

## FACTSHEET ON SGBV, FEMICIDE AND THE PLACE OF MCA'S- KENYA



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AUTHORS: GACHUI KARIUKI & DAMARIS KARIUKI

**VIOLENCE AGAINST WOMEN STOPS HERE**



### SGBV

This is any harmful act, be it sexual, psychological or physical that is perpetuated against a person, and is simply based on differences/ power relations between males and females.

### Femicide

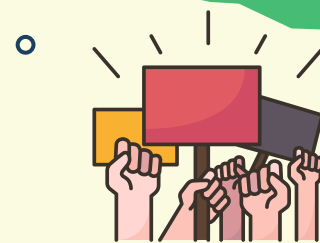
The UN defines femicide as intentional killing with a gender related motivation.



### Scope of the Problem

Between December 2023- January 2024, there was a steep increase in the number of women reported by local media as killed by their intimate partners or close family members.

The numbers were especially high between 27th December 2023- 14th January 2024, begging the question “**what is happening in Kenya?**”



### “END FEMICIDE KENYA” #TotalShutdownKe

27th January 2024 thousands of women, individuals and groups concerned with SGBV/ Femicide flooded the streets of Kenya demanding an end to the killing of women.

This protest showed that Kenyan women have collectively made a stand not to be silent until all women are safe

### Facts & Figures



Women in general face a higher risk of experiencing Intimate Partner Violence (IPV) but data trends show that women aged 18-40 face the greatest risk

African Uncensored published statistics estimating that over 500 women were killed between 2016-2023

In January 2024 local media reported 16 femicide related cases

It takes 1,900 days in average to conclude SGBV murder related cases



### Legal Opinion on SGBV by Gachui Kariuki

With support from HSF Kenya, Gachui Kariuki, Advocate of the High Court of Kenya, provided a legal opinion that paints a picture on already existing legal. policy provisions on SGBV together with femicide. Huge emphasis was placed on showcasing the role of the government more so County Governments must play to ultimately eradicate SGBV- Femicide

For the full legal brief contact: [info@hss.co.ke](mailto:info@hss.co.ke)



### A Call to Action

This factsheet is a summary of the legal brief and provides policy recommendations as far as the role of County Assemblies in combating gender based violence.

**#STOP KILLING US**  
END FEMICIDE KE



# PROTECTION AGAINST DOMESTIC VIOLENCE ACT SEXUAL OFFENCES ACT

## KEY DEFINITIONS:

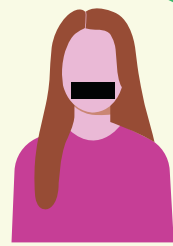


### Domestic Violence

Presence of violence, threat of violence, or imminent danger by a person is or has been in a domestic relationship with

### Sexual Abuse

Any act of violence or threats of violence



### Emotional/Psychological Abuse

Pattern of degrading/humiliating conduct that includes: repeated insults, ridicule, name calling or repeated threats to cause emotional pain

Can apply to a child i.e., causing or allowing them to see abuse or directly putting them at risk



### Economic Abuse

Being unreasonably deprived of economic or financial resources, which the applicant is entitled to or require; and/or being denied to seek employment or engage in any income generating activity



### Harassment

Pattern of conduct which creates a sense of fear or imminent harm

### Intimidation

Uttering or conveying a threat

“A single act may amount to abuse; and a number of acts that form a pattern of behavior may amount to abuse- even if isolated or considered minor/trivial”



### Applicant

A person who applies for protection; or a person on whose behalf an application has been made

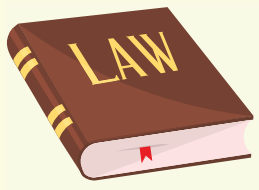
### Respondent

Any person against whom a protection order has been made



### Applicants Representative

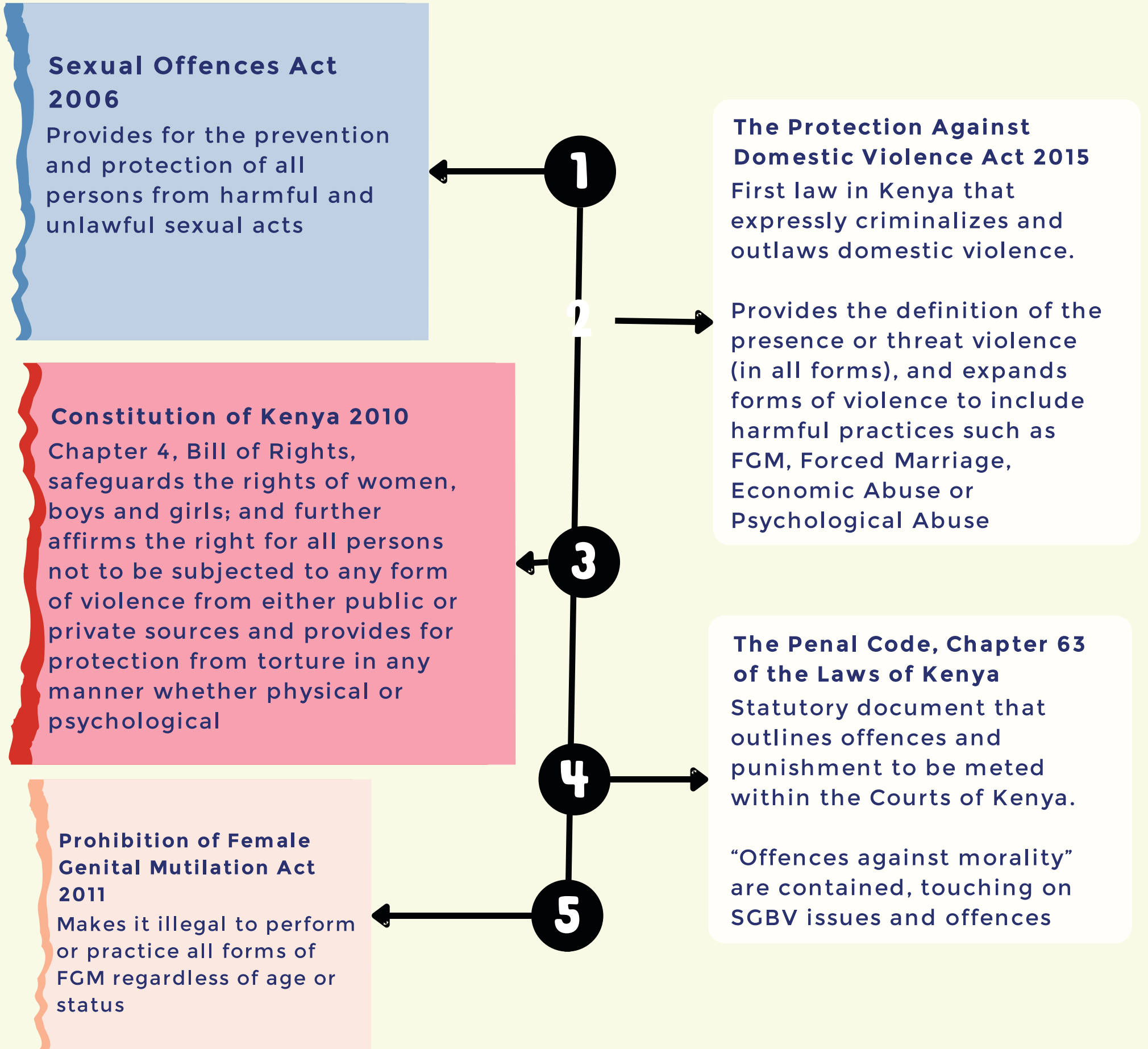
This can be any person who has made an application for a protection order; on behalf of another. Can be a guardian, neighbour, employer, colleague, relative, police officer, social worker, relative or an NGO



# KEY LAWS & POLICIES ADOPTED TO DEAL WITH SGBV



These laws and policies provide the framework for duty bearers and relevant stakeholders to effectively respond to and prevent SGBV. Research and evidence so far shows that these laws and policies have not worked in as far as reducing SGBV cases. Nevertheless, their existence affirms that something can be done to reduce SGBV incidences hence creating more reason to continue to highlight them and increase awareness on their existence.



## Other Important laws & policies on SGBV, among others:

- Counter Trafficking in Persons Act 2011
- Marriage Act 2014
- Matrimonial Property Act 2013
- Employment Act 2007
- Children's Act 2010
- Evidence Act Cap 80
- Criminal Procedure Code Cap 75
- Civil Procedure Act Cap 21
- National Guidelines on Management of Sexual Violence in Kenya (2009)
- The National Policy on Prevention and Response to Gender Based Violence (2014)
- Policare Policy (2021)

# KEY DUTY BEARERS



The state bears the greatest responsibility in tackling SGBV and Femicide. However, research by multiple partners/ stakeholders show that these key duty bearers are yet to fully implement or exercise their full mandates as prescribed in laws and policies on SGBV.

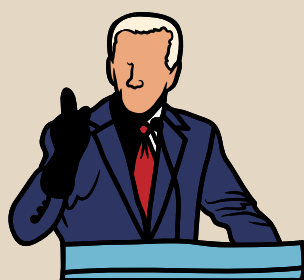


## Legislature: National Assembly, Senate and County Assemblies

- Pass legislation that is up to date & progressive in definition and solutions related to SGBV/ Femicide. Focus should be placed on ensuring victims/ survivors are protected while perpetrators are held accountable
- Allocate resources for support services. raise awareness about SGBV and for rapid intervention

## The Judiciary

- Quicken the process/ time used to try cases related with SGBV/ Femicide; in a fair and just manner
- Ensure SGBV/ Femicide related cases are “free” from external interference/ prejudice; remain impartial which is crucial in providing a sense of justice and closure for survivors
- Ensure witnesses are provided the adequate protection and support they need
- Ensure the sex offenders register is up to date and freely accessible to all Kenyans



## The Executive

- Declare SGBV/ Femicide a national emergency
- Ensure all Ministries/ State Departments act in “good faith/ will” to eradicate SGBV/ Femicide within Kenya

## Office of the Director of Public Prosecution

- Ensure a quick, professional, and accountable prosecution service
- Ensure victims and survivors of SGBV get the justice they deserve
- Ensure proper collection and preservation of evidence
- Ensure public prosecutors are professional and sensitive to the needs of victims/ survivors of SGBV
- Ensure all other staff are properly trained and equipped to deal/ handle SGBV cases



## National Police Service

- Rapidly respond and investigate to cases of SGBV; adopt a victim-centered approach
- Ensure the safety of SGBV victims/ survivors
- Provide relevant support to SGBV victims/ survivors
- Work to create a database of all persons charged with crimes under the Sexual Offences Act or Prevention of Domestic Violence Act



# ROLE OF COUNTY GOVERNMENTS (MCA'S)



The County Government (Counties) through devolution are a manifestation of localized self determination hence making them a critical facet of governance. They can be argued to be the most powerful installation in elected governance represented by Members of County Assemblies (MCAs). MCAs therefore have an obligation to:

- 1 Draft and pass bills that adequately address sexual and gender based violence in all its facets. NGECC has drafted model legislative frameworks.
- 2 Urgently oversee the implementation of rescue centers for victims of SGBV in the various wards in partnership with the National Government through the Social Protection Services and the Witness Protection Agency having passed bills addressing SGBV.
- 3 Ensure that health, as a devolved function, exhaustively and freely treats all victims of SGBV from the dispensary level to level 4 facilities and has psychosocial support on standby at all times.
- 4 Carry out an audit of all county departments and ensure that at all times, they are compliant with locally ratified sexual and gender based violence policies and legislations (monitoring or tracking system)
- 5 As the most accessible elected leaders at the local level, they must be the biggest and greatest advocates of safe family units/ homes free from violence, abuse, harassment and other forms of violations/ violence
- 6 Closely work with NGAO & NPS through Officers Commanding Stations (OCS) to implement and promote positive social norms that prevent and address SGBV/ Femicide
- 7 Tackle and demystify local taboos or stereotypes on SGBV/ Femicide
- 8 Actively collaborate with NGOs, CSOs, and all other relevant actors, parties & stakeholders to address and deal with deep-rooted issues resulting in SGBV/ Femicide
- 9 Conduct local research on SGBV/ Femicide trends as well as ensure relevant data & statistics are collected, properly recorded, documented and utilized for county related programming/ planning



## CONCLUSION & POLICY RECOMMENDATIONS

KENYA IS NOT SHORT OF LAWS DEALING WITH SGBV TOGETHER WITH FEMICIDE WHICH IS A FORM OF MURDER

# Recommendations



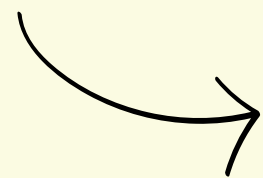
The dignity and life of women in Kenya ought to be protected without negotiation or compromise.



Promote collective and coordinated effort among all stakeholders to tackle the nightmare that is violence against women, from the grassroots moving upwards



Declare SGBV a national emergency to raise "good will" to deal with SGBV in all its facets



SGBV can affect women and girls from any socio-economic background however most victims/ survivors of SGBV come from poor socio-economic backgrounds, therefore prevention of SGBV should focus on educating women of their inherent and state-guaranteed rights while at the same time empowering them socio-economically



Stop the physical, psychological, and economic abuse; and killing women!!





# SHELTERS & HOTLINES



Name	Hotline No.	Mode of Communication	Cost	Beneficiaries	Service
HAK	1195	Call	Free	Everyone	Rescue Reporting Shelters
Childline	116	Call	Free	Children	Rescue Reporting Shelters
National Shelters Network	0707 612 592	Call	Carrier Costs Apply	Everyone	All services and access to shelters across the country
Shalom Shelter	0734 698 114	Call	Carrier Costs Apply	Women and their children (survivors of violence)	Shelter & therapy MSF Partnership- Medical & psychosocial care HAK Partnership-Rescue services
Action Aid Kenya	21094	Text	Free	Everyone	Referral, linkages & counselling
Aunty Jane	0727 101 919	Text WhatsApp	Carrier Costs Apply	Everyone	Counselling & referrals on SRHR & GBV
Teenseed Africa	0208 000 821	Call	Carrier Costs Apply	Women & girls	Shelter, reporting, counselling and linkages
Nastawi	0759 128 792	Call/Text/WhatsApp	Carrier Costs Apply	Women and children	Rescue, safety, shelter, counselling and referrals
Wangu Kanja Foundation	1519	Call	Free	Survivors of sexual violence	Counselling, legal advice and referral
Elite LBQ	0114 412 627	Call/Text/WhatsApp	Carrier Costs Apply	Women (including trans women)	Rescue within Busia; shelter, medical services and therapy
Isiolo Gender Watch	0800 720 925	Call/Text/WhatsApp	Free	Everyone	Referrals
Nyanza Initiative for Girls Education and Empowerment	0716 123 436	Call	Carrier Costs Apply	Women & girls	Rescue, shelter, legal services, psychosocial support, reintegration and referrals
Safe Haven	0706 712 292	Call	Carrier Costs Apply	Teenage mothers	Education, psychosocial support, day care & referrals
MSA County GBV Situation Room	0800 720 587	Call	Free	Everyone	Psychosocial, referrals & mediation
Kisumu Justice Hotline	0800 211 311	Call	Free	Everyone	
MTRH Care Hotline	0794 643 917	Call	Carrier Costs Apply	SGBV Cases	All SGBV related services

Source & Credits: EndFemicideKE

For more information/ to add more information to the list above kindly visit: [https://docs.google.com/spreadsheets/d/1aQintOfHEMxu9G7jNI3E2W0CaPqpl-cGGMdy67\\_PfFk/edit#gid=534818818](https://docs.google.com/spreadsheets/d/1aQintOfHEMxu9G7jNI3E2W0CaPqpl-cGGMdy67_PfFk/edit#gid=534818818)

Kindly note this list is not exhaustive of all SGBV shelters & hotline services available within Kenya.

## REFERENCES & FURTHER READING

Binti Uongozini 2024. Legal Opinion on Sexual and Gender Based Violence (SGBV) and its Lead Up to Femicide by Gachui Kariuki, Advocate of the High Court of Kenya.

NGEC (2016). The Status of Sexual and Gender Based Violence (SGBV) Policies and Laws in Kenya.

NGEC (2017). County Government Policy on Sexual and Gender Based Violence.

NGEC (2017). Model Legislative Framework on Sexual and Gender Based Violence for County Governments.

National Police Service (2021). POLICARE Policy.

The Sexual Offences Act No. 3 of 2006.

The Protection Against Domestic Violence Act Revised Edition 2022.

COVAW. Handbook on Protection Orders in Kenya.

Constitution of Kenya, 2010.

The Penal Code, Chapter 63 of the Laws of Kenya.

### *Judicial Words of Wisdom*

... "couples, parents and even church leaders ought not to insist that marriage couples stick together even in cases where the center no longer holds and where the glue that brought them together has since lost its strength"....

... "where the relationship between a couple no longer meets the basic ingredients of a marriage, that union ought to be legally put asunder in order to save lives"...

... "the tragic events...might...have not occurred had the couple realized in good time when to walk away or the legal steps to be taken in event of failure of marital unions..one should know when to walk away and when to run...while there are options available in such circumstance, violence, however, is not one of them".

Those interested may read Criminal Appeal No. E013 of 2021 Republic V Stephen Ngila

*Justice Odunga, 2021*



#### About Binti Uongozini

Binti Uongozini, a HSF Kenya initiative, is a safe space i.e., a community and network of young women leaders actively collaborating and working together to challenge institutional, individual, and social biases that limit the positioning of women in prominent and influential leadership positions.

This factsheet and its release has been done in collaboration with two Binti's i.e., Gachui Kariuki & Wilkister Aduma

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 [info@hss.co.ke](mailto:info@hss.co.ke)

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