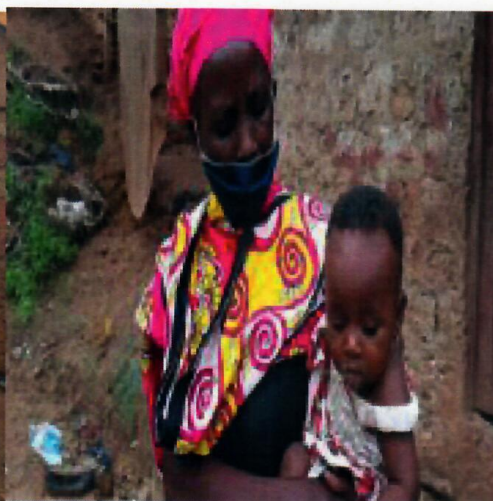
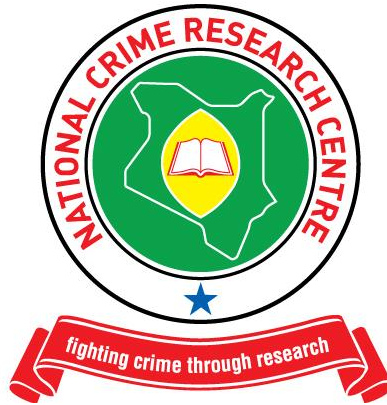


**PROTECTING THE FAMILY IN THE TIME OF COVID-19
PANDEMIC: ADDRESSING THE ESCALATING CASES OF
GENDER-BASED VIOLENCE, GIRL CHILD DISEMPOWERMENT AND
VIOLATIONS OF CHILDREN'S RIGHTS IN KENYA**



NATIONAL CRIME RESEARCH CENTRE



PROTECTING THE FAMILY IN THE TIME OF COVID-19 PANDEMIC: ADDRESSING THE ESCALATING CASES OF GENDER BASED VIOLENCE, GIRL CHILD DISEMPOWERMENT AND VIOLATION OF CHILDREN RIGHTS IN KENYA

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Nairobi; Printed in Kenya

ISBN 978-9966-7493-1-4

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FOREWORD

The fundamental importance of the family and its right to be protected has consistently received international, regional and national recognition. Article 16 of the Universal Declaration of Human Rights provides that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State. This principle has been promulgated in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It is also embodied in one form or another in a range of other international and regional human rights instruments. Article 45 of the Constitution of Kenya recognizes the family as the natural and fundamental unit of the society and the necessary basis of social order and should, therefore, enjoy the recognition and protection of the State.

Domestic and gender-based violence is a violation of fundamental rights with respect to dignity, equality and justice. Despite numerous efforts to counter such violence, it remains an extensive and widely under-reported human rights abuse with young women and children being particularly vulnerable. A dysfunctional social-cultural value system within the family, including increasing cases of gender-based violence, violations of children's rights and disempowerment of girls is a threat to the State. Further, this poses a challenge to the realization of Kenya's development agenda as defined in Vision 2030 and the Medium-Term Plan 2018-2022 which the Government has prioritized in the Big Four Agenda.

This study shows that the curve of escalating cases of gender-based violence, girl child disempowerment and violations of children's rights was getting worse even before reaching a soaring crisis during the time of the COVID-19 pandemic. The escalation is projected to increase with Post COVID-19 uncertainties and predications. Therefore, the Government's response to reverse this trend must be relentless and corresponding to match the magnitude of this challenge.

His Excellency, the President pronounced himself on this matter during the ninth State address on the COVID-19 pandemic, delivered on the 6th July, 2020. The President acknowledged the increasing tensions within homes, increased cases of gender-based violence, worsening mental health issues and escalating instances of teenage pregnancy and called for a probe into the apparent escalation in cases of violence against women and girls, the disempowerment of the girl-child and violations of children's rights. The study findings provide ways and means to fortify the protection of the Kenyan family as the foundation of the State. We, therefore, urge our collective responsibility to implement the recommendations of this study report and advisory.



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ACKNOWLEDGEMENTS

The Centre wishes to acknowledge and thank the research team comprised of Governing Council members from the Research and Development Committee, researchers from the Centre and contracted external resource persons with expertise in the area of study. The Centre is grateful for the overwhelming response from government agencies, politicians, private sector, development partners, faith-based organizations, civil society, community-based organizations and the media who supported and endorsed the research process, providing important data, contacts, and access. Apart from lending credibility to the report, the direct collaboration of these agencies offered interesting opportunities in programmatic areas going forward.



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ACRONYMS AND ABBREVIATIONS GLOSSARY

CRC	Committee on the Rights of the Child
CBO's	Community Based Organizations
CEC	County Executive Committee
COVID-19	Corona Virus Disease-19
DCS	Department of Children Services
DFC	Defence for Children International
EPZ	Export Processing Zones
FGD	Focus Group Discussion
FGM	Female Genital Mutilation
GDP	Gross Domestic Product
GBV	Gender -Based Violence
GoK	Government of Kenya
ICF	International Christian Fellowship
IDP	Internally Displaced Person
KII	Key Informant Interview
KHIS	Kenya Health Information Systems
KNBS	Kenya National Bureau of Statistics
LSHTM	London School of Hygiene and Tropical Medicine
MOH	Ministry of Health
MPSYGA	Ministry of Public Service, Youth and Gender Affairs
NGO's	Non-Governmental Organizations
NCAJ	National Council on the Administration of Justice
NCRC	National Crime Research Centre
NSAC	National Security Advisory Council
SDGA	State Department of Gender Affairs
UN	United Nations
UKAID	United Kingdom Aid
UNICEF	United Nations International Children's Emergency Fund
USA	United States of America
VAC	Violence Against Children
VAGW	Violence Against Girls and Women
WHO	World Health Organization
WVI	World Vision International

EXECUTIVE SUMMARY

Family protection is one of the leading functions of the Public Service. During the ninth State address on the COVID-19 pandemic delivered on 6th July, 2020, H.E The President acknowledged the apparent escalation of cases of gender-based violence, violations of children's rights and girl child disempowerment which were affecting the wellbeing of the Kenyan family as the foundation of the State. In order to fortify the protection of the Kenyan family, the President directed and ordered that the National Crime Research Centre probes these aspects and prepares an advisory to security agencies on remedial action within thirty (30) days from 6th July, 2020.

Premised on the above background, this study sought to: establish the patterns of gender-based violence, violations of children's rights and girl child disempowerment in Kenya in light of COVID-19 pandemic; examine factors contributing to gender-based violence, violations of children's rights and girl child disempowerment; identify the perpetrators of gender-based violence, violations of children's rights and girl child disempowerment; and present an advisory prioritizing multiple programmatic areas for inter-agency consideration and implementation.

The study took the form of a rapid assessment using a mixed method approach and utilizing consultations with key stakeholders and desk review of data from state and non-state key informant agencies dealing with the subject. The reviews examined data for the period before and during the COVID-19 pandemic in order to generate meaningful recommendations on the remedial action to be taken during and after the pandemic period.

Key Findings

Forms of GBV

This review established that: the number of GBV cases recorded between January and June, 2020 had an **increase of 92.2%** compared with those of between January and December, 2019;¹ the most common forms of GBV, as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were assault, physical assault, rape/attempted rape, murder, sexual offences, defilement, grievous harm, physical abuse, child marriage, psychological torture and child neglect; the most common forms of GBV handled and/or recorded by different key state and non-state agencies during the 3-months COVID-19 restrictions period of April to June, 2020 were murder, sexual offences, defilement, grievous harm, attempted defilement, sexual abuse, physical abuse and child marriage; and the forms of GBV which recorded an increase in the number of cases during the 3-months Covid-19 restrictions period of April to June, 2020 were defilement,

¹ Kenya Police Service, (2020) Crime Statistics

attempted rape, rape, subjecting children to torture, attempted defilement, gang rape, gang defilement, threatening to kill, attempted murder, arson, sexual communication with a child, sexual abuse, physical abuse, child abduction/kidnapping, emotional abuse, child marriage, Female Genital Mutilation (FGM), child prostitution, child radicalization and online abuse.

Victims and perpetrators of GBV

The review established that: **71.0%** of the 2,416 cases of GBV (that is, 1,716 cases) reported between January and June, 2020 were female victims, that is, **10 females daily** (State Department for Gender, 2020); the main perpetrators of gender-based violence are the youthful males aged 18-33 years who are in a family and/or intimate partner relationship context. Victims of GBV are majorly girls, women and children.

Factors contributing to GBV

The factors contributing to GBV in Kenya include: alcohol, drug and substance abuse; poverty; family/ domestic disputes; and retrogressive cultural (including religious) beliefs and practices and male dominance (including undermining masculinity); poor parenting/upbringing and moral decadence; identity crisis among the youthful population; and inadequate support system.

Forms of violations of children's rights

Findings have shown that: the total number of cases of violations of children's rights rose from 51,991 in 2017 to 158,933 in 2019 thus representing a **205.6% increase** within a period of three (3) years (**or average of 68.5% increase per year**) with child neglect, child custody and child abandonment being the top three forms of violations between January 2017 and June, 2020;² 43,051 children were violated between January and June, 2020 especially through child neglect, that is, an average of **239 children daily**;³ the most common forms of violations of children's rights, as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were child neglect, custody, child abandonment, incest, infanticide, defilement, attempted defilement and maintenance and custody; the most common forms of violations of children's rights handled and/or recorded by different key state and non-state agencies during the 3-months Covid-19 restrictions period of April to June, 2020 were child neglect, custody, child abandonment, defilement, attempted defilement and maintenance and custody; during the 3-months Covid-19 restrictions period of April to June, 2020, the forms of violations of children's rights which recorded some increase in the number of cases were child abandonment, defilement, attempted defilement, Female Genital Mutilation, internally displaced child, unlawful confinement, grievous harm, killing an unborn child and child labor.

² Department of Children Services. (2020). Government of Kenya; Kenya Bureau of Statistics, 2020. Economic Survey (2020), Nairobi. Government Printers.

³ Department of Children Services. (2020). Government of Kenya

Forms of girl child disempowerment

With regard to girl child disempowerment: the total number of cases of girl child disempowerment rose from **26,182** in 2017 to **79,949** in 2019 thus representing a **305.4%** increase within a period of three (3) years (compared with the overall increase of child violations of **205.6%**) with child neglect, child custody and child abandonment being the top three forms of violations between January 2017 and June, 2020;⁴ 19,884 girls were disempowered between January and June, 2020 especially through neglect, custody, abandonment and defilement, that is, an average of **111 girls daily**;⁵ the most common forms of girl child disempowerment, as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were found to be child neglect, defilement, child abandonment, attempted defilement, killing an unborn child, child marriage, teenage pregnancy, Female Genital Mutilation and custody; the most common forms of girl child disempowerment handled and/or recorded by different key state and non-state agencies during the 3-months Covid-19 restrictions period of April to June, 2020 were defilement, attempted defilement, child marriage, teenage pregnancy, Female Genital Mutilation, procuring abortion, child neglect and custody; and that during the 3-months Covid-19 restrictions period of April to June, 2020, the forms of girl child disempowerment which recorded some increase in the number of cases were; defilement, attempted defilement, child marriage, teenage pregnancy, Female Genital Mutilation, procuring abortion, cruelty to a child, rape, drug related offences, abduction, incest, internally displaced child and unlawful confinement.

Perpetrators of violations of children rights and girl child disempowerment

The main perpetrators of violations of children rights and girl child disempowerment are immediate family members and extended family members followed by outsiders such as schoolmates, neighbours, boy/girlfriends, Female Genital Mutilation practitioners, person in authority (e.g. some chiefs, some police officers), some teachers, some doctors and nurses, other children, house help/caregivers, sections of boda boda operators, some matatu touts and operators and estate caretakers.

Root causes of violations of children rights and girl child disempowerment

The root causes of violations of children rights and girl child disempowerment include: death of parent or orphan hood; lack of parental care; abandonment; poverty; broken family relationship; lack of family commitment to care for the child; imprisonment of a parent; child abuse including labour; truant behavior of the child; illness of the parent and/or the child; child's need for education; absentee parent; conflicts in the family; violence and mistreatment within the family; sexual abuse; alcohol and drug abuse by parents; retrogressive cultural practices; early marriage; early pregnancy; food insecurity; sexual risk-taking behaviours; and technology influence.

⁴ Department of Children Services. (2020). Government of Kenya: Kenya Bureau of Statistics, 2020. Economic Survey (2020), Nairobi. Government Printers

⁵ Department of Children Services. (2020). Government of Kenya

Conclusions

This study concluded that:

1. There is a likelihood of increase in family-based crimes, offences and violations partly due to the circumstances of the Covid-19 pandemic.
2. There is a sustained prevalence and escalating trend of physical violence within the family set up orchestrated majorly by the male figure.
3. There is a confirmed escalating trend of violations of children's rights including girl child disempowerment.
4. There is a likelihood of increased teenage pregnancy, school drop-out and juvenile delinquency.
5. There is a link between dysfunctional socio-cultural value system within the family and the increasing cases of gender-based violence, violations of children's rights and girl child disempowerment.
6. There is observable variations/inconsistency in data categorization, capture and reporting among different agencies addressing issues of GBV and violations of children's rights in Kenya. This causes disparity in reported (known to police) and unreported cases largely captured by other state departments, hence negating the spirit of integration and multi-agency/sector approach in addressing public safety and security in Kenya.
7. There is a likelihood of post-COVID-19 period confounding the forms of family-based crimes and violations in the country because of the uncertainties and unpredictability of the pandemic.

Policy Recommendations

Lead agency - The Presidency

- i. Inspire a national agenda and campaign to '*reclaim the Kenyan family*' organized in a structured and systematic manner with elected, appointed and ordained leaders against socialization and normalization of violence in the family and violence against women and children with special focus being on persistent retrogressive/harmful cultural and traditional practices such as female genital mutilation (FGM), early/forced child marriages, wife battery and wife inheritance which demean and disempower girls and women in Kenya.
- ii. Strengthening the role of the Department of Children Services and the National Council for Children Services (especially the Area Advisory Councils) especially through enhanced human resourcing and mainstreaming of child protection in functional operations of both public and private institutions.
- iii. Declaration and prioritization of management of GBV and children services as essential and critical services.

Lead agency - Council of Governors

- i. The Council of Governors needs to make it a standing agenda the strengthening of community livelihoods improvement programme targeting the youth as a national dividend by way of economic zones (for example, Export Processing Zones (EPZ)), enhanced employment opportunities, skills development and business start-ups.
- ii. There is need for the establishment of One-Stop Centres for survivors of GBV across the 47 Counties.
- iii. Governors need to prioritize: advocacy against “secret relationships/sponsors”; integration of services in reporting, referral, tracking, intervention and placement of victims and survivors in safe shelters; and social services related to smooth access to health services (such as Linda Mama programme) by teen/child mothers.

Lead agency - National Government Administration officials (NGAO) and County government devolved level units.

- i. Hold regular exchange of ideas and set up local parenting and fatherhood clusters to fight against family-based crimes and violations.
- ii. There is need to escalate the current efforts of strictly regulating gambling and especially online betting.
- iii. There is need for strict regulation of the sale of second generation alcoholic beverages and drinks.

Lead agency - Ministry of Interior and Coordination of National Government

There is need to institutionalize and empower Nyumba Kumi (which has about 387,000 clusters in the country) as a community-based structure for alternative dispute resolution and first line responder (in terms of reporting, surveillance and monitoring) to crimes and violations happening in the local community and private spaces or ‘behind-closed-door’ settings of the family.

Lead agency - Ministry of Education

- i. There is need for education sector agencies to deepen the existing structures of guidance and counselling with a special focus on online guidance and counselling targeting educational, vocational and personal/social life of learners (at all levels of education service) who are currently at home due to the COVID-19 pandemic.
- ii. Strengthen the curriculum and school syllabus that address child rights, reproductive health and sex education in schools to empower children to speak out against violations of their rights and other abuses.

- iii. School-based child friendly mechanisms for reporting violations (such as confidential reporting boxes/booths) need to be prioritized.

Lead agency - Department of Children Services

- i. There is need to formulate, plan and implement out-of-school programs for children across the country to keep them occupied.
- ii. Work/life balance programs for parents aimed at improving care and support of their children are necessary.

Lead agency - Directorate of National Values and Cohesion and Department of Culture

- i. There is need for a Summit to dialogue on Kenya's value system and its role in the protection of the Kenyan family.
- ii. There is need for institutionalization of national ethos and values and the bill of rights at family level through socio-cultural approaches and religious institutions.
- iii. There is need for revival of some traditional institutions and systems that nurture family and community with a special focus on eldership system, customary law and traditional dispute resolution mechanism to the front of family and community wellbeing.

Lead agency -Ministry of Labour and Social Protection and non-state actors

- i. There is need to build community and family resilience against gender-based violence, violation of children rights and girl child disempowerment through effective parenting and family well-being therapy extension services at Ward level managed by well-trained Social Development Officers and Lay Volunteer Counselors.
- ii. There is need to establish safe houses for survivors of GBV and violated children with a special focus on adults and children living with disabilities.
- iii. The Department of Social Development to undertake revitalization of community social welfare and self-help groups through incentivized registration and socio-cultural activities (especially through grants) aimed at providing social and economic support to members.

Lead agency -Ministry of Information, Communications and Technology

Lead in coordinated, sustained and prioritized family wellbeing thematic media engagements through print, national TV and radio station akin to the Covid-19 pandemic situation in Kenya.

Lead agency -Ministry of Health

Prioritize national mental health and psycho-social support system in Kenya that addresses the risk factors associated with gender-based violence, violation of children rights and girl child disempowerment.

Lead agency- National Crime Research Centre and National Data Centre

- i. The National Crime Research Centre and the National Data Centre need to spearhead a **standardized National Register of family-based offences and violations** with clear definitions, reporting tool and framework for GBV and violations of children's rights.
- ii. The National Crime Research Centre develops a **centralized national crime data repository and system**

Criminal Justice Agencies

- i. Establishment of a multi-agency team focused on, among others, a seamless strategic approach for the identification, profiling, investigation, prosecution and rehabilitation of perpetrators of GBV and violators of children's rights is recommended.
- ii. There is need to establish a National register of profiled convicted offenders of the serious forms of gender-based violence, violation of children rights and girl child disempowerment accessible to the public.
- iii. There is need to undertake expeditious disposal of justice in the best interest of the child through improved reporting, investigations, evidence handling and witness management.
- iv. There is need to establish and/or strengthen GBV and child victim protection units across the agencies in the criminal justice system.

CHAPTER ONE: INTRODUCTION

1.1 Background

Globally, the family is the foundation of a society that makes a nation, and any threat to the family is a threat to the nation. Article 45 of the Constitution of Kenya recognizes the family as the natural and fundamental unit of Kenyan society and the necessary basis of social order that enjoys State recognition and protection. Article 186-189, Fourth Schedule transfers powers of self-governance to the people and enhancing their participation in the exercise of powers of State and in making decisions affecting them. Recognition of the right of families, communities to manage their own affairs and further their development, including jurisdiction of the courts in deciding/interpreting legal issues/disputes subsists. However, family as a unit of production, reproduction, and consumption has been profoundly impacted by the huge disruptions brought about by the COVID-19 pandemic. The pandemic has infected over 12 million people across the world, prompting unprecedented measures to contain it, including extreme restrictions on movements, interactions and economic activities.

1.1.1 Global Overview of COVID-19

Worldwide, the virus and measures to contain it have created a range of primary and secondary effects on individuals and communities.⁶ There is increasing evidence, through media and civil society reports of one of these secondary effects, that is, a rise in home-based violence against women and girls (VAWG).⁷ In April 2020 the Executive Director of UN Women stated:

Even before COVID-19 existed, domestic violence was already one of the greatest human rights violations. In the previous 12 months, 243 million women and girls (aged 15-49) across the world had been subjected to sexual or physical violence by an intimate partner. As the COVID-19 pandemic continues, this number is likely to grow with multiple impacts on women's wellbeing, their sexual and reproductive health, their mental health, and their ability to participate and lead in the recovery of our societies and economy.⁸

⁶ Wenham C, Smith J, Morgan R. (2020). Gender and COVID-19 Working Group COVID-19: the gendered impacts of the outbreak. Retrieved on 12 July, 2020 from <https://www.google.com/url>

⁷ Fraser, E. (2020). Impact of COVID-19 Pandemic on Violence against Women and Girls. London: UKAID. Retrieved on 12 July, 2020 from <http://www.sddirect.org.uk/media/1881/vawg-helpdesk-284-covid-19-and-vawg.pdf>

⁸ UN Women. (2020). the Shadow Pandemic: Violence against Women and Girls and COVID-19, New York. Retrieved on 12 July, 2020 from <https://www.unwomen.org/en/digital-library/multimedia/2020/4/infographic-covid19-violence-against-women-and-girls>

UN Women notes that calls to helplines and other reports of domestic violence or VAWG have increased by 25-33% in various countries such as France, Cyprus, Singapore and Argentina, while increased cases of domestic violence and demand for emergency shelter have also been reported in Canada, Germany, Spain, the United Kingdom and the United States.⁹ UKAID similarly documented increased cases of domestic violence in China and Italy at the beginning of the outbreak, increased exploitation of domestic workers in Hong Kong and abuse of sex workers in USA, and increased risk of violence against women and girls in refugee camps and Internally Displaced Persons (IDPs) settlements. They warned that while the problem has been bad enough in the developed countries affected earliest by the pandemic, we are yet to discover how this will affect developing countries that were largely affected later in 2020. Potential impacts are likely to be exacerbated in contexts with weak health systems, weak rule of law, and existing high levels of VAWG and gender inequality.¹⁰

While COVID 19 is unprecedented, previous epidemics teach us that risks of violence against women and girls increase and access to services may be curtailed by heavy demand, restrictions on movement, fear of infection and diversion of scarce resource. Access to justice is also compromised due to police and justice systems becoming overwhelmed, and imposition of public health measures by police can lead to brutality and corruption.¹¹ Children face many secondary effects of epidemics such as increased food insecurity; a greater risk of violence, neglect, abuse and exploitation; and the interruption or total breakdown of essential services including formal and informal education and health services.¹² The United Nations Committee on the Rights of the Child (CRC) alerted that as COVID-19 pandemic continues, it could jeopardize progress achieved in the area of justice for children globally. The Committee stated that children would need more support than ever as they were likely to suffer from grave physical, emotional and psychological effect of the pandemic. It urged states to “respect the rights of the child in taking measures to tackle the public health threat posed by COVID-19 pandemic.”¹³

⁹ UN Women. (2020). the Shadow Pandemic: Violence against Women and Girls and COVID-19, New York. Retrieved on 12 July, 2020 from <https://www.unwomen.org/en/digital-library/multimedia/2020/4/infographic-covid19-violence-against-women-and-girls>

¹⁰ *ibid*

¹¹ *ibid*

¹² World Vision International (2020). COVID-19 Aftershocks. Retrieved on 12 July, 2020 from https://www.wvi.org/sites/default/files/2020-04/COVID-19%20AFTERSHOCKS-%20SECONDARY%20IMPACTS%20THREATEN%20MORE%20CHILDREN%E2%80%99S%20LIVES%20THAN%20DISEASE%20ITSELF_0.pdf

¹³ Defence for Children International. (2020). The impact of covid-19 on children’s rights. Retrieved on 12 July, 2020 from <https://defenceforchildren.org/wp-content/uploads/2020/04/DCI-Survey-on-COVID-19-11.pdf>

1.1.2 Violence against Women and Girls in Kenya

Prior to COVID-19, Kenya was already experiencing high levels of gender-based violence, and in particular, intimate partner violence. The Kenya Demographic and Health Survey in 2014 found that around 4 out of 10 women in Kenya experienced physical or sexual violence at the hands of a spouse or intimate partner and often this is tolerated and normalized¹⁴. The National Violence against Children (VAC) report 2019 found that at household level, 62.6 percent of females aged 13-24 years experienced multiple incidences of sexual violence in childhood.¹⁵

The World Health Organization offers insights on root causes, triggers, settings and factors associated with intimate partner violence and sexual violence, many of which can be seen in Kenya. In line with the ecological model of violence used by the WHO, these factors may be considered at individual, family, community and wider society levels.¹⁶ At the individual level, young age, low education, a history of child maltreatment, harmful use of alcohol and acceptance of intimate partner violence as normal are risk factors for both perpetration and experience of violence. There is also a consistent link between antisocial personality disorder and perpetration of intimate partner violence or sexual violence. At the family/relationship level there is an association with multiple partners, and marital discord. At the community level, beliefs about male entitlement and the absence of sanctions against violence and sanctuary for abused women are important. Further, poverty may act in a number of ways to increase vulnerabilities and also create frustrations which may be expressed in violence. At the societal level, the main risk factor is gender inequality and the perpetuation of norms on the acceptability of violence to enforce male dominance.¹⁷

Studies have identified other factors exposing women and girls to violence in Kenya to include cramped living quarters which lack privacy, unplanned settlements with inadequately lit alleys during night hours, limited police protection, limited education, limited knowledge of rights and how to assert them, limited prospects thus increasing the risk of early marriage, and transactional sex particularly with transport operators.¹⁸ In a study on intimate partner violence in Kenya, poverty was also found to increase stress, reduce self-esteem of men as

¹⁴ Kenya National Bureau of Statistics (KNBS) 2014, Kenya Demographic Health Survey. Nairobi: Government Printers

¹⁵ Ministry of Labour and Social Protection of Kenya, Department of Children's Services. Violence against Children in Kenya: Findings from a National Survey, 2019. Nairobi, Kenya: 2019.

¹⁶ Krug, E.G, James A.M, Dahlberg, L.L, Zwi A.B. (2002) World Report on Violence and Health. World Health Organization, Geneva.

¹⁷ WHO, L. (2010). Preventing intimate partner violence and sexual violence against women: taking action and generating evidence. *Geneva: World Health Organization, London School of Hygiene and Tropical Medicine.*

¹⁸ This is a summary of findings of several crime and violence research reports in various counties in Kenya carried out by NCRC, United States International University-Africa and Kenya School of Government. The research took place between 2016 and 2019 and was funded by Open Society Initiative East Africa and the World Bank. They are accessible on NCRC website.

they strove to provide for their families and lead to domestic conflict over how to spend the money. Further, some women were found to engage in transactional arrangements with men to sponsor their education, which often led to conflict and violence.¹⁹

A 2010 government survey indicated that violence against children was a serious problem in Kenya. In a survey among youths who were asked to recall their experiences prior to the age of 18, it was revealed that 32% of females and 18% of males had experienced sexual violence while 66% of females and 73% of males had experienced physical violence. The most common perpetrators of sexual violence were boyfriends/girlfriends followed by neighbors, while parents, teachers and police were among the most common perpetrators of physical violence. Emotional violence was also common.²⁰

1.1.3 COVID-19 in Kenya

In Kenya, with the first case of COVID-19 reported on 13 March 2020, the government took immediate action with travel restrictions, a ban on gatherings, closure of schools, and a dusk to dawn curfew. By April 2020, travel in and out of Nairobi, Mombasa, Kilifi and Kwale Counties were restricted. Although several of these restrictions were lifted on 6 July 2020 in an effort to help the economy, Kenyans have been urged to be vigilant to control the spread of the disease, to continue to observe social distancing and restrict unnecessary movements. The opening of schools was postponed until 2021.

There are a number of risk factors associated with violence against women and girls (VAWG). Violations of children's rights and girl-child disempowerment are likely to be exacerbated by the COVID-19 pandemic situation. For instance, some public health measures aimed at flattening the pandemic's curve have created extra opportunities of interaction between potential perpetrators and their victims. Idleness created by the 'stay at home' orders, economic desperation due to loss of economic opportunities as a result of the pandemic and limited access to outside support as a result of restricted movement are other risk factors. Kenya's gross domestic product (GDP) is projected to decelerate substantially in 2020 impacting hardest on the poor.²¹ Closure of schools has led to children being idle at home and is likely to have increased their exposure to sexual and physical violence. Chaotic,

¹⁹ National Crime Research Centre (2019). *Masculinity and Intimate Partner Violence in Kenya: Hearing the Voices of Men*. Nairobi: NCRC.

²⁰ Government of Kenya (2010). *Violence against Children in Kenya: Findings from a 2010 National Survey. Summary Report on the Prevalence of Sexual, Physical and Emotional Violence, Context of Sexual Violence, and Health and Behavioural Consequences of Violence Experienced in Childhood*. Nairobi: Government Printers.

²¹ World Bank. (2020). *COVID-19 Dampens Kenya's Economic Outlook as Government Scales up Safety Net Measures*. Retrieved on 12 July, 2020 from <https://www.worldbank.org/en/news/press-release/2020/04/29/covid-19-dampens-kenyas-economic-outlook-as-government-scales-up-safety-net-measures>

dishonest and sometimes brutal policing strategies have been observed and are likely to have a knock-on effect on crime and violence. Problems of mental illness and previously volatile home situations are likely to escalate. Increase in internet searches and online school lessons increase the risk for online sexual predation and abuse.

Media reports have also suggested an increased risk of violence, abuse and neglect particularly affecting women and children as a result of COVID-19 containment measures. In April 2020, the National Council on Administration of Justice (NCAJ) confirmed “a significant spike in sexual offences,” most often perpetrated by people living in the same home as the victim.²²

1.1.4 COVID-19 and Presidential Commitment

Kenya's 2010 Constitution is grounded in a presidential system where devolution is at the heart and is a key vehicle for addressing spatial inequities. This way, the presidency embodies the power of the state, symbol of government commitment in the fight against COVID-19 and is capable of taking decisive decisions and committing to long-term developmental goals. In the challenge of seeking to restore family protection as a foundation of the state, much is dependent on political culture, institutional traditions, local governance systems, perception by the population and the leadership style of elected leaders. Given that leaders are essential to resolving the collective action problems that afflict society, the challenge of escalating cases of gender-based violence, girl child disempowerment and child rights violation need substantial political goodwill.

The early reports of escalating cases of gender-based violence, girl child disempowerment and violation of children's rights led President Uhuru Kenyatta to call for a probe to inform the individual, family and institutional response to the problem. He emphasized that the magnitude of the response had to match the scale of the crisis, that is, it had to be a large scale and multi-agency coordinated and comprehensive.

1.1.5 Legal, Policy and Institutional Framework

The 2010 constitutional dispensation spells articulately the fundamental interventions in the protection of families and safeguarding the rights of the Kenyan citizens against GBV, disempowerment of the girl child and violation of children rights. Articles 186-189, Fourth Schedule, transfer powers of self-governance to the people (family), and enhancing their participation in the exercise of powers of state and in making decisions affecting them. This recognition of the right of family, communities to manage their own affairs and further their development is a key family protection and promotion of the right of gender, minorities and the marginalized. Articles 159-173 bring in the Jurisdiction of the courts in deciding/interpreting legal issues/disputes: Judicial authority & independence.

²² National Council for the Administration of Justice 2020.

These legal instruments are founded on the constitutional provision of the Bill of Rights Chapter 4, national values (Article 10), leadership and integrity (Chapter 6) and other supportive legislation. The constitutional implementation defines the structure within which the family is protected from the national government (Ministries, departments and corporations) and sub-national level (offices and institutions) of county government to the ward and villages. Other relevant instruments include:

- The Sexual Offences Act of 2006
- The Children's Act of 2001 (Revised, 2012)
- The Basic Education Act of 2012
- The Anti-Female Genital Mutilation Act of 2011
- The Penal Code of 2009
- The Evidence Act (Cap 80)
- The Counter-Trafficking in Persons Act of 2010
- The Marriage Act of 2014
- The Matrimonial Property Act of 2013
- The Victim Protection Act of 2014
- The Witness Protection Act of 2006
- The Cybercrimes Act of 2017
- The Employment Act of 2007
- Protection Against Domestic Violence Act of 2015
- The National Policy for Prevention and Response to Gender Based Violence of 2014
- The Bail and Bond Policy in the Administration of Justice
- The Gender Mainstreaming Policy
- The Youth Policy

In terms of child protection and addressing girl child disempowerment in the country, the domestication of the Convention of the Rights of the Child,²³ reviewing of the Children's Act and the formulation of the Anti-FGM Act has been helpful. As have the operationalization of National Children Policy guidelines and initiation of girl child appropriate programmes such as rescue centers and psychological support. The African Charter on the Rights and Welfare of the Child (1990) and the above cited local legislations that look at the child holistically and define parental responsibilities and obligations. However these efforts are not enough. Gender-based violence, vulnerability and abuse of children at the family level (home) environment continue to be reported. According to a global ranking by Kids Rights, a global think tank on government performance and respect for children rights, Kenya does not fare

²³ United Nations (1990). Convention for the Rights of the Child. Geneva: United Nations

well, ranking 132 out of 182 countries worldwide. Similarly, government performance on the protection of women, security and peace lacks inclusivity and was ranked at 98.

The Sexual Offences Act is another piece of legislation that is protective of the family through prohibition of sexual abuses that may compromise gender prosperity and hence girl-child disempowerment. This Act sets precedence for a responsible society in terms of reproductive responsibility and rights. The Basic Education Act promotes gender empowerment and rights of children to intellectual formation. Universal primary education (Article 27) has had government support with a policy on 100% transition to secondary school in 2020. However, the critical issue is the provision of survival needs to some families.

Child protection at family and institutional level is further reinforced by the recently enacted Cybercrimes Act, the Witness Protection Act, the Counter-Trafficking in Persons Act, and government directives particularly upon parents to exercise responsibility as per the Children Act of 2010 (Revised, 2012), a review of the adoption process in Kenya and family consensus in disposal of family assets/sharing.

It is also important to mention the Women Empowerment Fund guidelines at constituency level, gender desks in police stations and gender appropriate programmes by national government, county and civil society agencies.

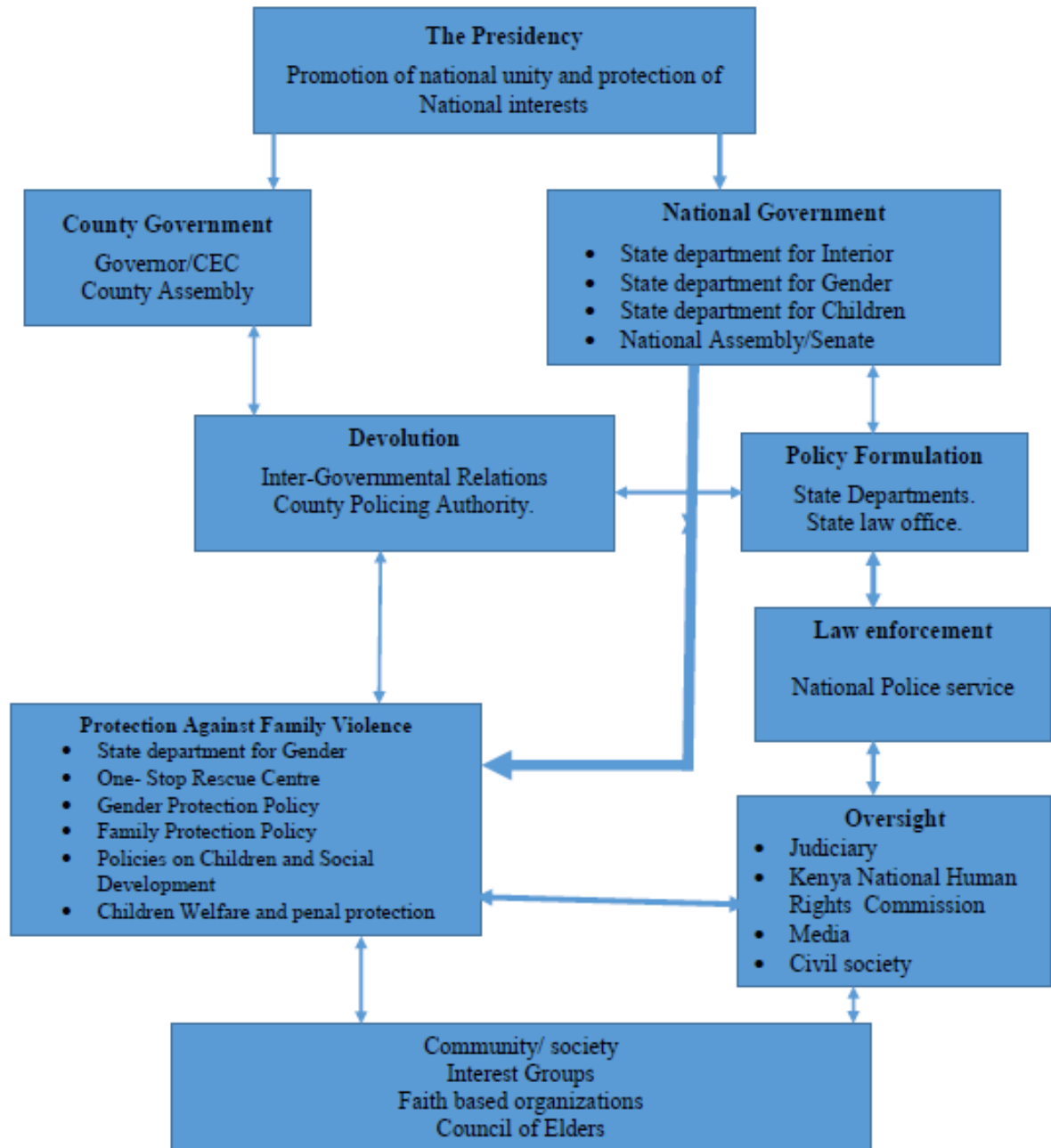
Towards the realization of a safe society, the government implements its legislation from the national government officers to village and family level with action officers, for example, gender and culture officers, health, education officers, children officers, probation officers, village elders, (who are part of the National Government Administration), youth officer and law enforcement agents. The family is crucial as the fundamental environment and structure where gender-based violence, disempowerment of the girl child and violation of children rights defines a nation. The heads of households need to be responsible, and socialize children appropriately to protect family members from any harm, discrimination or abuse.

Another very important component is the moral formation of children to be the genesis of a value-based society. The family in-builds good morals, discourage bad cultural practices and embraces upright child development through formal and informal systems. The intention is to make the best use of the available institutions, formal, informal, government and private to support the family in these endeavours. However, institutional weaknesses persists threatening peace, security and safety of families with disruptions.

Breaking up these legal, policy and institutional systems into a coordinating framework would be crucial to explain the interdependence and connectedness of responses. Three key dimensions can provide an understanding: (1) level of authority, (2) whose function, and (3) reporting/ referral process. As illustrated in **Figure 1** below, the level of authority shows

national and county level legislated and regulated child protection systems, legally mandated systems and the role of agencies that receive reports as part of their professional mandates, to traditional authorities such as village elders or tribal leaders. The function of the authorities receiving reports ranges from helping, to protecting, to prosecuting, to correctional measures and aftercare, where cases of child mistreatment have occurred. The role of these levels of authorities and their function varies depending on the point in the reporting process, such as: from receipt of a report, to tracing, to investigating, to making a determination, to intervening.

Figure 1: Actors and Structures Relevant to Protection against Family Violence



1.2 The Problem

In Kenya, the media has widely portrayed a situation of worsening trends of gender-based violence, girl child disempowerment and violations of children's rights. Recently, Human Rights Watch gave a story of a 16 year old Kenyan girl kidnapped and sexually assaulted for 4 days by a man who said he "needed female company to get through the COVID-19 lockdown." Lately, in June 2020, a female teacher in Naivasha, Kenya, who was financially challenged partly as a result of COVID-19 killed her four children aged between 2 and 7 years saying she was ready to go to jail for her actions.²⁴

From January-June, 2020, the Ministry of Health data hosted at Kenya Health Information Systems (KHIS) recorded 8,264 cases of adolescent girls between 10-14 years and 153,848 girls of 15-19 years presenting with pregnancies across the 47 counties.²⁵ In addition, a report released by State Department of Gender showed that from 1st May 2019 to 31st May 2020 a total of 2,421 people (1,328 women, 533 girls, 341 men and 219 boys) had called, in distress, the toll free National Gender-based Violence helpline number 1195 seeking care and support. The helpline is run in partnership with Healthcare Assistance Kenya to link citizens in need of care and protection from GBV to rescue, medical and psychosocial support services.²⁶

Available data from the Department of Children Services have indicated that from January-June 2020, 43,144 cases of child mistreatment had been recorded. Similarly, from November 2019 to May 2020, Child Line Kenya had, through the Child Help Line Number 116, received 111 calls about violence and abuse against children and 875 calls from those seeking counselling and other information about children. However alarming these reports may be, it is important to collate and examine the emerging data to fully understand the problem.

1.3 Purpose and Objectives

During the ninth State address on the COVID-19 pandemic, delivered on 6th July 2020, H.E. The President acknowledged the increasing tensions within homes, increased cases of gender-based violence, worsening mental health issues and escalating instances of teenage pregnancy and called for a probe into the apparent escalation in cases of violence against women and girls, disempowerment of the girl-child and violations of children's rights. The overriding objective was to identify ways and means to fortify protection of the Kenyan family as the foundation of the State. The National Crime Research Centre was tasked with

²⁴ Macharia, M. (2020, June 28). Naivasha woman who killed her four children writes to son. Retrieved July 10, 2020, from <https://www.nation.co.ke/kenya/counties/nakuru/naivasha-woman-who-killed-her-four-children-writes-to-son-1288990>

²⁵ Ministry of Health. (2020). KHIS Aggregate Kenya Health Information System. Retrieved on 12 July, 2020 from <https://hiskkenya.org/>

²⁶ Brief on the status of Gender Violence in Kenya Ref: MPSYGA/SDGA/PROG/10/1/2 ; 9th July, 2020

preparing an advisory to the President and security agencies on remedial action within thirty (30) days from 6th July, 2020.

Mapping the current context of the state of home based violence in the country, including the contexts, drivers, triggers, settings and current responses to the problem will form the basis of understanding available resources to confront this violence, such as the political will, commitment of key national and county level government officials and power of civil society, media and available financial and structural resources to tackling the dangerous drift.

This is a desk-based study, analyzing secondary data from the Centre's previous data, including mobile application for incident reporting, data from duty bearer State Agencies in the field of gender and children services, data from non-state actors and agencies, analyzed media reports, and received memoranda and reports of stakeholder. The report is aimed at providing policy-makers with information about which officials or agencies in their jurisdictions have knowledge of the problem, and what they are doing or not doing when they encounter it. Based on this information they can begin to make concrete plans about how to change practices, conduct training, and reorganize systems to better respond. The study provides information on whether these cases are coming to the attention of relevant authorities and what these authorities are doing in terms of referral pathways and mitigation mechanisms. This knowledge will help prepare an advisory to security and administration of criminal justice agencies on remedial action.

The study objectives were to:

1. Establish the patterns of gender-based violence, violations of children's rights and girl child disempowerment in Kenya in light of COVID-19 pandemic.
2. Examine factors contributing to gender-based violence, violations of children's rights and girl child disempowerment.
3. Identify the perpetrators of gender-based violence, violations of children's rights and girl child disempowerment.
4. Present an advisory prioritizing multiple programmatic areas for inter-agency consideration and implementation.

1.4 Methodology

This is a rapid assessment study undertaken in the month of July, 2020 using a mixed method approach guided by consultation with key stakeholders and consisting mainly of desk-based research. This approach was justified in view of the short time-frame of 30 days and budgetary constraints which could not permit a full-fledged study.²⁷ Hence the results of the desk research will form the basis of a more comprehensive study on the subject.

²⁷ The time period of the study fell at the end of the financial year and the national treasury exchequer disbursement were yet to be released and received by the Centre.

From 10th-17th July, NCRC held a virtual agenda-setting stakeholder engagement meeting with eleven (11) relevant government agencies, departments and commissions, policy-makers, programme planners, and implementers; four (4) public and private universities, academics and researchers; one (1) research institute; four international NGOs, champions and advocates; two (2) community based organizations (CBO's); and seven (7) experts around issues of gender, child rights, and criminal justice governance. This also included five (5) high-level practitioners; two (2) high-level civil servants and their senior technical advisers; and forty-seven (47) women politicians with a strong interest in the subject and five (5) set of memoranda. A list of agenda setting questions was generated by the stakeholders to focus the study objectives.

Secondary data was collected by way of mining, analyzing, collating and recording data, photographs and pictures on gender and child maltreatment contained in secondary sources of data informed by, formulating the research question, reviewing and collecting data from existing documents in the field of gender, childhood studies, home based violence, public health, crime and social order. These included laws, policies, government documents, official statistics, archival data, civil society reports, published research studies and journal articles, books, and media reports.

Interviews were conducted with 'key informants', or individuals who have or are likely to have in-depth knowledge of gender protection, child protection and child maltreatment prevention in the country. This included policy-makers; high-level civil servants and their senior technical advisers; and politicians with a strong interest in the subject; security personnel and academics and researchers.

CHAPTER TWO: FINDINGS AND DISCUSSIONS

2.1 Gender-Based Violence

2.1.1 Forms of Gender-based Violence

Data from a number of sources confirm that gender-based violence in the country in its numerous forms is on an upward trajectory. These patterns and trends can be observed in the year 2019 and earlier and the first half year period of 2020 covering the 3-months period before (that is, January-March, 2020) and 3-months period during the Covid-19 (April-June, 2020) restrictions imposed on 6th April, 2020 which were aimed at addressing the Covid-19 pandemic. For instance, the number of cases handled by the National Police Service between January and June, 2020 (that is, 2,032) are way above the total number of cases reported between January and December, 2019 (that is, 1,057), representing a **92.2%** increase and confirming an escalation of incidents. As shown in Table 1 below, assault, rape/attempted rape and murders were the top three leading offences between January and June, 2020.

Table 1: Forms of Gender-Based Violence reported to the Police between January 2018 and June, 2020

Forms of GBV	Number of cases reported		
	Number of cases reported between January and December		Number of cases reported between January and June
	2018	2019	2020
Assault	964	174	1615
Rape/Attempted rape	761	698	223
Murder	159	11	131
Indecent assault	90	174	63
Total	1,974	1,057	2,032

Source: National Police Service, 2020

As indicated in the Table 1 above, the reported GBV cases (known to police), cumulatively stand at 5,063, showing a tiny proportion of the survivors who choose to go to police as the legally mandated institution. Studies have indicated that the top reasons for not reporting most of the crimes and violations to the police are fear of revenge/further violence, embarrassment/shame, or the incident being too trivial/unimportant, time/cost involved, emotionally draining to victims and police either do not understand or are not proactive in handling the complaint(s).

On the other hand, as shown in Table 2 below, the Government Chemist processed more gender-based cases (that is, 626 cases) in 2019 than in 2018, the bulk of them being sexual offences. However, the total number of cases for January to June, 2020 were lower (that is,

263) although murders surpassed sexual offences in the whole period and during the COVID-19 restrictions period of April to June, 2020 thus pointing to the extent of loss of lives as a result of GBV. The number of murders processed by the Government Chemist is almost similar to that recorded by the police majorly because the former processes such cases for the later for evidential purposes in Law Courts.

Table 2: GBV Offences processed by the Government Chemist between January 2018 and June, 2020

Forms of GBV offences	Number of cases processed				
	Number of cases reported between January and December		Number of cases reported between January and June, 2020		
	2018	2019	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
			Jan-March	April -June	
Sexual offences	335	331	78	46	124
Murder	260	295	72	67	139
Total	595	626	150	113	263

Source: Government Chemist, 2020

The Probation and Aftercare Services Department handles cases referred by Law Courts. The Department prepares, among others, pre-bail, pre-sentencing, offender supervision and victim impact statements reports for utilization by the Courts to assist in the administration of criminal justice. As indicated in Table 3 below, the total number of GBV-related offences increased from 3,370 in 2018 to 3,846 in 2019. However, the period between January and June, 2020 witnessed 37.7% of the cases for 2019, a situation which can be explained by the reduced Law Courts' trials due to COVID-19 pandemic in the country. Despite this situation, defilement, grievous harm and assault were the top three offences handled by the Department between January and June, 2020. The other prominent GBV-related offences during the same period which recorded significant numbers were attempted defilement, creating disturbance, malicious damage, attempted rape, gang rape, rape and child neglect. These findings signified that the offences were common GBV-related occurrences requiring mitigation.

Table 3: GBV- Related Offences handled by Probation and Aftercare Services between January, 2018 and June, 2020

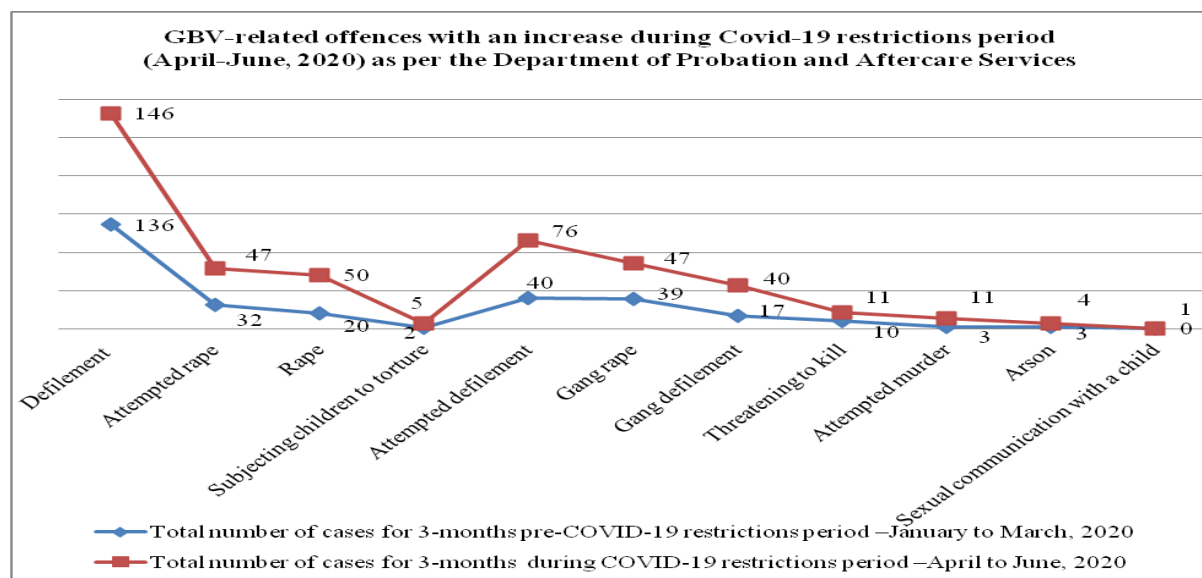
GBV-related offences	Number of offences handled during January–December period		Number of offences handled during January – June, 2020 period		
			3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
	2018	2019	Jan-March	April -June	
Assault	627	657	104	45	149
Defilement	463	579	136	146	282
Incest	241	114	20	15	35
Malicious damage	237	154	50	29	79
Grievous harm	229	446	82	81	163
Creating Disturbance	223	432	75	36	111
Failing to protect a child	207	108	26	22	48
Attempted rape	193	176	32	47	79
Child Neglect	182	191	40	28	68
Rape	157	122	20	50	70
Subjecting children to torture	147	34	2	5	7
Attempted Defilement	129	244	40	76	116
Gang Rape	85	122	39	47	86
Manslaughter	59	107	7	0	7
Murder	41	100	16	16	32
Gang Defilement	39	77	17	40	57
Threatening to kill	29	64	10	11	21
Attempted Murder	20	32	3	11	14
Robbery with violence	13	20	7	4	11
Arson	13	13	3	4	7
Performing FGM	8	23	0	0	0
Attempted Suicide	8	11	7	1	8
Child Stealing	7	5	0	0	0
Maiming	6	4	0	0	0

GBV-related offences	Number of offences handled during January–December period		Number of offences handled during January – June, 2020 period		
	2018	2019	3-months pre-COVID-19 restrictions period Jan-March	3-months during COVID-19 restrictions period April -June	Total for 2020
Trafficking in persons for sex	5	6	0	0	0
Sexual Communication with a child	2	5	0	1	1
Total	3,370	3,846	736	715	1,451

Source: Probation and Aftercare Services, 2020

A comparison of the number of GBV-related offences handled during the 3-months pre-COVID-19 restrictions period covering January to March, 2020 and the 3-months period during COVID-19 restrictions covering April to June, 2020 shown in the above Table further indicated that the total number of offences during the COVID-19 restrictions period were slightly lower. However, increased criminality was witnessed during the COVID-19 restrictions period of April to June, 2020 especially in specific and serious offences such as defilement, attempted defilement, gang rape, attempted rape, rape, gang defilement, threatening to kill, attempted murder, arson, subjecting children to torture and sexual communication with a child as indicated in Figure 2 below.

Figure 2: GBV- Related Offences with an increase during Covid-19 restrictions period (April-June, 2020) as per the Department of Probation and Aftercare Services



Data from Child Line Kenya presented in Table 4 below on gender-based violence reports received through the Child Help Line 116 indicates that the first half of year 2020 recorded more than half the total number of cases recorded in year 2019 thus suggesting an increase in the cases. The three top forms of GBV were sexual abuse, physical abuse, forced marriage, child abduction/kidnapping, emotional abuse and child marriage.

Table 4: Forms of GBV reported to Child Line Kenya between January, 2018 and June, 2020

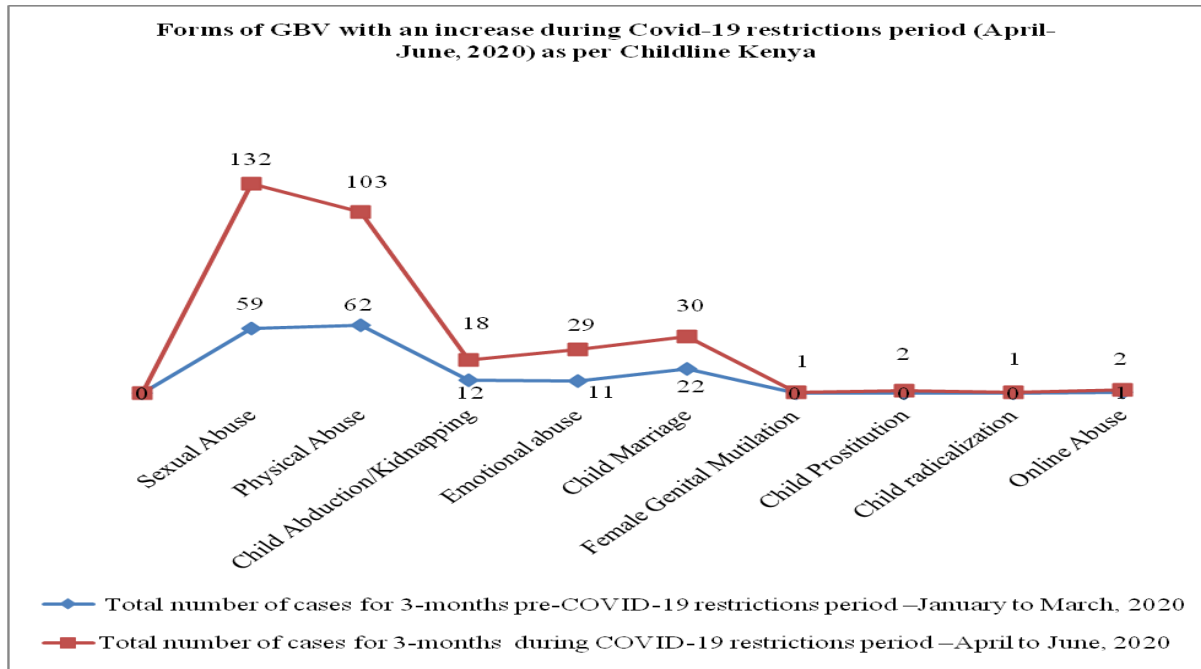
Forms of GBV	Number of cases reported during January–December period		Number of cases reported during January –June, 2020 period		
	2018	2019	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
			Jan-March	April -June	
Sexual Abuse	455	248	59	132	191
Physical Abuse	396	250	62	103	165
Forced Marriage	53	0	0	0	0
Child Abduction/Kidnapping	50	20	12	18	30
Emotional abuse	48	43	11	29	40
Child Marriage	20	58	22	30	52
Child trafficking	16	10	2	2	4
Female Genital Mutilation	2	7	0	1	1
Child Abandonment	0	36	0	0	0
Child Labour	0	28	0	0	0
Child Neglect	0	147	0	0	0
Child Prostitution	0	1	0	2	2
Child radicalization	0	0	0	1	1
Unlawful Confinement	0	7	2	1	3
Online Abuse	0	1	1	2	3
Totals	1040	856	171	321	492

Source: Child Line Kenya (Child Help Line 116) data for January, 2018 to June 2020

A comparison of the number of GBV cases reported during the 3-months pre-COVID-19 restrictions period covering January to March, 2020 and the 3-months period during COVID-19 restrictions covering April to June, 2020 shown in the above Table and Figure 3 below further showed that the total number of GBV cases increased by **87.7%** during the

restrictions. Significant increases of at least **30.0%** were recorded in forms of GBV such as physical abuse, sexual abuse, emotional abuse, child marriage and child abduction/kidnapping.

Figure 3: Forms of GBV with increases during Covid-19 restrictions period (April-June, 2020) as per Child Line Kenya



The Gender Violence Recovery Centre²⁸ recorded a total of **1,639** cases of GBV (that is, 768 cases of sexual violence mostly committed against women and girls and 571 cases of physical violence) between January and June, 2020) while the total GBV cases for full year 2019 were **3,460** and those for 2018 were **3,417**.

Table 5 and Figure 4 below on data from the State Department for Gender captures a worrisome situation of GBV in the country. For instance, cases on an upward trajectory between 2019 and 2020 are: child abduction, child labour, child neglect, denial of resources, physical assault, psychological torture, child abandonment, sexual harassment and child marriage.

²⁸ Gender Violence Recovery Centre data -2018-2020

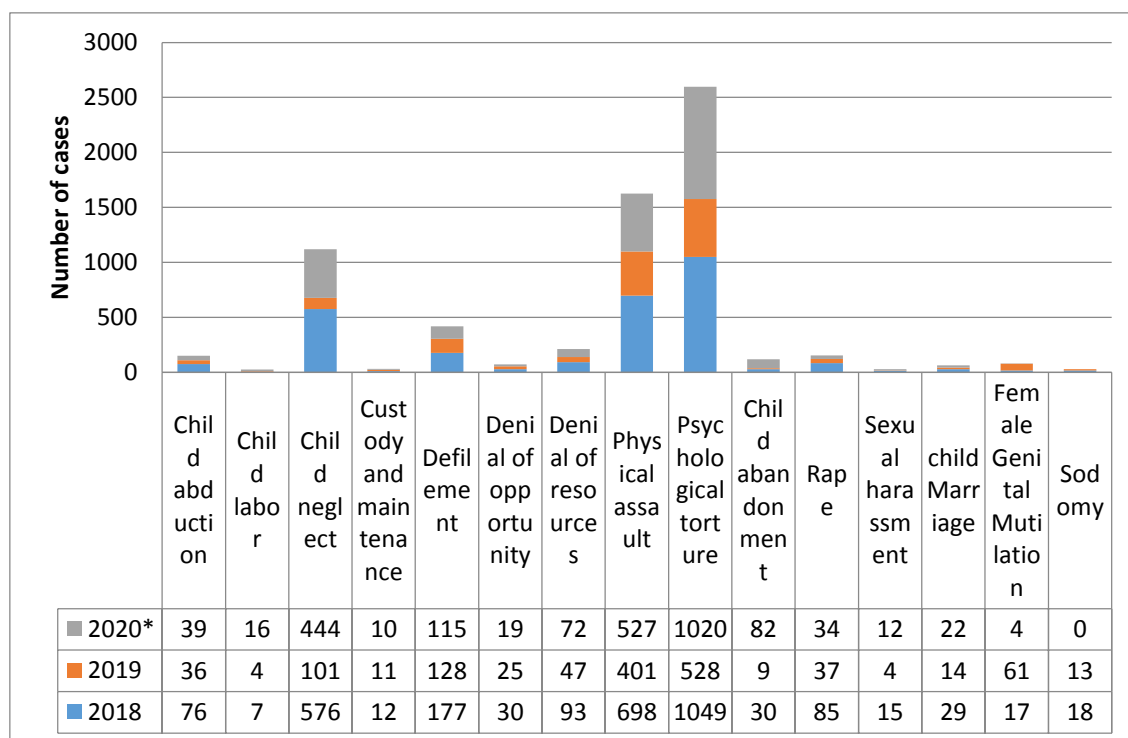
Table 5: Forms of GBV according to State Department for Gender, Kenya

Forms of GBV	2018			2019			2020*		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Child abduction	54	22	76	27	9	36	25	14	39
Child labor	5	2	7	4	0	4	10	6	16
Child neglect	311	265	576	54	47	101	217	227	444
Custody and maintenance	6	6	12	7	4	11	8	2	10
Defilement	177	0	177	127	1	128	114	1	115
Denial of opportunity	14	16	30	15	10	25	14	5	19
Denial of resources	77	16	93	40	7	47	57	15	72
Physical assault	624	74	698	354	47	401	445	82	527
Psychological torture	832	217	1049	412	116	528	721	299	1020
Child abandonment	19	11	30	6	3	9	38	44	82
Rape	85	0	85	35	2	37	31	3	34
Sexual harassment	14	1	15	4	0	4	11	1	12
child Marriage	29	0	29	14	0	14	21	1	22
Female Genital Mutilation	17	0	17	61	0	61	4	0	4
Sodomy	0	18	18	1	12	13	0	0	0
Total	2264	648	2912	1161	258	1419	1716	700	2416

Source: State Department for Gender, 2020

2020* January – May data

Figure 4: Forms of GBV according to State Department for Gender, Kenya



As shown in Figure 4 and Table 5 above, in 2018 the top three leading forms of GBV were psychological torture, physical assault and child neglect. In 2019, the top three leading forms of GBV were psychological torture, physical assault and defilement whereas in 2020 the leading were psychological torture, physical assault and child neglect.

Figures 5 to 13 below is a presentation of State Department for Gender data on specific cases with an upward trajectory for the period 2018 -2020.

Figure 5: Child Abduction Cases 2018-2020

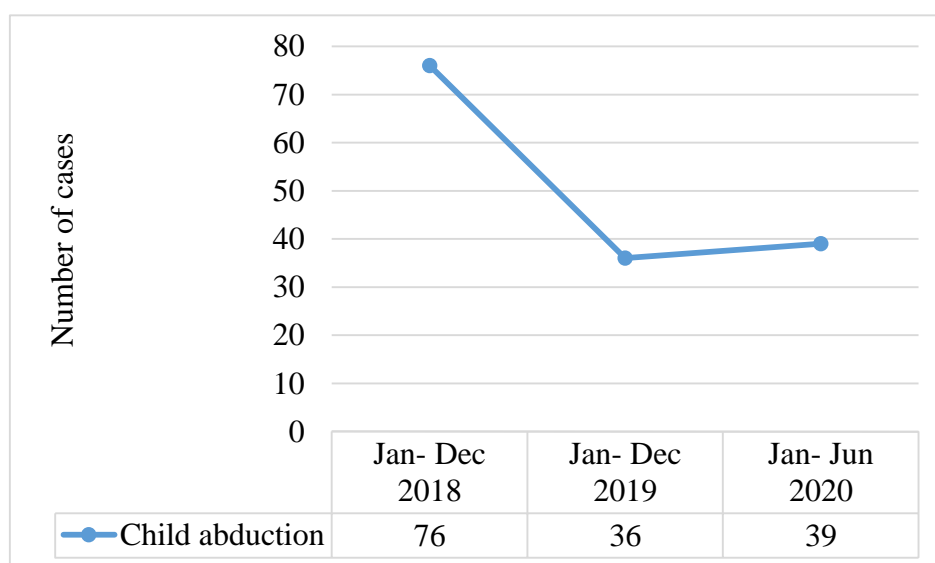


Figure 6: Child Labour Cases 2018-2020

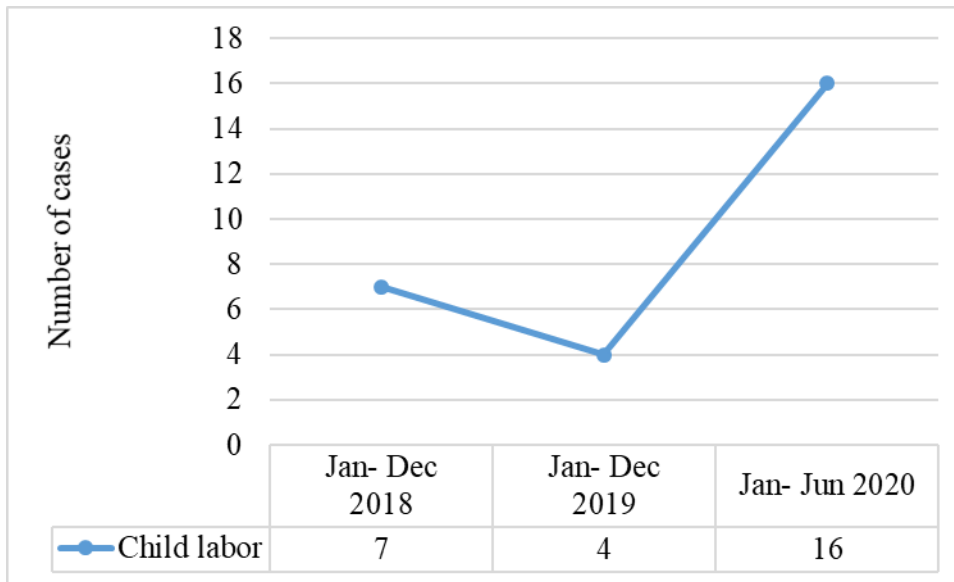


Figure 7: Child Neglect Cases 2018-2020

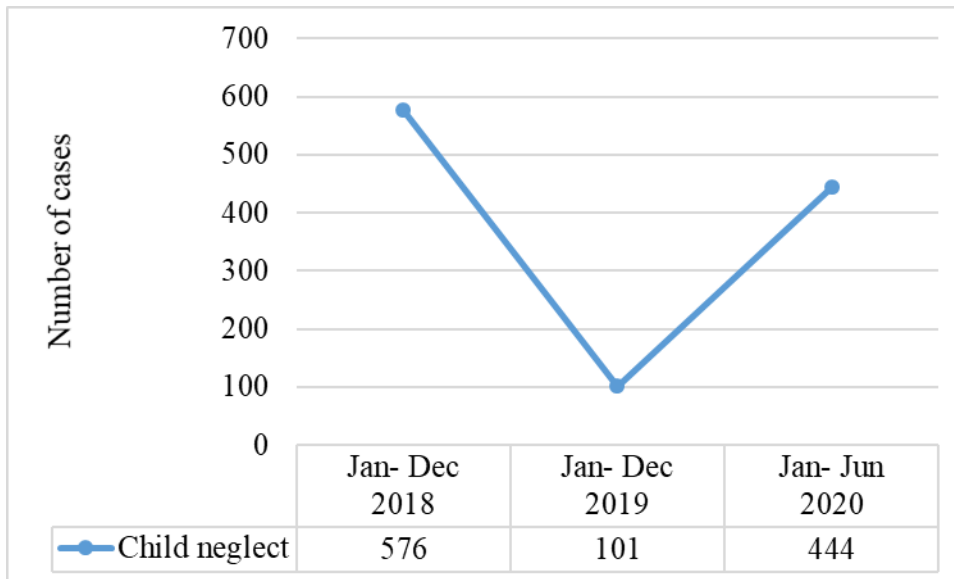


Figure 8: Denial of Resources Cases 2018-2020

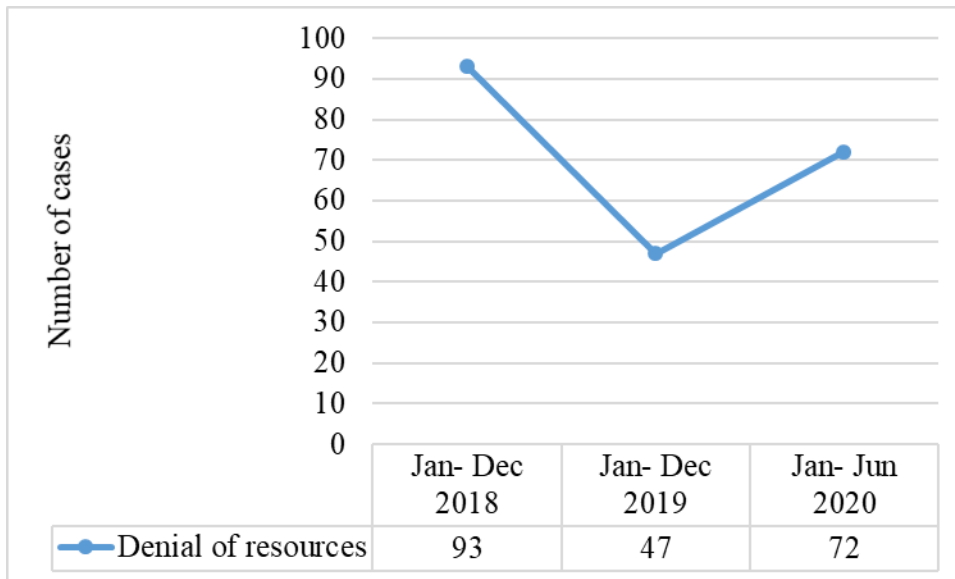


Figure 9: Physical Assault Cases 2018-2020

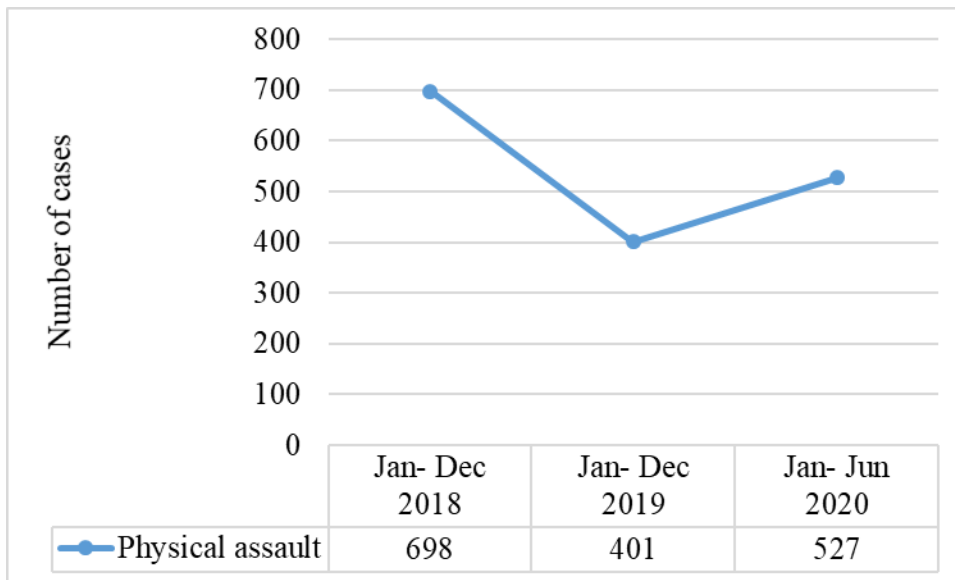


Figure 10: Psychological Torture Cases 2018-2020

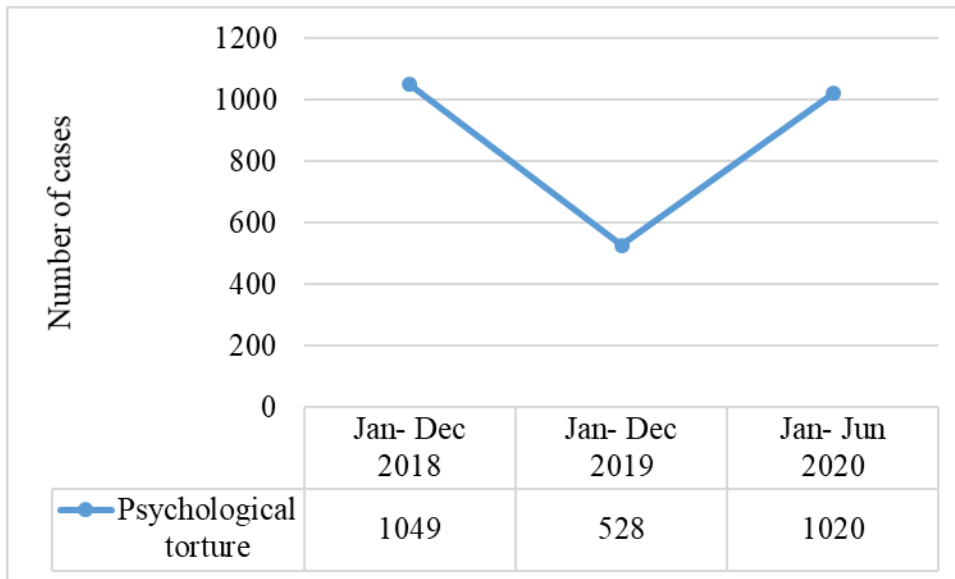


Figure 11: Child Abandonment Cases 2018-2020

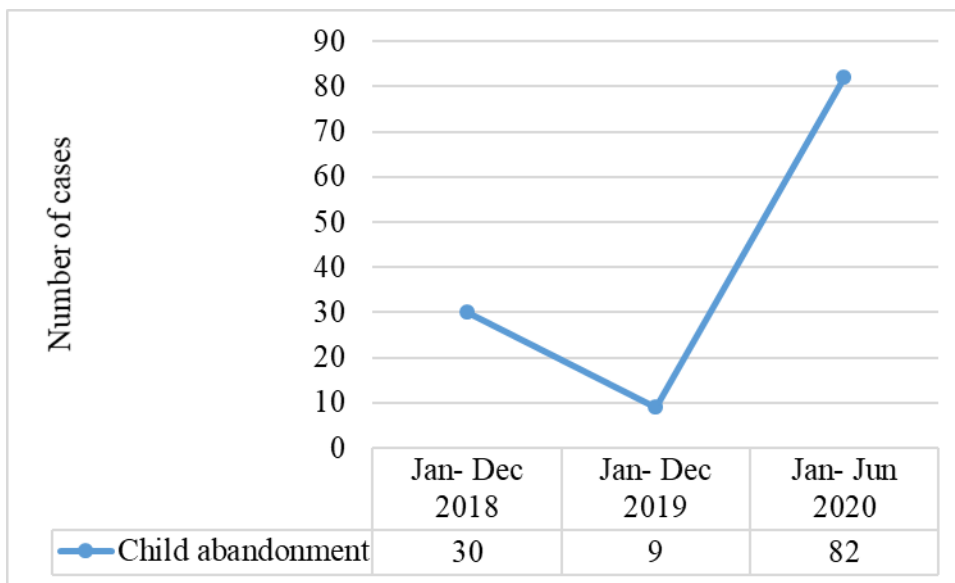


Figure 12: Sexual Harassment Cases 2018-2020

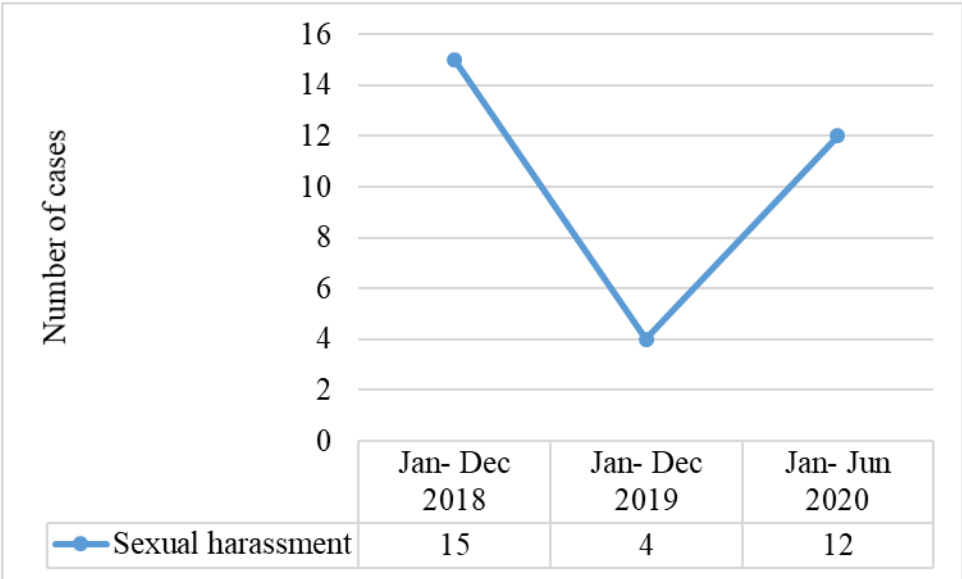
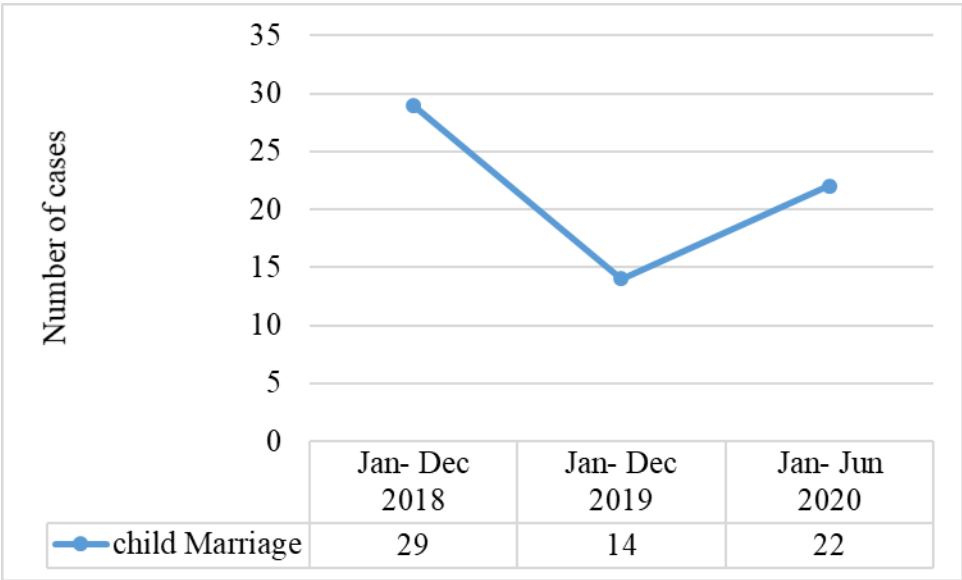


Figure 13: Child Marriage Cases 2018-2020



The above findings are consistent with earlier findings. For instance, data from NCRC (2014) report²⁹ showed that the most prevalent forms of gender-based violence were: hitting/battering /beating (71.1%), domestic conflicts (54.9%), verbal abuse (46.9%), economic abuse /deprivation (22.6%) and psychological humiliation (22.5%).

Data on GBV cases which was submitted to the Centre by the different key state and non-state agencies was summarized to give a clear picture of the patterns and trends of GBV for the period January to June, 2020 as a whole and during the 3-months COVID-19 restrictions period of April to June, 2020. Generally, the most common forms of GBV as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were assault, physical assault, rape/attempted rape, murder, sexual offences, defilement, grievous harm, physical abuse, child marriage, psychological torture and child neglect. The results showed that assault, murder and sexual offences were common among at least 2 of the 5 agencies. Table 6 below captures the summary of these common forms of GBV.

Table 6: Summary of top three forms of GBV recorded by each of the key Agencies between January and June, 2020

Forms of GBV	Reporting of forms of GBV (marked by a tick (√)) by different agencies					Number of agencies reporting the specific form of GBV
	Kenya Police Service	Government Chemist	Probation & Aftercare Services	Child line Kenya	State Department for Gender	
Assault	√		√			2
Physical assault					√	1
Rape/Attempted rape	√					1
Murder	√	√				2
Sexual offences		√		√		2
Defilement			√			1
Grievous harm			√			1
Physical Abuse				√		1
Child Marriage				√		1
Psychological torture					√	1
Child neglect					√	1

²⁹ National Crime Research Centre (2014). Gender-based Violence in Kenya. Nairobi: NCRC

Further, as shown in Table 7 below, the most common forms of GBV handled and/or recorded by different key state and non-state agencies during the 3-months Covid-19 restrictions period of April to June, 2020 were murder, sexual offences, defilement, grievous harm, attempted defilement, sexual abuse, physical abuse and child marriage.

Table 7: Summary of top three forms of GBV recorded by each of the key Agencies during the 3-months Covid-19 restrictions period of April to June, 2020

Forms of GBV	Reporting of forms of GBV (marked by a tick (√)) by different agencies			Number of agencies reporting the specific forms of GBV
	Government Chemist	Probation & Aftercare Services	Child line Kenya	
Murder	√			1
Sexual offences	√			1
Defilement		√		1
Grievous harm		√		1
Attempted defilement		√		1
Sexual abuse			√	1
Physical abuse			√	1
Child marriage			√	1

With regard to the escalation of GBV cases, the forms of GBV which recorded an increase in the number of cases during the 3-months Covid-19 restrictions period of April to June, 2020 indicated in Table 8 below were defilement, attempted rape, rape, subjecting children to torture, attempted defilement, gang rape, gang defilement, threatening to kill, attempted murder, arson, sexual communication with a child, sexual abuse, physical abuse, child abduction/kidnapping, emotional abuse, child marriage, Female Genital Mutilation, child prostitution, child radicalization and online abuse.

Table 8: Summary of forms of GBV which recorded an increase during the 3-months Covid-19 restrictions period of April to June, 2020

Forms of GBV	Reporting of forms of GBV (marked by a tick (√)) by different agencies		Number of agencies reporting the specific forms of GBV
	Probation & Aftercare Services	Child line Kenya	
Defilement	√		1
Attempted rape	√		1
Rape	√		1
Subjecting children to torture	√		1
Attempted defilement	√		1
Gang rape	√		1
Gang defilement	√		1
Threatening to kill	√		1
Attempted murder	√		1
Arson	√		1
Sexual communication with a child	√		1
Sexual abuse		√	1
Physical abuse		√	1
Child Abduction/ kidnapping		√	1
Emotional abuse		√	1
Child marriage		√	1
Female Genital Mutilation		√	1
Child prostitution		√	1
Child radicalization		√	1
Online abuse		√	1

2.1.2 Factors Contributing to Gender-Based Violence

The term GBV attempts to define the nature of the violence. In order to address related violence, it is necessary to address issues of gender that cause and contribute to the violence. The most prominent factors contributing to GBV in Kenya as indicated in Table 9 below include: alcohol, drug and substance abuse; poverty; family/domestic disputes; and retrogressive cultural (including religious) beliefs and practices and male dominance (including undermining masculinity); poor parenting/upbringing and moral decadence; identity crisis among the youthful population and inadequate support systems.

Table 9: Factors Contributing to Gender-Based Violence

Causes of GBV	Before COVID-19 restrictions				Agencies reporting the cause of GBV during COVID-19 restrictions						
	Gender-based violence (NCRC, 2014)	Domestic Violence (NCRC, 2018) (Qualitative study)	Masculinity and Intimate Partner Violence (NCRC, 2019) (Qualitative study)	No. of times a factor is mentioned out of the three studies before COVID-19 restrictions	Probation and Aftercare Service	Gender Violence Recovery Centre	State Department for Gender	Department of Social Development	Childline Kenya	Kenya Police Service	No. of agencies mentioning the cause during COVID-19 restrictions
Alcohol, drug and substance abuse	67.8 (√)		√	2	√				√		2
Poverty	54.7 (√)			1	√		√		√		3
Family/domestic disputes	49.3(√)	√		2	√			√			2
Retrogressive cultural (including religious) beliefs and practices	25.3(√)	√	√	3	√		√	√	√	√	5
Male dominance (including undermining masculinity)	18.9(√)		√	1			√			√	2
Illiteracy and ignorance		√		1							
Peer pressure/influence	11.7(√)			1						√	1
Vulnerability(orphans, widows and elderly)	10.9(√)			1				√			1
Weak law enforcement	9.1(√)			1		√					1
Society's pro- violence attitude	6.1(√)	√	√	3					√	√	2
Stress and depression	5.2(√)		√	2				√	√		2
Hereditary factors	2.8(√)										
Poor parenting/upbringing and moral decadence		√	√	2		√			√		2
Inadequate social support system		√	√	2							
Challenge in creating youth dividend		√	√	2							
Identity crisis		√	√	2							
Inadequacy of aftercare programmes		√	√	2							
Technological exposure (including mass media)		√	√	2							
High cost of living			√	1				√			1
Crime of passion factors (e.g., infidelity)			√	1							

Causes of GBV	Before COVID-19 restrictions				Agencies reporting the cause of GBV during COVID-19 restrictions						
	Gender-based violence (NCRC, 2014)	Domestic Violence (NCRC, 2018) (Qualitative study)	Masculinity and Intimate Partner Violence (NCRC, 2019) (Qualitative study)	No. of times a factor is mentioned out of the three studies before COVID-19 restrictions	Probation and Aftercare Service	Gender Violence Recovery Centre	State Department for Gender	Department of Social Development	Childline Kenya	Kenya Police Service	No. of agencies mentioning the cause during COVID-19 restrictions
Unemployment			√	1							
Diversion of family resources (Betting and gambling)		√		1							
Gender inequality							√			√	2
Self-esteem issues									√		1
History of abuse and violence in the past									√		1
Limited access to justice institutions									√		1
Lack of respect for human rights										√	1

The results of Centre's study on Intimate Partner Violence in Kenya³⁰ carried out among male respondents show that overall, men agreed to disputing with women in private, though in public this was considered unacceptable by most. Other behaviors which met with overall disapproval from men were refusal of sex, refusal to have children/more children, neglect of household duties and having another partner. The respondents expressed concern about the changing tide of society, and opposed feminism, materialism and individualism which they reported as alien to African culture and Christian and Muslim religion to some extent. The influence of social media and TV was a common concern. However they also agreed with a statement that "media/society is hard on men" and that "a lot of help is being given to women but not to men.

³⁰ National Crime Research Centre (2019). Masculinity and Intimate Partner Violence in Kenya: Hearing the Voices of Men. Nairobi: NCRC.

Similarly, the study on Intimate Partner Violence in Kenya ³¹ shows that non-reporting of GBV related cases to authority has normalized the vice in the Kenyan families. The study found that in most recent incidents of GBV and the reasons as to why the female adult survivors (primary and secondary) choose to stay with their perpetrators, included cases where the victim may be economically dependent on the perpetrator, not having a marketable job skill, and where the victim has no realistic alternative to the perpetrators' financial support. The study further noted that socialization created a powerful inertia in relationships; compelling persons to stay in abusive relationships. This was probably because socialization and/or religious or cultural beliefs that demanded the victim maintains the disguise of a good marriage/relationship even where things were not working.

Further, NCRC (2019) study,³² established that often the victim of family-based violence stays for the sake of the children "needing a father," or the perpetrators may make threats of violence against the children if the victim attempts to leave. Sometimes the perpetrator was otherwise well respected or mannered, so the victim's concerns are not taken seriously. The victim sometimes rationalized the beatings, believing that the victim must have "deserved" the "punishment" or that the perpetrator was just "too drunk" to know what he/she was doing.

There also appears to be a shift between the traditional and modern times value system which could be a contributor to increasing incidents of gender-based violence in the country. For instance, in the traditional setting in many Kenyan cultures, youths were not allowed to partake of alcohol - a scenario that has since changed with the young people of today. In the traditional setting, the kinship system ensured that every child belonged to a family with both parents, a situation that has since changed with single parenthood and child illegitimacy which contribute to identity crisis. Additionally, there were support systems such as functional extended families and clan system that were handy to the disadvantaged members of the community. This state of affairs has since changed with increasing individualism and self-centeredness.

Before COVID-19 in the country, several studies, official government reports and statistics had established a link between masculinity and the problem of gender-based violence which is culturally and historically situated. These studies indicate that retrogressive socio-cultural (including religious) beliefs and practices and society's pro-violence attitude are the some of the main plausible underlying factors contributing to GBV in Kenya. These factors are a reflection of a degraded socio-cultural value system.

³¹ *ibid*

³² National Crime Research Centre (2019). *Masculinity and Intimate Partner Violence in Kenya: Hearing the Voices of Men*. Nairobi: NCRC.

It raises serious concerns that some victims of violence at the hands of spouses or other family members do not report the abuse to the police and other authorities. First, when GBV goes unreported, perpetrators go undetected and unpunished, thereby depriving the law of any deterrent effect. Second, failure to report may mean that victims do not receive the mental and physical support they need or would benefit from receiving. Third, inaccurate information on the actual number of incidents may lead to the misallocation of funds for GBV management.

There is limited empirical data on escalation of GBV during COVID-19 pandemic. However, when the findings of this review are examined in the context of the COVID-19 pandemic, there are pointers to plausible escalation of GBV-related cases in the country. The pandemic came at a time when family violence was already an existing challenge in the country. The measures taken to contain the COVID-19 included stay-at-home, out-of-school children, movement restrictions, restricted gatherings, curfews, quarantine and isolation for the sick. On the social front, the disease has resulted in some abrupt socio-cultural and psychological shocks and re-orientations which some people find difficult to cope with. There are potential psychological impacts associated with quarantine and isolation which include general mental health. Some of the social problems associated with mental health problems include alcohol and drug abuses which are risk factors to committing crime. On the economic front, most Kenyans who are majorly low income earners and in the informal sectors have lost incomes through underpayments, layoffs and closed and/or restricted business activities. National Crime Mapping 2018 Survey conducted by NCRC³³ identified the major primary economic cause of crime to be poverty and unemployment (69.0%). This therefore meant the restrictions imposed have had adverse social and economic impacts with direct and/or indirect influence on crime in general and GBV in particular.

2.1.3 Perpetrators of Gender-Based Violence

Studies have increasingly established that the main perpetrators of gender-based violence are the youthful males. According to Gender Violence Recovery Centre, perpetrators of GBV during COVID-19 restrictions are Acquaintances, neighbors and girls/boyfriends. The State Department for Gender captures the perpetrators as spouses (mainly husbands) and youthful men while Childline Kenya's data indicates the perpetrators are: members of immediate family; members of extended family; neighbours; teachers; boda boda riders and religious leaders. NCRC study of 2014³⁴ indicated that the male members of the family (both nuclear and extended) accounted for more than a third (39.0%) of all the perpetrators. Further, the study found out that majority of the perpetrators are intimate partners/acquaintances known to the victims with the male perpetrators accounting for 81.2% while the rest were female; husbands were the most (22.6%) perpetrators to the direct victims; majority (54.2%) of the perpetrators were persons aged 18-33 years who were also married (43.6%); and majority

³³ National Crime Research Centre (2018). National Crime Mapping Survey in Kenya: NCRC

³⁴ National Crime Research Centre (2014). Gender-based Violence in Kenya. Nairobi: NCRC

(71.5%) of the perpetrators were members of families that would pass for nuclear families (that is, husband, wife, father, mother, brother, sister and child). The implication of these findings is that the nuclear family, which is the foundation of a nation, was under serious threat of family based violence especially from male members of the family.

2.1.4 Victims of GBV

Data from the Kenya Police Service indicates that the victims of GBV during the COVID-19 restrictions were mainly wives and girls while according to the Gender Violence Recovery Centre, the main victims were women and children. NCRC study of 2018,³⁵ indicates that: most (24.9%) victims were women (which was confirmed by at least 22.6% of the offenders who were husbands and 2.3% who were boyfriends to the direct victims); 24.1% were children (which was confirmed by 12.8% of the offenders who were mothers and 11.3% of the offenders who were fathers to the direct victim) and 4.5% were husbands (confirmed by 4.5% of the offenders who reported that they were wives to the direct victims). Further findings of the study obtained from Focused Group discussions (FGDs) indicated that the main categories of victims in order of prominence were children, wives, mothers and daughter in-law. Therefore, in the nuclear family, children appeared to be the most (24.1%) victims followed by wives (22.6%) and lastly, husbands (4.5%).

According to NCRC study of 2014³⁶, 15.2% (n=99) of female and 7.4% (n=12) of male respondents had ever experienced sexual violence demonstrating that sexual violence is indeed a common occurrence. The results confirmed that women carry the greater burden of sexual violence with the difference being statistically significant ($\chi^2 = 6.632$, $p = 0.10$).

Data from the Kenya National Bureau of Statistics (KNBS) shows that out of a total population of those enumerated in 2019 of 47,564,296, men account for 23,548,056 of the population while women hit 24,014,716, whereas, youth population of persons below 35 years comprise 75%. The female population in Kenya accounts for 50.5%, distributed as persons under 4 years (12%); persons 5-18 years (35%); persons 19-34 years (28%); persons 35-59 years (19%) and below 6 years (6%). The trend of gender-based violence in the female segment of the population has been worrisome over time. Several studies, official government reports and statistics have established that the principal characteristic of gender-based violence is that it occurs mainly against women precisely because of gender, but men are also victims. According to NCRC study 2014,³⁷ 1 out of 4 women had experienced GBV. NCRC study of 2018,³⁸ showed that 1 out of 3 women had experienced domestic

³⁵ National Crime Research Centre (2018). Challenging Domestic Violence in Kenya: Creating a National Platform for an Evidence Based Response. Nairobi: NCRC

³⁶ National Crime Research Centre (2014). Gender-based Violence in Kenya. Nairobi: NCRC

³⁷ *ibid*

³⁸ National Crime Research Centre (2018). Challenging Domestic Violence in Kenya: Creating a National Platform for an Evidence Based Response. Nairobi: NCRC

violence. NCRC study of 2019,³⁹ indicates that a lot of help is being given to women but not to men and that media/society is hard on men. Domestic violence also poses a significant risk to the state of crime in the country.

2.2 Violations of Children's Rights and Disempowerment of the Girl Child

2.2.1 Introduction

The rights of a child are enshrined in the Kenya Constitution of 2010 in chapter four on the Bill of Rights. Specifically, Article 53 recognizes the need for all children to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labor. According to the Children's Act CAP 141 of 2012[2010], the rights of children are: survival and best interests of the child; non-discrimination; right to education; right to religious education; right to health care; protection from child labor and armed conflict; name and nationality; treatment of disabled children with dignity and according them appropriate medical treatment, special care, education and training free of charge or at a reduced cost whenever possible; protection from any form of abuse; protection from harmful cultural rites; protection from sexual exploitation; protection from drugs; leisure and recreation; torture and deprivation of liberty; and right to privacy. Therefore, any omission and /or commission by any person and /or organization against these rights constitute a violation(s).

Girl child disempowerment constitutes violations of the rights of the girl child. It involves acts of omission and commission that dis -advantage the girl child from realizing her full capacity for meaningful choice and exploitation of her full potential. The disempowerment of girls also involves, among others factors that influence every aspect of their lives, resulting to deep oppression, victimization, and sometimes violence.⁴⁰ According to the U.N. Convention on the Rights of the Child, girl rights include non-discrimination, protection from harm and abuse, and full participation in family, social and cultural life. Barriers to realizing these rights include practices such as female genital mutilation (FGM), sex-selective abortions and child marriage.⁴¹

2.2.2 Forms of Violations of Children's Rights

Data from a number of sources indicates that violations of children rights have been on the upward trajectory.

³⁹ National Crime Research Centre (2019). Masculinity and Intimate Partner Violence in Kenya: Hearing the Voices of Men. Nairobi: NCRC

⁴⁰ Gueye Marame, Beyond Their Control: The Disempowerment of Women in Middle Eastern and African Literature by Tara Jernigan Sinclair December, 2012

⁴¹ UNICEF (1989). The State of the World's Children 1989

A trend outlook of data from the Department of Children's Services captured in Table 10 below for the period between 2017 and 2019 indicates a steady increase in most of the forms of violations of children rights. The total number of cases of violations of children's rights rose from 51,991 in 2017 to 158,933 in 2019 thus representing a **205.6%** increase within a period of three (3) years. Child neglect, child custody and child abandonment were the top three forms of violations between January 2017 and June, 2020.

Table 10: Forms of Violations of Children's Rights handled by the Department of Children's Services between January 2017 and June 2020

Cases of violations of children's rights	Number of cases handled between January and December			Number of cases handled between January and June, 2020		
	2017	2018	2019*	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020*
				Jan-March	April -June	
Child neglect	32,209	82,001	111,866	29279	3485	32,764
Custody	10,810	25,054	24,564	4499	978	5,477
Child abandonment	2,708	6,411	7,343	1059	228	1,287
Physical Abuse/violence	1,143	2,307	2,189	377	138	515
Parental child abduction	1,135	2,923	2,915	589	111	700
Defilement	974	2,897	2,742	510	165	675
Abduction	495	1,054	1,358	344	70	414
Emotional abuse	456	1,000	1,209	154	44	198
Child pregnancy	346	771	735	113	42	155
Child marriage	286	826	656	110	58	168
Refugee children	273	260	281	43	10	53
Disputed paternity	259	518	465	72	21	93
Child labour	245	423	691	60	18	78
Sexual assault	132	142	143	22	7	29
Child Radicalization	101	49	37	10	0	10
Sexual exploitation and abuse	80	201	132	21	5	26
Trafficked child	59	183	157	20	10	30
Drug and	59	114	159	71	3	74

Cases of violations of children's rights	Number of cases handled between January and December			Number of cases handled between January and June, 2020		
	2017	2018	2019*	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020*
				Jan-March	April -June	
substance abuse						
Incest	49	116	170	18	15	33
Sodomy	47	102	114	11	4	15
Child-headed household	39	89	146	11	2	13
Female Genital Mutilation (FGM)	37	111	74	3	11	14
Internally displaced child	22	17	67	6	17	23
Other harmful cultural practice	18	37	42	9	5	14
Unlawful confinement	9	66	123	5	7	12
Child out of school	0	0	553	177	3	180
Online Abuse	0	0	2	1	0	1
Total	51,991	127,672	158,933	37,594	5,457	43,051

Source: Kenya National Bureau of Statistics (2020) & Department of Children's Services (DCS) data for 2019/2020

*2019 data is provisional

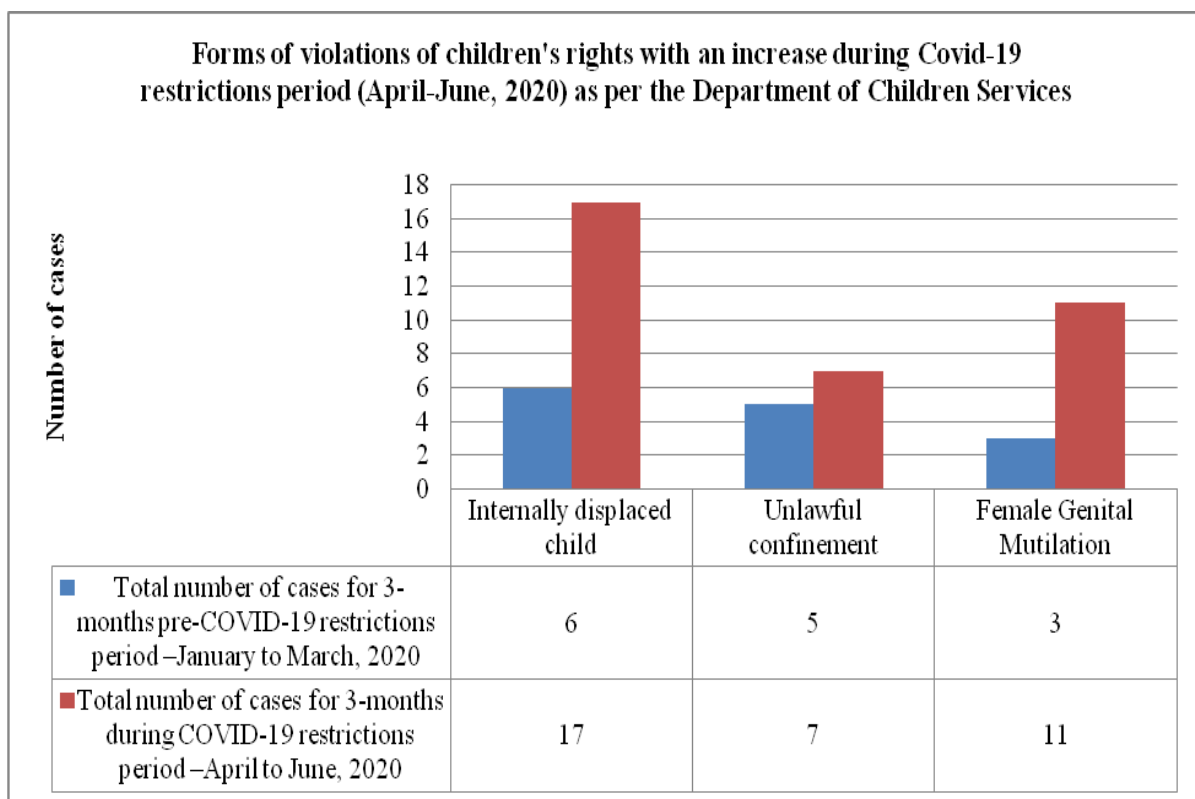
*2020 data is for January-June

As shown on the above Table, cases that were on an upward trend between 2018 and 2019 are: child neglect, child abandonment, abduction, emotional abuse, refugee children, child labour, sexual assault, drug and substance abuse, incest, sodomy, child-headed household, internally displaced child, other harmful cultural practice, unlawful confinement, child out of school and online abuse.

The reporting of the cases might have been challenged by restrictions of movements that affected client's access to DCS offices and officers' easy uptake of cases of violations. Despite this possible reporting challenge, cases of Female Genital Mutilation (FGM), internally displaced children and unlawful confinement recorded an increase during the

COVID-19 restrictions period between April and June, 2020 compared with the pre-COVID-19 restrictions period between January and March, 2020 as indicated in Figure 14 below. The actual number of children's violations is therefore likely to increase in 2020 as a result of the Covid-19 pandemic situation.

Figure 14: Forms of Violations of Children's Rights with an increase during COVID-19 restrictions period (April-June, 2020) as per the Department of Children Services



As shown in Table 11 below, the police recorded a slightly higher number of violations of children's rights (of 4295 cases) in 2019 than in 2018 (that is, 4102 cases) with defilement and/or attempted defilement and incest being the most prevalent forms of the violations in the period and stretching to year 2020. Between January and June, 2020, the cases recorded represent less than half (**40.6%**) of the cases for full year 2019.

Table 11: Forms of Violation of Children’s Rights reported to the Police between January 2018 and June, 2020

Forms of violation of children’s rights	Number of cases reported		
	Number of cases reported between January and December	Number of cases reported between January and June	
	2018	2019	2020*
Defilement/attempted defilement	3,799	4,029	1,643
Sodomy	19	9	0
Incest	251	207	81
Abduction	24	42	9
Infanticide	9	8	10
Total	4,102	4,295	1,743

Source: National Police Service, 2020

2020* January- June data

Data from the State Department for Gender captured in Table 12 below confirms that cases of violations of children’s rights have been on the increase between January, 2018 and June, 2020. This is confirmed by the figure of 837 cases recorded during the first half of year 2020 alone, a figure far above that of full year 2019 and larger than half the cases for 2018.

Table 12: Forms of Child Right Violations recorded by the State Department for Gender

Forms of violations of children rights	January-December, 2018	January-December, 2019	January-June, 2020*
Child neglect	550	94	446
Defilement	170	135	114
Child abduction	76	45	40
Physical assault	66	24	56
Psychological torture	54	16	49
Child abandonment	30	11	87
Child marriage	29	15	22
Denial of resources	20	3	10
Denial of opportunity	14	14	6
Female Genital Mutilation	14	59	3
Sodomy	13	8	2
Sexual harassment	9	4	9
Custody and maintenance	9	2	11
Child labor	7	4	12
Total	1,061	434	837

Source: State Department for Gender, 2020 2020* January - June data

Data captured in Table 13 below on offences related to violations of children's rights handled by the Department of Probation and Aftercare Services from January, 2018 to June, 2020 shows that the number of cases were higher in 2019 (that is, 1,500) than in 2018 (that is, 1,225). However, in the first half of year 2020, they were less than 50.0% (that is, 641) of the cases handled in 2019. The reduction is probably because of reduced referrals from Law Courts as a result of reduced operations of the Judiciary due to COVID-19 pandemic. However, defilement, attempted defilement and child neglect were the top three offences handled by the Department between January and June, 2020.

Table 13: Offences related to Violations of Children's Rights handled by the Probation and Aftercare Services from January, 2018 to June, 2020

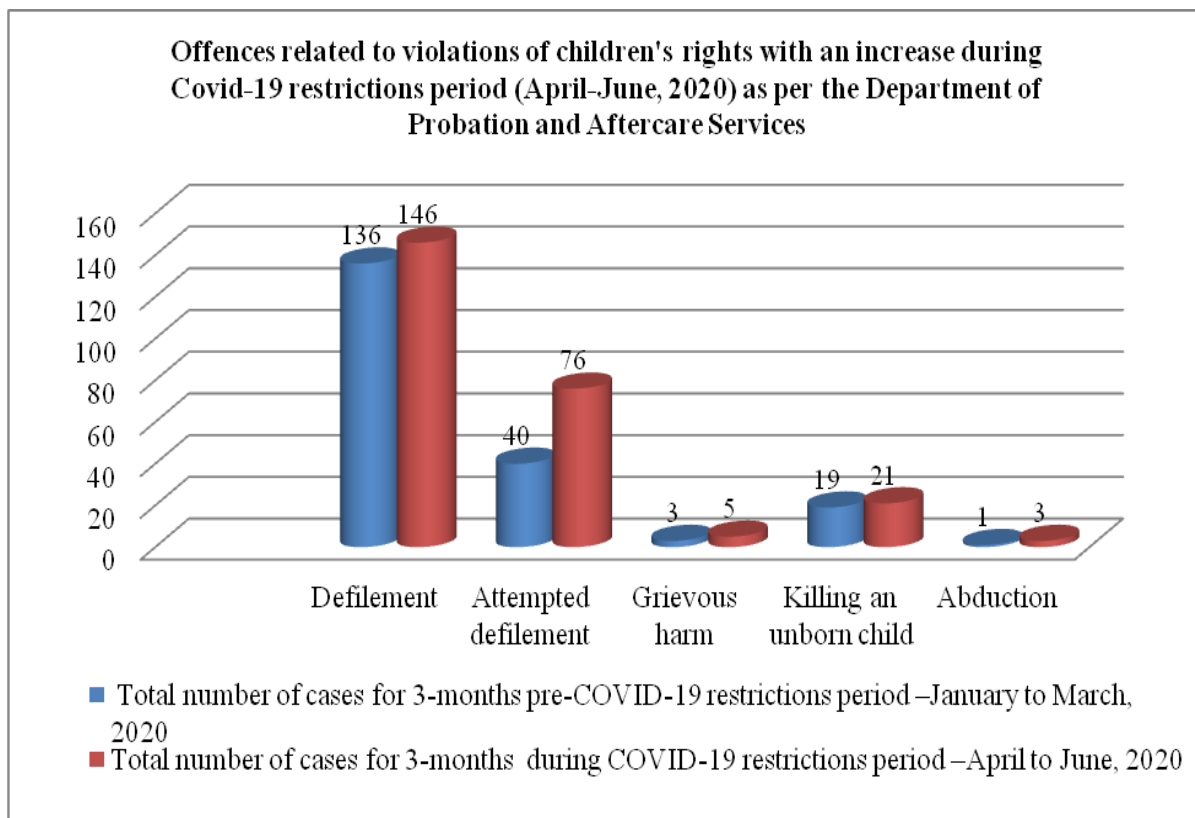
Offences related to violations of children's rights	Number of cases handled during January–December period		Number of cases handled during January –June, 2020 period		
	2018	2019	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
			Jan-March	April -June	2020
Defilement	463	579	136	146	282
Child Neglect	182	191	40	28	68
Attempted defilement	129	244	40	76	116
Grievous harm	99	39	3	5	8
Gang rape	85	46	17	11	28
Assault	82	59	22	6	28
Killing an unborn child	60	119	19	21	40
Incest	48	114	15	10	25
Infringing on a child's rights to education	27	40	11	0	11
Early marriage	17	36	21	10	31
Performing FGM	8	8	0	0	0
Abduction	7	7	1	3	4
Child Stealing	7	5	0	0	0
Child Labor	6	1	0	0	0
Malnourishment	5	12	0	0	0
Total	1,225	1,500	325	316	641

Source: Department of Probation and Aftercare Services, 2020

Findings presented in the above Table indicate that defilement, attempted defilement and child neglect were the three top offences handled during Covid-19 restrictions period

between April and June, 2020. As shown in Figure 15 below, the period also experienced a spike in cases of defilement, attempted defilement, grievous harm, killing an unborn child and abduction.

Figure 15: Child Violations with an Increase during Covid-19 Restrictions Period (April-June, 2020) as per the Department of Probation and Aftercare Services



Data recorded by Child Line Kenya through the Child Help Line 116 further confirms a steady increase in child violations in the country. As shown in Table 14 below, the total number of cases of violations of children's rights for the half year period of year 2020 was more than that of full year 2018 and **63.4%** of the total cases for full year 2019 thus suggesting a steady increase in year 2020 in all the forms of violations and especially in cases of child maintenance and custody, child neglect and child abandonment which were also the top three most prevalent forms of child violations during the 3-months COVID-19 restrictions period between April and June, 2020.

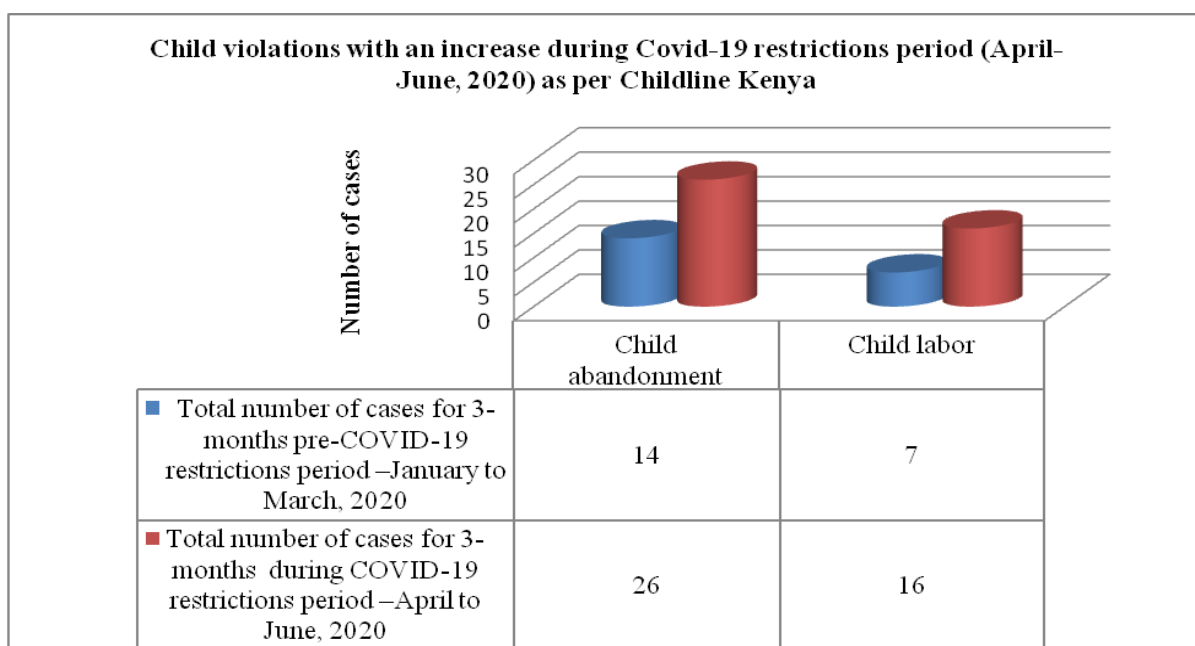
Table 14: Forms of Violations of Children’s Rights recorded by Childline Kenya

Forms of violations of children’s rights	Number of cases reported during January–December period		Number of cases reported during January –June, 2020 period		
	2018	2019	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
			Jan-March	April -June	
Maintenance and custody	3,099	5,793	1,991	1,658	3,649
Child Neglect	291	233	93	71	164
Child Abandonment	68	54	14	26	40
Child Labor	44	36	7	16	23
Total	3,502	6,116	2,105	1,771	3,876

Source: Child Line Kenya (Child Help Line 116) data for January, 2018 to June 2020

As indicated in Figure 16 below, the violations which recorded an increase during the 3-months COVID-19 restrictions period between April and June, 2020 were child abandonment and child labor.

Figure 16: Child Violations with an Increase during Covid-19 restrictions period (April-June, 2020) as per Child Line Kenya



From the above findings, it is likely that the COVID-19 pandemic has an influence in the increasing cases of child violations and hence the need for key interventions to address the violations during and after the pandemic.

Data from different key state and non-state agencies on cases of violations of children's rights was summarized in order to get a quick glance of the patterns and trends of child violations for the period January to June, 2020 as a whole, and during the 3-months Covid-19 restrictions period of April to June, 2020. Generally, the most common forms of violations of children's rights, as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were found to be child neglect, custody, child abandonment, incest, infanticide, defilement, attempted defilement and maintenance and custody. The results showed that child neglect, child abandonment and defilement were recorded by at least 2 of the 6 agencies, with child neglect being the most popular of the three (as reported by 4 out of 6 agencies) followed by child abandonment (reported by 3 out of 6 agencies). Table 15 below captures the summary of these common forms of violations of children's rights.

Table 15: Summary of top three forms of Violations of Children's Rights handled and/or recorded by each of the key Agencies between January and June, 2020

Forms of violations of children's rights	Reporting of forms of violations of children's rights (marked by a tick (√)) by different agencies					Number of agencies reporting the specific forms of violations
	Kenya Police Service	Department of Children Services	Probation and Aftercare Services	Child line Kenya	State Department for Gender	
Child neglect		√	√	√	√	4
Custody		√				1
Child abandonment		√		√	√	3
Defilement/ attempted defilement	√					1
Incest	√					1
Infanticide	√					1
Defilement			√		√	2
Attempted defilement			√			1
Maintenance and custody				√		1

As captured in Table 16 below, the most common forms of violations of children's rights handled and/or recorded by different key state and non-state agencies during the 3-months COVID-19 restrictions period of April to June, 2020 were child neglect, custody, child abandonment, defilement, attempted defilement and maintenance and custody.

Table 16: Summary of top three forms of Violations of Children's Rights recorded by Each of the key Agencies during the 3-months COVID-19 restrictions period of April to June, 2020

Forms of violations of children's rights	Reporting of forms of violations of children's rights (marked by a tick (√)) by different agencies			Number of agencies reporting the specific forms of violations
	Department of Children Services	Probation and Aftercare Services	Child Line Kenya	
Child neglect	√	√	√	3
Custody	√			1
Child abandonment	√		√	2
Defilement		√		1
Attempted defilement		√		1
Maintenance and custody			√	1

During the 3-months COVID-19 restrictions period of April to June, 2020, the forms of violations of children's rights presented in Table 17 below which recorded some increase in the number of cases were child abandonment, defilement, attempted defilement, Female Genital Mutilation, internally displaced child, unlawful confinement, grievous harm, killing an unborn child and child labor.

Table 17: Summary of forms of Violations of Children’s Rights which recorded an increase during the 3-months Covid-19 restrictions period of April to June, 2020

Forms of violations of children’s rights	Department of Children Services	Reporting of forms of violations of children’s rights (marked by a tick (√)) by different agencies		Number of agencies reporting the specific forms of violations
		Probation and Aftercare Services	Child Line Kenya	
Child abandonment			√	1
Defilement		√		1
Attempted defilement		√		1
Female Genital Mutilation (FGM)	√			1
Internally displaced child	√			1
Unlawful confinement	√			1
Grievous harm		√		1
Killing an unborn child		√		1
Child Labor			√	1

2.2.3 Forms of Girl Child Disempowerment

Studies conducted by NCRC on Gender-based Violence in Kenya⁴² found out early marriages for girls below 18 years of age (20.0%), was the most common form of girl child disempowerment (20.0 %), followed by defilement (19.2%) and forceful initiation of girls at 9.7% .The Centre’s study on Domestic Violence in Kenya⁴³ further indicated that defilement and girl child neglect were common forms of girl child disempowerment in all sampled counties, followed by girl child labour, early marriages for girls below 18 years of age and Female Genital Mutilation.

Data from the Department of Children’s Services captured in Table 18 below for the period between 2017 and 2019 indicates a steady increase in most of the forms of girl child disempowerment. The total number of cases of girl child disempowerment rose from **26,182** in 2017 to **79,949** in 2019 thus representing a **305.4%** increase within a period of three (3) years (compared with the overall increase of child violations of **205.6%**). Child neglect, child custody and child abandonment were the top three forms of violations between January 2017 and June, 2020.

⁴² National Crime Research Centre (2014). Gender-based Violence in Kenya. Nairobi: NCRC.

⁴³ National Crime Research Centre (2018). Challenging Domestic Violence in Kenya: Creating a National Platform for an Evidence Based Response. Nairobi: NCRC.

Table 18: Forms of Girl Child Disempowerment handled by the Department of Children's Services between January 2017 and June, 2020

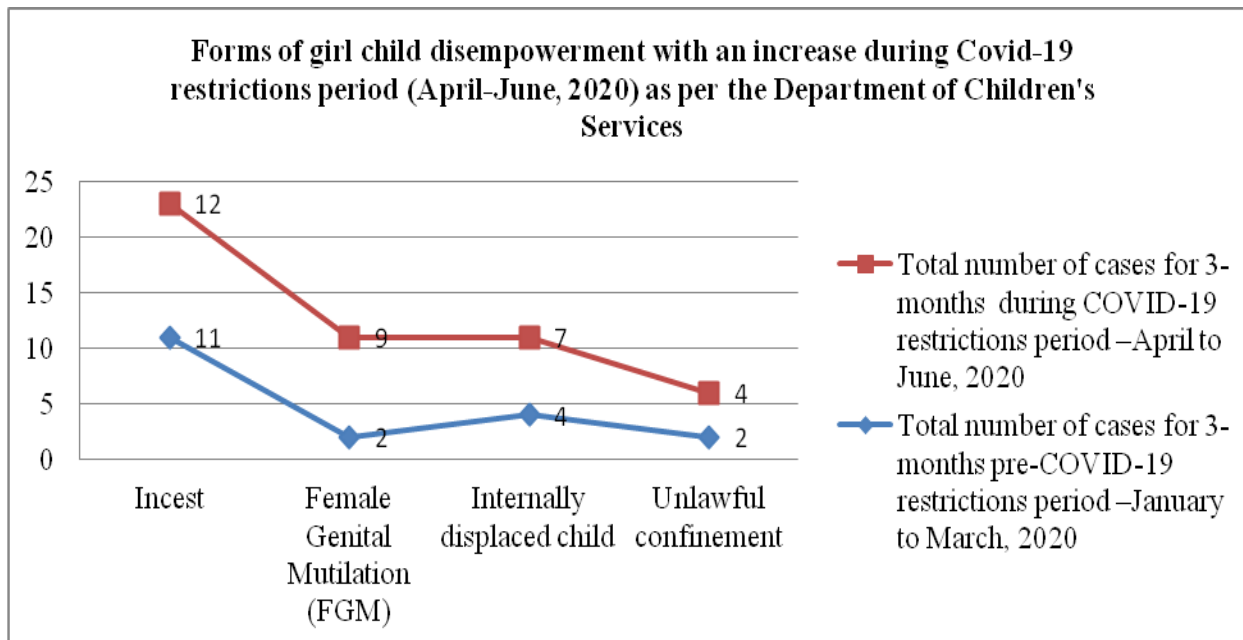
Forms of girl child disempowerment	Number of cases handled between January and December			Number of cases handled between January and June, 2020		
	2017	2018	2019	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
				Jan-March	April -June	
Child neglect	15,779	39,847	54,587	13,141	1,682	14,823
Custody	5,249	12,294	12,442	2,028	451	2,479
Child abandonment	1,317	3,005	3,518	488	104	592
Defilement	893	2,647	2,421	371	136	507
Parental child abduction	559	1,436	1,443	270	41	311
Physical Abuse/violence	551	1,164	1,138	164	57	221
Child pregnancy	346	771	735	104	42	146
Child marriage	276	800	622	97	55	152
Emotional abuse	257	569	680	81	24	105
Abduction	243	548	662	163	43	206
Disputed paternity	118	243	222	28	9	37
Refugee children	116	124	140	15	6	21
Sexual assault	107	105	103	15	6	21
Child labour	86	217	377	31	10	41
Sexual exploitation and abuse	72	153	91	17	4	21
Child Radicalization	53	20	19	2	0	2
Trafficked child	38	105	95	8	7	15
Incest	38	95	109	11	12	23
Female Genital Mutilation (FGM)	37	111	74	2	9	11
Child-headed household	19	42	83	7	2	9
Other harmful cultural practice	11	22	20	3	1	4
Internally displaced child	10	11	46	4	7	11
Drug and substance abuse	6	15	40	10	0	10
Unlawful confinement	1	29	62	2	4	6
Child out of school	0	0	220	107	2	109
Online Abuse	0	0	0	1	0	1
Total	26,182	64,373	79,949	17,170	2,714	19,884

Source: Kenya National Bureau of Statistics (2020) & Department of Children's Services (DCS) data for 2019/2020

***2019 data is provisional & *2020 data is for January-June, 2020**

As indicated in Figure 17 below, the forms of girl child disempowerment which recorded an increase during the 3-months COVID-19 restrictions period between April and June, 2020 were incest, Female Genital Mutilation, internally displaced child and unlawful confinement.

Figure 17: Forms of Girl Child Disempowerment with an Increase during Covid-19 restrictions period (April-June, 2020) as per the Department of Children's Services



Data from the State Department for Gender captured in Table 19 and Figure 18 below confirms that cases of girl child disempowerment have been on the increase between January, 2018 and June, 2020. The first half of year 2020 alone recorded 530 cases, a figure, higher than the total number of cases for 2019. Girl Child neglect, defilement, abandonment, psychological torture, assault abduction and marriage were the most prominent forms.

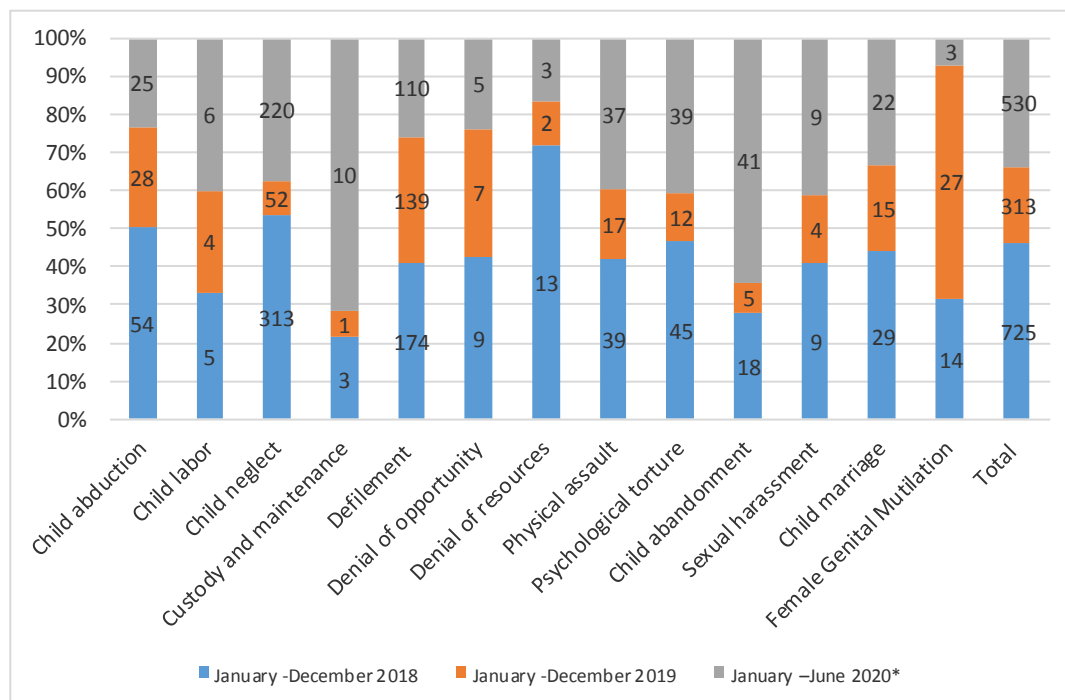
Table 19: Forms of Girl Child Disempowerment recorded by the State Department for Gender

Forms of girl child disempowerment	January - December 2018	January - December 2019	January –June 2020*
Child abduction	54	28	25
Child labor	5	4	6
Child neglect	313	52	220
Custody and maintenance	3	1	10
Defilement	174	139	110
Denial of opportunity	9	7	5
Denial of resources	13	2	3
Physical assault	39	17	37
Psychological torture	45	12	39
Child abandonment	18	5	41
Sexual harassment	9	4	9
Child marriage	29	15	22
Female Genital Mutilation	14	27	3
Total	725	313	530

Source: State Department for Gender, 2020

2020* January - June data

Figure 18: Forms of Girl Child Disempowerment recorded by the State Department for Gender



As shown in Figure 18 and Table 19 above, in 2018, the top three leading forms of girl child disempowerment were child neglect, defilement and child abduction. In 2019, the top three leading forms were defilement, child neglect and child abduction while between January and June 2020, the leading forms of girl child disempowerment were child neglect, defilement and child abandonment (2020 data is for January to June).

Forms of girl child disempowerment that are on an upward trajectory between 2019 and 2020 are: child neglect, child abandonment, psychological torture, physical assault, child marriage, custody and maintenance, sexual harassment, denial of resources and child labor as indicated by the State Department for Gender data in Figures 19 to 27 below.

Figure 19: Child Neglect Cases January 2018- June 2020

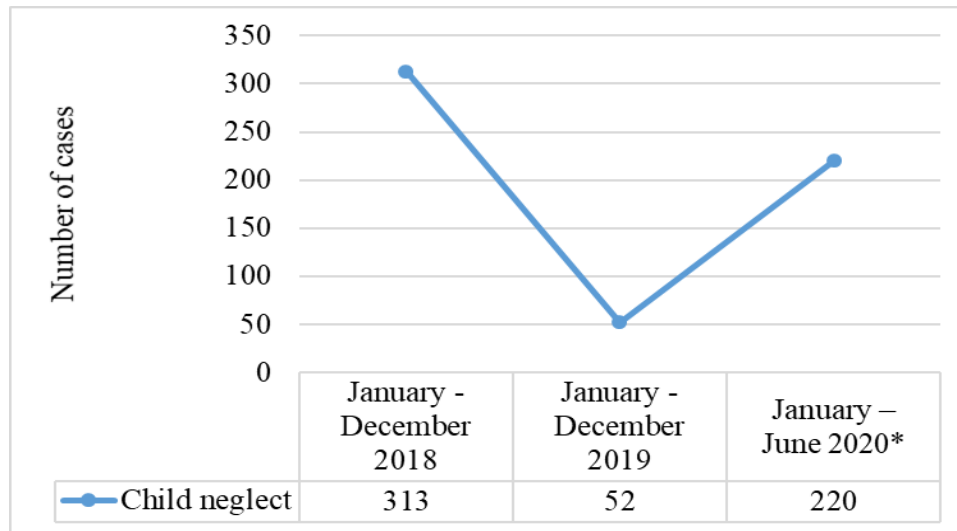


Figure 20: Child Abandonment Cases January 2018- June 2020

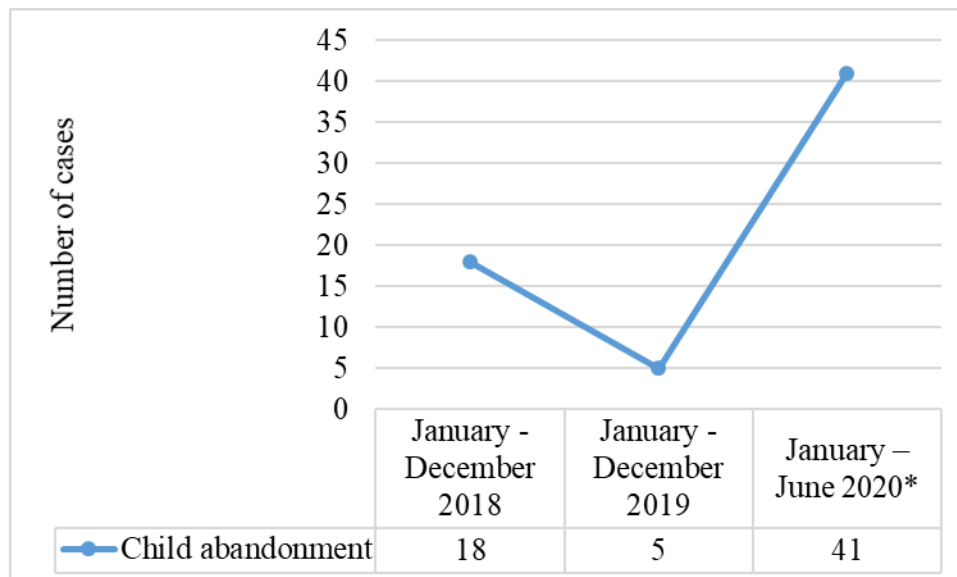


Figure 21: Psychological Torture Cases January 2018- June 2020

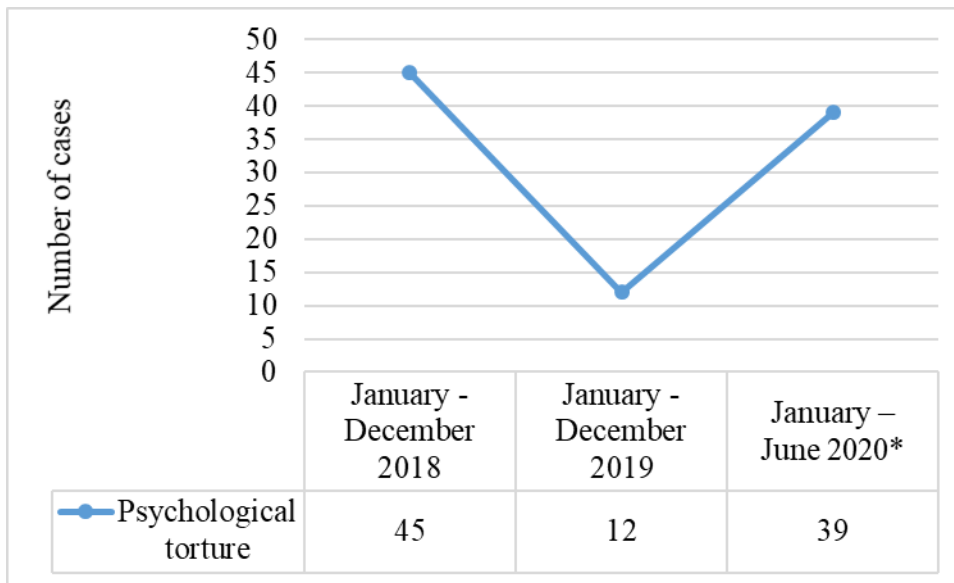


Figure 22: Physical Assault Cases January 2018- June 2020

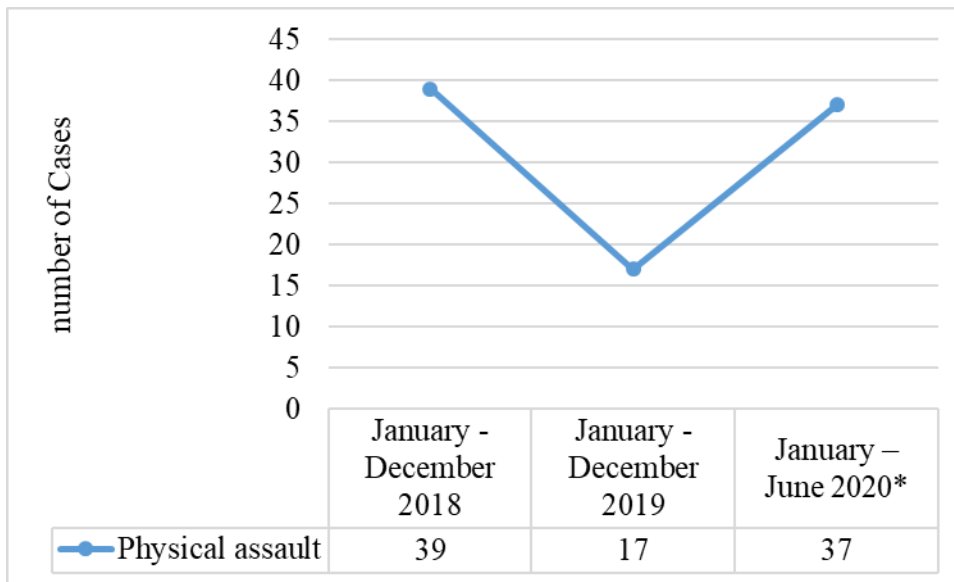


Figure 23: Child Marriage Cases January 2018- June 2020

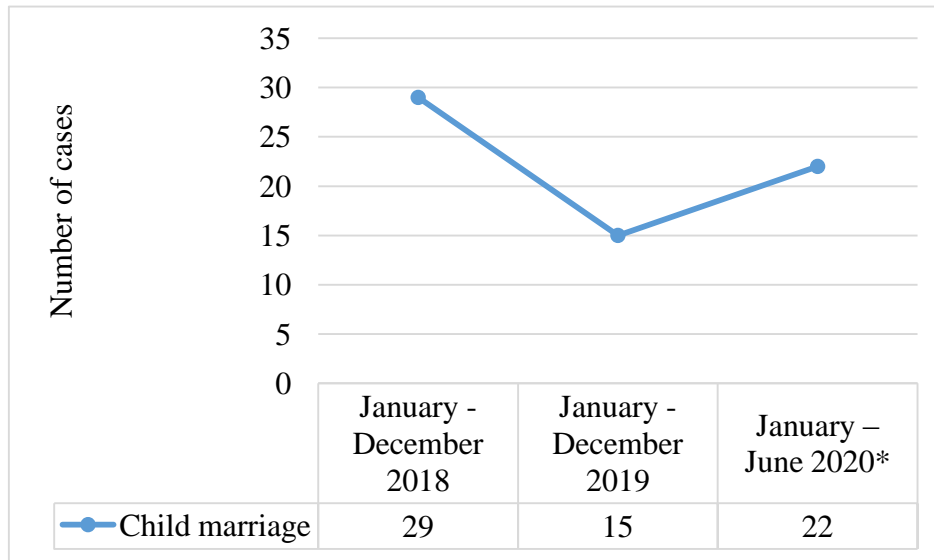


Figure 24: Child Custody and Maintenance Cases January 2018- June 2020

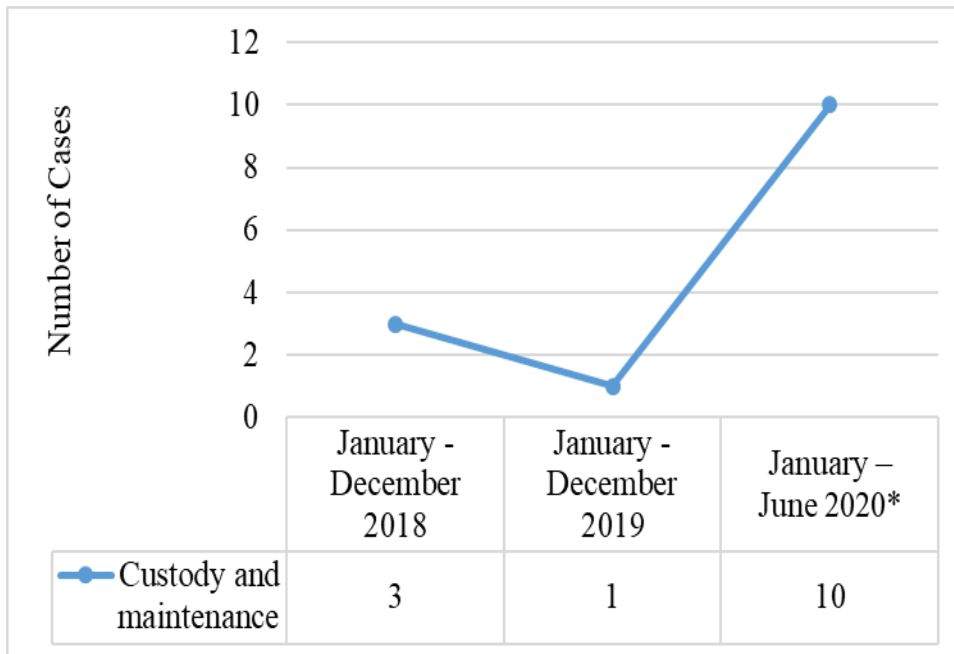


Figure 25: Sexual Harassment Cases January 2018- June 2020

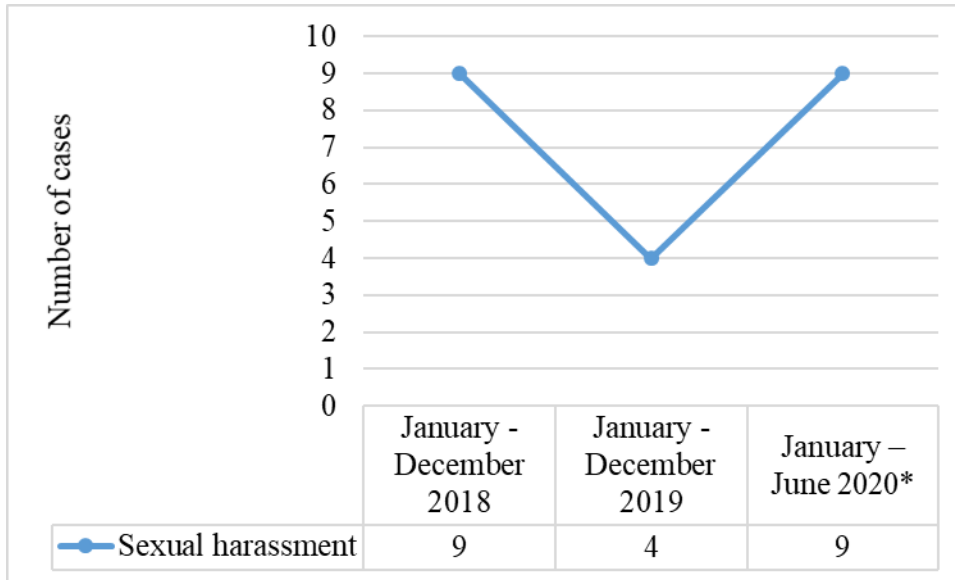


Figure 26: Denial of Resources Cases January 2018- June 2020

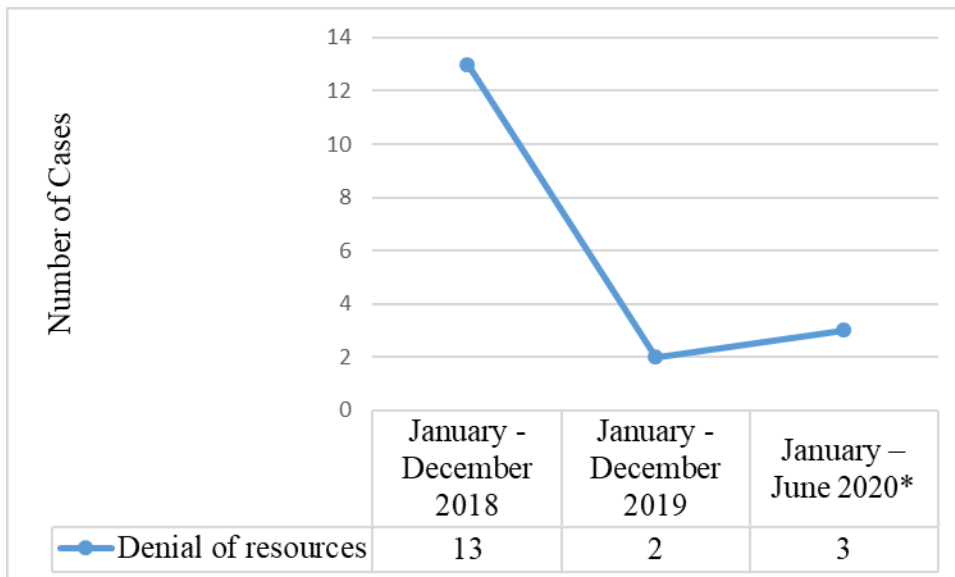
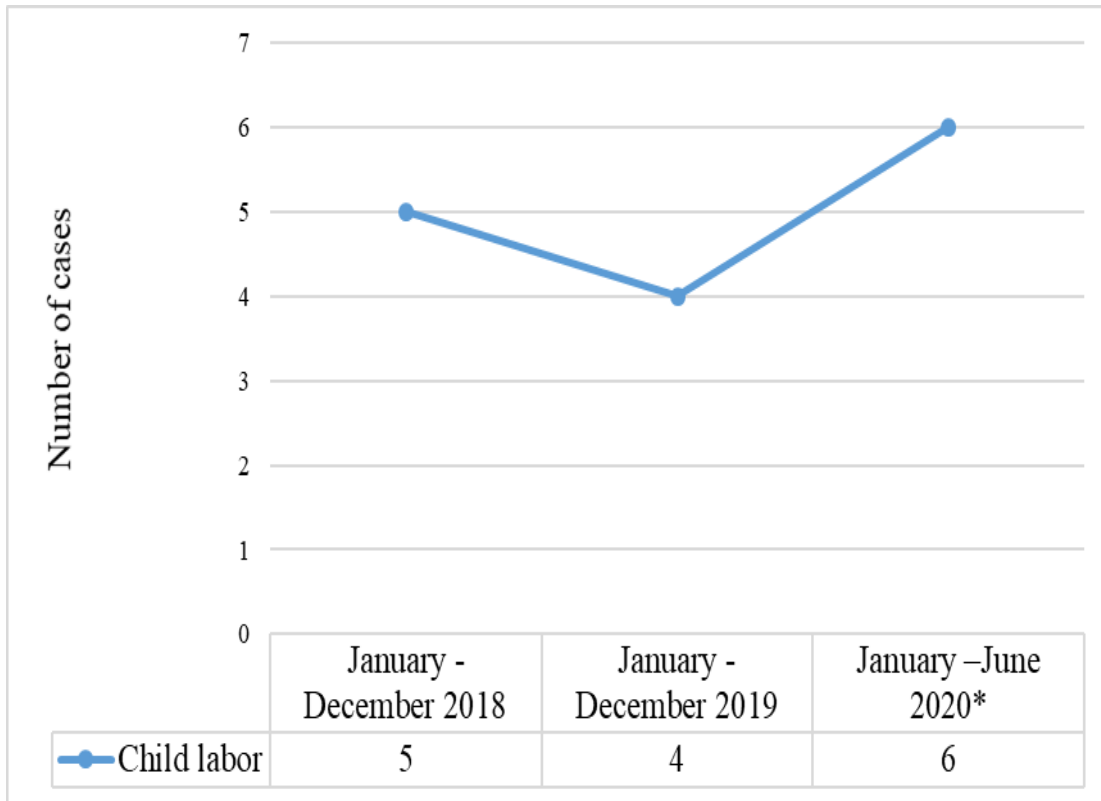


Figure 27: Child Labour Cases January 2018- June 2020



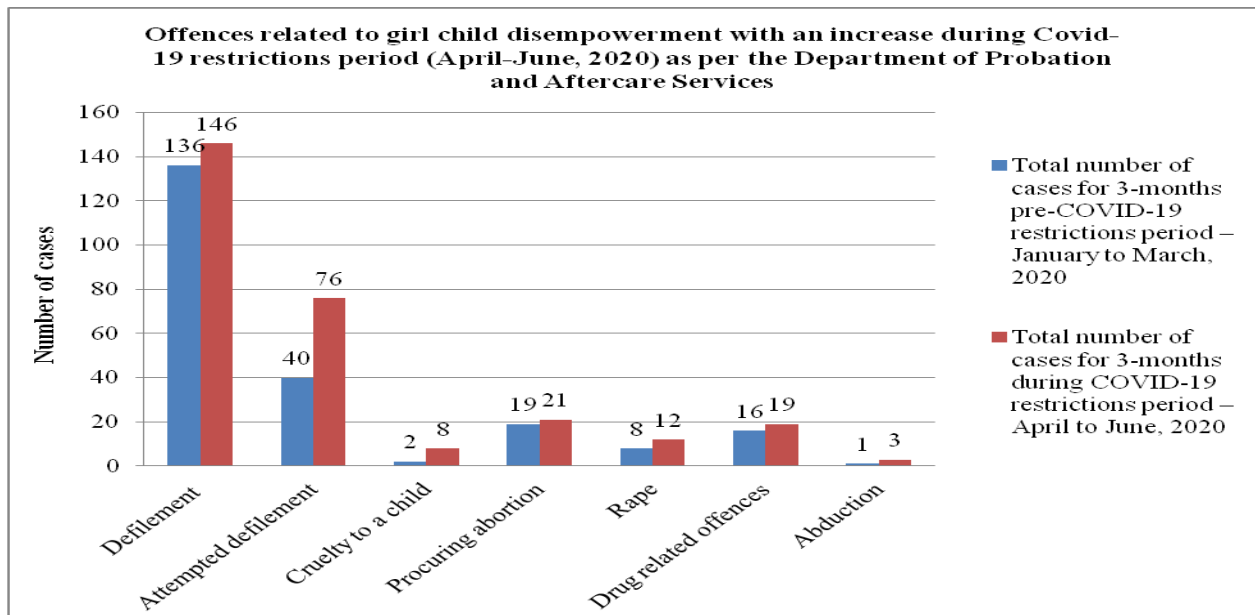
According to the Department of Probation and Aftercare Services, the year 2019 had a higher number (that of 1659) of cases of girl child disempowerment than in 2018 which recorded 1452 cases. As shown in Table 20 below, the Department handled 693 cases between January and June, 2020, that is, **41.8%** of the cases for full year 2019. This drop could be attributed to slowed activities within the Judiciary (as a result of COVID-19 pandemic) which refers almost all the cases addressed by Probation Officers. The top three most prominent forms of disempowerment handled between January and June, 2020 were defilement, attempted defilement and killing of an unborn child.

Table 20: Offences Related to Girl Child Disempowerment handled by the Probation and Aftercare Services from January, 2018 to June, 2020

Offences related to girl child disempowerment	Number of cases handled during January–December period		Number of cases handled during January –June, 2020 period		
	2018	2019	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
			Jan-March	April -June	
Defilement	440	579	136	146	282
Assault and grievous harm	229	113	22	6	28
Child Neglect	182	98	25	12	37
Attempted Defilement	129	244	40	76	116
Gang Rape	85	49	17	11	28
Cruelty to a child	85	13	2	8	10
Procuring abortion	60	119	19	21	40
Incest	48	114	15	10	25
Rape	48	44	8	12	20
Killing an unborn child	41	100	22	20	42
Child in need of care and protection	30	38	9	8	17
Concealing birth	28	55	8	1	9
Drug related offences	20	78	16	19	35
Female Genital Mutilation(FGM)	8	8	0	0	0
Child Labor	7	1	0	0	0
Manslaughter	7	1	0	0	0
Abduction	5	5	1	3	4
Total	1,452	1,659	340	353	693

As indicated in the Table above and Figure 28 below, the forms of girl child disempowerment which recorded an increase during the 3-months COVID-19 restrictions period between April and June, 2020 were defilement, attempted defilement, cruelty to a child, procuring abortion, rape, drug-related offences and abduction.

Figure 28: Offences related to Girl Child Disempowerment with an increase during COVID-19 restrictions period (April-June, 2020) as per the Department of Probation and Aftercare Services



Data recorded by Child Line Kenya through the Child Help Line 116 on violations against the girl child captured in Table 21 below indicates an increase. As of June, 2020, the cases were 60, a figure which is more than half those recorded in 2019 and 2018. Child marriage and teenage pregnancy were the leading forms of girl child disempowerment in 2019 and the period between January and June, 2020.

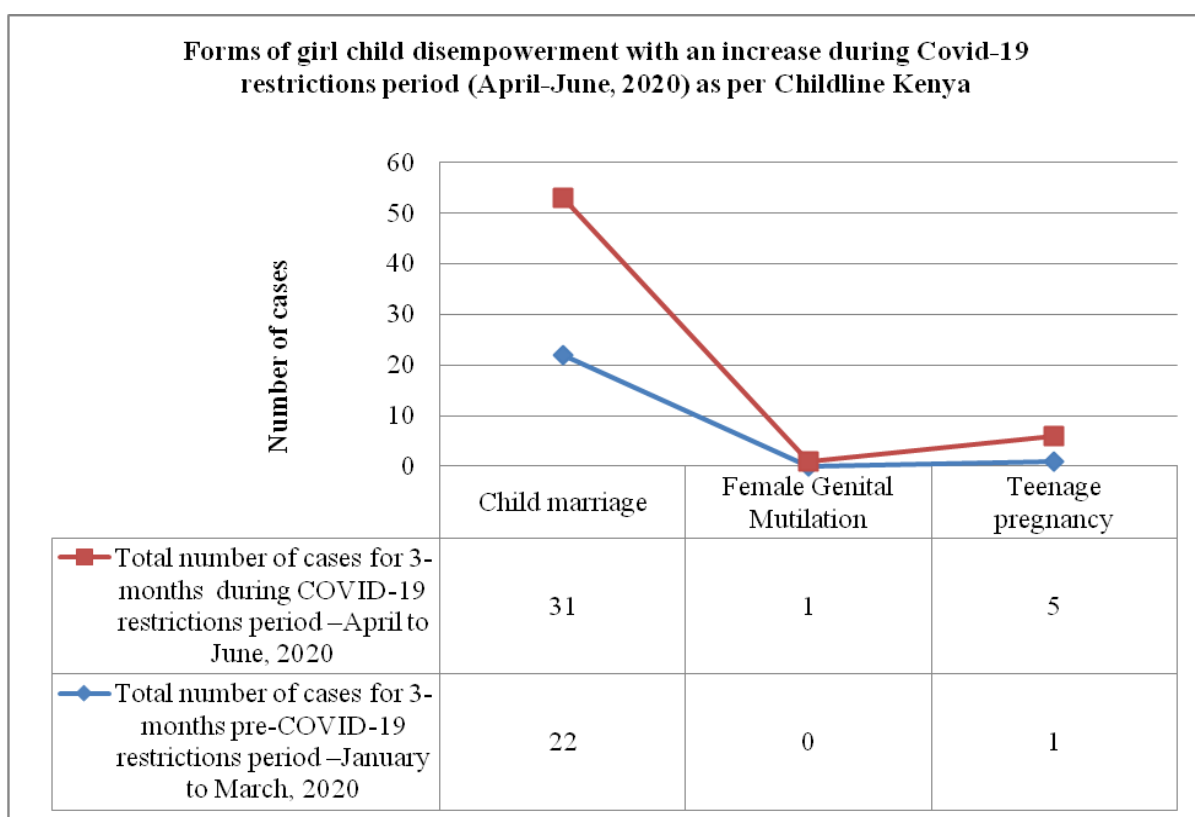
Table 21: Girl Child Disempowerment for the period January, 2018-June, 2020 recorded by Child Line Kenya

Forms of Girl Child Disempowerment	Number of cases reported during January–December period		Number of cases reported during January –June, 2020 period		
	2018	2019	3-months pre-COVID-19 restrictions period	3-months during COVID-19 restrictions period	Total for 2020
			Jan-March	April -June	
Child Marriage	67	57	22	31	53
Female Genital Mutilation	5	6	0	1	1
Teenage Pregnancy	0	11	1	5	6
Total	72	74	23	37	60

Source: Childline Kenya (Child Help Line 116) data for January, 2018 to June 2020

As indicated in Figure 29 below, cases of child marriage, teenage pregnancy and FGM increased during the 3-months COVID-19 restrictions period between April and June, 2020, with a total figure of 37 cases compared with 23 cases recorded during the 3-months pre-COVID-19 restrictions period between January and March, 2020. Therefore, there is a likelihood of these figures to continue rising with the current Covid-19 pandemic.

Figure 29: Forms of Girl Child Disempowerment with an increase during COVID-19 restrictions period (April-June, 2020) as per Child Line Kenya



The findings on forms of girl child disempowerment recorded during the January-June, 2020 period were summarized in order to better understand the situation in the context of the Covid-19 pandemic. As shown in Table 22 below, the most common forms of girl child disempowerment, as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were found to be child neglect, defilement, child abandonment, attempted defilement, killing an unborn child, child marriage, teenage pregnancy, Female Genital Mutilation and custody.

Table 22: Summary of top three forms of Girl Child Disempowerment handled and/or recorded by Each of the key Agencies between January and June, 2020

Forms of girl child disempowerment	Reporting of forms of girl child disempowerment (marked by a tick (√)) by different agencies				Number of agencies reporting the specific forms of girl child disempowerment
	Department of Children Services	Probation and Aftercare Services	Childline Kenya	State Department for Gender	
Child neglect	√			√	2
Defilement		√		√	2
Child abandonment	√			√	2
Attempted defilement		√			1
Killing an unborn child		√			1
Child marriage			√		1
Teenage pregnancy			√		1
Female Genital Mutilation			√		1
Custody	√				1

As highlighted in Table 23 below, the most common forms of girl child disempowerment handled and/or recorded by different key state and non-state agencies during the 3-months Covid-19 restrictions period of April to June, 2020 were defilement, attempted defilement, child marriage, teenage pregnancy, Female Genital Mutilation, procuring abortion, child neglect and custody.

Table 23: Summary of top three forms of Girl Child Disempowerment recorded by each of the key Agencies during the 3-months Covid-19 restrictions period of April to June, 2020

Forms of girl child disempowerment	Reporting of forms of girl child disempowerment (marked by a tick (√)) by different agencies			Number of agencies reporting the specific forms of girl child disempowerment
	Department of Children Services	Probation and Aftercare Services	Childline Kenya	
Defilement	√	√		2
Attempted defilement		√		1
Child marriage			√	1
Teenage pregnancy			√	1
Female Genital Mutilation			√	1
Procuring abortion		√		1
Child neglect	√			1
Custody	√			1

During the 3-months Covid-19 restrictions period of April to June, 2020, the forms of girl child disempowerment which recorded some increase in the number of cases were defilement, attempted defilement, child marriage, teenage pregnancy, Female Genital Mutilation, procuring abortion, cruelty to a child, rape, drug related offences, abduction, incest, internally displaced child and unlawful confinement. These findings are presented in Table 24 below.

Table 24: Summary of forms of Girl Child Disempowerment which recorded an increase during the 3-months Covid-19 restrictions period of April to June, 2020

Forms of girl child disempowerment	Reporting of forms of girl child disempowerment (marked by a tick (√)) by different agencies			Number of agencies reporting the specific forms of girl child disempowerment
	Department of Children Services	Probation and Aftercare Services	Childline Kenya	
Defilement		√		1
Attempted Defilement		√		1
Child marriage			√	1
Teenage Pregnancy			√	1
Female Genital Mutilation	√		√	2
Procuring abortion		√		1
Cruelty to a child		√		1
Rape		√		1
Drug related offences		√		1
Abduction		√		1
Incest	√			1
Internally displaced child	√			1
Unlawful confinement	√			1

The above findings on girl child disempowerment are consistent with those of other studies. For instance, a study by GoK 2019,⁴⁴ found that 18.4% of girls aged 13 years or younger, 26.6% aged 14-15 and 54.9% aged 16-17 had experienced sexual violence during childhood. Nearly two out of five girls (38.8%) had experienced physical violence before age 18. Specifically, 46.2% of girls aged 12-17, 42.7% by age 6-11 and 11.1% aged five or younger had experienced physical violence. Further, 7.3% of girls had experienced emotional violence before age 18 of these girls, 60.4 % had a first experience of emotional violence at age 12-17 years, while 39.6 % had experienced it at age 11 years and below.

2.2.4 Root Causes of Violations of Children's Rights and Girl Child Disempowerment

Data from agencies indicated in Table 25 below showed that the main root causes of Violations of Children's Rights and Girl Child Disempowerment

⁴⁴ Government of Kenya (2010). Violence against Children in Kenya: Findings from a 2010 National Survey. Summary Report on the Prevalence of Sexual, Physical and Emotional Violence, Context of Sexual Violence, and Health and Behavioural Consequences of Violence Experienced in Childhood. Nairobi: Government Printers.

Table 25: Root Causes of Violations of Children's Rights and Girl Child Disempowerment

	Before COVID-19 restrictions	Agencies reporting the root causes during COVID-19 restrictions			
Root causes	National Crime Research Centre (NCRC,(2020))	Probation and Aftercare Service	Childline Kenya	National Council for Population and Development	Number of agencies reporting the root cause during COVID-19 restrictions
Exposure to pornography		√			1
Poverty	√	√	√	√	3
Lack or limited access to sex education		√		√	2
Ignorance		√			1
No education			√	√	2
Harmful cultural practices	√		√	√	2
Early marriage				√	1
Alcohol and drug abuse	√			√	1
Peer pressure				√	1
Poor parenting				√	1
Child abuse including labour	√				
Sexual abuse	√			√	1
Orphan hood	√				
Conflict in the family	√				
Absentee parents	√				
Violence and mistreatment within the family	√				
Truant behaviour of a child	√				
Abandonment by parent	√				
Terminal illness	√				
Lack of collective action from the leadership			√		1
Conflict in gender roles			√		1
Lack of access to basic needs such as sanitary towels			√		1
Gender norms and discriminatory norms			√		1

NCRC report 2020, on Status of Child Protection in Charitable Children Institutions in Kenya⁴⁵ has highlighted a number of factors within the family and/or home setting which drive children out of their homes to Rescue Centres such as charitable children institutions. According to KII and FGD data obtained from the 24 sampled study counties, death of parent or orphan hood was reported in 21 counties, lack of parental care (in 19 counties), abandonment (in 19 counties), poverty (in 15 counties), harmful culture (in 14 counties), broken family relationship (in 12 counties), lack of family commitment to care for the child (in 11 counties), imprisonment of a parent (in 11 counties), child abuse including labour (in 11 counties), truant behavior of the child (in 10 counties) and terminal illness (reported in 10 counties). The specific reasons were: child's need for education (49.8%); poverty at home (49.1%); full and/or partial orphan hood (30.5%); abandonment by a parent (19.7%); absentee parent (12.1%); conflicts in the family (6.8%); truant behavior of the child (5.8%); violence and mistreatment within the family (6.0%); sexual abuse (3.4%); alcohol and drug abuse by parents (2.6%); terminal illness of the parent and/or the child (1.6%); retrogressive culture such as early marriage (0.6%); and early pregnancy (0.3%). These factors contribute to violations against children's rights and are also forms of violations against the child.

According to GoK report 2019, on Violence against Children,⁴⁶ the factors contributing to violations of children rights and girl child disempowerment include amongst others: food insecurity- where 39.6% of female children who experienced food insecurity were significantly more likely to experience sexual and physical violence in the past 12 months compared to 25.5% of female children who had not experienced food insecurity. Similarly, 41.3% of male children who experienced food insecurity were significantly more likely to experience sexual and physical violence in the past 12 months compared to (19.6%) male children who did not experience food insecurity; **Sexual risk-taking behaviours** such as having multiple sexual partners which is increasingly associated with sexual violence (4.9% for girls and 69.3% for boys); **technology influence**- it was found out that 21.8% of girls and 12.6% of boys had experienced peer emotional violence online or through technology in the past 12 months; and **socio-cultural values, beliefs and traditional gender norms**- for instance, it was found out that 50.5% of girls aged 13-17 years perceived that it was acceptable for a husband to beat his wife for one or more reasons.

2.2.5 Perpetrators of Violations of Children's Rights and Girl Child Disempowerment

According to the Kenya Police Service data, the main perpetrators of violations of Children's Rights and girl child disempowerment during the COVID-19 restrictions are youths, relatives, adults and mothers. According to Childline Kenya, the perpetrators are parents, neighbors, siblings and Charitable Children's Institution staff. According to Probation and

⁴⁵ National Crime Research Centre (2019). Status of Child Protection in Charitable Children Institutions in Kenya: Draft Report NCRC

⁴⁶ Ministry of Labour and Social Protection of Kenya, Department of Children's Services. Violence against Children in Kenya: Findings from a National Survey, 2019. Nairobi, Kenya: 2019.

Aftercare Services, the main perpetrators of girl child disempowerment during COVID-19 restrictions are parents while Childline Kenya captures them as members of immediate family, members of extended family, neighbors, teachers, religious leaders and boda boda operators. NCRC report of 2014,⁴⁷ identified the perpetrators to include; FGM practitioners, female members of family (including step-mother, step sister) some police officers, teachers, doctors and nurses.

Also, NCRC report of 2018,⁴⁸ profiled the major specific categories of perpetrators of violence against children within the family and home setting to include mothers, other children, fathers, siblings, step-siblings, step-fathers, step-mothers, drunkard family members, house help/caregivers and other members of the extended family. In terms of gender, findings from Probation Officers' Social Inquiry Reports on offenders showed that majority (81.2%) of the perpetrators of violence against children were male. FGDs also revealed that men or males (whether as fathers, uncles, grandfathers, brothers and sons) were the main perpetrators of the violence. In terms of age, majority (54.2%) of the perpetrators were aged between 18 and 33 years, out of whom 31.3% were males aged between 26 and 33 years. This implies that the majority of the perpetrators were youthful males.

According to GoK 2019 report,⁴⁹ girls aged 13-17 had experienced sexual violence from a current or previous spouse (in the context of early/forced marriages), boyfriend/ girlfriend (23.8%), a neighbour (16.2%), a classmate/schoolmate (15.9%), a family member (10.1%), or a friend (9.1%). Among boys, the most common perpetrators of the most recent incident of sexual violence in the past 12 months were a current or previous spouse (in the case of early/forced marriages), boyfriend/girlfriend (45.8%), a stranger (45.8%), a family member (7.2%), or a classmate/schoolmate (4.3%). Other perpetrators of violations against children rights and girl child disempowerment include some persons in authority (for example some chiefs, some police officers), sections of boda boda operators, some matatu touts and operators and estate caretakers.

⁴⁷ National Crime Research Centre (2014). Gender-based Violence in Kenya. Nairobi: NCRC

⁴⁸ National Crime Research Centre (2018). Challenging Domestic Violence in Kenya: Creating a National Platform for an Evidence Based Response. Nairobi: NCRC

⁴⁹ Ministry of Labour and Social Protection of Kenya, Department of Children's Services. Violence against Children in Kenya: Findings from a National Survey, 2019. Nairobi, Kenya: 2019.

CHAPTER THREE: SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

3.1 Summary of Findings

This review established that: the number of GBV cases recorded between January and June, 2020 had an **increase of 92.2%** compared with those of between January and December, 2019, Kenya Police Crime Statistics Report 2020,⁵⁰ the most common forms of GBV, as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were assault, physical assault, rape/attempted rape, murder, sexual offences, defilement, grievous harm, physical abuse, child marriage, psychological torture and child neglect; the most common forms of GBV handled and/or recorded by different key state and non-state agencies during the 3-months COVID-19 restrictions period of April to June, 2020 were murder, sexual offences, defilement, grievous harm, attempted defilement, sexual abuse, physical abuse and child marriage; and the forms of GBV which recorded an increase in the number of cases during the 3-months Covid-19 restrictions period of April to June, 2020 were defilement, attempted rape, rape, subjecting children to torture, attempted defilement, gang rape, gang defilement, threatening to kill, attempted murder, arson, sexual communication with a child, sexual abuse, physical abuse, child abduction/kidnapping, emotional abuse, child marriage, Female Genital Mutilation, child prostitution, child radicalization and online abuse.

The review established that: **71.0%** of the 2,416 cases of GBV (that is, 1,716 cases) reported between January and June, 2020 were female victims, that is, **10 females daily** (State Department for Gender, 2020); the main perpetrators of gender-based violence are the youthful males aged 18-33 years who are in a family and/or intimate partner relationship context. Victims of GBV are majorly girls, women and children. The factors contributing to GBV in Kenya include: alcohol, drug and substance abuse; poverty; family/ domestic disputes; and retrogressive cultural (including religious) beliefs and practices and male dominance (including undermining masculinity); poor parenting/upbringing and moral decadence; identity crisis among the youthful population; and inadequate support system.

Findings have shown that: the total number of cases of violations of children's rights rose from 51,991 in 2017 to 158,933 in 2019 thus representing a **205.6% increase** within a period of three (3) years (**or average of 68.5% increase per year**) with child neglect, child custody and child abandonment being the top three forms of violations between January 2017 and June, 2020 (DCS, 2020; KNBS, 2020). Also from their reports 43,051 children were violated between January and June, 2020 especially through child neglect, that is, an average of **239 children daily**,⁵¹ the most common forms of violations of children's rights, as categorized

⁵⁰ Kenya Police Service, (2020) Crime Statistics

⁵¹ Department of Children Services. (2020). Government of Kenya.

and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were child neglect, custody, child abandonment, incest, infanticide, defilement, attempted defilement and maintenance and custody; the most common forms of violations of children's rights handled and/or recorded by different key state and non-state agencies during the 3-months Covid-19 restrictions period of April to June, 2020 were child neglect, custody, child abandonment, defilement, attempted defilement and maintenance and custody; during the 3-months Covid-19 restrictions period of April to June, 2020, the forms of violations of children's rights which recorded some increase in the number of cases were child abandonment, defilement, attempted defilement, Female Genital Mutilation, internally displaced child, unlawful confinement, grievous harm, killing an unborn child and child labor.

With regard to girl child disempowerment: the total number of cases of girl child disempowerment rose from **26,182** in 2017 to **79,949** in 2019 thus representing a **305.4%** increase within a period of three (3) years (compared with the overall increase of child violations of **205.6%**) with child neglect, child custody and child abandonment being the top three forms of violations between January 2017 and June, 2020.⁵² In addition, 19,884 girls were disempowered between January and June, 2020 especially through neglect, custody, abandonment and defilement, that is, an average of **111 girls daily**,⁵³ the most common forms of girl child disempowerment, as categorized and handled and/or recorded by different key state and non-state agencies between January and June, 2020 were found to be child neglect, defilement, child abandonment, attempted defilement, killing an unborn child, child marriage, teenage pregnancy, Female Genital Mutilation and custody; the most common forms of girl child disempowerment handled and/or recorded by different key state and non-state agencies during the 3-months Covid-19 restrictions period of April to June, 2020 were defilement, attempted defilement, child marriage, teenage pregnancy, Female Genital Mutilation, procuring abortion, child neglect and custody; and that during the 3-months Covid-19 restrictions period of April to June, 2020, the forms of girl child disempowerment which recorded some increase in the number of cases defilement, attempted defilement, child marriage, teenage pregnancy, Female Genital Mutilation, procuring abortion, cruelty to a child, rape, drug related offences, abduction, incest, internally displaced child and unlawful confinement.

The main perpetrators of violations of children rights and girl child disempowerment are immediate family members and extended family members followed by outsiders such as schoolmates, neighbours, boy/girlfriends, Female Genital Mutilation practitioners, person in authority (e.g. some chiefs, some police officers), some teachers, some doctors and nurses,

⁵² Department of Children Services. (2020). Government of Kenya; Kenya Bureau of Statistics, 2020. Economic Survey (2020), Nairobi. Government Printers

⁵³ Department of Children Services. (2020). Government of Kenya

other children, house help/caregivers, sections of boda boda operators, some matatu touts and operators and estate caretakers.

The root causes of violations of children rights and girl child disempowerment include: death of parent or orphan hood; lack of parental care; abandonment; poverty; broken family relationship; lack of family commitment to care for the child; imprisonment of a parent; child abuse including labour; truant behavior of the child; illness of the parent and/or the child; child's need for education; absentee parent; conflicts in the family; violence and mistreatment within the family; sexual abuse; alcohol and drug abuse by parents; retrogressive cultural practices; early marriage; early pregnancy; food insecurity; sexual risk-taking behaviours; and technology influence.

3.2 Conclusions

Based on the findings, the conclusions drawn are:

1. There is a likelihood of increase in family-based crimes, offences and violations partly due to the circumstances of the Covid-19 pandemic.
2. There is a sustained prevalence and escalating trend of physical violence within the family set up orchestrated majorly by the male figure.
3. There is a confirmed escalating trend of violations of children's rights including girl child disempowerment.
4. There is a likelihood of increased teenage pregnancy, school drop-out and juvenile delinquency.
5. There is a link between dysfunctional socio-cultural value system within the family and the increasing cases of gender-based violence, violations of children's rights and girl child disempowerment.
6. There is observable variations/inconsistency in data categorization, capture and reporting among different agencies addressing issues of GBV and violations of children's rights in Kenya. This causes disparity in reported (known to police) and unreported cases largely captured by other state departments, hence negating the spirit of integration and multi-agency/sector approach in addressing public safety and security in Kenya.
7. There is a likelihood of post-COVID-19 period confounding the forms of family-based crimes and violations in the country because of the uncertainties and unpredictability of the pandemic.

3.3 Recommendations

Interventions to address the problems identified in this review need to be directed to public service lead departments, and require a multi-sectoral/agency approach. Arising from the findings and conclusions of this study, the following are policy and operation

recommendations for government and non-state actors to address gender-based violence, girl child disempowerment and child rights violations in Kenya. The emphasis of this study is about prevention, albeit enforcement in some cases to deal with the risk factors which constitute offences.

3.3.1 Policy Recommendations

Lead Agency - The Presidency

- i) Inspire a national agenda and campaign to '*reclaim the Kenyan family*' organized in a structured and systematic manner with elected, appointed and ordained leaders against socialization and normalization of violence in the family and violence against women and children with special focus being on persistent retrogressive/harmful cultural and traditional practices such as female genital mutilation (FGM), early/forced child marriages, wife battery and wife inheritance which demean and disempower girls and women in Kenya.
- ii) Strengthening the role of the Department of Children Services and the National Council for Children Services (especially the Area Advisory Councils) especially through enhanced human resourcing and mainstreaming of child protection in functional operations of both public and private institutions.
- iii) Declaration and prioritization of management of GBV and children services as essential and critical services.

Lead Agency - Council of Governors

- i) The Council of Governors needs to make it a standing agenda the strengthening of community livelihoods improvement programme targeting the youth as a national dividend by way of economic zones (for example, Export Processing Zones (EPZ)), enhanced employment opportunities, skills development and business start-ups.

Youth especially those faced with the stresses of poverty and unemployment have been identified as the main perpetrators of family-based violence. They therefore need the right empowerment as opposed to subjection to the criminal justice processes of an offender.

- ii) There is need for the establishment of One-Stop Centres for survivors of GBV across the 47 Counties.

Gender Officers serve to coordinate and ensure gender equality and equity, including promoting the survival and livelihoods, social protection and development of children, the vulnerable and excluded and persons with disability. In discharging this role, the key is to achieve an integrated fulfillment of their rights, empowerment and participation into National development. Holding regular exchange of ideas

with the sister structure in the devolved government and Gender Office spearheading the establishment of One-Stop Centres for survivors of mistreatment, sexual, physical & emotional abuse across the 47 Counties, modeling them along the Huduma Centres is vital.

- iii) Governors need to prioritize: advocacy against secret relationships/sponsors”; integration of services in reporting, referral, tracking, intervention and placement of victims and survivors in safe shelters; and social services related to smooth access to health services (such as Linda Mama programme) by teen/child mothers.

Lead Agency - National Government Administration officials (NGAO) and County government devolved level units.

- i) Hold regular exchange of ideas and set up local parenting and fatherhood clusters to fight against family-based crimes and violations.

Family protection is one of the leading functions of the Public Service. National government administration officials (NGAO) and County government devolved level units serve as guardians of public policy and civic responsibility in their areas of jurisdiction. Likewise, as public officials they also live private life and understand local cultural sensitivities. As lead agencies, they operate grassroots departments, are involved in security issues and self-governance of the people and participate in the exercise of powers of the State and in making decisions affecting the local community.

- ii) There is need to escalate the current efforts of strictly regulating gambling and especially online betting.
- iii) There is need for strict regulation of the sale of second generation alcoholic beverages and drinks.

County governments should see alcohol as a largely destructive influence and limit its licensing accordingly.

Lead Agency - Ministry of Interior and Coordination of National Government

There is need to institutionalize and empower Nyumba Kumi (which has about 387,000 clusters in the country) as a community-based structure for alternative dispute resolution and first line responder (in terms of reporting, surveillance and monitoring) to crimes and violations happening in the local community and private spaces or ‘behind-closed-door’ settings of the family.

There is opportunity to utilize Nyumba Kumi at the community level - beyond the chief, police and Children’s Department, relatives, friends, and community-based organizations

(CBOs) for increased reporting, surveillance and monitoring of violation of children's rights and 'behind-closed-door' gender-based violence. Through Nyumba Kumi, family violence will move from private spaces in the household to public space where common dialogue and communication is promoted. Data from the Nyumba Kumi (community safety) initiative, reveals that to achieve successful security agenda setting, elected, ordained and appointed leaders working together contributes sixty percent (60%); community thirty percent (30%); and law enforcement a mere ten percent (10%).

Lead Agency - Ministry of Education

- i) There is need for education sector agencies to deepen the existing structures of guidance and counselling with a special focus on online guidance and counselling targeting educational, vocational and personal/social life of learners (at all levels of education service) who are currently at home due to the COVID-19 pandemic.

The role of career departments and guidance and counselling in school setting is to help the learners to develop their own understanding of their situation, including the opportunity to express difficult feelings such as anger, resentment, guilt and fear in a confidential environment.

- ii) Strengthen the curriculum and school syllabus that address child rights, reproductive health and sex education in schools to empower children to speak out against violations of their rights and other abuses.
- iii) School-based child friendly mechanisms for reporting violations (such as confidential reporting boxes/booths) need to be prioritized.

Lead Agency - Department of Children Services

- i) There is need to formulate, plan and implement out-of-school programs for children across the country to keep them occupied.
- ii) Work/life balance programs for parents aimed at improving care and support of their children are necessary.

Lead Agency - Directorate of National Values and Cohesion and Department of Culture

- i) There is need for a Summit to dialogue on Kenya's value system and its role in the protection of the Kenyan family.

Article 10 (2) of the Constitution provides the national values and principles of governance, including patriotism, national unity. Therefore, the Directorate of National Values and Cohesion needs to organize a Summit where the President and Governors will sit and provide a platform for exchange of ideas on protecting the sanctity of the Kenyan family through a progressive national value system.

- ii) There is need for institutionalization of national ethos and values and the bill of rights at family level through socio-cultural approaches and religious institutions.
- iii) There is need for revival of some traditional institutions and systems that nurture family and community with a special focus on eldership system, customary law and traditional dispute resolution mechanism to the front of family and community wellbeing.

Lead agency -Ministry of Labour and Social Protection and non-state actors

- i) There is need to build community and family resilience against gender-based violence, violation of children rights and girl child disempowerment through effective parenting and family well-being therapy extension services at Ward level managed by well-trained Social Development Officers and Lay Volunteer Counselors.
- ii) There is need to establish safe houses for survivors of GBV and violated children with a special focus on adults and children living with disabilities.
- iii) The Department of Social Development to undertake revitalization of community social welfare and self-help groups through incentivized registration and socio-cultural activities (especially through grants) aimed at providing social and economic support to members.

Lead agency -Ministry of Information, Communications and Technology

Lead in coordinated, sustained and prioritized family wellbeing thematic media engagements through print, national TV and radio station akin to the Covid-19 pandemic situation in Kenya.

Lead agency - Ministry of Health

Prioritize national mental health and psycho-social support system in Kenya that addresses the risk factors associated with gender-based violence, violation of children rights and girl child disempowerment.

Lead agency- National Crime Research Centre and National Data Centre

- i) The National Crime Research Centre and the National Data Centre need to spearhead a **standardized National Register of family-based offences and violations** with clear definitions, reporting tool and framework for GBV and violations of children's rights.

There are gaping holes in data around family violence, girl child disempowerment and child rights violation issues majorly because there is no uniform reporting tool

and framework. State and non-state agencies undertake reporting and classification based on their mandates and different standards. Harmonization of the terms used in family-based offences/crimes and violations is also critical. For instance, some agencies put in one category all sexual offences while some separate them as defilements, rape, sexual assaults, etc thus posing challenges with regard to interventions for specific sexual offences.

- ii) The National Crime Research Centre develops a **Centralized National Crime Data Repository and System**

For policy coherence, conducting and collating data and research should have a vibrant engagement by a government body and academia. It is important that a family research agenda be developed, implemented and shared. Specific areas of focus might include an analysis of family violence dynamics (reporting and referral tracing, investigating and apprehending). It is further recommended that other than academic research, the approach should be participatory where relevant actors come together around different issues and engage in a participatory action research on family issues.

Criminal Justice Agencies

- i) Establishment of a multi-agency team focused on, among others, a seamless strategic approach for the identification, profiling, investigation, prosecution and rehabilitation of perpetrators of GBV and violators of children's rights is recommended.
- ii) There is need to establish a National register of profiled convicted offenders of the serious forms of gender-based violence, violation of children rights and girl child disempowerment accessible to the public.
- iii) There is need to undertake expeditious disposal of justice in the best interest of the child through improved reporting, investigations, evidence handling and witness management.
- iv) There is need to establish and/or strengthen GBV and child victim protection units across the agencies in the criminal justice system.

3.3.2 Recommendations for Further Research

There is need for a comprehensive national study to establish the magnitude of gender-based violence, violations of children's rights and girl child disempowerment in Kenya.

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ANNEX: Letter to agencies requesting for data



NATIONAL CRIME RESEARCH CENTRE

Telephone: Nairobi 020-2714735/0722980102
When replying please quote

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Ref. No. NCRC/CONF/RSCH/VOL.II/(37)

Email: director@crimeresearch.go.ke

13th July, 2020

The Chief Registrar of the Judiciary
NAIROBI

The Principal Secretary
Interior and Coordination of National Government
NAIROBI

The Director of Public Prosecutions
Office of the Director of Public Prosecutions
NAIROBI

The Director General
National Intelligence Service
NAIROBI

The Inspector General of Police
National Police Service
NAIROBI

The Director
Directorate of Criminal Investigations
NAIROBI

The Commissioner General
Kenya Prisons Service
NAIROBI

The Director
Probation & Aftercare Service
NAIROBI

The Commission Secretary/CEO
Kenya National Commission on Human Rights
NAIROBI

The Commission Secretary/CEO
National Gender & Equality Commission
NAIROBI

The Government Chemist
NAIROBI

The Director General
National Council for Population and Development (NCPD)
NAIROBI

The Chairperson
Maendeleo Ya Wanawake Organization (MYWO)
NAIROBI

The Executive Director
Kituo Cha Sheria
NAIROBI

The Secretary General
National Council of Churches in Kenya (NCCCK)
NAIROBI

The Secretary General
Catholic Justice and Peace Commission (CJPC)
NAIROBI

The Administrator
Supreme Council of Kenya Muslims (SUPKEM)
NAIROBI

The Chief Executive Officer
Nairobi Women's Hospital – Gender Violence Recovery Centre
NAIROBI

The Executive Director
Child Line Kenya
NAIROBI

The Executive Director
Center for Rights Education & Awareness (CREAW)
NAIROBI

The Executive Director
The CRADLE-The Children Foundation
NAIROBI

The Executive Director
FIDA-Kenya
NAIROBI

The Executive Director
Kenya Human Rights Commission
NAIROBI

The Executive Director
Coalition on Violence Against Women
NAIROBI

The Executive Director
African Institute for Children Studies
NAIROBI

The Chairperson
Maendeleo Ya Wanaume Coalition
NAIROBI

The Country Director
Terres Des Hommes
NAIROBI

The Director
LVCT Health
NAIROBI

Dear All,

**RE: REQUEST FOR DATA ON GENDER-BASED VIOLENCE, GIRL CHILD
DISEMPOWERMENT AND VIOLATIONS OF CHILDREN RIGHTS IN KENYA 2020, 2019
AND 2018**

The National Crime Research Centre (NCRC) is a State Corporation in the Ministry of Interior and Coordination of National Government mandated to carry out research into crime, causes of crime, and its prevention and disseminate such research findings and recommendations to Government Agencies concerned with the administration of criminal justice for policy formulation and planning.

As you are aware, the President directed and ordered the National Crime Research Centre to probe the escalating cases of Gender Based Violence, the worrying trend of cases where the girl child has been disempowered and the violation of children's rights. He further directed the Centre to prepare an advisory to our security agencies on remedial action within thirty (30) days from the date hereof and initiate immediate prosecution of all violators.

The purpose of this letter is to kindly request for gendered information/data on Gender-Based Violence (GBV), Girl Child Disempowerment and Violations of Children Rights related to your organization's mandate for the years 2020, 2019 and 2018. We would appreciate to receive the data by **23rd July, 2020** in the format indicated below. The data to be received will be treated with utmost confidentiality and will be utilized for purposes of policy-advisory research.

Please feel free to email us the information at director@crimeresearch.go.ke and/or contact **Dr. Victoria Gioto**, victoriagioto@crimeresearch.go.ke, Tel No. +254 720 713 621.

(a) Data on Gender Based Violence (GBV) in Kenya: 2020, 2019 & 2018

Name of Organization: _____

Table: Data on GBV in Kenya

Form/Type of GBV-related crimes/ Offences recorded between 2020 2019 and 2018 (disaggregated monthly)	Frequency (no. of cases)	Category of persons prone to be perpetrators of the GBV-related crimes/ Offences	Category of persons prone to be victims of the GBV-related crimes/ Offences	Triggers /Drivers / risk factors contributing to increase in GBV cases	Consequences of GBV	Interventions employed to address GBV and/or mitigate against the negative impact	Challenges in addressing GBV	Policy and programmatic Recommendations to effectively address GBV
1.								
2.								

(b) Data on Girl Child Disempowerment: 2020, 2019 & 2018

Name of Organization: _____

Table: Data on Girl Child Disempowerment in Kenya

Form/Type of Girl Child Disempowerment related crimes/ Offences recorded between 2020, 2019 and 2018 (disaggregated monthly)	Frequency (no. of cases)	Category of persons prone to be perpetrators of the Girl Child Disempowerment related crimes/ Offences	Triggers/Drivers/ risk factors contributing to increase in Girl Child Disempowerment cases	Consequences of Girl Child Disempowerment	Interventions employed to address Girl Child Disempowerment and/or mitigate against the negative impact	Challenges in addressing Girl Child Disempowerment	Policy and programmatic Recommendations to effectively address Girl Child Disempowerment
1.							
2.							

(c) Data on Violations of Children Rights: 2020, 2019 & 2018

Name of Organization: _____

Table: Data on Violations of Children's Rights

Form/Type of violations of children rights related crimes/ Offences recorded between 2020,2019 and 2018 (disaggregated monthly)	Frequency (no. of cases)	Category of persons prone to be perpetrators of the violations of children rights related crimes/ offences	Category of children prone to be victims of the violations of children rights	Triggers/Drivers/ risk factors contributing to violations of children rights	Consequences of violations of children rights	Interventions employed to address violations of children rights and/or mitigate against the negative impact	Challenges in addressing violations of children rights	Policy and programmatic Recommendations to effectively address violations of children rights
1.								
2.								

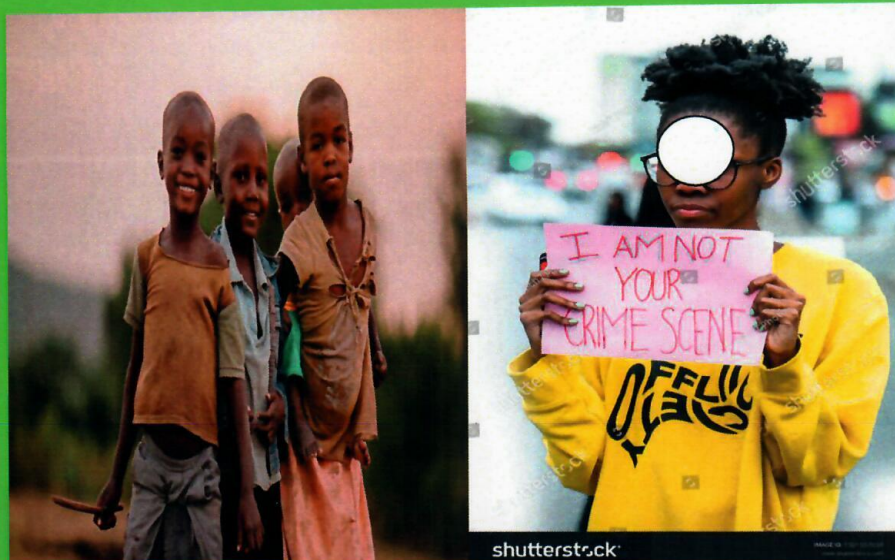
Thank you for your continued cooperation.

Yours sincerely,



GERARD E. WANDERA
DIRECTOR/CEO
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C.C Hon. Justice Paul Kihara Kariuki
The Attorney General/Chairman
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ISBN 978-9966-7493-1-4



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