

KEEPING THE PROMISE END GBV CAMPAIGN

2ND EDITION



DUTY BEARERS' HANDBOOK



NGEC

National Gender and
Equality Commission

Kutetea usawa wa jinsia na haki za waliobaguliwa na kupuuzwa





Published by

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LIST OF ABBREVIATIONS AND ACRONYMS

AACs	Area Advisory Committees
AG	Attorney General
CBOs	Community Based Organizations
CCC	Comprehensive Care Centers
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CBEFs	County Budget and Economic Forums
CHSSIP	County Health Sector Strategic Investment Plan
CIDP	County Integrated Development Plan
CoB	Controller of Budget
CSOs	Civil Society Organizations
DNA	Deoxyribonucleic Acid
DPP	Director of Public Prosecutions
DG	Directorate of Gender
ECP	Emergency Contraceptive Pill
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GBVIMS	Gender Based Violence Information Management Systems
GBVRC	Gender Based Violence Recovery Centre
GBVCO	Gender Based Violence Coordination Office
GBVNAP	Gender Based Violence National Action Plan
GBVIASC	Gender Based Violence Implementing Agency Steering Committee
GBVP	Gender based violence in politics
IWD	International Women’s Day
KDHS	Kenya Demographic and Health Survey
KNBS	Kenya National Bureau of Statistics
KNPS	Kenya National Police Service

LVCT	Liverpool Voluntary Counseling and Testing Centre
MOPSYGA	Ministry of Public service, Youth and Gender Affairs
M&E	Monitoring and Evaluation
NGEC	National Gender and Equality Commission
PEP	Post Exposure Prophylaxis
PRC	Post Rape Care
SGBV	Sexual Gender Based Violence
SOA	Sexual Offences Act
TSC	Teachers Service Commission
VAWP	Violence against Women in Politics

ACKNOWLEDGEMENT

The National Gender and Equality Commission (NGEC) whose main mandate is the promotion of gender equality and freedom from discrimination has the key function under the NGEC Act 2011 to coordinate, and facilitate, mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and advise government on the above.

In line with this function the NGEC coordinates the National Gender Based Violence (GBV) Working Group, which is a working group that consists of various implementing agencies (state and non-state actors), that convenes to discuss prevention and response mechanisms to address Gender Based Violence.

The National Keeping the Promise End Gender Based Violence Campaign is the endeavor of the National Gender Based Violence working group efforts to prevent and respond to Gender Based Violence in Kenya. The overarching goal of the campaign is reduction of Gender Based Violence through development and implementation of effective and efficient prevention and response strategies.

This handbook seeks to clarify the roles of the various duty bearers in relation to Gender Based Violence. This is in line with the main objective of the National campaign, which is envisioned to strengthen action and accountability, by state and non-state actors, on their mandate in relation to Gender Based Violence work. The first edition of this handbook was published in 2015. This second edition published in 2017 incorporates changes that have taken place and lessons learned during the 2-year period. It contains a special feature which is the role of the various duty bearers in relation to GBV in politics.

I wish to thank all the members of the National GBV Working Group for their hard work, commitment and dedication to the elimination of Gender Based Violence in the country, and for trusting us to provide leadership to the Working group and the Campaign.

I would like to thank the UN Women for their financial and technical support towards the development of the first edition of this handbook.

Finally, I would like to thank Coffey International through the “Jamii Thabiti” Programme for financial and technical support towards the development of this second edition of the Handbook, which is a review of the first edition.

‘I can, you can, together we can end Gender Based Violence’.



Winfred Osimbo Lichuma, E.B.S
Chairperson
National Gender and Equality Commission

1.0 INTRODUCTION

1.1 Gender Based Violence (GBV)

Gender Based Violence (GBV) is violence that is directed against a person on the basis of their gender. Any act of gender-based violence that results in physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life¹ ” is regard as Gender based Violence. Further Gender Based Violence also includes economic deprivation and isolation which may cause eminent harm to safety, health and well-being. ²

Gender Based Violence is based on socially assigned (gender) roles and responsibilities between males and females ascribed by society. The term “Gender” is a concept that refers to the social differences between women and men that have been constructed, learned and changeable over time and have wide variations both within and between cultures. Gender as a social construct can be seen as the allocation of roles, attitudes and values that are deemed by the community to be appropriate for each sex. These roles define power relations between men and women regarding who makes decisions and who controls resources as well as the status women and men, boys and girls hold in the society. The learned constructs are reinforced through interactions in the home, community and institutions.

Gender Based Violence affects women, girls, men and boys; however, women and girls are disproportionately affected by GBV as a direct correlation between women and girl’s subordinate status in society and their greater susceptibility to violence.

The forms of GBV are sexual violence, physical violence, emotional and psychological violence, harmful traditional practices, trafficking in persons and socio-economic violence. Each type of Gender Based Violence has manifestations in several forms as seen below the list is not exhaustive.

1.2 Sexual Violence:

This includes; Rape, attempted rape, defilement, incest, sexual abuse, sexual exploitation, sodomy, pornography, forced prostitution, sexual violence as a weapon of war and torture and trafficking for sexual exploitation.

¹ UN Declaration on Elimination of Violence Against Women

² General Assembly Resolution on the Elimination of Domestic Violence Against women

1.3 Physical Violence:

This includes; Physical assault, beating, battering, trafficking and slavery.

1.4 Emotional/Psychological Violence:

This include; Abuse/humiliation, stalking, sexual harassment and confinement, lack of support which may cause harm to health, safety and well-being of a person entitled to the support, name calling, intimidation, threats, and intimate partner violence.

1.5 Harmful Traditional Practices:

They include; Female Genital Mutilation (FGM), Forced circumcision, Early Marriage, Forced Marriage, Infanticide and/or Neglect, widow inheritance and disinheritance³.

Gender-based violence constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity.

1.6 Economic abuse/violence:

Economic abuse/violence include unreasonable deprivation of economic or financial resources which one is entitled to including household necessities, medical expenses, school fees, rent, mortgage etc.

1.7 Gender based Violence in Politics:

Gender based violence in politics includes political harassment committed against those in active public life and can be economic, psychological, sexual, and physical. Gender based violence in politics can take many other forms including physical and psychological violence, threats or intimidation.

1.8 Violence against Women in Politics

Violence against women in politics may take many forms, including sexist stereotypes and images portrayed in the media, which focus on women’s bodies, sexuality and traditional social roles, rather than their competence, capacity and contributions as leaders. Violence against women in politics also include pressure to resign from their posts on the basis of gender, or verbal threats, harassment, or intimidated because they are women in politics.

³ Categorization of forms of Gender Based Violence from the Draft National Policy to Prevention and Response to Gender Based Violence.

2.0 CONSEQUENCES OF GBV

Gender based Violence has serious consequences, which are far reaching. GBV survivors are at high risk of severe and long-lasting health problems, which could be physical or psychological in nature. These include permanent physical disabilities, erosion of self-esteem, loss of productivity, costs of health care, unwanted pregnancies, infections and even death. At societal level, gender based violence can lead to breakage of families, homelessness, dispossession and destitution. Gender based Violence can lead to trauma due to social stigma and rejection, unsafe abortion. In addition, Gender based Violence has legal and judicial costs.

In politics and public life, gender based violence limits aspirants especially women and youth in accessing political opportunities and discourages or prevents them from exercising their political rights, including their rights as voters, candidates, party supporters or public officials. It also negates the gains made in the quest to enhance gender equality in politics and threatens democracy.

Effective strategies like duty bearers responding and preventing the vice through reliable public services, rights awareness and options available can decrease the impact of gender based violence in the society. On the other hand, insensitive response to reported cases of gender-based violence like disbelief, apathy, re-victimization and blame of survivor can lead to escalation of the vice and under-reporting.

3. CONTEXT

3.1 About The Keeping the Promise End GBV Campaign

The “Keeping the Promise End Gender Based Violence Campaign” seeks to provoke and sustain a transformative shift in perceptions towards Gender Based Violence from a culture of tolerance and normalization of Gender Based Violence to a new orientation that affirms accountability and sustainable remedies. The theme of the campaign is ‘Prevent and Respond to Gender Based Violence and Protect survivors’. The campaign envisages implementation in 3 phases.

In the first year of implementation, the platform envisaged holding duty bearers to account in relation to prevention and response to Gender Based Violence. In this regard the platform created through the campaign in seeking opportunities for strengthening Gender Based Violence prevention and response strategies, identified the need to interrogate the capacity of various actors to effectively deal with Gender Based Violence in all its manifestations and align practices with viable strategies and transformative goals.

In the second year (2016) of implementation, the campaign focused on survivors.

In the third year of implementation, (2017) the campaign while focusing on the community, will place emphasis on prevention and response to gender based violence in politics in anticipation of the 2017 general elections.

3.2 Objectives of the Campaign

- To strengthen action and accountability by state and non- state actors on their mandate in relation to GBV work;
- To profile the achievements, opportunities, challenges, emerging trends and gaps pertaining to GBV work in Kenya;
- To influence implementation of the various policies and legislations on GBV in Kenya through dissemination and awareness creation, and give recommendations to the government;
- To assess, analyze and strengthen existing policy, legal and service delivery infrastructure for the prevention and response to GBV in emergencies;
- To engage communities focusing on men, boys, women and girls in negating the culture of normalization and acceptance of GBV.

The platform created through the campaign explores opportunities for strengthening Gender Based Violence prevention and response strategies through emerging policy and legislative frameworks and institutions. The Keeping the promise to end GBV campaign was launched on the 10th December 2014. The day was befitting as it was on international Human Rights Day and in commemoration of the 16 days of activism. The campaign is an initiative of the national GBV sub-cluster working group and is being spearheaded by the National Gender and Equality Commission. The campaign uses the human rights based approach framework and does not discriminate against any segment of the population. The campaign steered by the National Gender and Equality Commission, has so far been launched in 17 Counties and the work continues with the intention of campaign being launched in all the 47 Counties. It is foreseen that the implementation will be extended into the new county governments to be formed after the August 2017 elections.

4.0 LEGAL FRAMEWORK ON GBV IN KENYA

4.1 The Constitution of Kenya 2010

http://www.lcil.cam.ac.uk/sites/default/files/LCIL/documents/transitions/Kenya_19_2010_Constitution.pdf

The Constitution:

- Affirms the country’s commitment to nurturing and protecting the well-being of the individual, the family, communities and the Nation (preamble)
- Guarantees every person the right to freedom and security of the person, which includes the right not to be subjected to any form of violence from either public or private sources (Article 29 (c)) and subjected to torture in any manner whether physical or psychological (29(d))
- Guarantees every child the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment (Article 53 (1) (d))
- Mandates the Parliament to enact legislation providing for the protection, rights and welfare of victims of offences (Article 50 (9)).
- A political party shall not engage in or encourage violence by, or intimidation of, its members, supporters, opponents or any other person; Article 91 (2) (b).

4.1.1 Penal Code Chapter 63 of the Laws of Kenya

<http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%2063>

The Penal Code:

- Establishes a code of criminal law in Kenya
- Prohibits simple assault as well as assault which results in bodily harm (Sections 250 and 251)
- Prohibits conspiring to defile a girl, woman, boy or man and further prohibits permitting through any means any person from having unlawful carnal knowledge of any such person (Section 157).
- Creates offences against morality and includes penalties for defilement detention of females for immoral purposes (Section 151).

- Criminalizes male persons living on earnings of prostitution or soliciting and women living on earnings of prostitution or aiding, abetting the same.
- Prohibits detaining a person for the purpose of having unlawful sexual connection or in a brothel including preventing a person from leaving by withholding their clothing or any clothing from them (Sections 162, 163 and 166)
- Criminalizes the spread of any infection or disease that is dangerous to life.

4.1.2 Sexual Offences Act 2006

http://www.chr.up.ac.za/undp/domestic/docs/legislation_40.pdf

Sexual Offences Act:

- Makes provision about sexual offences, their definition, prevention and the protection of all persons from harm from unlawful sexual acts, and provides for minimum sentence for offences.
- Prohibits different types of sexual violence committed against men, women and children, including attempted rape, rape, sexual assault, indecent acts, defilement, gang rapes, sexual harassment, child pornography, child prostitution, child sex tourism, exploitation of prostitution, incest, deliberate transmission of HIV including other life threatening sexually transmitted diseases, and cultural and religious offences (Sections 3, 5, 8, 10, 20, 21, 26, and 29)

4.1.3 HIV and AIDS Prevention and Control Act 2006

http://www.chr.up.ac.za/undp/domestic/docs/legislation_35.pdf

HIV and AIDS Prevention and Control Act:

- Seeks to create public awareness on causes, modes of transmission, consequences and means of prevention and control of HIV and AIDS
- Protects the rights of the infected and affected and prohibits all forms of discrimination against PLHIV and AIDS or those perceived or suspected to have HIV and AIDS. (Sections 31 (1) and (32))

4.1.4 Counter-Trafficking in Persons Act 2010

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Counter-TraffickinginPersonsAct_No8of2010.pdf

Counter-Trafficking in Persons Act:

- Sets out the definition of trafficking in persons and exploitation and explains particular instances of trafficking which include acquisition of travel documents by entry and exit into the country and particularly promotion of child trafficking.

4.1.5 Prohibition of Female Genital Mutilation Act 2011

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ProhibitionofFemaleGenitalMutilationAct_No32of2011.pdf

- Prohibits the practice of female genital mutilation, to safeguard against violation of a person’s mental or physical integrity through the practice of female genital mutilation
- Makes provision that anyone convicted of participating in the practice—traditional circumcisers, parents, doctors, nurses, even the person who supplies the premises or the FGM tools—will be subjected to imprisonment and a fine.

4.1.6 Children Act 2001

<http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%20141>

Children’s Act:

- Gives effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.
- Guarantees children (both girls and boys) the right to protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction (Section 13)
- Protects children from female circumcision, early marriage or other cultural rites, customs, or traditional practices which are harmful to the child’s development.
- Protects children against discrimination on any ground including sex, religion, creed, custom, language and other status among others.
- Prohibits sexual exploitation of children as well as actions that expose children to torture or cruel or inhuman treatment such as circumcision or child marriages (Section 14).

4.1.7 Marriage Act 2014

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/TheMarriage_Act2014.pdf

Marriage Act:

- Sets a mandatory minimum marriage age of 18 years for both parties to a marriage and considers void any marriage contracted with a person below the minimum age (Section 4)
- Identifies offences related to marriage and sets penalties
- Prohibits inducing consent to marry by coercion or fraud
- Prohibits marrying a person below 18 years.

4.1.8 Matrimonial Property Act 2013

<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/MatrimonialPropertyAct2013.pdf>

Matrimonial Property Act:

- Prohibits the eviction of a spouse from the matrimonial home by or at the instance of the other spouse during the subsistence of the marriage, except by order of a court.

4.1.9 Protection Against Domestic Violence Act 2015

<http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2013/TheProtectionAgainstDomesticViolenceBill2013.pdf>

Protection against Domestic Violence Act:

- Recognizes domestic violence, in all its forms, is unlawful behavior
- Makes provisions to ensure that, where domestic violence occurs, there is effective legal protection for its victims
- Empowers the police to take action against domestic violence
- Empowers the courts to make orders to protect victims of domestic violence
- Empowers the survivor and other individuals and institutions to take action against domestic violence.

4.1.10 Witness Protection Act 2006

https://www.issafrica.org/anicj/uploads/Kenya_Witness_Protection_AmendAct_2010.pdf

Witness Protection Act:

- Makes provision for the protection of witnesses in criminal and other proceedings.

4.1.11 Victim Protection Act 2014

<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/VictimProtectionAct17of2014.pdf>

Victim Protection Act:

- Seeks to protect the dignity of victims through various victim support services including health, psycho-social, legal and economic support.

4.1.12 Elections Act, 2011

Elections Act is the primary law that governs the process of elections in Kenya. Elections Act sets out offences in relation to elections and among others:

- Prohibits the Registrar of Political Parties from registering a political party which accepts or advocates the use of force or violence as a means of attaining its political objectives.
- Prohibits the use of force or violence during election period.
- Prohibits directly or indirectly, use of threat of force, violence, harassment or otherwise preventing the conduct of any political activity or preventing a person from attending or participating therein;
- Prescribes offences relating to elections.
- Prohibits the use of force or violence during election period.
- Makes it an offence for a person to, directly or indirectly inflict or threaten to inflict injury, damage, harm or loss on or against a person so as to compel support a particular candidate or political party; or to vote in a particular way or refrain from voting.
- Punishment on conviction – fine not exceeding one million shillings or imprisonment for a term not exceeding five years or to both.

- Prohibits the use language which is threatening, abusive or insulting or engagement in any kind of action which may advocate hatred or incite violence or influence the voters on grounds of ethnicity, race, religion, gender or any other ground of discrimination;
- Prohibits candidates from engaging in or knowingly aiding or abetting violence or intimidation against the opponents of the candidate or any other person, during a nomination or an election campaign.
- Punishment under this Part – disqualification by the Commission and ineligibility to participate in the elections.
- Prohibits use of violence and intimidation during elections; and
- Requires political parties, leaders, office-bearers, candidates and supporters to sign a binding code of conduct and specifically commit to a set of lawful acts including preventing, avoiding and condemning violence and intimidation.

4.1.13 Independent Electoral and Boundaries Act

Independent Electoral and Boundaries Act establishes the Commission with a mandate to conduct or supervise elections or referenda to connotational or statutory offices.

- Independent Electoral and Boundaries Act requires the Commission to develop a code of conduct for candidates and parties contesting election as well as monitor compliance with the law and the code of conduct.

4.1.14 Political Parties Act 2011

<http://kenyalaw.org>

Political parties Act:

- Prohibits political parties from engaging in or encouraging violence by its members or supporters;
- Prohibits political parties from engaging in or encouraging any kind of intimidation of opponents, any other person or any other political party;
- Prohibits the Registrar from registering a political party which accepts or advocates the use of force or violence as a means of attaining its political objectives;

4.1.15 Legal Aid Act, 2016

The Legal Aid act makes provisions for:

- Providing affordable, accessible, sustainable, credible and accountable legal aid services to indigent persons in Kenya in accordance with the Constitution.
- Providing a legal aid scheme to assist indigent persons to access legal aid.
- Promoting legal awareness.
- Supporting community legal services by funding justice advisory centers, education, and research.
- Promoting alternative dispute resolution methods that enhance access to justice in accordance with the Constitution.

4.2 International and Regional Instruments

Apart from the national laws mentioned above, Kenya is also a signatory to several international and regional instruments (treaties and declarations) that prohibit Gender Based Violence. By virtue of Article 2(6) of the Constitution of Kenya, 2010 these international obligations that have been ratified by Kenya become part of Kenyan law. These include the Universal Declaration of Human Rights (UDH), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the United Nations Convention on the Rights of Child (CRC), the Beijing Platform for Action (BPFA), UN Resolution 1325, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, The ILO Convention 182 on the Worst Forms of Child Labor; and The Optional Protocol on the Convention of the Rights of the Child on Child Trafficking, Child Prostitution and Child Pornography, Sustainable Development Goals (SDG) and violence prevention as well as the 1951 Refugee Convention. At the regional level, the Protocol to the Africa Charter on Human and Peoples’ Rights on the Rights of Women in Africa (ACHPRW) (Maputo Protocol), the Maputo plan of action, the Solemn Declaration on Gender Equality in Africa (2004), the International Conference of the Great Lakes Region Protocol; and The African Charter on the Rights and Welfare of the Child (ACRWC).

4.3 Policy Framework

4.3.1 National Policy on Gender and Development, 2011

<http://www1.uneca.org/Portals/ngm/Documents/GenderPolicy.pdf> –

- This is a comprehensive overall framework for guiding gender mainstreaming within the different sectors and line ministries involved in development to allow for them to participate in the sectors and benefit from the development.
- The framework is under review to align it to the constitution of Kenya 2010.

4.3.2 Sessional Paper No. 2 of May 2006 on Gender Equality and Development

http://www1.uneca.org/Portals/ngm/Documents/Gender_Mainstreaming%20Action%20Plan%20final%20-Apr08.pdf

- This is in tandem with the National Policy on Gender and Development and providing a framework for gender mainstreaming and outlining strategies of implementing programmes in varying sectors such as agriculture, health, education, environmental, legal and information communication technology (ICT).

4.3.3 National Framework toward Response and Prevention of Gender Based Violence in Kenya 2015

- The framework provides a strategy for effective coordinating the various State and non-State actors' responses to domestic violence in Kenya.

4.3.4 The Kenya Vision 2030

<http://www.vision2030.go.ke/>

- This Kenya Vision 2030 is a long-term policy plan for accelerating transformation of Kenya into an industrializing middle income nation by 2030.
- It acknowledges that cases of GBV are increasing and lays out strategies to reduce the same and the vulnerabilities that surround it.

4.3.5 National Guidelines on the Management of Sexual Violence

<http://www.svri.org/nationalguidelines.pdf>

- The guidelines establish government standards of service provision which include counseling, treatment and management of injuries, sexually transmitted diseases, PEP, HIV care and pregnancy preventions.
- Provide detailed information on management of sexual violence in a manner involving several parties and at several stages including information on steps to be taken when treating a survivor of sexual violence, like preservation of evidence for court use, issues of psycho-social support and other ethical issues.

4.3.6 The National Monitoring and Evaluation (M&E) framework on sexual violence

<http://www.ngeckeny.org/Downloads/National-ME-Framework-towards-the-Prevention-Response-to-SGBV-in-Kenya.pdf>

- The National Multi-Sectoral Monitoring and Evaluation Framework for Response and Prevention of Gender and Sexual Gender Based Violence in Kenya was developed under the auspices of the National Gender and Equality Commission in collaboration with LVCT Health, ITECH, and Center for Disease Control.
- The framework provides for the following:
 1. Mechanism for monitoring progress of response and prevention management programmes
 2. Systematic mechanism for coordination on sexual gender response and prevention mechanism
 3. Facilitate availability of credible and reliable data for policy and programme decision
 4. Facilitate timely submission of data for routine, periodic reporting for stakeholder’s consumption and international reporting.
- The framework takes cognizance and compliments other related national frameworks including:
 1. The National HIV and AIDS Monitoring, Evaluation and Research Framework (2009/10-2012/13);
 2. Monitoring and evaluation framework for Kenya Health Sector Strategic Investment Plan (July 2012- June 2018); and
 3. Vision 2030 implementation framework.
 4. The linkage between the National Multi-Sectoral Monitoring and Evaluation Framework for Response and Prevention of Gender and Sexual Gender Based Violence in Kenya and other related National frameworks for reporting purposes.
 5. A data base has been developed and is housed at NGEN whereupon all actors will be expected to provide data as per the M&E framework.

5.0 OBJECTIVE OF THE DUTY BEARER HANDBOOK

Despite the gains made, gaps and challenges in Gender Based Violence prevention and response still persist. These include limited funding by the National and County Governments to sustain Gender Based Violence prevention and response, lack of accountability by various stakeholders, lack of supported shelters and safe houses for Gender Based Violence survivors. Other challenges include gaps in service provision by various service providers, lack of centralized data and data management systems on Gender Based Violence and inadequate research on emerging trends on Gender Based Violence. In light of these gaps and challenges, the Working Group on Gender Based Violence launched the ‘Keeping the promise to End GBV Campaign’ on the 10th December 2014. The Working Group indentified the issue of the capacity of the various actors and prioritized the putting in place a duty bearer’s handbook that would clearly spell out duty bearers respective roles and enable them to effectively deliver on prevention and response to Gender Based Violence.

During 2015/2016, National gender and Equality Commission has spearheaded the Keeping the Promise End Gender Based Violence Campaign and dissemination of the first edition of the duty bearers’ handbook in 17 Counties. The information and lessons learned during the dissemination of the first edition have been used to enrich the reviewed handbook to make it more usable. In addition, this handbook having been revised in an election year (2017), it is fitting to include a section on prevention and response to gender based violence in politics (GBVP) and this has been done in ‘section’ 8.

It is envisioned that this handbook will be reviewed regularly to keep it current and relevant in the effort to prevent and respond to gender based violence.

It is therefore intended that the Duty Bearers Handbook will aid in the capacity enhancement of the various duty bearers to effectively prevent and respond to Gender Based Violence in all its manifestations and align practices with viable strategies and transformative goals. The Duty Bearers Handbook is also intended to enable the rights holders and stakeholders to know what services to expect from the respective duty bearers in order to hold them to account in relation to Gender Based Violence prevention and response. It is important to note that the work around Gender Based Violence in the National Government as well as at the Counties should be underpinned on the existing legal and policy frameworks, and especially the National Policy on the Prevention and Response to Gender Based Violence launched in November, 2014.

5.1 Target Audiences

In line with the “National Keeping the Promise End Gender Based Violence Campaign’s” objective to strengthen action and accountability by state actors in relation to their mandate on Gender Based Violence prevention and response, one of the activities of the first year of the campaign is the development of a duty bearer’s handbook. This handbook and all other editions have therefore been prepared for use by gender based violence duty bearers who have been identified for the purposes of the campaign’s first year/s of implementation. These are: The National Government (relevant ministries), County Governments, the Parliament, the Judiciary, Prosecutors, Police, Health Workers, Media and Teachers.

Faith Based Institutions, Civil Society and the Private Sector were also identified both as stakeholders and duty bearers. The key role of the Private Sector was identified as putting in place Gender Based Violence work place policies to protect both employees and stakeholders against Gender Based Violence. The key role of Faith Based Institutions and Civil Society were identified as:

- Complementing the government’s efforts in Gender Based Violence prevention and response
- Influencing policy and laws on ending Gender Based Violence
- Keeping the government in check on implementation of laws and policies and delivering services in connection with Gender Based Violence prevention and response.

The handbook provides basic information to State actors and the media as key duty bearers with regard to their respective roles and responsibilities in prevention and response to gender based violence. The handbook also provides basic information on how the duty bearers and stakeholders can assess the performance of the roles and responsibilities by the Key Duty Bearers.

6.0 KEY DUTY BEARERS OF GBV IDENTIFIED FOR THE PURPOSE OF THIS HANDBOOK

The key duty bearers identified for the purpose of this handbook are those actors who have a particular direct and indirect responsibility to respect, promote and realize human rights and to abstain from human rights violations with regard to Gender Based Violence. The key duty bearers identified for the purpose of this handbook are also those actors who have a particular obligation to respond in the event of an occurrence of Gender Based Violence. They include:

- National Government
 - The Cabinet
 - National Police Services
 - Prisons services
 - Department of Immigrations
- Ministry of Devolution and Planning
 - Kenya Bureau of statistics
- Ministry of Public Service, Youth and Gender Affairs
 - Gender Directorate
- The National Treasury
- Ministry of Health
 - Director of Medical Services
 - Government Chemist/successor institution
- Ministry of Education, Science and Technology
- Ministry of Labour Social Security and Services
 - Children’s Department
- Parliament
- Judiciary
- Independent Offices
 - Attorney General (AG)
 - Office of the Director of Public Prosecution
 - Controller of Budget
- Constitutional Commissions
 - Teachers Service Commission
 - National Gender and Equality Commission
- County Government
- County Assemblies
- At Community – Chiefs and Assistant chiefs.

7.0 ROLES AND ACCOUNTABILITY PROFILE OF DUTY BEARERS OF GENDER BASED VIOLENCE

7.1 NATIONAL GOVERNMENT

7.1.1 The Cabinet

Obligation/Roles

- Ensure the full implementation of the Constitution
- Provide leadership and political goodwill to the initiatives on prevention and response to GBV
- Ensure proper infrastructure is in place to facilitate adequate Gender Based Violence prevention and response mechanisms

Accountability profile/Assessment

- Report on implementation of the Constitution
- Gender Based Violence issues discussed at Cabinet level
- Statements of commitment to reduce GBV by Cabinet
- Number and quality of infrastructures in place and operational

7.1.2 Ministry Of Interior And Co-Ordination Of National Government

Obligation/Roles

- Ensure there is adequate security for Gender Based Violence Prevention – pre-emptive measures to prevent Gender Based Violence
- Conduct public sensitization forums on GBV e.g., barazas
- Co-ordinate Gender Based Violence response mechanisms
- Refer Gender Based Violence cases to the Police and health facilities
- Assist in arresting of Gender based violence alleged and actual perpetrators of Gender based violence.
- Monitor, collect and Share of relevant data related to Gender based violence cases.
- Liaise with other structures/departments/agencies to mitigate, and to respond on cases of gender based violence

Accountability profile/Assessment

- Number and nature of cases referred to the police, health and other institutions.
- Number of forums organized and held.
- Nature of Gender Based Violence issues discussed in public forums.
- Number and nature of Gender Based Violence cases reported.
- Number of perpetrators arrested.
- Reduction in reported cases of Gender based violence

Responsibility the Ministry of Interior and Coordination of National Government to Gender Based Violence in Emergency

Obligation/Roles

- Ensure internal Security (prevention of occurrence and recurrence)
- Documentation (OB)
- Preservation of evidence

National Police Service

Obligation/Roles

- Professional investigation of Gender Based Violence cases.
- Collection and preservation of evidence/exhibits.
- Maintaining chain of evidence.
- Presentation of evidence for court use.
- Apprehending perpetrators.
- Witness/Survivor protection.
- Cooperate with survivors and with the Office of the Director of Public Prosecution.
- Ensure inter-agency co-ordination.
- Protect crime scene.
- Facilitating the reporting process so that complainants may report to the police without fear or otherwise; and
- Ensuring that complaints are processed expediently and efficiently
- Actively listen to the survivors.
- Provide referrals to the survivors.
- Escort the survivors to health facilities when necessary.

- Provide services free of charge.
- Support the survivors in courts.
- Maintaining confidentiality in collection of data, documents, and data analysis.
- Capacity building for police force.
- Create an independent unit to address Gender Based Violence.
- Preserve and escort evidence to the government chemist department for analysis and collect the evidence submitted after analysis.
- Enhance security during volatile times like electioneering period.
- Facilitating the reporting process so that complainants may report to the police without fear or otherwise.
- Ensuring that complaints are processed expediently and efficiently.
- Escalate engagement with partners on issues of gender based violence.
- Find innovative ways of collecting and preserving evidence.
- Discourage kangaroo courts in instances that require intervention of the Judiciary.
- Collect data on local trends and use these for effective intervention.
- Institute regular meetings to identify gaps.
- Ensure that the public do not interfere with evidence.
- Be consistent in dealing with GBV cases.
- Strictly adhere to the Code of Conduct.
- Advise the complainant of domestic violence of all relief measures available to the complainant, including access to shelter; medical assistance or assist the complainant in any other suitable way.
- Enforce protection orders.
- Strengthen operations of gender desk.
- Adequately staff and resource gender desks.
- Establish child protection units at the police stations.
- Ensure that criminal offences go through the formal criminal justice process.

Role of the Police Services with regard to Elections

- Enhance security during volatile times like electioneering period
- Enforcement of the law strictly
- Take action on instances of gender based violence in politics.
- Ensure there is adequate security for Gender Based Violence Prevention –pre-emptive measures to prevent Gender Based Violence during campaigns.
- Assist in arresting of Gender based violence alleged and actual perpetrators of Gender based violence.
- Monitor, collect and Share of relevant data related to Gender based violence cases.
- Liaise with other structures/departments/agencies to mitigate, and to respond on cases of gender based violence

Accountability profile/Assessment

- Number of cases reported, successfully investigated and forwarded for prosecution
- Numbers of established/equipped gender response (crimes) unit/desks
- Numbers of operational gender desks
- Numbers of security officers available during electioneering period
- Numbers of Police Officers trained on Gender Based Violence prevention and response.

Department of Immigration Services

Obligation/Roles

- Enhance proper record management to track immigrating citizens, to ensure protection against Gender Based Violence in the host countries
- Monitor recruitment bureaus for immigrant workers to prevent trafficking of persons.
- Collaboratively work with the police to ensure protection of immigrants.
- Ensure training of staff providing assistance to immigrant population, on Gender Based Violence prevention and response.
- Ensure proper mechanisms for punishment of Immigrants who are Gender Based Violence perpetrators.
- Ensure proper mechanisms are in place for prevention and response to Gender Based Violence perpetrated against immigrants.

Accountability profile/Assessment

- Proper records in place
- Databases developed for immigrant workers.
- The number of cases reported to the police.
- The number of staff trained on Gender Based Violence prevention and response.
- The number of Gender Based Violence perpetrators who are immigrants apprehended and successfully prosecuted

Correctional Services: Prisons Department

Obligation/Roles

- Ensuring safe environment for convicted persons
- Ensuring safe environment for prison officers
- Presenting offenders to courts for hearing
- Rehabilitation
- Counseling
- Medicare
- Empowerment–life skills
- Probationand aftercare
- Debriefing and training prison officers in prevention and response to Gender Based Violence

Accountability profile/Assessment

- The number of prison staff trained on Gender Based Violence prevention and response
- Reduction of Gender Based Violence on convicted persons
- Safe environment for prison officers
- Timely presentation of offenders to courts
- Number of offenders rehabilitated
- Numbers of offenders counselled
- Number of offenders empowered with life skills

Department of Correctional Services: Probation and aftercare services

- Establish new correctional facilities for GBV offenders.
- Ensure correctional services are available for perpetrators.
- Put in place facilities that enable rehabilitation to fit back into families and societies without repeating offences.
- Work closely with stakeholders in the criminal justice system to rehabilitate offenders.

Accountability profile/Assessment

- Number of new correctional facilities established for GBV offenders.
- Quality of correctional services available for perpetrators.
- Number and quality of programs in place to enable rehabilitation of offenders to fit back into families and societies without repeating offences.
- Number and quality of collaborative programs with stakeholders in the criminal justice system for rehabilitation of offenders.

The Office of the County Commissioners

- Provide security in the County.
- Ensure preemptive actions and coordination to ensure security in the County.
- Coordinate general security management in the County;
- Coordinate national government functions and delivery of services at the County in the prevention and response to gender based violence.
- Facilitating conflict management and peace-building generally in the County.
- Mobilize national government agencies in the prevention and response to gender based violence.
- Refer gender based violence incidents to relevant bodies, assist in the arrest.
- Monitor and collect data on gender based violence.
- Liaise with political class and other stake holders to fight gender based violence.
- Increase the number of Barazas as necessary.
- Use nyumba kumi for sensitization and identification of perpetrators

Accountability profile/Assessment

- Level of security in the County.
- Quality and quantity of preemptive actions and coordination to ensure security in the County.
- Coordinated national government functions and delivery of services at the County in the prevention and response to gender based violence.
- Numbers and quality of efforts aimed at conflict management and peace-building generally in the County.
- Level of mobilization of national government agencies in the prevention and response to gender based violence.
- Numbers and quality of sensitization and awareness initiatives.

The Chiefs and the Assistant Chiefs

Obligation/Roles

- Report GBV cases to the police.
- Advocate against GBV.
- Assist in reintegration and support of survivor in the community.
- Creation of community mechanisms to prevent and protect against GBV.
- Educate communities to report GBV cases.
- Strengthen grassroots interventions.
- Refer GBV matter to the Police.
- Discourage Kangaroo Courts in GBV cases.
- Advocate for responsible parenting through chief ‘barazas’
- Educate the public on harmful effects of alcohol and drug abuse and other drivers of gender based violence.
- Support local groups engaged in reintegration of rehabilitated offenders

Responsibility profile/Assessment

- Number of GBV cases reported to the police.
- Number of sensitization forums held to the community on GBV.

7.1.3 MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER AFFAIRS

Obligation/Roles

State Department of Gender Affairs

- Capacity building at the Counties
- Partner with the gender sector working groups.
- Implementation of Gender Based Violence programs.
- Policy formulation, dissemination and implementation.
- Plan for “one-stop” centres for Gender Based Violence.
- Make case for Budget Allocation for Gender Based Violence
- Monitoring implementation of Gender Based Violence programs and contributing to national data (e.g. police desk assessment)
- Providing training and capacity building in Gender Based Violence prevention and response
- Domestication and dissemination of international instruments relating to GBV.
- Ratifications and dissemination of international instruments relating to GBV.
- Implementation of Treaty Body recommendations e.g. (Commission of Human Rights, Commission on the Elimination of All Forms of Discrimination against women, Commission on the Rights of Children etc.)

Accountability profile/Assessment

- Numbers of trainings held
- Numbers of programs initiated
- Numbers of policies formulated, disseminated and implemented. E.g. equality policy
- Proportion of budget allocation for Gender Based Violence Numbers of advocacy forums
- Numbers and quality of advocacy materials
- Number of “one-stop-shop” centres for Gender Based Violence
- Numbers and quality of training and capacity building undertaken
- Number of Child Protection Units (CPU) established and operational.

Kenya National Bureau of Statistics (KNBS)

- Develop National GBV indicators
- Data collection, management and analysis
- Provide official Gender Based Violence related statistics.
- Help in mapping hotspots areas
- Provide County specific data e.g. Gender Based Violence county profiles.
- Capacity building for data collection and management on Gender Based Violence.
- Develop County specific data.

Accountability profile/Assessment

- Standard indicators developed
- Numbers of survey reports
- Numbers of capacity building reports

7.1.4 THE NATIONAL TREASURY

Obligation/Roles

- Ensure Gender Responsive Budgeting
- Ensure allocation for Gender Based Violence prevention and response

Accountability profile/Assessment

- Gender Responsive Budget
- Proportion of allocation for Gender Based Violence prevention and response

7.1.5 MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

Obligation/Roles

- Formulate and operationalize Gender Based Violence prevention and response policy in education.
- Integrate Gender Based Violence prevention and response education in the learning curriculum.
- Work with affiliate agencies to ensure there are enough teachers trained (Pre- service and in service on Gender Based Violence/trauma counselling.

- Make schools and their environs safe and secure for the learners and staff.
- Build the capacity of Board of Management and field officers on Gender Based Violence prevention and response, so as to empower parents to ensure they do not compromise on issues of abuse by teachers.
- Establish gender desk and install child/student information boxes.
- Build capacity for Ministry of Education field officers on gender based violence identification, prevention and response.
- Establish database on occurrence, prevalence and type in areas of jurisdiction.

Accountability Profile/Assessment

- Gender Based Violence prevention and response policy in education instituted.
- Gender Based Violence education is integrated in the learning curriculum.
- The number of teachers trained on Gender Based Violence/trauma counselling.
- The number of schools with trained Gender Based Violence counsellors
- Number of gender desks established and Number of child/student information boxes installed.
- Assessment–The number of Ministry of Education officers trained.

7.1.6 MINISTRY OF HEALTH

Obligation/Roles

- Develop and review policy guidelines and Standard Operating Procedures (SOPs) addressing Gender Based Violence in the health sector.
- Institute policies on Gender Based Violence addressing prevention and response should be in place.
- Disseminate and ensure implementation of Gender Based Violence policies within all the tiers of Health system.
- Ensure Compliance and enforcement of polices of Gender Based Violence and regulations.
- Provide sufficient budget allocation for comprehensive care and capacity building for national referral hospitals.

Accountability profile/Assessment

- Numbers of policies developed/reviewed and operationalized.
- Percentage of the policies and guidelines disseminated across the tiers of Health System.
- Quarterly Monitoring and evaluation (M&E).
- Percentage of funds allocated for Gender Based Violence and capacity within the National Referral Hospitals.
- Numbers of Government chemists/laboratories established at county level.
- Numbers of data banks installed.
- Numbers of survivors and families of survivors accessing free health services.

7.1.6.1 GOVERNMENT CHEMIST

- Capacity building to service providers (Health workers and police) on collection, documentation and preservation of evidence – chain of Evidence).
- Accurate and timely Analysis of forensics evidence specimens from Gender Based Violence survivors.
- Ensure professional gathering, transportation and storage of evidence
- Train more forensic experts.
- Put up more storage facilities.
- Appear as Expert Witness in court.
- Decentralized government chemist functions including human capacity to county levels.
- Ensure Government chemist have data banks for tracking Gender Based Violence cases.

Accountability profile/Assessment

- Proportion of service providers within facilities per county trained.
- Numbers of forensic analyzed reports.
- Numbers of court appearances as expert witnesses.
- Number of Counties with Government Chemists.
- Numbers of forensic experts trained and giving serving.
- Numbers and quality of storage facilities.

Responsibility of Ministry of Health in emergency

- Rapid response.
- Provision of Post exposure prophylactic (PEP).
- Provision of trauma counseling, mental healthcare, Psychosocial and rehabilitative care.
- Treatment of wounds/injuries.
- Provision of Post Rape care (PRC).
- Provision of dignity kit.
- Comprehensive support.

Responsibility profile/Assessment

- Percentage reduction in cases of Gender Based Violence in emergencies
- Numbers of Gender Based Violence survivors and families accessing comprehensive support.

7.1.7 MINISTRY OF LABOUR, SOCIAL SECURITY AND SERVICES

Obligation/Roles

- Ensure provision of social services including Safe Spaces and Shelters (SSS).
- Ensure implementation of Gender Based Violence policies at work places
- Censure job seekers to foreign countries to mitigate human trafficking.
- Build capacity of Area Advisory Committees (AACs) on prevention and response of Gender Based Violence.

Accountability profile/Assessment

- Numbers Safe Spaces and Shelters established and in operation.
- Presence and adherence to GBV policies at work places.
- Numbers of Job seekers censured / Screened for foreign jobs.
- Numbers of Area Advisory Committees trained.

Department of Children’s Services

- Take measures to protect children from neglect, abuse and exploitation.
- Put in place and implement policies for prevention and response to child neglect, abuse and exploitation.
- Put in place and implement policies on safety and security of children

Accountability profile/Assessment

- Presence and adherence to policies for prevention and response to child neglect, abuse and exploitation.
- Reduction of incidents of child neglect, abuse and exploitation.

7.1.8 MINISTRY OF TRANSPORT AND INFRASTRUCTURE

Obligation/Roles

- Ensure public transportation is free from Gender Based Violence
- Put in place rules and regulations for prevention and response to Gender Based Violence in public transport

Accountability profile/Assessment

- Presence and adherence to rules and regulations for prevention and response to Gender Based Violence in transportation system.
- Reduction of Gender based violence in transportation system.

7.1.9 PARLIAMENT

Obligation/Roles

- Enact gender responsive legislation.
- Provide oversight on implementation of GBV laws.
- Provide political goodwill for GBV issues.

Accountability profile/Assessment

- Number of legislations passed on GBV.
- Percentage of budget allocation towards GBV.
- Number of members trained on GBV issues.

7.1.10 JUDICIARY

Obligation/Roles

- Timely trial and determination of Gender Based Violence cases.
- Ensure access to justice for Gender Based Violence Survivors and victims.
- Establishment of victim friendly courts.
- Facilitation of witness attendance by providing witness expenses.
- Maintain register for pro bono representation.
- Ensure that access to justice is expeditious.
- Physical infrastructure including accessibility of courts including Gender Based Violence specific courts.
- Ensure that courts are friendly to Gender Based Violence victims and survivors.
- Maintain and update pro bono lawyers register.
- Develop compendium of laws and cases, digests.
- Provide effective sanctions and enforcement for example in event that protection order is breached.
- Ensure legal aid e.g. presence of pro bono lawyers for victims and survivors.
- Ensure access Sexual Offenders registers by judges and magistrates.
- Ensure the establishment of Gender Based Violence internal policies.
- Prioritize and FastTrack gender based violence cases and take the evidence of vulnerable witnesses or witnesses who are likely to disappear on first appearance or as soon as possible.
- Issue protection orders in relevant cases.
- Sensitize the public through the Court Users’ Committees (CUCs).

- Create synergy with other institutions in the law and order sector.
- In cases of political violence, penalize and sanction leaders, office-bearers or members of a political party or supporters found guilty of violence or intimidation.
- In addition to or in substitution of any other penalty or sanction make orders disqualifying candidates from being a candidate or deleting the name of that candidate from the list or lists of candidates concerned.
- Strengthen Court Users Committees (CUS) to effectively address gender based violence issues.

Accountability profile/Assessment

- Number of cases heard and determined.
- Nature of judgments made in upholding the law and levels of impartiality.
- Time taken to hear cases and deliver judgment(s).
- Number of judicial officers trained on Gender Based Violence.
- Number of researchers aiding judicial officers on Gender Based Violence
- Establishment of specialized Gender Based Violence courts.
- Number of pro bono lawyers’ registers.
- Number of simplified versions of Gender Based Violence legislations.
- Number of new courts established.
- Number of judiciary open days on which the issue of Gender Based Violence is addressed.
- Number of stations with open registers on Gender Based Violence cases/ registers for convicted Gender Based Violence offenders.
- Established internal policies addressing Gender Based Violence.
- Service charters in place and operational.
- Increased public confidence in the formal justice system.

7.1.11 INDEPENDENT OFFICES

Office of the Attorney General (AG)

Obligation/Roles

- To draft timely Bills to enable Parliament to enact legislation addressing Gender Based Violence.
- Institute review of laws to be in line with the Constitution and be gender responsive.
- Advise Government on its duties relative to Gender Based Violence Seek direction from Judiciary on gender laws.
- Dissemination of Bills and Laws.

Responsibility profile/Assessment

- Numbers of gender-responsive laws reviewed and developed.
- Numbers of Sessional Papers on Gender Based Violence.
- Numbers of implementation reports disseminated.

Office of the Director of Public Prosecution (ODPP)

Obligation/Roles

- Undertake public prosecution of Gender Based Violence cases forwarded by investigative agencies.
- Representing the State in all Gender Based trials, applications and appeals.
- Directing and supervising the conduct of criminal investigations.
- Advising the police and other investigative and prosecutorial agencies on the institution of criminal charges and reviewing prosecutions to ensure that the correct charges are preferred.
- Formulating, reviewing and disseminating Gender Based Violence manuals, policies and guidelines.
- Meeting and preparing victims and witnesses for the court process.

- Presenting evidence in court.
- Ensure timely investigation.
- Examining and cross-examining witnessing in courts.
- Making relevant applications in court for instance, through appeal of cases in court, protection of vulnerable witnesses, counseling of survivors, assessing the survivor and prosecuting the accused.
- Monitoring, training, appointing and gazetting of Gender Based Violence prosecutors.
- Addressing complaints raised by institutions and by the public.
- Providing support for the survivors and witnesses of Gender Based Violence offences.
- Cooperate with the survivors and with the investigators.
- Discourage informal/ traditional conflict resolution mechanism of cases that require the intervention of the formal courts.
- Advice of their rights and assist the complainants of the complainant’s right to apply for reliefs under the various laws.

Responsibility profile/Assessment

- Number of Gender Based Violence cases prosecuted.
- Number of prosecutors trained to prosecute Gender Based Violence cases.
- Adherence to Gender Based Violence laws and policies on prosecution.
- Operational Witness protection mechanism in place.
- Numbers of prosecutors trained.
- Numbers of appealed cases.
- Reduction in Gender Based Violence.
- Number of complaints addressed satisfactorily.
- Number of policies and guidelines on Gender Based Violence formulated and operationalized.

Controller of Budget (CoB)

Obligation/Roles

- Setting budget ceiling with regards to Gender Based Violence prevention and response.
- Monitor adherence to the budget.
- Ensure gender participation in County Budget and Economic Forums (CBEFs).
- Report on the use of Budget for Gender Based Violence prevention response.

Accountability profile/Assessment

- Quarterly reports on the budget utilization.
- User-friendly factsheets for budget.
- Content on the report on the use of budget in prevention and response to Gender Based Violence.

7.1.12 CONSTITUTIONAL COMMISSIONS

Obligation/Roles

- Conduct audits on the status of special interest groups including minorities marginalized groups, persons with disability, women, youth and children in an effort to promote human rights and elimination of Gender Based Violence.

Accountability profile/Assessment

- Periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination (encompasses GBV).

Teachers Service Commission

Obligation/Roles

- Ensure proper distribution of properly trained teachers on Gender Based Violence counselling.
- The Ministry of Education, Science & Technology and TSC to refer disciplinary cases for legal action.

- Capacity building of teachers and students on gender based violence prevention and response.
- Sensitize teachers and students on prevention and response to gender based violence.
- Speed up disciplinary actions and take appropriate measures.
- Discourage culture of silence and stigma among teachers and students.
- Set up policies related to gender issues for example, teacher–student relationships and disciplinary measures of teachers found to be perpetrators.
- Enter into partnership to address gender based violence.
- Ensure Capacity Building and awareness creation for teachers; and
- Set code of ethics and conduct (through trainings, manuals and seminars).
- Set up policies for prevention and response to gender based violence in schools.
- Advice parents to refer GBV offences to the police.

Responsibility Profile/Assessment

- The number of disciplinary cases dealt with.
- The number of board of management and field officers trained.
- Number and nature of Gender Based Violence cases referred.
- Ratification of safety and security criteria for schools by the teachers, school administration and Board of Management.
- The number of teachers and students trained on Gender Based Violence prevention and response.

National Gender and Equality Commission (NGEC)

Obligation/Roles

- Oversee, co ordinate, advice, audit and monitor the implementation of gender responsive legislation.
- Advise government on gender responsive measures that will aid the government in the promotion of human rights and elimination of Gender Based Violence.

- Facilitation of the mainstreaming gender equality and inclusion with attention to Special Interest Groups.
- Conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disability, women, youth and children in an effort to promote human rights and elimination of Gender Based Violence.
- Establish databank on issues relating to equality and freedom from discrimination (which includes elimination of Gender Based Violence) for different affected interest groups.
- Monitor compliance with national and international treaties that Kenya is a signatory to with regards to Gender Based Violence.
- Coordination of the National Gender Based Violence Sub Cluster working group.
- Working with state and non-state actors advocate to develop measures for prevention and response of Gender Based violence.
- Enhancing coordination, collaboration and networking between different state and non-state stakeholders to address Gender Based Violence.
- Support the establishment and strengthening of County GBV Coordination mechanism within the] Counties.
- Ensure equality and inclusion, even representation of PWDS.
- Ensure sensitization of key duty bearers in all counties.
- Ensure Community sensitization, establishment of Youth friendly programs and strengthening of institutions in order to curb SGBV.
- Undertake Monitoring and Evaluation of GBV programming in Kenya.

Role of National Gender and Equality Commission (NGEC) with regard to Elections

- Advise government on measures that will aid the prevention and response to Gender Based Violence in politics.
- Assist Counties in establishing, co-ordination and strengthening of the County Gender Based Violence working groups.
- Work with state and non-state actors to advocate to develop measures for prevention and response of Gender Based violence in politics.

Responsibility profile/Assessment

- Extent of mainstreaming and inclusion with attention to Special Interest Groups.
- Number of coordination meetings held of the National GBV Sub Cluster working group.
- Numbers of advisories issued.
- Development of monitoring and evaluation framework with regard to response to GBV.
- Establishment of databases to track GBV cases.
- Periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination (encompasses GBV).

7.1.13 COUNTY GOVERNMENT

Obligation/Roles

- Ensure public participation in matters of prevention and response to gender based violence.
- Establish budgetary advisory Council with a mandate to address funds for of prevention and response to gender based violence.
- Strengthen County intervention in the prevention and response to gender based violence.
- Tailor make county specific policy/strategy for of prevention and response to gender based violence.
- Strengthen implementation of existing programs and put in place new programs for of prevention and response to gender based violence.
- Put in place clear county co-ordination mechanism to address county specific GBV.
- Establish rescue centres and GBV recovery centres.
- Be innovative and creative and find local solution to the vice of GBV (within the law) that addresses the needs of the survivors of GBV.

- Build capacity of the various service providers within the county for appropriate prevention and response to gender based violence.
- Encourage community conversations on the best ways to address prevention and response to gender based violence within the County.
- Support health and education infrastructure within the county to enable them to address the issue of prevention and response to gender based violence.
- Undertake concerted sensitization and awareness campaign on prevention and response to gender based violence.
- Ensure that prevention and response to gender based violence is in the agenda of the County Civic Education Program.
- Ensure that GBV is exposed and does not remain a hidden affair within the County.
- Encourage both formal and informal education to counter negative customary practices in the County.
- Put in place innovative facilities to help with prevention and response to gender based violence.
- Put in place mechanism whereby County departments synergize and support each other in response to gender based violence.
- Support economic empowerment of the vulnerable groups to reduce GBV in the County.
- Profile achievements of the County regarding prevention and response to gender based violence.
- Ensure that services are available to survivors of GBV.
- Support the generation of County specific data.
- Establish County GBV Services Board to manage GBV.
- Establish forensic labs in every county and work with the Government Chemist to improve on effective service delivery.
- Ensure budget allocation of GBV response and prevention.
- Civic Education.

Accountability profile/Assessment

- Reduced GBV incidents.
- Public Participation law in place.
- Budgetary advisory Council establish and working.
- Amount of budget allocation for GBV response and prevention.
- Number and quality of Civic Education fora.
- Number of rescue centres and GBV recovery centres.

7.1.14 COUNTY EXECUTIVE

Obligation/Roles

- Implementation of GBV programmes through resource allocation; awareness creation; planning for shelters.
- Ensure accessibility to services for survivors and social safety nets.
- Set up recognition and awards schemes.
- Establish fully functional county departments in charge of GBV issues.
- Enhance capacity for service Provision of duty bearers in all sectors across the County for effective prevention and Response to Gender Based Violence.
- Allocate sufficient budget for prevention and Response to Gender Based Violence across Ministries.
- Put in place policy for free services for Gender Based Violence survivors.
- Establish a County GBV working group hosted by CEC in charge of gender.
- Enhance Private Public Partnership to address gender based violence.

Accountability profile/Assessment

- Amount of funds allocated for GBV services.
- Number of forensic labs set up.
- Evidence based data and fact sheets.
- County departments in charge of GBV issues established and operational.
- Monitoring and Evaluation programs.

7.1.15 COUNTY ASSEMBLY

Obligation/Roles

- Ensure the mainstreaming of GBV issues in County Integrated Development Plan.
- Ensure that the laws passed at the County level are gender sensitive.
- Allocate sufficient funding to gender responsive initiatives.
- Ensure Public participation.
- Build capacity of Members of County Assemblies on gender issues.
- Offer overall legislative oversight on GBV issues.

Accountability profile/Assessment

- Number of legislations passed on implementation of the National GBV laws.
- Percentage of budget allocation for prevention and response to GBV in the county.
- Number of public participation fora held on GBV.
- Number of gender issues identified in fora.

County Executive Member for Health / County Director of Health

Obligation/Roles

- Ensure GBV-related policies and guidelines are made and implemented at county level.
- Ensure free, timely comprehensive services (medical and Psychosocial) to GBV services.
- Ensure capacity building of health workers and Community Health Volunteers on GBV prevention and response.
- Ensure adequate resources allocated to address GBV.
- Ensure Compliance and enforcement of polices and regulations.
- Infuse GBV into the CHSSIP – County Health Sector Strategic Investment Plan) and county integrated development plan (CIDP).
- Ensure inclusion of prevention and response to gender based violence in the Health Strategic Plan.
- Ensure effective implementation of free GBV services at county facilities (Medical superintendent).
- Ensure Referral of survivors to relevant Service delivery (SDP’s) e.g. Shelters (Medical superintendent).
- Support the establishment of GBV recovery centers.
- Support one-stop-shop for survivors of gender based violence.

Health Facilities Obligations/roles

- Receive clients, take history and administer medication.
- Ensure prompt attendance to survivors and prompt service delivery.
- Facilitate prompt issuance of P3 and PRC form free of charge (these should be completed on the same day).
- Maintain chain of evidence.
- Maintain data base.
- Facilitate survivors’ access to justice.
- Enhance psycho-social counselling within the health facilities.

- Ensure availability of necessities including ‘post rape kits’.
- Synergize efforts with law enforcement agencies.
- Conduct health education and include the aspect of gender based violence.
- Provide referrals to the survivors.
- Ensure that the required services and equipment’s are in place.
- Provide service to the perpetrators as necessary.

Accountability profile/Assessment

- Numbers of GBV related polices and guidelines implemented.
- Numbers of GBV survivors attended to at the facilities.
- Numbers of County Health workers trained on GBV prevention and response.
- Proportion of resources allocated to GBV services.
- Quarterly M&E reports submitted on the progress made on prevention and response to GBV.
- Presence of Anti- GBV strategies.
- Presence of service charter indicating free GBV services.
- Numbers of cases referred to various SDP’s.

7.1.16 The Media

Obligation/Roles

- Engage in advocacy messages to address myths, rumors and misconceptions about Gender Based Violence.
- Educate the local communities about gender based violence including raising awareness on Gender Based Violence as a crime.
- Influence shaping of positive behavior through deliberate reporting on gender based violence.

- Adhere to media guidelines for reporting on Gender Based Violence which encompasses sensitive reporting on Gender Based Violence cases including protecting the privacy/confidentiality of the survivors.
- Through the Media Council of Kenya put in place appropriate sanctions for misreporting on gender based violence and also put in place recognition and award scheme for reporting on Gender Based Violence.
- Media should avoid coverage that leads to victimization or marginalization.

Role Media with regard to Elections

- Relaying incidents of the cases of gender based violence in politics.
- Undertake concerted public sensitization.
- Report gender based violence incidents in politics in a manner that does not exacerbate the situation by perpetuating the violence.

Responsibility profile/Assessment

- Evidence of gender sensitive reporting of GBV cases.
- Amount of airtime availed for programs on GBV.
- No of media trained on gender responsive reporting.
- Adherence to media standards and media guidelines for reporting on GBV.

7.1.17 Community Level

- Community level: Strengthening grassroots interventions.

8.0 PREVENTING AND RESPONDING TO GENDER BASED VIOLENCE IN POLITICS

8.1 Introduction

Gender based violence in politics is a major challenge especially for women. While the general bad security situation in the country affects everyone, it prevents those who wish to participate in politics especially women from participating. Much of gender based violence in politics is directed at opponents but women face violence in politics just because they are women. This is referred to as violence against women in politics (VAWP). It usually occurs during electoral campaigns.

Gender based violence in politics and violence against women in politics limits political opportunities and discourages those against whom violence is directed or prevents them from exercising their political rights, as voters, candidates, party supporters or aspirants and subsequently as candidates. In the case of violence against women in politics (VAWP), the aim of is to discourage women’s political participation which translates to denying half of the population their political and civil rights.

8.2 Forms of Gender based violence in politics

Gender based violence in politics may take many forms; these include:

- Physical, psychological, verbal, sexual as well as economic violence;
- Intimidation;
- Sexist stereotypes and images portrayed particularly in the media, which rather than focusing on aspirants/candidate’s competence, capacity and contributions as leaders, emphasizes on bodies, sexuality and traditional social roles;
- Pressure to resign from their posts or relinquish their ambitions on the basis of gender.
- Gender stereotyping in politics.

Perpetrators of gender based violence in politics may include political opponents, state security apparatus, political parties, leaders, community members, the poor, the rich while the media may exacerbate the situation by perpetuating the violence.

Addressing violence against women in politics is primarily the responsibility of the government, through its three arms–legislature, executive, and the judiciary. In addition, political parties and the media also have a role to play.

8.3 Roles of Duty Bearers in Gender Based Violence in Politics

8.3.1 Role of Political Parties

- Take action to address violence against women in politics.
- Expose violence against women in politics and to condemn it.
- Institute and internal mechanisms to guard against violence against women in politics, including, through signing an “open and safe” election pledge that oppose all forms of violence and intimidation against women.
- Put in place appropriate mechanisms for interventions to for prevention and response to gender based violence and to ensure the physical safety of women and other vulnerable groups in politics.
- Produce and disseminate information on Violence against Women in Politics.
- Censure individuals and groups that perform and tolerate gender based violence in Politics.
- Work with a wider legal effort to address gender based violence and violence against Women in Politics.
- Refer Gender Based Violence cases to the Police.

8.3.2 Role of Independent Electoral and Boundaries

- Ensure adherence to Electoral laws which address violence.
- Undertake civic and voter education which should include prevention and response to gender based violence in nominations and elections.
- Develop of a code of conduct for candidates and parties contesting election which should strictly prohibit gender based violence in politics.

- Monitoring of compliance with the legislation and code of conduct and take action against offenders.
- Investigate and prosecute electoral offences by candidates, political parties or their agents.
- Take action in cases of incidents of violence offences relating to elections.
- Enforce Electoral code of conduct on all political parties and every person who participates in an election or referendum.

8.3.3 Role of Registrar of Political Parties

- Take appropriate action in cases of incidents of violence offences by political parties and their members.
- Deregister political parties that accept or advocate the use of force or violence as a means of attaining their political objectives.

GLOSSARY⁵

Duty bearer: Duty bearers are those actors who have a particular obligation or responsibility to respect, promote and realize human rights and to abstain from human rights violations. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty bearers. Depending on the context, individuals (e.g. parents), local organizations, private companies, aid donors and international institutions can also be duty-bearers.

Rights-holders: Rights -holders are individuals or social groups that have particular entitlements in relation to specific duty-bearers. In general terms, all human beings are rights-holders under the Universal Declaration of Human Rights. In particular contexts, there are often specific social groups whose human rights are not fully realized, respected or protected. More often than not, these groups tend to include women/girls, ethnic minorities, indigenous peoples, migrants and youth, for example.

Gender: Gender is a social and cultural construct, which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women. Gender based roles and other attributes, therefore, change over time and vary with different cultural contexts. The concept of gender includes the expectations held about the characteristics, aptitudes and likely behaviors of both women and men (femininity and masculinity). This concept is also useful in analyzing how commonly shared practices legitimize discrepancies between sexes

Sex Disaggregated Data: Sex- disaggregated data is data that is cross-classified by sex, presenting information separately for men and women, boys and girls. When data is not disaggregated by sex, it is more difficult to identify real and potential inequalities. Sex-disaggregated data is necessary for effective gender analysis.

⁵Glossary Definitions E-Z UNICEF <http://www.unicef.org/gender/training/content/resources/Glossary.pdf>

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