



NATIONAL POLICE SERVICE

**STANDARD OPERATING  
PROCEDURES FOR  
PREVENTION AND  
RESPONSE TO GENDER  
BASED VIOLENCE IN KENYA**



## **DISCLAIMER**

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# **ABBREVIATIONS**

APS	Administration Police Service
CPC	County Police Commander
CPU	Child Protection Unit
CUC	Court Users Committee
DCI	Directorate of Criminal Investigations
DCIO	Divisional Criminal Investigations Officer
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GU	Gender unit
HIV	Human Immuno-deficiency Virus
JT	Jamii Thabiti
KPS	Kenya Police Service
MOH	Ministry in charge of Health
NAP	National Action Plan
NGAO	National Government Administration Officers
NPS	National Police Service
NGEC	National Gender and Equality Commission
OB	Occurrence Book
OCS	Officer Commanding Police Station
ODPP	Office of the Director Public Prosecutions
PRCF	Post Rape Care Form
PWD	Persons Living With Disabilities
SEA	Sexual Exploitation & Abuse
SOPs	Standard Operating Procedures
STI	Sexually Transmitted Infection
SV	Sexual Violence
VAWG	Violence against Women & Girls
WEL	Women Empowerment Link

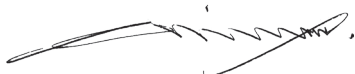
## FOREWORD

**T**he National Police Service is among the frontline service providers in prevention and response to Gender Based Violence (GBV). Consequently, the nature and quality of services provided to survivors of GBV is vital given that most violations are first reported at Police Stations, Posts and Patrol Bases.

These NPS Standard Operating Procedures draw largely in part from the Multi-Sectoral Standard Operating Procedures for Response and Prevention of Sexual Violence in Kenya, which is the first comprehensive document focusing on protection, care and treatment of sexual violence survivors; prevention of sexual violence; and management of sexual violence cases. They were developed by the Task Force on Implementation of the Sexual Offences Act set up by the Attorney General pursuant to the provisions of Section 47 of the Sexual Offences Act. They provide a clear and detailed description of actions to be taken by the Police in handling sexual & gender-based violence cases. The purpose is to provide a standardized tool to enable the NPS deliver effective and timely services in prevention and response to GBV.

The NPS is committed towards People Centered Policing through community partnership and upholding the rule of law for a safe and secure society as demonstrated in our mission statement. These SOPs blend well with other reforms documents that provide readily available reference materials for Police officers, and translate into standardized operations that give the survivor a positive experience and eventually lead to reduced incidences of GBV.

All officers are encouraged to utilize this important tool in order to enhance delivery of justice to victims of this vice. Synergy through a coordinated multi-agency approach by all duty-bearers and service providers will greatly enhance the safety and security of women, girls and the vulnerable groups in our society.



**Joseph K. Boinnet, M.**  
**Inspector General National Police Service**

# ACKNOWLEDGMENTS

**T**he development of this Standard Operating Procedures (SOPs) was made possible by collaboration between the National Police Service, Jamii Thabiti and Women's Empowerment Link. Their commitment to the process, both human and material resources to realize the SOPs cannot be overemphasized.

Great appreciation go to the Inspector General of National Police Service for his committed support towards the development of these SOPs. I also wish to thank the Director of Reforms KPS, Director of Gender APS, and the Director of Reforms DCI and their staff for taking keen interest in this process and giving it their total support.

I also acknowledge and thank the Chief of Party, Coffey International-Jamii Thabiti Programme which focuses on mitigating Violence Against Women and Girls (VAWG). This will not be complete without mentioning Women's Empowerment Link (WEL) that worked tirelessly with the technical team to ensure that this document is finally produced.

Finally, I thank all stakeholders who participated and gave their invaluable input through all stages of the development of these SOPs. These include; Office of the Director of Public Prosecutions (ODPP), Department of Probation & After-Care Services, Department of Children's Services, Ministry of Health, the Judiciary, National Gender and Equality Commission (NGEC), the civil society among others.

It is envisaged that the SOPs will be applied in all police stations across the country, and that it shall transform approaches to handling GBV cases in a professional and standardized manner. Strict adherence to these procedures will enhance prevention and response mechanisms in a collaborative and coordinated manner.



**Jaspher Nyauma Ombati, MBS. Director Reforms  
NATIONAL POLICE SERVICE**



## JAMII THABITI NOTE

**J**amii Thabiti is a UKaid funded programme working to strengthen and support National, County and Community institutions to provide more effective, accountable and responsive safety and security services to communities in Kenya.

Jamii Thabiti is managed by Coffey International and implemented through a consortium of partners, committed to addressing three forms of violence: Intercommunal violence; criminal violence and violence against women and girls in eight counties.

Through a partnership with the National Police Service, Jamii Thabiti aims to “increase security and safety for men, women and children in Kenya, through greater institutional capacity to prevent and respond to violence”. The development of this Standard Operating Procedures (SOPs) is supported through its Violence Against Women and Girls (VAWG) mitigation programme. It provides a framework and tool to enhance provision of police services for persons affected by gender-based violence (GBV).

I wish to thank the dedicated team of National Police Service officers; Jamii Thabiti staff, technical experts, survivors of GBV and partners for their commitment in ensuring successful development of this SOP. We look forward to further collaboration in its operationalisation and to achieving sustainable solutions to prevention and response to GBV in Kenya.

*Jacqueline Mbogo*

**Jacqueline Mbogo**  
**Chief of Party**  
**Jamii Thabiti**

## **PREFACE**

**T**his document has been developed to provide a comprehensive, coherent and sustained strategy for the prevention and response to GBV by the NPS. It focuses on improved survivor experience; effective investigations; community sensitization; collaborations and policing; training of officers in the handling of GBV; and strengthened partnership between multi-sectoral players.

Women's Empowerment Link provided technical support as collaborating partner of Jamii Thabiti. It has been a long and arduous journey, and we are committed to support the implementation process alongside other partners. We trust that it shall have a positive impact and shall go a long way in elimination of GBV in Kenya.



**Virginia Nduta**  
**Executive Director**  
**Women's Empowerment Link**

## BACKGROUND

**G**ender based violence is a global phenomenon of pandemic proportions with an impact on all societies. It violates the rights and fundamental freedoms of survivors, families and communities. In particular, violent practices that victimize women and girls transcend social, cultural, ethic and physical boundaries. Violence directed towards women can and does take many forms and can have terminal consequences. It can be overt or subtle, verbal, psychological or physical and can be directed towards any member of a community on the basis of their gender.

Gender based violence can be defined as any act that result in, or is likely to result in, physical, sexual or psychological harm or suffering including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life, subjected to the individual on the basis of their gender.

Police are at the frontline of the criminal justice system. They are often called upon to intervene when an act of violence is in progress or after it has occurred. They work with victims, offenders, witnesses and various forms of evidence. Police attitude and response to all involved can have a great impact on ensuing development including the prevention of future violent act and protection of the victims.

In response to gender based crimes in Kenya, multi-sectoral SOPs were developed in 2013. This laid a background upon which each sector was to anchor and customize GBV SOPs to their specific mandate and roles. The GBV SOPs for the NPS therefore, are designed to guide police officers in the prevention of, and response to gender based offences. The SOPs will familiarize officers with relevant laws, cultural background and standards relating to management of GBV. The patrol officer, the first responder, the investigator, the supervisor and the managers stand guided on the procedures and practices that will help enhance the safety and security of potential victims, survivors and witnesses of gender based crimes.

The expected output on implementation of the SOPs will be sustained and coordinated prevention and response processes in the handling of gender-based violence by the National Police Service in Kenya; and that such processes shall have a ripple effect on the services offered by all the other multi-sectoral players identified in the SOPs.

## **1.1 Purpose**

The purpose of these SOPs is to provide standard guidelines for effective prevention and response to GBV by the National Police Service.

## **1.2 Objectives of the SOPs**

These SOPs are intended to:

1. Improve officers' understanding on the causes and drivers of GBV
2. Outline the existing legal framework on prevention and response to GBV offenses
3. Provide for a systematic process in the investigation of GBV cases and incidents
4. Highlight the fundamental principles in the handling of GBV survivors
5. Define the role of various stakeholders in prevention and response to GBV
6. Provide for a clear command and referral structure in the management of GBV

## **1.3 Outcome**

**The expected outcomes of the SOPs are: -**

1. Gender sensitive behavior and attitudes amongst the police officers;
2. Improved capacity of the NPS to effectively respond to Gender Based crimes;
3. Sustained collective effort in the prevention of GBV across all communities in Kenya

## LEGAL & NORMATIVE FRAMEWORK

### 2.1: Domestic Law

The Constitution of Kenya 2010 provides several rights and protection which can be applied to various forms of GBV. These include:

- The right to life (Article 26),
- equality and freedom from discrimination ( Article 27),
- human dignity (Article 28),
- freedom and security of person (Article 29),
- freedom from slavery, servitude and forced labour (Article 30),
- protection of the right to property (Article 40),
- labour relations (Article 41),
- fair administrative action (Article 47),
- access to justice (Article 48)
- the right to a fair hearing (Article 50).

Other statutes in Kenya addressing various forms of gender-based violence include and are not limited to:

- Sexual Offences Act 2006,
- Protection Against Domestic Violence Act 2015,
- Children Act 2001,
- Prohibition of Female Genital Mutilation Act 2011,
- Marriage Act 2014,
- The Matrimonial Property Act 2015,
- The Law of Succession Act 2012,
- Prevention of Torture Act 2017.

Officers are encouraged to familiarize themselves with the said statutes. For conformity and familiarization of the above statutes, officers in the NPS are encouraged to visit [www.kenyalaw.org](http://www.kenyalaw.org).

Below are definitions, forms and offences related to GBV from our statutes. The list is not exhaustive.

### 2.1.1: Sexual Offences Act. No. 3 of 2006

TERMS	INTERPRETATION
<b>Child</b>	Has the meaning assigned under the Children Act, which defines child as any person under the age of eighteen years.
<b>Complainant</b>	The Republic; the alleged victim of sexual offence; and in the case of a child or a person with mental disabilities, includes a person who lodges a complaint on behalf of the alleged victim where the victim is unable or inhibited from lodging and following up a complaint of sexual abuse.
<b>Consent</b>	A person consents if he or she agrees by choice and has the freedom and capacity to make that choice.
<b>DNA</b>	Deoxyribonucleic acid, the genetic code unique to every living organism, including human beings and "DNA Test" is construed accordingly.
<b>Gang</b>	Two or more persons.
<b>Genital Organs</b>	Includes the whole or part of male or female genital organs and for purposes of this Act includes the anus.
<b>HIV</b>	Human Immunodeficiency Virus which causes AIDS.
<b>HIV test</b>	Test which determines whether a person is infected with HIV.
<b>Indecent Act</b>	Unlawful intentional act which causes: - a) Any contact between any part of the body of a person with the genital organs, breasts or buttocks of another, but does not include an act that causes penetration. b) Exposure or display of any pornographic material to any person against his or her will.

TERMS	INTERPRETATION
<b>Intermediary</b>	Person authorized by a Court, on account of his or her expertise or experience, to give evidence on behalf of a vulnerable witness and may include a parent, relative, psychologist, counsellor, guardian, children's officer or social worker;
<b>Law enforcement officer</b>	Person whose duties involve law enforcement and includes but is not limited to a police officer as defined under the Police Act.
<b>Person with mental disabilities</b>	<p>Person affected by any mental disability irrespective of its cause, whether temporary or permanent, and for purposes of this Act includes a person affected by such mental disability to the extent that he or she, at the time of the alleged commission of the offence in question, was; -</p> <ul style="list-style-type: none"> <li>a) Unable to appreciate the nature and reasonably foreseeable consequences of any act described under this Act,</li> <li>b) Able to appreciate the nature and reasonably foreseeable consequences of such an act but unable to act in accordance with that appreciation;</li> <li>c) Unable to resist the commission of any such act; or</li> <li>d) Unable to communicate his or her unwillingness to participate in any such act.</li> </ul>
<b>Cabinet Secretary</b>	Minister for the time being responsible for matters relating to legal affairs and public prosecutions.
<b>Penetration</b>	Partial or complete insertion of the genital organs of a person into the genital organs of another person.
<b>Rape</b>	Where a person intentionally and unlawfully commits an act that causes penetration with his or her genital organs; the other person does not consent to the penetration; or the consent is obtained by force or by means of threats or intimidation of any kind.

TERMS	INTERPRETATION
<b>Sexual Offences</b>	<p>Offences prescribed in the Act include; -</p> <ul style="list-style-type: none"> <li>• Rape (S.3);</li> <li>• Attempted rape (S.4);</li> <li>• Sexual Assault (S.5),</li> <li>• Compelled or Induced Indecent Acts (S.6);</li> <li>• Acts which cause penetration or indecent acts committed within the view of a family member, child or person with mental disabilities (S.7); Defilement (S.8);</li> <li>• Attempted defilement (S.9);</li> <li>• Gang rape (S.10),</li> <li>• Indecent act with Child or Adult (S.11 &amp; 11A);</li> <li>• Promotion of Sexual Offences with a Child (S.12);</li> <li>• Child Sex Tourism (S.14);</li> <li>• Child Prostitution (S.15);</li> <li>• Child Pornography (S.16);</li> <li>• Exploitation of Prostitution (S.17);</li> <li>• Prostitution of persons with Mental Disabilities (S.19);</li> <li>• Incest by male persons (S.20),</li> <li>• Incest by female persons (S.21);</li> <li>• Sexual Harassment (S.23);</li> <li>• Deliberate transmission of HIV or any life threatening STI (S.26); Administering a substance with intent; (S.27)</li> <li>• Distributing a substance by Juristic Person (S.28);</li> <li>• Cultural and Religious Sexual offences (S.29);</li> <li>• Non-disclosure of conviction of sexual offences (S.30).</li> </ul>
<b>Vulnerable Person/ Witness</b>	Child, a person with mental disabilities or an elderly person



### 2.1.2: The Children Act No. 8 OF 2001.

TERMS	INTERPRETATION
<b>Child</b>	Any person under the age of 18 years
<b>Child Abuse</b>	Includes physical, sexual, psychological and mental injury.
<b>Early Marriage</b>	Marriage or cohabitation with a child, or any arrangement made for such marriage or cohabitation.
<b>Female Circumcision</b>	The cutting or removal of part or all of the female genitalia, and includes the practices of clitoridectomy, excision, infibulation or other practice involving the removal of part, or of the entire clitoris or labia minora of a female person.
<b>Place of Safety</b>	Any institution, hospital or other suitable place the occupier of which is willing to accept the temporary care of a child.
<b>Protections/ offences</b>	<ul style="list-style-type: none"> <li>• Protection from Child Labour and Armed Conflict (S.10);</li> <li>• Protection from Abuse including trafficking (S.13);</li> <li>• Protection from Harmful Cultural Practices (S.14);</li> <li>• Protection from Sexual Exploitation (S.15);</li> <li>• Protection from Drugs (S.16), &amp; Protection from Torture and Deprivation of Liberty (S.18).</li> </ul>

### 2.1.3: The Employment Act No. 11 of 2007

TERMS	INTERPRETATION
<b>Child</b>	Person below the age of eighteen years.
<b>Forced or Compulsory Labour</b>	Any work or service which is extracted from any person under threat of any penalty, including the threat of a loss of rights or privileges, which is not offered voluntarily by the person during the work or performance of the service.
<b>Woman</b>	Female of the age of eighteen years or above.

TERMS	INTERPRETATION
<b>Worst Form of Child Labour</b>	<p>With respect to Juveniles, means their employment, engagement or usage in any activity comprising: -</p> <ol style="list-style-type: none"> <li>All forms of slavery or practices similar to slavery, such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory recruitment of children for use in armed conflict;</li> <li>The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;</li> <li>The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;</li> <li>Work which, by its nature or circumstances in which it is carried out, is likely to harm health, safety or morals of the child.</li> </ol>
<b>Young Person</b>	Child who has attained the age of sixteen years but has not attained the age of eighteen years.
<b>Protections/ Offences</b>	<ul style="list-style-type: none"> <li>Prohibition against forced labour including trafficking (S.4); Discrimination in Employment (S.5);</li> <li>Sexual Harassment (S.6);</li> <li>Prohibition of worst forms of Child Labour (S.53);</li> <li>Unlawful Employment of a Child (S.56,57,58 &amp;59);</li> </ul>

#### 2.1.4: HIV & AIDS Prevention & Control Act No. 14 of 2006

TERMS	INTERPRETATION
<b>AIDS</b>	Condition characterized by a combination of signs and symptoms resulting from depletion of the immune system caused by infection with the Human Immunodeficiency Virus (HIV)
<b>Anonymous Testing</b>	HIV testing procedure whereby the person being tested does not reveal his identity but instead, an identifying number or symbol is used which allows the testing centre and the tested person to match the test results with the identifying number or symbol.

TERMS	INTERPRETATION
<b>Child</b>	Has the meaning assigned to it in the Children Act, which is any person below the age of eighteen years.
<b>Compel</b>	In relation to HIV testing and refers to an HIV test imposed upon a person characterized by the lack of consent, use of physical force, intimidation or any other form of compulsion.
<b>Consent</b>	Means consent given without any force, fraud or threat and with full knowledge and understanding of the medical and social consequences of the matter to which the consent relates.
<b>HIV Test</b>	Prescribed test or series of tests, which determine whether a person is infected with HIV.
<b>Human Immunodeficiency Virus</b>	Virus which causes AIDS.
<b>Partner</b>	Spouse or a person with whom another person is living in a domestic or sexual relationship.
<b>Person with HIV &amp; AIDS.</b>	Person whose HIV test indicates, directly or indirectly, that he is infected with HIV & AIDS.
<b>Positive</b>	In relation to the result of an HIV test, means a result, which shows that the person who is tested is infected with HIV or which shows evidence of such infection.
<b>Offences</b>	<ul style="list-style-type: none"> <li>• Penalty for unsafe practices &amp; procedures (S.12);</li> <li>• Prohibition against compulsory testing even in marriage (S.13); Disclosure of HIV test results to third parties without consent (S.22);</li> <li>• Deliberate transmission of HIV (S.24).</li> </ul>

### 2.1.5: The Marriage Act No. 4 of 2014

TERMS	INTERPRETATION
<b>Child</b>	Person below the age of eighteen years
<b>Cohabit</b>	An arrangement in which an unmarried couple live together in a long-term relationship that resembles marriage.
<b>Prohibited Marriage Relationship</b>	<p>A person shall not marry; -</p> <ul style="list-style-type: none"> <li>a) That person's grandparent, parent, child, grandchild, sister, brother, cousin, great aunt, great uncle, niece, nephew, great niece or great nephew.</li> <li>b) The grandparent, parent, child or grandchild of that person's spouse or former spouse;</li> <li>c) A person whom that person has adopted or by whom that person has been adopted; or</li> <li>d) Any other person where such marriages is prohibited under customary law.</li> <li>e) A relationship of the half-blood is a bar to marriage.</li> <li>f) Marriage of a person with that person's cousin does not apply to persons who profess the Islamic faith.</li> </ul>
<b>Offences</b>	<ul style="list-style-type: none"> <li>• Marriage to a person under minimum age (S.87);</li> <li>• Marriage of persons within prohibited marriage relationship (S.88);</li> <li>• Marriage through coercion, fraud, etc (S.89);</li> </ul>

### 2.1.6: Prevention of Torture Act No. 12 of 2017

TERMS	INTERPRETATION
<b>Cruel, inhuman and degrading treatment or punishment</b>	Deliberate and aggravated treatment or punishment not amounting to torture, inflicted by a public officer or a person acting on behalf of a public officer against a person under their custody, causing suffering, gross humiliation or degradation to the person.
<b>Public Officer</b>	Any state officer; or person other than a state officer who holds a public office.
<b>Public Office</b>	An office in the National Government, County Government or the public service.

TERMS	INTERPRETATION
<b>Public Service</b>	Collectivity of all individuals other than state officers performing a function within a state organ.
<b>Torture</b>	<p>Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, for the purposes of: -</p> <ul style="list-style-type: none"> <li>• Obtaining information or a confession from him or her or any other person;</li> <li>• Punishing him or her for an act he or she or any other person has committed, is suspected of having committed or is planning to commit; or</li> <li>• Intimidating or coercing him or her or any other person to do, or to refrain from doing anything; or</li> </ul> <p>For any reason based on discrimination of any kind;</p> <p>When such pain or suffering is inflicted by or at the instigation of, or with the consent or acquiescence of a public officer or a person acting on behalf of a public officer but does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.</p> <p>Includes rape and sexual abuse, insertion of foreign objects into the sexual organs or rectum; or electrical torture of genitals.</p>
<b>Victim</b>	Person subjected to torture or cruel, inhuman and degrading treatment or punishment; or any other person who has suffered harm as a result of an act of torture or cruel, inhuman and degrading treatment
<b>Victim Impact Statements</b>	Statement by the victim, or where incapacitated, the victim's representative, on the psychological, emotional, physical, economic or social impact of the offence committed against the victim and includes any recording, summary, transcript or copy thereto.
<b>Offences</b>	<ul style="list-style-type: none"> <li>• Torture (S.5);</li> <li>• Cruel, inhuman and degrading treatment or punishment (S.7);</li> <li>• Aiding &amp; Abetting (S.8).</li> </ul>

TERMS	INTERPRETATION
<b>Non-justification for Torture</b>	<p>No exceptional circumstances including</p> <ul style="list-style-type: none"> <li>• A state of war, or a threat of war;</li> <li>• Internal political instability; or</li> <li>• A public emergency;</li> </ul> <p>May be invoked as justification for torture or cruel, inhuman and degrading treatment.</p> <p>An order from a superior officer or public authority may not be invoked as justification.</p>

### 2.1.7: The Prohibition of Female Genital Mutilation Act No. 32 of 2011

TERMS	INTERPRETATION
<b>Female Genital Mutilation</b>	<p>All procedures involving partial or total removal of the female genitalia or other injury to the female genital organs, or any harmful procedure to the female genitalia, for non-medical reasons, and includes: -</p> <ul style="list-style-type: none"> <li>• Clitoridectomy, which is the partial or total removal of the clitoris or the prepuce;</li> <li>• Excision which is the partial or total removal of the clitoris and the labia minora with or without the excision of the labia majora;</li> <li>• Infibulation, which is the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris; but does not include a sexual reassignment procedure that has a genuine therapeutic purpose.</li> </ul>
<b>Law Enforcement Officer</b>	A police officer, a member of the provincial administration, a children's officer, a probation officer, a gender and social development officer and a cultural officer.
<b>Sexual Reassignment Procedure</b>	Surgical procedure that is performed for the purpose of altering whether wholly or partly the genital appearance of a person to the genital appearance as nearly as practicable of a person of the opposite sex.

TERMS	INTERPRETATION
<b>Offences</b>	<ul style="list-style-type: none"> <li>• Female Genital Mutilation (S.19);</li> <li>• Aiding and abetting FGM (S.20);</li> <li>• Procuring a person to perform FGM in a foreign country (S.21);</li> <li>• Use of premise to perform FGM (S.22);</li> <li>• Possession of tools or equipment (S.23);</li> <li>• Failure to report commission of an offence (S.24); and</li> <li>• Use of Derogatory or Abusive language (S.25).</li> </ul>

### 2.1.8: The Protection against Domestic Violence Act No. 2 of 2015

TERMS	INTERPRETATION
<b>Applicants Representative</b>	Persons who may make an application for protection order on behalf of an applicant, and it includes a Police Officer.
<b>Domestic Violence</b>	<ul style="list-style-type: none"> <li>a) Abuse that includes, child marriage, FGM, forced marriage, forced wife inheritance, interference from in-laws, sexual violence within marriage; virginity testing, and widow-cleansing.</li> <li>b) Damage to property.</li> <li>c) Defilement.</li> <li>d) Economic abuse.</li> <li>e) Emotional or psychological abuse,</li> <li>f) Forcible entry into the applicant's residence where the parties do not share the same residence,</li> <li>g) Harassment.</li> <li>h) Incest.</li> <li>i) Intimidation.</li> <li>j) Physical abuse.</li> <li>k) Sexual abuse.</li> <li>l) Stalking.</li> <li>m) Verbal Abuse.</li> <li>n) Any conduct that causes harm or may cause imminent harm to the safety, health and well-being of a person.</li> </ul>

TERMS	INTERPRETATION
<b>Economic Abuse</b>	Includes: - a) The unreasonable deprivation of economic or financial resources to which an applicant is entitled or which the applicant requires, including household necessities, medical expenses, school fees, rent, mortgage expenses or other similar expenses; and b) The denial to the applicant of the right to seek employment or engage in any income generating activity.
<b>Emotional, verbal or psychological abuse.</b>	A pattern of degrading or humiliating conduct towards the applicant, including but not limited to the following: - a) Repeated insults, ridicule or name-calling; and b) Repeated threats to cause emotional pain.
<b>Enforcement Officer</b>	A police officer or an officer designated as such by the Cabinet Secretary.
<b>Harassment</b>	Engaging in a pattern of conduct that induces in an applicant the fear of imminent harm, including: - a) Watching or loitering outside or near the building or place where the applicant resides, works, carries on business, studies or happens to be; b) Repeated contact or attempts to contact the applicant by telephone, electronic means, post or otherwise, whether or not a conversation ensues; and c) Sending, delivering or causing the delivery of offensive or abusive documents or offensive objects to the applicant.
<b>Interim Protection Order</b>	An order made by the Court pending the full hearing of a matter and the making of a final order.
<b>Intimidation</b>	Uttering or conveying a threat or causing an applicant to receive a threat which includes a fear of imminent harm to the applicant.
<b>Physical Abuse</b>	Any act or threatened act of physical violence towards the applicant.
<b>Stalking</b>	Pursuing or accosting a person.
<b>Victim</b>	Victim of domestic violence.



TERMS	INTERPRETATION
<b>Virginity testing</b>	Practice and process or examination of a female's genitals for tears of the hymen.

## 2.2: PENAL CODE CAP 63 LAWS OF KENYA

TERMS	INTERPRETATION
<b>Dangerous harm</b>	Harm endangering life.
<b>Grievous harm</b>	Harm that amounts to maim, or dangerous harm, or seriously or permanently injures health, or which is likely to injure health, or amount to permanent disfigurement, or to any permanent or serious injury to any internal or external organ, membrane or sense.
<b>Harm</b>	Any bodily hurt, disease or disorder, whether temporary or permanent.
<b>Maim</b>	Destruction or any permanent disabling of any external or internal organ, membrane or sense.
<b>Wound</b>	Any incision or puncture which divides or pierces any exterior membrane of the body.

TERMS	INTERPRETATION
<b>Offences</b>	<ul style="list-style-type: none"> <li>• Threatening breach of the peace or violence (S.95),</li> <li>• detention of females for immoral purposes (S.151),</li> <li>• living on the earnings of prostitution (S.153 &amp; 154),</li> <li>• conspiracy to defile (S.157),</li> <li>• Abortion (S.158, 159, 160),</li> <li>• unnatural offences including sodomy (S.162, 163 &amp; 165),</li> <li>• Bigamy (S.171),</li> <li>• marriage with dishonest or fraudulent intent (S.172),</li> <li>• child stealing (S.174),</li> <li>• spreading infection (S.176),</li> <li>• libel (S.194),</li> <li>• defamation (S.195),</li> <li>• manslaughter (S.202),</li> <li>• murder (S.203),</li> <li>• infanticide (S.210),</li> <li>• attempt to murder (S.220),</li> <li>• threats to kill (S.223),</li> <li>• conspiracy to murder (S.224),</li> <li>• grievous harm (S.234),</li> <li>• unlawful wounding or poisoning (S.235),</li> <li>• intimidation or molestation (S.238),</li> <li>• failure to supply necessities (S.239),</li> <li>• assault (S.250 &amp; 251),</li> <li>• insulting modesty by forcible stripping (S.251A),</li> <li>• kidnapping from lawful guardianship (S.255),</li> <li>• abduction (S.256),</li> <li>• kidnapping (S.257),</li> <li>• wrongful confinement (S.263),</li> <li>• theft by person having an interest in the thing stolen (S.273),</li> <li>• theft by husband or wife from the other (S.274),</li> <li>• Stealing wills (S.276), concealing wills (S.287).</li> <li>• Concealing deeds (S.288),</li> <li>• demanding property by written threats (S.299),</li> <li>• demanding property with menaces (S.302),</li> <li>• breaking and entering (S.303), arson (S.332 &amp; 333),</li> <li>• setting crops on fire (S.334 &amp; 335),</li> <li>• malicious damage to property (S.339),</li> <li>• threats to burn (S.344),</li> <li>• forgery of wills (S.350),</li> </ul>

## 2.3: THE COUNTER-TRAFFICKING IN PERSONS ACT NO.8 OF 2010

TERMS	INTERPRETATION
<b>Child</b>	Any human being under the age of eighteen.
<b>Consent</b>	The person agrees by choice, and has the freedom and capacity to make that choice
<b>Exploitation</b>	Includes but is not limited to: <ol style="list-style-type: none"> <li>Keeping a person in a state of slavery;</li> <li>Subjecting a person to practices similar to slavery;</li> <li>Involuntary servitude;</li> <li>Forcible or fraudulent use of any human being for removal of organs or body parts;</li> <li>Forcible or fraudulent use of any human being to take part in armed conflict;</li> <li>Forced labour;</li> <li>Child labour;</li> <li>Sexual exploitation;</li> <li>Child marriage;</li> <li>Forced marriage.</li> </ol>
<b>Forced Labour</b>	The extraction of work or services from any person for the purposes of exploitation.
<b>Slavery</b>	Status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised;
<b>Trafficking for sexual exploitation</b>	Trafficking <ol style="list-style-type: none"> <li>With the intention of doing anything to or in respect of a particular person during or after a journey within Kenya or in any part of the world, which if done will involve the commission of an offence under the Sexual Offences Act, 2006; or</li> <li>In the belief that another person is likely to do something to or in respect of the person trafficked, during or after the journey in any part of the world, which if done will involve the commission of an offence under the Sexual Offences Act, 2006.</li> </ol>

TERMS	INTERPRETATION
<b>Trafficking in persons</b>	<p>A person commits the offence of trafficking in persons when the person recruits, transports, transfers, harbours or receives another person for the purpose of exploitation by means of</p> <ol style="list-style-type: none"> <li>1. Threat or use of force or other forms of coercion;</li> <li>2. Abduction;</li> <li>3. Fraud;</li> <li>4. Deception;</li> <li>5. Abuse of power or position of vulnerability;</li> <li>6. Giving payments or benefits to obtain the consent of the victim of trafficking in person; or</li> <li>7. Giving or receiving payments or benefits to obtain the consent of a person having control over another person.</li> </ol>
<b>Victim of trafficking in persons</b>	Is a person who has been trafficked as explained above
<b>Offences</b>	<ul style="list-style-type: none"> <li>• Trafficking in persons (S.3),</li> <li>• acts that promote child trafficking (S.4),</li> <li>• promotion of trafficking in persons (S.5),</li> <li>• life threatening circumstances or death (S.9),</li> <li>• Trafficking in persons for organized crime (S.10).</li> </ul>

## OVERVIEW OF GBV

### 3.1: Main features of GBV

- a. Any harmful act that is perpetrated against one person's will;
- b. Is based on socially ascribed (gender) differences between males and females,
- c. Affects vulnerable groups such as young persons, persons living with disabilities, and elderly members of the community;
- d. Includes acts that inflict physical, mental, or sexual harm or suffering;
- e. May also manifest as threats of such acts, coercion and other deprivations of liberty.

### 3.2: Forms of GBV (Not Exhaustive)

TYPE	FORMS OF GBV
SEXUAL ABUSE	<ol style="list-style-type: none"> <li>a) Rape;</li> <li>b) Attempted Rape;</li> <li>c) Gang rape;</li> <li>d) Incest;</li> <li>e) Indecent Act with Child or Adult;</li> <li>f) Child Sex Tourism;</li> <li>g) Child Pornography;</li> <li>h) Child Prostitution;</li> <li>i) Promotion of Sexual Offences with Child;</li> <li>j) Exploitation of Prostitution;</li> <li>k) Taking Sexual advantage of person with Mental Disability;</li> <li>l) Defilement</li> <li>m) Attempted Defilement;</li> <li>n) Sexual Harassment by Person in Authority;</li> <li>o) Harmful Cultural Practices;</li> <li>p) Female Genital Mutilation;</li> <li>q) Child Marriages;</li> <li>r) Forced Marriages;</li> <li>s) Sexual Assault;</li> <li>t) Refusal to Practice Safe Sex;</li> <li>u) Sexual Exploitation;</li> <li>v) Administering A Substance with Intent.</li> </ol>

TYPE	FORMS OF GBV
<b>EMOTIONAL/ PSYCHOLOGICAL ABUSE</b>	<ul style="list-style-type: none"> <li>a) Verbal Abuse;</li> <li>b) Humiliation;</li> <li>c) Threats of Violence;</li> <li>d) Extreme Jealousy;</li> <li>e) Infidelity;</li> <li>f) Character Attacks;</li> <li>g) On-line Child Bullying;</li> <li>h) Social Media Attacks,</li> <li>i) Blackmail;</li> <li>j) Undue Pressure;</li> </ul>
<b>PHYSICAL ABUSE</b>	<ul style="list-style-type: none"> <li>a) Assault;</li> <li>b) Murder;</li> <li>c) Detention;</li> <li>d) Wounding.</li> <li>e) Administering drug, substance or alcohol with intent to abuse</li> </ul>
<b>ECONOMICAL ABUSE</b>	<ul style="list-style-type: none"> <li>a) Denial of employment</li> <li>b) Deprivation of basic needs</li> <li>c) Deprivation of inheritance</li> <li>d) Disposal of property without consent</li> <li>e) Withholding financial support</li> </ul>

### 3.3: Causes of GBV

GBV are caused and perpetuated by a variety of factors, these include:

- i. Rigid gender roles in the community;
- ii. Repugnant cultural practices;
- iii. Unequal power relations between men and women;
- iv. Acceptance of violence as a means of dispute resolution;
- v. Lack of respect for human rights, especially girls and women's human rights.

### 3.4: Effects of GBV on the Survivor (Not Exhaustive)

GBV is a human rights violation. It violates the right to life; the right to equality; the right to liberty and security of person; the right to equal protection under the law; the right to be free from all forms of discrimination; the right to the highest standard of attainable healthcare; the

right to just and favourable conditions; and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.

#### PHYSICAL EFFECT

- i. Bruises;
- ii. Wounds;
- iii. STI's including HIV/AIDs;
- iv. Miscarriage;
- v. Unwanted Pregnancies;
- vi. Sterility;
- vii. Damaged Sexual and reproductive Organs;
- viii. Death;
- ix. Unsafe Abortion;
- x. Disability.

#### SOCIAL - ECONOMIC EFFECT

- i. Stigma;
- ii. Isolation;
- iii. Rejection by Suitors;
- iv. Children born out of Wedlock;
- v. Increased Economic Burden;
- vi. School dropouts;
- vii. Broken Families;
- viii. Loss of Earning Capacity;
- ix. Loss of Assets;
- x. Loss of Jobs.

#### PSYCHOLOGICAL EFFECT

- i. Anger;
- ii. Depression;
- iii. Shame;
- iv. Feelings of Uselessness;
- v. Mental Disorder;
- vi. Suicidal Tendencies;
- vii. Low Self Esteem;
- viii. Fear;
- ix. Self-Blame.

## FUNDAMENTAL PRINCIPLES FOR HANDLING GBV SURVIVORS

**I**n handling GBV case the following fundamental principles apply given that the survivors are usually traumatized and require special skills to handle. To ensure:

### 4.1: Safety

1. Make an assessment about all security risks.
2. Hold all interviews in a safe place.
3. Take action to ensure safety of survivor
4. Report all threats
5. Remain aware and informed

### 4.2: Confidentiality

1. Do not share the information with unauthorized persons
2. Conduct interviews in privacy
3. Keep all documents out of reach of third parties
4. Share the story only with the survivor's consent
5. Talk to the survivor and suspect separately
6. Inform the survivor about disclosure and confidentiality
7. Do not reveal to the suspect your source of information

### 4.3: Respect

1. Demonstrate a supportive attitude/ empathy
2. Don't make promises you can't keep
3. Treat every survivor with dignity
4. Do not impute any negative references in regard to the survivor's character/ background
5. Do not blame or judge the survivor or accused
6. Do not ask the survivor to repeat the story several times unnecessarily



7. Keep boundaries and avoid unnecessary physical contact
8. Use appropriate language especially with children
9. Do not embarrass the survivor or accused
10. Be a good listener and give the survivor(s) a chance to express their opinions
11. Be patient
12. Help them assess risk, and to think through and consider the options for their safety

#### **4.4: Ethics & Integrity**

1. Be impartial
2. Do not demand/accept money, bribes or any other advantage
3. Investigate thoroughly and expeditiously
4. Do not compromise cases
5. Be professional
6. Examine whether you have any pre-existing or current experiences or prejudices that hinder your effective handling of a GBV case. Discuss your concerns with your supervisor/colleague for further assistance

## STANDARD OPERATING PROCEDURES

**T**hese SOPs are to be applied to all kinds of GBV cases. Incidences of GBV have been on the increase, however very few are reported to the authorities, and very few survivors benefit from the broad range of services available. These SOPs outline a step-by-step guideline in handling GBV cases.

### 5.1: Role of NPS in Prevention of GBV

The NPS has a role to play in contributing to the prevention of GBV. These roles have been highlighted and identified in the multi-sectoral SOPs for prevention and response to Sexual Violence. We set them out below and identify activities that NPS can undertake under each.

- I. Conduct in-service training for serving police officers and new recruits on GBV
  - a. Enhance training on GBV preventive & responsive policing as a stand-alone program, in all established County Police Training Centres & Regional Training Centres.
  - b. Establish a database of officers trained in GBV preventive & responsive policing.
  - c. Hold regional meetings quarterly, and one national meeting annually, for officers handling GBV, in partnership with the other sectoral Government agencies, civil society and other stakeholders for knowledge and information exchange.
- II. Educate the community on various aspects of GBV through Community Policing initiatives such as;
  - a. Enhanced collaboration between the NPS and the Community Policing Committees.
  - b. Partnering with civil society to create community awareness on GBV through various forums like media, public baraza's and training of community champions.

- III. Increase patrols and other security measures that deter and prevent sexual and gender-based offences from occurring, through; Focused and targeted gender responsive policing.
- IV. Collect and disseminate data on GBV that will inform policies, legislation and programming.  
Develop a GBV data collection tool, and train officers on its use.
- V. Monitoring and Evaluation.  
Establish monitoring and evaluation tools, to assess effectiveness of systems.

## **5.2: The role of the National Police Service in response to GBV;**

In addition to its role towards prevention of GBV and VAWG, the NPS also has a role in responding to incidences of GBV and VAWG. The NPS is usually the first responder at crime scenes, and is also endowed with investigative, arrest and charge roles. The multi-sectoral SOPS for prevention and response to Sexual Violence highlights NPS role in response. We set them out below and identify activities that NPS can undertake under each

- I. Establish functional and accessible gender units at police stations, police-posts, outposts, camps and patrol bases.
  - a. Operationalize gender units in all police stations, police-posts, outposts, camps, and patrol bases. The gender units should offer survivors confidentiality and privacy; be fully staffed by officers trained and sensitized on GBV issues; and be well-resourced with computers, stationery, transport, specialized investigative equipment, and communication facilities.
  - b. Train and capacitate officers to handle persons living with disabilities, and avail facilities for recording statements; awareness raising and other informative material in braille and audio in compliance with the Constitution.
  - c. Maintain a register for GBV within the gender unit.
  - d. Ensure survivor is always asked to indicate preference on gender of officer to handle the case and abide by the preference where possible; and/or explain the shortage of preferred gender to the survivor.

- e. Swiftly arrest & charge suspects where there are reasonable grounds. Failure to do so may be considered neglect of duty. Officers must justify failure to arrest and properly document it.
  - f. Establish emergency toll-free numbers for all police stations.
- II. Provide a P3 form to all survivors at no cost.**
- a. Work out mechanisms with MOH and treasury for provision of P3 forms at no cost.
  - b. Ensure every gender unit has a computer and internet connection to enable them print out P3 forms.
  - c. Where computers and internet are a challenge P3 forms should be supplied.
- III. Collect and properly preserve exhibits.**
- a. Improve the capacity of officers on collection, handling and preservation of forensic evidence, and provide adequate requisite equipment for collection of forensic evidence for DNA testing.
- IV. Ensure security for the survivor.**
- a. Create a database of and partner with accredited agencies offering places of safety.
  - b. Liaise with the Department of Children Services, to provide care and protection for all child survivors.
- V. Ensure security for witnesses, suspects, children in conflict with the law and any other person whose security is threatened.**
- a. Liaise with the agency in charge of witness protection.
  - b. Advise prosecution on the safety and security needs of suspects or children in conflict with the law.
- VI. Submit and collect exhibits from the Government Chemist.**
- a. Provide safe and secure transport for officers ferrying forensic samples.
  - b. Liaise with Government Chemist to establish laboratories in each County.
- VII. Avail exhibits and witnesses for the prosecution when required.**
- a. Establish effective systems for tracking, storing and production of exhibits.

- b. Establish a system for timely issuance of witness summons.

**VIII. Give evidence in Court as and when required.**

- a. Ensure that all police officers required in court to testify are released and facilitated to attend court.

### **5.3: The Standard Operating Procedures for GBV**

This are the step-by-step procedures to be adopted by police officers in all police stations, police-posts, outposts, camps and patrol bases in handling GBV cases upon reporting of a violation. Police officers are expected to:

- I. When the survivor reports the case at the police stations, the police officer should ensure that reports and statement taking are carried out in private for confidentiality. No statements should be taken at the front desk in the presence of all and sundry.
- II. Record the incidence of violation/abuse in the Occurrence Book and explain to the survivor the process that shall ensue. At this point the officer may assess whether the survivor needs counselling and invite a counsellor to attend to the survivor. The officer may also take advice from a medical practitioner in this regard.
- III. Issue the survivor with a P3 Form free of charge for his/her visit to the health facility. A police officer **MUST** escort the survivor to the nearest health facility within 72-hours for rape and related cases, or as soon thereafter as the violation is reported.
- IV. Ensure that the medical personnel collect samples/exhibits found either on the clothes or the body of the victim.
- V. Collect all medical exhibits obtained by the medical personnel and the clothes of the survivor in an appropriate material. They must not, under any circumstances be put in a polythene bag.
- VI. Collect a copy of the duly filled P3 and/or Post Rape Care (PRC) Form from the examining clinician.
- VII. Ensure that the chain of custody of the exhibits is maintained.
- VIII. Visit the scene of crime for the collection of more exhibits and to carry out any further investigations that relate to the case.

- IX. Open a case file and assign it a Serious Crime Register Number.
- X. Take the survivor to a conducive environment where his/her statements will be recorded. As far as possible the statement should be recorded by an officer trained on GBV cases.
- XI. In case the statement reveals an additional offence or a separate offence from the one initially recorded in the OB, the officer should record a new entry amending the previous OB entry.
- XII. Record a comprehensive statement with all the relevant details about the alleged offence.
- XIII. Record statements from witnesses who have accompanied the survivor.
- XIV. Ensure that the suspect is arrested.
- XV. Record a statement from the suspect.
- XVI. Where necessary, escort the suspect to the nearest health facility for his/her samples to be taken.
- XVII. Draft a charge sheet, with the statement of offence and particulars properly set out.
- XVIII. Ensure that the charge sheet is signed by the OCS or Deputy OCS and take the suspect to Court within 24 hours.
- XIX. Where it is not possible to charge the suspect within twenty-four hours, document the activities that took place in the intervening period and reasons for inability to charge him/her. An Apprehension Report Form/Sworn Affidavit should be prepared/acquired and presented to the Court.
- XX. Where the survivor and the suspect are both under the age of 18, a Social Inquiry Report form should be prepared.
- XXI. In cases of incest or where the survivor is aged 18 and below, and is a dependent of the suspect, arrest and charge the suspect; and co-ordinate with the Department of Children Services to rescue the survivor.

XXII. Ensure the Exhibit Memorandum Form is filled appropriately.

XXIII. If the suspect denies the charge(s), ensure all witnesses are bonded on time and are available to give evidence in Court.

XXIV. If it is apparent that the survivor is untruthful an inquiry file should be opened and presented to the ODPP seeking further directions on how to proceed with the case.

XXV. In the case of complaints filed by an individual with special needs, the case should be referred to an officer specially trained to address their needs.

#### 5.4: What other sectors expect from the NPS.

SECTOR	EXPECTATIONS
PROSECUTION	i. Conduct proper investigations on incidences of GBV.
	ii. Arrest the suspect.
	iii. Record comprehensive statements from survivors, witnesses and suspects.
	iv. Escort survivors and suspects to hospital for medical examination.
	v. Draft the charge sheet, with proper statement of offence and particulars of the charge.
	vi. Maintain proper chain of custody of exhibits.
	vii. Collect and properly preserve exhibits.
	viii. Present suspects to court within 24 hours.
	ix. Present and produce exhibits in court
	x. Bond and produce witnesses to attend court.
	xi. Conduct additional investigations where required to do so.
	xii. Trace suspects and/or sureties where necessary.
	xiii. Rescue vulnerable survivors.

	xiv. Present previous records of the suspect.
	xv. Present police case files to prosecution at least 3 days before the hearing date.
	xvi. Testify in court.
	xvii. Provide affidavits for use in opposing applications for bail and bond.
<b>JUDICIARY</b>	<b>EXPECTATIONS</b>
	i. Present the suspect in court.
	ii. Present & produce exhibits in Court.
	iii. Testify in court.
	iv. Trace suspects or sureties where necessary.
	v. Supervise sex offenders.
	vi. Provide security within the court
	vii. Keep and maintain a Sexual Offenders Register
<b>MINISTRY OF HEALTH</b>	<b>EXPECTATIONS</b>
	i. Escort survivors and suspects to health facilities.
	ii. Collect and store samples/ exhibits obtained from survivors and suspects.
	iii. Provide P3 Forms for survivors.
	iv. Collect duly filled copies of PRC Forms.
	v. Refer survivors for further requisite services.
	vi. Provide security for suspects admitted in hospital.
	vii. Bond medical personnel to testify in court.
<b>DEPARTMENT OF CHILDREN'S SERVICES</b>	<b>EXPECTATIONS</b>
	i. Interview child survivors in a respectful manner.
	ii. Inform the department of the needs of survivors.



	iii. Make appropriate referrals of cases
	iv. Provide safe holding places for children separate from adults.
<b>NATIONAL GOVERNMENT ADMINISTRATION OFFICERS</b>	<b>EXPECTATIONS</b>
	i. Arrest and charge the suspect.
	ii. Record statements from survivors and witnesses.
<b>GOVERNMENT CHEMIST</b>	<b>EXPECTATIONS</b>
	i. Properly collect and store any samples from survivors and suspects.
	ii. Maintain proper chain of custody.
	iii. Properly mark and label all exhibits.
	iv. Present samples for analysis on time.
	v. Properly fill in the exhibit memo.
	vi. Collect the results and analysed exhibits promptly.
	vii. Deliver bonds for court attendance
<b>PRISONS DEPARTMENT</b>	<b>EXPECTATIONS</b>
	i. Escort children in conflict with law to borstal institutions
	ii. Produce proper committal warrants/documents for any GBV remandee's
<b>PROBATION &amp; AFTERCARE SERVICES DEPARTMENT</b>	<b>EXPECTATIONS</b>
	i. Apprehend offenders who breach non-custodial orders and probation terms
	ii. Attend and participate in Probation case review meetings

	iii. Arrest ex-convicts who breach their terms of release and after-care conditions
<b>COMMUNITY/ CIVIL SOCIETY</b>	<b>EXPECTATIONS</b>
	i. Arrest, investigate and charge suspects of GBV
	ii. Sensitization of the community on prevalence of GBV, highlighting hotspots.
	iii. Offer victim, witness and suspect protection.
	iv. Keep confidentiality, do not expose informers.
	v. Sensitize the community on related laws, rights and protections.
	vi. Develop community policing liaisons for enhanced security.
	vii. Enhance rapport with the community to enable them develop trust and confidence in the NPS.
	viii. Bond witnesses in time, at least three days before the hearing.

## 5.5: What the NPS expects from other sectors:

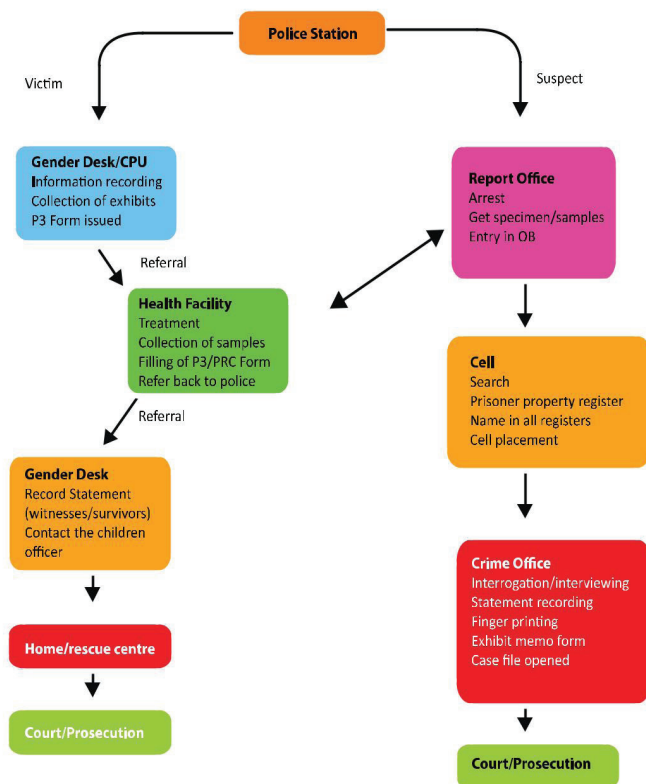
<b>SECTOR</b>	<b>EXPECTATIONS</b>
<b>PROSECUTION</b>	<b>EXPECTATIONS</b>
	i. Advise on whether the charge has been properly drafted.
	ii. Advise on whether additional statements need to be recorded.
	iii. Advise on whether further investigations need to be conducted.
	iv. Present information in the police case file to court.
	v. Where necessary object to release of suspects on bail/ bond.

	vi. Prioritize cases of GBV, especially where survivor/ witnesses are in court.
	vii. Examine witnesses in court.
	viii. Recommend counselling for survivor where necessary.
	ix. Carry out a pre-trial.
	x. Invoke protection mechanisms in court where necessary.
	xi. Facilitate linkages with the Witness Protection Agency.
<b>JUDICIARY</b>	<b>EXPECTATIONS</b>
	i. Prompt dispensation of Justice.
	ii. Prioritize cases of GBV especially where survivor/ witnesses are in court.
	iii. Keep and maintain a Sexual Offender's Register
<b>MINISTRY OF HEALTH</b>	<b>EXPECTATIONS</b>
	i. Properly obtain and preserve evidence from survivors and suspects.
	ii. Correctly complete and hand over the P3 & PRC form free of charge.
	iii. Comply with court orders.
	iv. Report cases of GBV
	v. Attend court to give evidence.
<b>DEPARTMENT OF CHILDREN'S SERVICES</b>	<b>EXPECTATIONS</b>
	i. Rescue vulnerable child survivors.
	ii. Provide psycho-social support to child survivors.
	iii. Support judicial process by providing Social Enquiry Report.

	iv. Reintegration and aftercare services for children survivors or children in conflict with the law.
	v. Provide updates of children under their care.
<b>NATIONAL GOVERNMENT ADMINISTRATION OFFICERS</b>	<b>EXPECTATIONS</b>
	i. Report cases of GBV
	ii. Collect, preserve and hand over evidence exhibits to NPS.
	iii. Assist in locating witnesses.
	iv. Assist in locating scenes of crime.
	v. Assist in locating suspects released on bond.
	vi. Create awareness on GBV
	vii. Give evidence in court.
<b>GOVERNMENT CHEMIST</b>	<b>EXPECTATIONS</b>
	i. Properly receive, document, mark & label all samples/ exhibits.
	ii. Proper storage of samples/exhibits.
	iii. Proper analysis of samples/exhibits.
	iv. Preparation of report on the scientific findings in a timely manner.
	v. Timeously analyse and report findings.
	vi. Attend court to give evidence.
<b>PRISONS</b>	<b>EXPECTATIONS</b>
	i. Prepare convicts for effective re-integration into the community.
	ii. Rehabilitate offenders.
	iii. Hold suspects in remand as required.

PROBATION & AFTERCARE SERVICES DEPARTMENT	EXPECTATIONS
	i. Report ex-offenders and ex-convicts who breach terms of release.
	ii. Provide them with information on offenders and survivors.
	iii. Participate and collaborate in crime prevention strategies.
	iv. Reintegrate and supervise offenders released through the Power of Mercy.
	v. Supervise psychiatric offenders given conditional release.
	vi. Sensitize the Police on non-custodial sentencing.
	vii. Preparation and production of pre-bail assessment reports
	viii. Effective reintegration and psychosocial support for ex-convicts.
COMMUNITY/ CIVIL SOCIETY	EXPECTATIONS
	i. Report cases of GBV
	ii. Collaborate with Police in arrest of suspects GBV
	iii. Report cases of GBV
	iv. Assist Police trace witnesses.
	v. Capacity building of Police Officers.
	vi. Provide places of safety for survivors.
	vii. Prevention and reporting of harmful cultural practices

## Role of the National Police Service



**Quality Services is the Hallmark of  
Reformed Police Service**

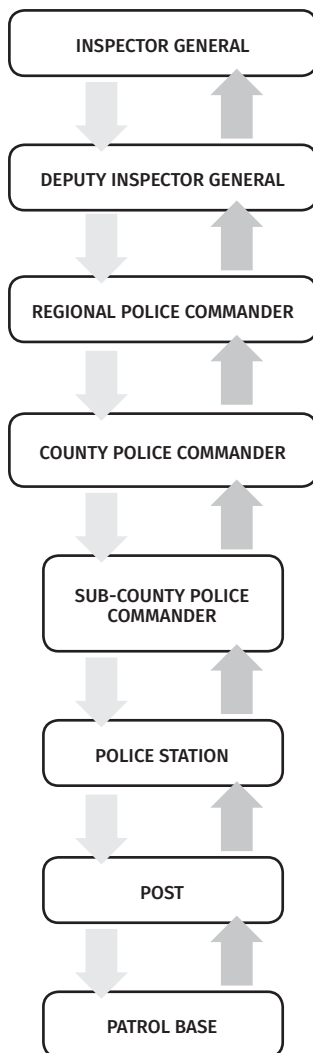


Task Force on the  
Implementation of the  
Sexual Offences Act

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## REPORTING STRUCTURE AT NPS



# ANNEX

## 2.2: International Law

Article 2 of the Constitution of Kenya, provides that the general rules of International Law; and, any treaty or convention ratified by Kenya, shall form part of the Law of Kenya. Kenya is a signatory to International Treaties on prevention of GBV such as CEDAW, the Maputo Protocol, UNSRC 1325, The African Charter among others.

The concept of GBV and VAWG in International Law incorporates the definition of GBV offered in Recommendation 19 by the Committee on the Elimination of Discrimination against Women; which defines it as “Violence that is directed against a woman because she is a woman, or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering; threats of such acts; coercion and other deprivations of liberty.” However, from increased reporting it is clear that men and boys all over the world also suffer violence on account of gender.

### 2.2.1: Terms and Definitions as used in International Law

Commonly used terms related to GBV included below are drawn from International Law, and intended to enable Police Officers using this document, have a broader understanding of these terms.

TERMS	DEFINITION
Rape	Invasion of any part of the body of a victim or of the suspect with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body by force, threat of force, coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment. A person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.



TERMS	DEFINITION
Enforced prostitution	The suspect causes one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.
Sexual slavery	The exercise of any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty. The suspect causes such person or persons to engage in one or more acts of a sexual nature (International Criminal Court Statute, 2000).
Enforced sterilization	The depriving of one or more persons of their biological reproductive capacity. The conduct is neither justified by the medical or hospital treatment of the person or persons concerned nor carried out with their genuine consent.
Forced pregnancy	The confining one or more women forcibly made pregnant, with the intent of affecting the ethnic composition of any population
Sexual violence	An act of a sexual nature against one or more persons or causing such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.

TERMS	DEFINITION
Human trafficking	The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered 'trafficking in persons' even if this does not involve any of the means mentioned above.
Child sexual exploitation and abuse/incest	Child sexual exploitation and abuse relates to any sexual activity with a child. It takes on various forms including the inducement or coercion of a child to engage in sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials.
Sexual harassment	Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident.

## **DEVELOPMENT OF THE NATIONAL POLICE SOPS ON PREVENTION AND RESPONSE TO GBV – TECHNICAL COMMITTEE**

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This Document has been made possible through  
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