

# WOMEN'S AND GIRLS' RIGHTS IN KENYA

## SEXUAL AND GENDER BASED VIOLENCE

UNIVERSAL PERIODIC REVIEW - PRE SESSION 35

### ISSUE:

According to the 2014 Kenya Demographic Health Survey, 44% of women in Kenya have experienced physical violence and 14% of women have experienced sexual violence in their lifetime. These statistics are a fraction of cases of SGBV as not all cases are reported and additionally, KDHS only factors in sexual violence against women and girls aged 15-49.

### PROGRESS SINCE KENYA'S LAST UPR:

In 2015, the government enacted the Protection from Domestic Violence Act (PADVA), however, the law has not been fully enforced to protect women from SGBV. Since the enactment of the Sexual Offences Act in 2006 there has been tremendous changes in as far as prosecution of cases of SGBV are concerned. The stiffer penalties provided in the SOA act as a deterrent factor to the would be perpetrators.

### CHALLENGES:

The PADVA does not provide penalties for the offences stipulated in this legislation and this is an impediment to the implementation of the Act. The failure to implement the Sexual Offences Act in its entirety continues to impede access to justice for victims of SGBV and results in perpetrators going scot free and this creates room for impunity. Lack of safe shelters for survivors is equally an impediment to access justice. There has been a 5 percent increase in homicide cases from 2,648 in the year 2015 to 2,774 in 2018 with most of the victims being women. According to a report by Akili Dada , a total of 40 women and girls were killed during the period between 1st January, 2019 and 13th April, 2019.

### RECOMMENDATION:

The Government should

- Set aside additional resources for training and capacity building, with the aim of sensitizing the public on GBV, with a particular focus on femicide.
- Invest in GBV Recovery Centers and Safe Shelters for Survivors of GBV in all 47 counties.
- Intensify prosecution of SGBV cases. Commission the development of the PADVA regulations that will operationalize the provisions of this Act.
- Ensure access to justice for survivors and prosecution of perpetrators of SGBV
- Enhance collection of disaggregated data on cases of femicide.