

THE CENTER FOR RIGHTS EDUCATION AND AWARENESS (CREAW)



MULTISECTORAL RAPID ASSESSMENT ON GBV IN KITUI COUNTY OF
KENYA

Final Report

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ABBREVIATIONS

AACS	Area Advisory Committees
ACRWC	African Convention on the Rights and Welfare of the Child
AG	Attorney General
AGM	Annual General Meeting
BOM	Board of Management
CHVs	Community Health Workers
CIDP	County Integrated Development Plan
CRC	Convention on the Rights of the Child
CREAW	Centre for Rights Education and Awareness
CUC	Court Users Committee
FGM	Female Genital Mutilation
GBV	Gender Based Violence
IASC	Interagency Standing Committee
IRC	International Rescue Committee
KDHS	Kenya Demographic and Household Survey
KNBS	Kenya National Bureau of Statistics
KNPS	Kenya National Police Service
LVCT	Liverpool Voluntary Counselling and Testing Centre
M&E	Monitoring and Evaluation
MoE	Ministry of Education
MoH	Medical Officer of Health
NGEC	National Gender and Equality Commission
P3	Police Form 3
PRC	Post Rape Care Form
PTA	Parents-Teachers Association
SDGs	Sustainable Development Goals
SOPs	Standard Operating Procedures
SGBV	Sexual and Gender Based Violence
TSC	Teachers Service Commission
UN	United Nations
VAW	Violence Against Women

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EXECUTIVE SUMMARY

The Center for Rights Education and Awareness (CREAW) undertook a rapid multi-sectoral assessment of Gender based violence (GBV) in Kitui and Nyeri Counties in August and September 2019. This report brings out structural, systemic and environmental challenges limiting effective implementation of GBV laws in Kitui County and reflects on how women are included in various in decisions on addressing gender based violence. The report further outlines how the community at large is in involved in addressing GBV and provides a discussion on community perceptions on accountability by public authorities implementing GBV laws and policies. The main content of the report covers the background context of Kitui County in regard to GBV prevention and response, key findings, conclusions and recommendations.

Violence against women(mainly wife battering) and defilement of children both at home and in learning institutions stick out as significantly rampant forms of GBV that required immediate attention by all stakeholders. There is a clear gap in reporting and documenting of GBV cases, which poses a challenge of appreciating the extent of the GBV Problem. Most women were not conversant with the laws that offer various protections in regard to various forms of GBV. The assessment finds that that educating women and supporting them to cascade the knowledge to the village level will assist in creating the much needed awareness in the community. Further, mobilizing a multi-sectoral forum that convenes regularly at county and sub-county level emerged as a necessary structure that would serve to ensure expedited and holistic response to GBV issues and also serve as a prevention mechanism through public awareness and education. Placing women at the center of this kind of structure and other initiatives, will not only increase

their knowledge on GBV response legal and policy provisions, but will also empower them to hold various duty bearers accountable.

BACKGROUND AND CONTEXT

Whether in education, employment, land rights or seeking health, women tend to be disadvantaged in development across many societies. This kind of generalized discrimination against women and girls produces inequality, denial of rights and quite often gender based violence in various forms. According to the Inter Agency Standing Committee (IASC) Gender based violence is,

'an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private'¹

This report adopted the definition of GBV applied by the UN General Assembly Resolution on the Elimination of Domestic Violence Against Women,

'...any act...that results in physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life' ...also includes economic deprivation and isolation which may cause eminent harm to safety, health and well-being'².

Gender based violence is classified as one of the most prevalent forms of violation of human rights in the world, undermining the rights and dignity of many women because many cultural beliefs and social institutions normalize violence against women. The National Gender and Equality Commission (NGEC), cites poor education and economic dependency on men as factors that put women more at risk of Gender Based Violence across the world (NGEC, 2015).

Despite the existence of global and regional protocols, laws and policies, GBV remains significantly high in most African Countries. For instance, in the Democratic Republic of Congo, sexual violence has been reported as a war crime with over 200,000 cases occurring since 1996 while in Malawi, at least 50% of school-going children were sexually harassed in school (IRC, 2014). According to the Kenya Demographic and Health Survey (2014) 45% of women aged 15 to 59 years have experiences some form of gender based violence while 21%

¹ https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf. Pg.

²

of Kenyan women have been sexually abused. Most of the perpetrators are family members and most cases of violence towards women being committed by their intimate partners. Gender based violence in Kenya, like in other parts of the world, is rooted on the power imbalance between men and women.

Children continue to bear a heavy brunt neglect and exploitation with sexual abuse against girls being the most common form. According to experts, child sexual abuse in Kenya is perceived to be influenced by among other things, developmental issues, economic, social and gender inequities which are exacerbated by peer pressure, drug and substance abuse, orphanhood, poverty, social media influence a culture of silence on sexual matters and huge gender disparities. While debates about age-appropriate³ comprehensive sexuality education for out-of-school and in-school adolescents remain inconclusive, many children face enormous risks of Sexual and Gender Based Violence (SGBV) which contravenes both national child protection normative frameworks as well as the Convention on the Rights of the Child (CRC) and the African Convention on the Rights and Welfare of the Child (ACRWC).⁴ Reporting and redress on gender based violence against children largely depends on adults who are guardians of the minors at home and in institutions such as schools, religious setting, children's home and/or orphanages and so on.

Gender based violence in its various forms impacts on the health and well – being of survivors, especially women in significantly severe ways. For instance, across the world, UNFPA (2008) reports that more women die as a result of GBV than cancer, and physical violence leads to poor health and lowers participation of women in the economic front. Sexual abuse leads to infections, unwanted pregnancies and even death. In some health facilities, reproductive health programs for young people usually assume that sexual activity was a voluntary engagement and therefore turn a blind eye to sexual violations. Even some health professionals fail to recognize the health consequences of GBV and they view these cases as a social problem rather than a health one that requires comprehensive medical attention.

The Inter-agency Steering Committee(IASC) recommends a multi-sectoral approach to GBV that ensures the active involvement of all members of affected communities; including

³ The national adolescent sexual and reproductive health policy (2015) recognises children's right to information on sexual and reproductive health (SRH) and states that it shall support the provision of age-appropriate adolescent SRH information,

⁴ C K Wangamati et al. Sexual and Reproductive Health Matters 2019;27(1):1–13 Sexualised violence against children: a review of laws and policies in Kenya

the leadership and meaningful participation of women and girls —alongside men and boys— in all preparedness, design, implementation, and monitoring and evaluation activities.

Gender based violence: The Legal and policy framework in Kenya⁵

According to the National Gender and Equality Commission(NGEC), Kenya has made significant progress in putting in place legal and policy frameworks, that are either specific to or speak to some dimensions of gender-based violence. Kenya has ratified international instruments on the protection and advancement of women rights. At the national level the Constitution of Kenya, 2010 has a very progressive Bill of Rights (Chapter 4) which prohibits discrimination of any person on any ground including sex, race, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion. Aside from the provisions in the constitution there are other legislations such as the Children’s Act (2001), Sexual Offenses Act (2006), the Matrimonial Property Act (2013) and the Protection against Domestic Violence Act (PADV, 2015) among others that define and criminalize various forms of GBV. Furthermore, there are specific programs on Human Rights, Gender based Violence and violence against women (VAW) being implemented by various organizations across the country.

Kenya is also a signatory to various sub-regional, regional, and international instruments that address Gender based violence. Whereas civil society lobby groups have advocated for revising criminal procedures to make it easier to prosecute offenders, law enforcement institutions suffer numerous challenges such as lack of proper funding, corruption, poor coordination all of conspire to make it difficult for them to enforce criminal law more effectively. Communities and survivors are also mostly unaware of the law or they face societal barriers that make it near impossible for them to exercise their rights and access justice.

Through the vision 2030 and Medium Term Plans (MTPs), Kenya also aspires to put up legal frameworks that are geared towards elimination of GBV and establish programmes for gender equality. Additionally, Kenya subscribes to the Sustainable Development Goals, and Goal 5, entails promotion of gender equality and women empowerment (which include addressing all forms of GBV). A Gender Based Violence Prevention and response Policy launched in 2014, several hotlines launched by various stakeholders, mainly in Nairobi, do not seem to have much impact, due to their limited coverage and disjointed dissemination. Perhaps one of the most

⁵ A comprehensive list of the laws and policies on GBV is can be found under annex 1 of this report.

practical frameworks so far, is the National Police Service (NPS) Standard Operating Procedures (SoPs) launched in January 2019⁶. A comprehensive set of principles for handling GBV such as safety, respect, confidentiality, ethics and integrity are outlined. These SoPs, borrowed heavily from previous multi-sectoral SoPs formulated by a Task Force set up by the Attorney General as per the provisions of Section 47 of the Sexual Offences Act (SOA).

This inundation of laws and policies does not seem to change the situation significantly for GBV survivors in Kenya. NGEC reports reveal huge monetary and psychological burdens that individuals and families have to contend with in addressing medical related complications with the least cost estimated at Ksh, 16,464 (\$160) to the family or the victim of GBV⁷.

The National Gender and Equality Commission (NGEC) undertook a campaign dubbed *Keeping the Promise; End GBV* across various counties in Kenya. The aim of the campaign was to ‘seek opportunities for strengthening GBV prevention and response strategies, interrogating the capacity of various actors to effectively deal with GBV in all its manifestations....’⁸ NGEC has further provided prototype frameworks for drafting GBV prevention and response laws at the County level, aimed at increasing the capacities for counties to fulfil their mandate to their citizenry in this regard.

While the steps we have taken are significant, we still have a long road to walk... All forms of violence against women must stop -- from the use of rape as a weapon of war to the use of violence by a husband to terrorize his wife within her own home. UN Deputy Secretary General Asha-Rose Migiro

Many questions still remain unanswered in regard to effective implementation of GBV prevention and response policies and laws; are these laws, policies and programs having an impact in protecting women and other survivors from violence while at the same time guaranteeing justice for those who have been violated? What are the gaps, both at the National and County government levels that need to be addressed? Do the public and policy makers appreciate GBV as a major problem, which has negative implications on national development? Are there sufficient institutions and mechanisms in place to address the vice? While this rapid assessment addressed only some of these questions, many others remain as ‘enterprise-wide’ reflections that Gender Based Violence responders have to bear in mind at all times.

⁶ World Bank, Kenya GBV Service Gap Analysis at the County Level

⁷ NGEC(2016) Gender-Based Violence in Kenya: The Cost of Providing Service; A projection based on Selected Service Delivery

⁸ NGEC(2015) Keeping the Promise; End GBV, Duty Bearer’s Handbook

METHODOLOGY

The assessment was undertaken in a participatory and inclusive way and using mainly qualitative methods and quantitative methods to a minimal extent. Purposive sampling procedure was employed in the selection of respondents, who included both individuals and institutions to be visited/interviewed under the various services offered for GBV Response as shown on the table below:

Table 1: Interviews carried out in Kitui

Type of interview	Entity	Number
Focus Group Discussions (FGDs)	Women groups	2
	Cultural & religious leaders	1
	Police Officers	1
Total FGDs		4
Key Informant Interviews (KIIs)	County Commissioner	1
	County Director of Gender	1
	Gender Mainstreaming Officer	1
	County Legislative Assembly Member	1
	MoH	1
	TSC	1
Total KIIs		6
Total Interviews		11

Key questions asked in this rapid assessment assessed GBV knowledge and perception (including the implementation of policies and normative framework applicable in the county), available GBV services and needs, opportunities for inclusion of women in decision-making as well as mechanisms for redress and accountability in GBV cases. Information relating to the structural and contextual reality in each county was gathered through **review of literature** and corroborated with community leaders (female and male) who had more hands-on experience with GBV situation within their communities.

FGD with Religious & Cultural leaders in Kitui. Photo by Joshua/CREAW



Collection of both quantitative and qualitative data was undertaken through face-to-face interviews. Notes, pictures and some FGDs recordings were done to and observations made during the interactions. Some respondents, that were not the county within were interviewed on the phone.

The main tools used were semi-structured questionnaires which guided Key Informant for the selected respondents and FGD guides for each of the groups involved in the discussion (see annexed samples). **Focus Group Discussions** were undertaken for various community groups (ensuring single-sex FGDs to ensure effective participation).

Women-only FGD in Kitui: Photo by Joshua/CREAW



FINDINGS

Status of Gender- Based Violence in Kitui County

Kitui County has eight sub – counties which are: Kitui Central, Kitui West, Kitui East, Kitui South, Kitui Rural, Mwingi North, Mwingi Central, and Mwingi West. There are forty wards in total and a further 247 villages. The total population of the county was 1,012,236 in the current CIDP, 2018-2022)

Fig.1: Map of Kitui County (Source CREAW)



Kitui County

The county’s population is mostly comprised of the Akamba people of Kenya whose main occupation is farming and trading.

Since the onset of devolved governments in Kenya in 2013, counties have been steadily increasing coverage of basic services such as education, health and cultural activities that begin to give an

identity to each county. Kitui County County for instance has initiated a multi-stakeholder process of developing a GBV response policy⁹ . However, interventions by various stakeholders remain heavily fragmented and less than optimal in preventing and responding to

⁹ Kitui Gender Based Violence Strategy is guided by the NGECC Prototype County Policy on Sexual and Gender Based Violence, 2017.

gender based violations. For example, there is no single source of GBV data either at National or County level, a fact that continues to distort the magnitude of the GBV crises.

See the table below shows data received from the Gender Crimes Office at the Kitui Central Police Station on August 21st 2019

Table 1: GBV Data from the Gender Crimes Office, Kitui Central Police Station

Month	Nature of Crime Reported	Number of Cases
January	Defilement	2
	Assault(Wife battering)	3
	Indecent Assault	4
February	Rape	1
March	Assault(Wife battering)	2
April	Assault(Wife battering)	1
May	Defilement(incest)	1
	Attempted Sexual Assault	1
June	Defilement(incest)	1
	Attempted defilement	1
Total		17

While the numbers reported to the police are very few, going by this table, they reveal that wife battering and defilement of children, mainly by their (step) fathers (incest) is quite common, a fact that was corroborated in the FGDs with both women group leaders and elders as well as Key Informant interviews with various other stakeholders. It also emerged that the most common perpetrators of GBV are men whereas survivors are mostly women, girls and young children. There were reports of rape, defilement, incest, sexual harassment, sexual exploitation, assault and

economic exploitation. Other cases of GBV were emotional/psychological violence reported to mostly affect children, especially orphans who were susceptible to exploitation, harassment and neglect. Women were also reported to be victims of emotional abuse and economic abuse/violence by way of disinheritance of denial of access to land use and ownership of productive assets. Female Genital Mutilation (FGM) is also a common form of GBV in Kitui County, especially in areas bordering Tharaka-Nithi County. There were also reports of men suffering GBV in the form of husband battering and sexual assault (of young boys).

Women who are married to fellow women as is the custom in many parts of Kitui locally known as *kaweto* were also reported to suffer from economic abuse and neglect. After bearing children, they are considered valueless and are usually chased away. Older persons and people with disabilities (PWDs) were also reported to suffer from assault (mainly sexual) and acute neglect.

Physical		Sexual	Economic	Emotional
beating		Defilement	Withdrawal of financial support	Verbal abuse
Injuries with objects		Rape	Selling one's property without consent	Yelling
FGM		Marital rape	Denial of basic needs	Public humiliation
Throwing objects		Sexual harassment	Desertion	Extra marital affairs
Threats with weapons		Early marriage	Abandonment	Control

There were also reports of economic marginalization where finances from the County Government not adequately allocated to meet the GBV requirements of women especially those without jobs. Many job opportunities also seemed to be skewed towards men. An example was recruitment for the National Census exercise where men got most of the jobs and women who applied and were qualified were not considered. There were further also reports of majority of County jobs and tenders being given mostly to men who are connected to the County officials.

Table 2: Frequent types of GBV reported

Socio-cultural factors as drivers of GBV in Kitui County

Patriarchy in Kitui, like in many parts of Kenya and Africa, tends to normalize and practices such as intimate partner violence and physical assault within the family set up. Some respondents reported that women are prohibited from eating specific parts of an animal such as liver or kidney and the community does not object when they are punished through beating and/or being forced to pay a fine which involves replacing the organ with a live goat (to deter them from such actions in future). Female Genital Mutilation is also rampant in parts that border Tharaka Nithi and widows are denied access and use of their land.

Women are generally viewed as temporary in the homes where they are born and it is expected that they will get married and bring wealth in the form of dowry. This belief was seen as a major contributor to the high number of defilement of girls, often leading to pregnancy and child marriage and subsequently school dropout. Even in cases where a girl is defiled by someone known to her, some families encourage the perpetrator to go ahead and marry the survivors so that they can pay dowry or some form of compensation to the girl's family.

There is a high prevalence of informal mechanisms used to address GBV cases in Kitui County. These involve both the families of the survivor and the perpetrators agreeing on an 'appropriate compensation' and then male representatives from both families slaughter a goat whose blood is believed to signify appeasing of ancestors and a peace pact between the two families, hence the survivor's possibility of reporting and seeking justice is eliminated.

High levels of poverty were also reported to contribute to the rising cases of GBV in Kitui County. Some men who leave their families behind to go and look for job opportunities in urban areas often end up getting married there and subsequently neglecting their families upcountry. Women who are frustrated by domestic violence also run away leaving behind young children who end being sexually and physically abused by their fathers and male relatives.

Women who are 'married to fellow women', in a practice locally known as *kaweto* as is the custom in many parts of Kitui were also reported to suffer from economic abuse and neglect. After bearing children, they are considered valueless and are usually chased away and older adults and people with disabilities (PWDs) were also reported to suffer from assault and neglect.

There were also reports of economic marginalization with majority of County jobs and tenders being given mostly to men who are connected to the County officials.

Awareness of Legal Frameworks used in addressing GBV in Kitui County

Interviews with representatives of women's groups as well as the cultural leaders bared a measure of apathy and low confidence with law enforcement structures that are supposed to ensure effective prevention of and response to Gender based violence. Many cases that are formally reported were said to take too long and, in some instances, cases are adjourned severally or even thrown out of the courts due to lack of substantial evidence and perpetrators get acquitted. These perpetrators end up abusing the survivors even more because they know

they will always get away with such crimes. The most common laws known by the community to address GBV are the constitution of Kenya (2010) Sexual Offences Act (2006) and the Children's Act (2001). However, most respondents were not aware of specific provisions of these laws. When asked whom they considered as duty bearers, most respondents identified the Chiefs, Assistant Chiefs and Village Elders, the police as well as the children's officers. Other actors such as the National Government – Ministry of Gender and Youth Affairs, County Government, County Assembly, the Judiciary, the TSC as well as the Ministry of Health were mentioned mainly upon further probing by the assessment team.

Challenges hindering implementation of GBV laws in Kitui County

The assessment brings out key challenges in regard to how implementation of GBV laws various duty bearers is concerned.

Lack of synergy between different stakeholders: Each sector works in isolation without proper coordination of duties and responsibilities. Consequently, there is either overlap of roles or under performance of responsibilities by different offices, especially in regard to sharing GBV data to inform planning and source allocation. For instance, the national government has a State Department of Gender which works towards preventing Gender based Violence. The County government also has a ministry of Gender and NGEC also has an office in Kitui. A Gender- based Violence technical working group which had been set up previously had not met in a long time at the time of the assessment.

Financial constraints: While the county has been spearheading the development of a GBV prevention Policy, the assessment was not able to establish the budgetary allocation for GBV work.

Apathy towards law enforcement at the community level: Most respondents indicated that community members generally do not take it as their responsibility to report GBV cases as they assume that the law enforcement system could turn against them. Therefore the tendency to involve village elders with a view to settling cases informally or not to report at all is very widespread. Community members who may be key witnesses also fear because there is no mechanism to protect witnesses when they report cases. They may also shy away from getting involved because of the fear of the consequences by perpetrators and their families. Cultural norms that view it as normal for a man to beat his wives and children as a way of disciplining

them, creates a culture of tolerance to GBV and a tendency to shield perpetrators from facing justice, a reality that tends to embolden perpetrators and heighten the vulnerability of survivors.

Lack of safe homes for survivors: Survivors need shelter where they can seek refuge for their safety against perpetrators once they make a report, especially in cases involving minors or intimate partners. The assessment revealed that many women and girls are forced to go back and live with the perpetrators in the same homes after reporting them to the authorities and this puts their lives at a greater risk. Some end up being abused again or even getting killed. Due to lack of a place to go, survivors opt not to report GBV cases to the authorities.

“There are cases where survivors of incest were taken to a Children’s home and also a case of a lady who moved back to her parents’ home to be away from her abusive husband. However, there are several instances where survivors have nowhere to go and they are forced to go back to the same homes where the accused live and they are beaten, threatened or killed.” **Police Officer, FGD Participant, Kitui County.**

Inadequate support to survivors: According to this assessment, Kitui has a serious dearth of non-governmental organizations that work in the communities to support survivors and empower the community on GBV prevention and care. Participants mentioned the Catholic Church, Kenya Red Cross, FIDA and LVCT as some of the organizations that have done some work in the area in the past. However, the impact of the work these organizations is limited by the sheer magnitude and recurrence GBV incidents.

Family related challenges:

Culture causes discrimination against women and tends to treat GBV casually especially where the perpetrator is part of the family. Cases that happen within the family unit mostly end up not being reported because of the culture where the man is the head and he makes decisions on behalf of the family. In a case where he is the perpetrator of abuse either to his wife or his children, he cannot allow them to report him to the authorities. In other parts cases, men believe that defiling their daughters will ‘protect their wealth’ and so such cases are rarely reported to the authorities. Further, within the family set up, young girls who move into the family homes with their mothers from previous relationships end up being victims of abuse by their step-fathers. Consequently, there are high rates of teenage pregnancies arising from defilement by relatives such as fathers, cousins and other adults.

Poverty is also contributing to abuse within families. Men are reported to be engaging in chewing *Muguka/Miraa* and taking local brews which negatively affect their attention to their families, often leaving a lot of women overworked and neglected. Such frustrations lead to family break-up and women often run away and leave young children behind with their fathers and these children end up being defiled, neglected or abandoned. Lack of finances may force survivors not to report cases if they do not have the bus fare to take them to hospitals or Police Stations that are far away and ‘pay for P3 forms’ which were said to attract a charge KES. 1,200, even though this is supposed to be a free service.

Schools and other learning institutions

Many cases of GBV happen in schools and other institutions of learning where fellow students and teachers abuse children. Whereas teachers report some of these cases to the authorities, some cases are never reported because teachers may be the perpetrators and they have been reported to threaten survivors against reporting. Furthermore, school-going children do not always know whom to report to when they are being abused. Fear is also a factor that hinders children from reporting cases.

In cases where children attend schools that are far from home, parents may hire the services of motorcycle riders to take their children to school in the morning and take them home in the evening. It emerged that these motorcycle riders sometimes turn out to be sexually abusive to these children.

National Police Service (NPS)

While the officers participating in this assessment expressed their satisfaction with the capacity of the Kenya Police Service (KNPS) to handle cases of GBV in Kitui County based on their professional training, coordination between junior and senior Officers needs to be strengthened when addressing complex gender crimes. Community members interviewed said that Police tend to treat GBV cases casually when reports are made and accused them of not doing thorough investigations, tampering with evidence or being compromised by some perpetrators and in some cases mishandling or threatening witnesses. Some respondents revealed some instances, when witness statements were not consistent with the reports captured in the P3/PRC forms (usually completed by medical personnel). There are also reports of repeat-interrogation

(often with no guarantee of confidentiality) by different officers and this causes trauma to survivors who may consequently end up dropping the case

It also emerged that handling cases sometimes takes long due to challenges that are beyond the control of the Police Officers. As one respondent puts it:

“The initial report that the survivor made to the police may be different from the report made at the hospital. Sometimes, third parties may give inaccurate evidence. Since the police rely on the account of the survivors and witnesses, it becomes difficult to prosecute a case when the information is conflicting. There are also cases where the community puts pressure on the police to conduct a case in a way that will please them. Investigations are also not always conducted in a thorough manner.” **Police Officer, FGD participant, Kitui County.**

There is also the challenge of several cases that go unreported so this gives inaccurate and/or conflicting information which make it difficult for the Police to put a case together. Other times, some complainants withdraw cases or fail to turn up in Court until the matter is dismissed. .

Hospitals and other health facilities

The medical personnel handling GBV can sometimes be overwhelmed and are not resourced adequately to address the needs of all survivors in all parts of the vast county. Since the court appearance dates may also coincide with other critical agenda on the medical side there is also the challenge of ensuring availability when required to give evidence in court. Difficult to balance hospital work and representation in the Court. Whereas PRC forms are placed in all hospital rooms, some medical staff are not familiar enough with how to fill the forms. There was a specific case shared in where a medical staff filled “rape” instead of “defilement” and this discrepancy posed some challenges the prosecution process. There are few medical staff to support survivors counselling in most hospitals this leads to further referrals of survivors to other facilities which sometimes causes delay in processing cases.

The Judiciary

While the assessment team did not interview a member of the judiciary in Kitui, other respondents spoke about delays in handling GBV cases once they are brought to court. The Court User’s Committee(CUC) was mentioned as an avenue that could facilitate follow-up on GBV cases. Women reported that they did not know of the existence of a CUC and who the members were.

The County Director for gender indicated that there usually one invitation from the Chief Magistrate’s Court to the County, which makes it challenging to have a consistent attendance and follow-up on issues such as GBV cases in court.

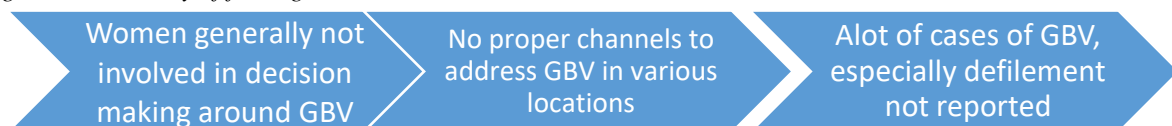
Chiefs, Assistant Chiefs and Village Elders

These are the mostly the first point of call when GBV cases happen. The local administration officials which include the Chiefs, Assistant Chiefs and Village Elders were reported to be resourceful people in the community and they often represent the voice of the community in various forums. However, there is a tendency to handle GBV poorly sometimes giving perpetrators petty punishments and shielding them from facing justice to destroy evidence.

The place of women in the implementation of GBV laws and policies

The assessment did not come across any defined framework for involvement of women in decision-making on how GBV is to be handled in Kitui County. There are only 6 elected women out of 34 elected county legislators in Kitui County and respondents reported that there was no interface with the rest of the women in the community. Women are generally not empowered with knowledge and economically and the cultural perception about women that outspoken as not ‘being good for the society’ makes many of them shy away from the limelight. This a bit paradoxical, given that Kitui is one of the two counties in Kenya with a female Governor.

Digram 1: Summary of findings



CONCLUSION AND RECOMMENDATIONS

Conclusion

From the assessment, it emerged that GBV in Kitui County is as complex as it is in other parts of Kenya and in Africa at large, based on gender inequalities that are complicated by cultural beliefs that subjugate and demean women and girls. The assessment revealed some entrenched cultural beliefs that perpetuate defilement and protect perpetrators. The role of religious leaders and the family in promoting informal resolution mechanisms goes to show how normalized GBV is in this County. There is need to recognize that GBV in all its manifestations, is a crisis

it is in Kitui County. There is need to tap on available resources to counter and manage cases of GBV in Kitui County This can be achieved through multi- sectoral collaboration that involves all stakeholders working in the region and the County government can spearhead this initiative.

Recommendations

The following recommendations follow the findings around structural, systemic and environmental challenges to GBV prevention and response in Kitui County

a) Awareness and Education on GBV laws and policies

Priority areas are on sensitization and awareness creation in the community so that people can know where to report and whom to talk when they encounter GBV. Reach both men and women through community sensitization and use of cultural events to promote messages on GBV prevention. Building confidence of the community on the systems that handle GBV cases for instance through the chiefs' barazas as platforms for information dissemination.

b) Multi – sectoral forums

GBV Prevention and response

Effective prevention and response to GBV requires a well-planned and coordinated effort among all stakeholders

Convening meetings that can bring together key stakeholders to further enhance planning, coordination and mapping next steps to increase their involvement and collaboration in addressing GBV in Kitui County.

Facilitate a multi-sectoral forum that meets regularly to discuss and address GBV issues (this can be either strengthening an existing Technical working group or any other structure that is women by or includes women as key actors.

c) Enhancing reporting channels

Establish community-level structures (led by grassroots women) where GBV cases are reported. The community members, survivors and their families need awareness and education on GBV reporting channels so that they know where to go in case they need to report cases or seek for help. If there are helplines or contact persons, such contacts should be shared with the community members. There is also need to inform the public on service delivery and encourage

service providers to be efficient, maintain confidentiality, professionalism and protection of witnesses when they report cases.

Various respondents indicated a high interest in addressing the problem of gender discrimination and violence in their spaces. It is important to utilize this political and social goodwill to undertake interventions that strengthen various structures that have the potential to sustain GBV prevention and response in the County.

d) Training and capacity building

There is need for **training and awareness creation** to increasing knowledge, skills, and abilities to address gender-based violence in the community. This can be done by convening meetings with women, groups, religious and cultural groups and other community – based groups. A good starting point can be through the Village Elders, Chiefs, County Ward officials and representatives of woman groups. Women should also be educated on their rights and civic duties such as public participation on budgeting processes to ensure GBV response is given attention in the county and national governments. **Linking women to economic empowerment opportunities** to reduce their vulnerability to abuse and oppression (and give them options if faced with violations is also necessary. To address the challenges women face in regard to inheritance and property rights, there a need to a team of paralegal train women on the legal provisions that can safeguard their rights on property acquisition and ownership. There is need for deliberate efforts to reach younger women with both training and economic linkages.

e) Robust engagement with women leaders as champions

Catalyse the formation of **women caucuses** through engaging women in the County Assembly and the office of the Woman Representative are also engaged in civic education on the rights of women on their rights including the right to vie for political office to influence policy and law-making processes. Ensure effective public participation by women at all levels in both in policy formulation and budgeting processes.

f) Preventive action in schools and institutions of learning

Work with schools and other learning institutions to enhance implementation of policies that address gender based violence. These may include setting up the requisite infrastructure and facilities that promote the safety of girls such as providing safe latrines for girls and hiring more female teachers and counselling professionals in all schools; as well as implementing

age-appropriate education for both boys and girls on Sexual Reproductive Health and Rights with a view to nurturing and culture of dignity and zero-tolerance to gender based discrimination and violence in the institutions.

g) Strengthening collaboration across sectors and functions

- *Include various government offices*(Kenya Police Service, Judiciary, Gender officers, County Commissioners, health practitioner, including counsellors, Civil Society) in public awareness and sensitization campaigns/events so that the public can be educated on the legal frameworks for handling GBV and the process they can follow to seek justice. This includes law enforcement agents, the judiciary as well as medical practitioners. This interaction can also enhance accountability as members of the public can ask questions and receive answers.
- **Liase with the judiciary to Support regular Court Users Committee meetings** and recommend addressing progress in ‘Gender Based Violence Cases’ as a standing agenda in such meetings, held at county and sub-county levels.
- Work with the County Assembly to complete the proposed **GBV policy and move it to legislation** that ensures proper budgetary allocation specific for gender programs and projects, especially on GBV, to compliment the work being done by other stakeholders. This should include facilities such as safe homes or temporary rescue shelters where survivors such as women, girls and children who may need protection and safety can find refuge.
- **Incorporate guidance and counselling** in institutions of learning, churches, mosques and vocational institutions to empower young people and engage them positively.
- Provide financial support to survivors and a waiver costs of medication, P3 forms and other needs.
- Foster partnerships with Village Elders and *nyumba kumi* leaders as champions for GBV-free neighbourhood and promote training and awareness that includes men as advocates and champions of GBV Prevention and Response.
- **Men as partners in GBV prevention:** The implementation process will also need to identifying and collaborating with other Civil Society Organizations, and work with the Office of the County Commissioner to address the problem of mood-altering substances such *muguka* and alcohol as an integral measure to addressing GBV in Nyeri County, during public awareness.

- Train both female and male journalists on sensitive and professional report on gender based violence.

This rapid multi-sectoral did not fully explore other related issues of interest such as young women's voice and agency in prevention of GBV in Kitui County, the connection between rituals/cultural beliefs and the rampant cases of defilement of children. While the Kenya has various **digital helplines for GBV** reporting, it will be useful to explore how technology can be leveraged to strengthen prevention and response to gender crimes.

ANNEXES

Annex 1: Summary of legislative and policy framework for addressing elements of SGBV in Kenya

Statute	Summary
The Constitution 2010	Provides that every person has right to freedom and security of their person which includes the right not to be subject to any form of violence from either public or private sources, any form of torture whether physical or psychological or cruel, inhuman or degrading treatment. The right to security means that the Constitutions safeguards women's right against SGBV and any other related form of gender-based violence.
Employment Act, 2007	The Act prohibits discrimination and harassment of employees on the basis of sex, guaranteeing equal remuneration for work of equal value.
HIV & AIDS Prevention and Control Act 2006	Prohibits deliberate transmission of HIV/AIDS and outlaws discriminatory acts and policies based on one's HIV/AIDS status in all places and safe guards rights and dignity of those already affected
Marriage Act, 2014	Provides for the minimum age in marriage and types of marriages. The Act guarantees parties to a marriage, equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage.
Matrimonial Property Act, 2013	Provides for the rights and responsibilities of spouses in relation to matrimonial property.
The Penal Code Cap 63 Laws of Kenya	Other than bigamy which is provided for under section 171, there are no provisions for such forms of SGBV as marital rape, wife or husband battery, domestic violence etc. Some of these offences are only derivative of main offences such as assault under section 250 and 251. The Children Act, 2001 Provides for a child care, administration institutions, and sets the age of marriage at 18 years in line with Convention on the Rights and Welfare of the Child
Counter Trafficking in Persons Act, 2010	Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.
Prohibition of Female Genital Mutilation Act, 2011	Prohibits the practice of Female Genital Mutilation and safeguards against violation of a person's mental or physical integrity
The Land Act, 2012	Secures rights of women to matrimonial property
The Land Registration Act, 2012	Requires spousal consent in any dealing with matrimonial property
The Protection Against Domestic Violence (PADV) Act, 2015	Provides for the protection and relief of members of a family from domestic violence.
National Gender and Development Policy (2000)	Makes recommendations on diverse issues on violence including: amendments of SGBV laws, more so the Penal Code to include gender related crimes; privacy in conducting SGBV hearings; SGBV tailored trainings on agents in the judicial system; setting up safe shelters for victims of domestic violence; and ensuring access to information.

Kenya Adolescent Reproductive Health Policy (2003)	Which recommends development of safety nets and rehabilitation and rescue mechanisms for victims of sexual abuse and violence and enhancing measures to protect young people in penal institutions from sexual abuse
National Adolescent Sexual and Reproductive Health Policy (2015)	It provides for mechanisms for addressing adolescents' sexual and reproductive health (SRH) needs. It recommends multifaceted approaches to adolescent SRH issue which provides for mitigation of risk factors and puts in place a safety net for early detection and prevention of SRH challenge. It routes for
Vision 2030 Second Medium Term Plan (2013—17)	Emphasizes the need for establishment of integrated one stop SGBV response centres in all healthcare facilities in Kenya and undertaking public awareness campaign against FGM, early and forced marriages.
The National Reproductive Health Strategy (2009-2015)	Provides for the implementation of Post-Rape Care Services ensures the inclusion of sexual violence as a key issue within the Reproductive Health Strategy and sets the development of standards for post rape care service delivery.
National Guidelines on the Management of Sexual Violence (2014)	Is a guiding policy framework on procedures and services for management of survivors of sexual violence and explicitly recognizes sexual violence as a serious human rights and health issue which calls for imperative attention by all concerned. Provides elemental information on management of sexual violence in a multi-pronged manner. Gives medical practitioners information on steps to be taken when treating a survivor of sexual violence, preservation of evidence for court use, issues of psycho-social support and other ethical issues related to the management of health related problems of sexual violence
The Education Gender Policy (2007)	Addresses prevention and response to school related gender based violence. It recommends mainstreaming of policies that address GBV at all education levels; establishing modalities for dealing with SGBV including harassment; and developing and implementing clear anti-sexual harassment and anti-gender based violence policies at all levels in the Ministry of Education and all educational institutions.

Source: The National Gender and Equality Commission (NGEC)

Policy	Summary
National Policy on Gender and Development, 2011	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.
Sessional Paper No. 2 of May 2006 on Gender Equality and Development;	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).
The National Policy for Prevention and Response to Gender Based Violence	<p>The overall objective of the National Policy for Prevention and Response to Gender Based Violence is to accelerate efforts towards the elimination of all forms of Gender Based Violence in Kenya.</p> <p>The Policy provides a strategy for a coordinated approach for the various actors (state and non-state) that address GBV. It also aims at enhanced enforcement of laws and policies towards GBV prevention and response.</p>
The Kenya Vision 2030, Medium Term Plans and SDGA's Gender Mainstreaming and GBV Prevention Strategies	A long term policy for accelerating transformation in Kenya that also acknowledges GBV cases as being on the rise in the Country and lays out strategies to reduce vulnerabilities and prevent GBV
National Guidelines on the management of Sexual Violence	This provide detailed information on management of SGBV involving several parties and at several stages including information, treatment preservation of evidence, Psychological support and other ethical considerations
The National Monitoring and Evaluation framework on SGBV	A multi-sectoral framework for Prevention of and Response to GBV in Kenya developed by NGEC in collaboration with LVCT, ITECH and CDC

Annex 2: Terms of Reference for the Rapid Multi-sectoral Assessment

Annex 3a: FGD Guide

THE CENTER FOR RIGHTS EDUCATION AND AWARENESS (CREAW)
MULTISECTORAL RAPID ASSESSMENT IN KITUI AND NYERI COUNTIES

INTERVIEW WITH REPRESENTATIVES OF WOMEN GROUPS ON AUGUST 19TH 2019
IN KITUI

INTRODUCTION

The Centre for Rights Education and Awareness (CREAW) is a national feminist women's right Non-Governmental Organization (NGO) whose focus has consistently set women and girl's rights at the centre of everything they do. CREAW is carrying out a Multi-sectoral Needs Assessment to provide preliminary understanding to strengthen accountability and implementation of national laws and policies on Gender Based Violence (GBV) in order to better prevent and respond to GBV among women and men in Nyeri and Kitui Counties. This will be realized by improving the capacity and action by women - led accountability groups and Community Based Organizations to advocate for stronger accountability and implementation of GBV laws and policies and by increasing gender sensitivity, responsiveness and coordination of GBV services by public authorities in Nyeri and Kitui counties by 2021. The information will enable CREAW identify the exact conditions existing at the start of the project and enable us measure the degree and quality of change during project implementation in line with the project's outcome journal.

INFORMED CONSENT

Thank you for coming to this Focus Group Discussion today. I am here representing CREAW and we are currently carrying out a Multi-sectoral Needs Assessment to provide preliminary understanding to strengthen accountability and implementation of national laws and policies on Gender Based Violence (GBV) in order to better prevent and respond to GBV among women and men in Kitui County. The reason for doing this is to improve the capacity of women- led groups in advocating for accountability and implementing GBV laws.

Participation in this interview is voluntary and if there is any particular question you may not wish to answer, you have the right not to answer it and I will go on to the next question; you also have the right to terminate the entire interview at any time. As you can see we plan to conduct this interview in a safe and private space. If you feel that any of the questions are too

risky or if you do not feel comfortable for any reason, there is no pressure to answer questions. If you would like to speak to anyone about how you feel, or if you are feeling emotional during or after the interview, we can help you get additional support. There is no reward or direct benefits for you from being in the interview today.

All the information we get from you will be treated as confidential and only the researchers and those who work for this project will have access to it. Your name will not be included in any report or anything about you that would allow someone to identify you.

The interview will take approximately one and a half hours. I would like to record the interview so that I can make sure that I capture all of your information accurately. This conversation is very informal; you can talk about anything that you think is important for us to know in regard to the topic of gender-based violence.

Do you have any questions for me at this point? Or is there anything you would like me to explain in more detail? [Answer any questions regarding the interview and before you start the FDG].

THE FGD QUESTIONS/GUIDES (Probing questions will be asked to ensure the intended meaning is brought out)

A. Challenges limiting implementation of Gender-Based Violence laws at county level

1. What is your understanding of Gender-Based Violence (GBV)?
 - 🚩 What forms of GBV are common in this community?
 - 🚩 Who are the most common victims of VAW in this community?
 - 🚩 Who are the most likely perpetrators of VAW? (*without mentioning of names*)
2. Please describe how a case of Gender-Based Violence is handled in this community?
3. Are you aware of any GBV laws in the county? Please mention them
4. Who are involved in making these laws?
5. Tell me about how some of these laws are implemented to prevent or respond to Gender-Based Violence.
6. Are you aware of any challenges that (may) hinder implementation of these laws?
7. Which public office is mainly responsible for ensuring full implementation of these GBV policies and laws? Explain why you consider them responsible.
8. What do you consider to be the missing link in handling Gender Based Violence?

9. What can be done to ensure better implementation of the policies and laws on GBV prevention and response in your community?

B. Decision making process in addressing GBV

1. Who makes decisions on how Gender-Based Violence is addressed in this community?
2. Are women involved in making these decisions? If so how?
3. Are there some women who are more involved than others? Please explain
4. If women are not involved in decision on Gender-Based Violence response, why is this the case?
5. Who are the other stakeholders involved in making decisions on Gender-Based Violence?
6. What can be done to get more women involved in the implementation of Gender-Based laws/policies in this Community?

C. Community involvement in addressing GBV

1. How is the community involved in addressing on Gender-Based Violence?
2. Are there any challenges that community members face in addressing on Gender-Based Violence? Please list them.
3. What motivates community members to report cases of Gender Based Violence?
4. What are the reasons why community members may fail to report cases of Gender Based Violence?
5. Who is responsible for implementation of laws and policies on Gender Based Violence prevention and response in this community?
6. What can be done to improve the way in which Gender based violence cases are handled in this community?
7. What role do the following offices play in the implementation of laws and policies on Gender Based Violence prevention and response in this community?
 - a) The office of the County Commissioner(including chiefs):
 - What questions would you ask a chief/DC or County Commissioner about Gender Based violence in this community?
 - b) Judiciary(courts of law):
 - What questions would you ask a judge/magistrate about Gender Based violence in this community?
 - c) The police department:

- What questions would you ask a police officer about Gender Based violence in this community?
- d) The Teachers Service Commission(TSC)
- What questions would you ask a representative of the Teachers Service Commission about Gender Based violence in this community?
- e) Medical Personnel/Medical Officer of Health(MOH)
- What questions would you ask Medical Officer of Health (MoH) about Gender Based violence in this community?
- f) County Executive Officers (which one in particular)
- What questions would you ask the responsible county executive about Gender Based violence in this community?
- g) County Director of Gender
- What questions would you ask the county director of gender about Gender Based violence in this community?
- h) Gender Mainstreaming Officer
- What questions would you ask the gender mainstreaming officer about Gender Based violence in this community?
- i) Legislative Assembly
- What questions would you ask a member of the county assembly about Gender Based violence in this community?
- j) Religious and cultural leaders
- What questions would you ask a religious or cultural leader about Gender Based violence in this community?
8. Is there anything else you would like to say or ask about Gender Based Violence prevention and response in this community?

Thank you for your time and active participation in this Focus Group Discussion.

-THE END-

Annex 3b: Sample Key Informant Guide

INTRODUCTION

The Centre for Rights Education and Awareness (CREAW) is a national feminist women's right Non-Governmental Organization (NGO) whose focus has consistently set women and girl's rights at the centre of everything we do. Through consultants, CREAW is carrying out a Multi-sectoral Needs Assessment to provide preliminary understanding to strengthen accountability and implementation of national laws and policies on Gender Based Violence (GBV) in order to better prevent and respond to GBV among women and men in Nyeri and Kitui Counties. This will be realized by improving the capacity and action by women - led accountability groups and Community Based Organizations to advocate for stronger accountability and implementation of GBV laws and policies and by Increasing gender sensitivity, responsiveness and coordination of GBV services by public authorities in Nyeri and Kitui counties by 2021. The information will enable CREAW identify the exact conditions existing at the start of the project and enable us measure the degree and quality of change during project implementation in line with the project's outcome journal.

INFORMED CONSENT

Thank you so much for meeting with me today. My name is [Name]. I am here representing CREAW and we are currently carrying out a Multi-sectoral Needs Assessment to provide preliminary understanding to strengthen accountability and implementation of national laws and policies on Gender Based Violence (GBV) in order to better prevent and respond to GBV among women and men in Nyeri and Kitui Counties. The reason for doing this is to improve the capacity of women- led groups in advocating for accountability and implementing GBV laws.

You do not have to take part if you do not want to. It is up to you to decide whether or not you would like to participate. If you decide to talk to me today you may stop the interview at any time and without giving a reason. If you don't want to take part or decide to stop the interview at any time, the services you can use and the way the service treats you will not be affected.

There is no reward or direct benefits for you from being in the interview today. We cannot promise that the study will help you personally. As you can see we plan to conduct this interview in a safe and private space. If you feel that any of the questions are too risky or if you do not feel comfortable for any reason, there is no pressure to answer questions. If you would like to speak to anyone about how you feel, or if you are feeling emotional during or after the interview, we can help you get additional support.

All the information we get from you will be locked away and only the researchers will have access to it. Your name will not be included in any report or anything about you that would allow someone to identify you.

If you agree to take part, the interview will take approximately one hour. I would like to record the interview so that I can make sure that I capture all of your information accurately. This conversation is very informal; you can talk about anything that you think is important for us to know.

Do you have any questions for me at this point? Or is there anything you would like me to explain in more detail? [Answer any questions regarding the interview].

Now that you have some more information, are you interested in taking part or not?

If YES, continue. If NO, end interview and thank the respondent.

Before we get started, I just want to remind you again that everything we discuss today is confidential. No one except those who work for this project will know what you say. If at any time you'd like to stop, or if there are any questions you'd rather not answer, just let me know. Is that alright with you?

If YES, continue. If NO, end interview and thank the respondent. **Interviewer: I would like to begin our conversation by asking you general information about yourself and your life in general.**

1. **Age** - How old are you?
2. **Education** - What schooling have you completed?
3. **Length of stay in the County** - How long have you been/lived in Kitui/Nyeri?
4. **Occupation** – What do you do?

Interviewer: Now, I would like to ask about your views of, Gender Based Violence (GBV) or abuse against women and girls in this county. “Gender-based violence” refers to violence that targets individuals or groups on the basis of their gender, for instance, sometimes women and girls get beaten, raped, or even killed for having extramarital sex. Do you understand this term or do you need more examples?

1. **Abuse against women and girls is common in many places in the world. It includes wife beating, being touched when you don't want to, rape, being physically punished for having sex outside marriage. Tell me about abuse against women and girls in this county generally?**
2. What are some of the reasons people in this community use to justify GBV?
3. What is the status of GBV in this community?

Interviewer: I would like to ask about GBV laws available in this county.

1. Tell me about the GBV laws available in this county.
2. How are these laws enforced?
3. What is the role of family, and community members in addressing GBV?
4. Tell me about the healthcare systems available to address GBV?
5. (Health services such as public/private and information provided by healthcare workers)

Wrap up

Interviewer: Those are all the questions I have for you. Before we end our conversation, I would like to find out if there is anything else you would like to tell me

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