevalence-of-sexual-harassment-in-kenyas-informal-sector>
- vi <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621079/cs-oxfam-kenya-fiscal-justice-women-girls-221020-en.pdf>
- vii <https://probation.go.ke/sites/default/files/downloads/The%20Sexual%20Offences%20Act%20No%203%20of%202006.pdf>
- viii https://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2023/TheEmployment_Amendment_Bill_2023.pdf
- ix <https://www.citizen.digital/news/the-long-wait-for-end-of-gender-based-violence-among-kenyan-informal-sector-workers-n332936>
- x <https://dhsprogram.com/pubs/pdf/PR143/PR143.pdf>
- xi <https://www.pskkenya.org/national-launch-of-the-16-days-of-activism-against-gender-based-violence/>
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- xvii <https://wpa.go.ke/>
- xviii <https://www.judiciary.go.ke/wp-content/uploads/2023/07/SGBV-Strategy.pdf>
- xix <https://familyhealth.go.ke/wp-content/uploads/2018/02/SOPVAC-Book-.pdf>
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- xxi <http://guidelines.health.go.ke/#/category/18/347/meta>
- xxii <https://psyg.go.ke/wp-content/uploads/2019/12/NATIONAL-POLICY-ON-GENDER-AND-DEVELOPMENT.pdf>
- xxiii http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ProtectionAgainstDomesticViolenceAct_2015.pdf
- xxiv <https://statelaw.go.ke/wp-content/uploads/2020/11/Victim-Protection-Act-17-of-2014.pdf>
- xxv https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2022/TheMentalHealth_Amendment_Act_2022.pdf
- xxvi <https://phr.org/our-work/resources/voicing-our-plight-kenya-photovoice/>
- xxvii http://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf
- xxviii http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/SexualOffencesAct_No3of2006.pdf
- xxix <https://statelaw.go.ke/wp-content/uploads/2020/11/Victim-Protection-Act-17-of-2014.pdf>
- xxx https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2022/TheChildrenAct_2022.pdf
- xxxi http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ProtectionAgainstDomesticViolenceAct_2015.pdf
- xxxii <https://www.ncaj.go.ke/wp-content/uploads/download-manager-files/FINAL-NATIONAL-STRATEGY-ON-JUSTICE-FOR-CHILDREN-21st-feb-2024.pdf>
- xxxiii <https://www.kenyanews.go.ke/sh9-million-ultramodern-nanyuki-policare-centre-launched/>
- xxxiv <https://gvrc.or.ke/about-us/how-it-all-began-2/>

xxxvxxv <https://gvrc.or.ke/about-us/how-it-all-began-2/>

xxxvi <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>

xxxvii https://www.knchr.org/Portals/0/Reports/Waki_Report.pdf

xxxviii <https://www.hrw.org/news/2017/08/27/kenya-post-election-killings-abuse>