

Policy Dialogue Guide on Gender-Based Violence

Participants: Preferably CECs/Directors /Chief Officers in Bomet County and relevant National Government Ministries/functions

1. Ministry of Public Service, Youth , Sports and Gender Affairs
2. Ministry of Health
3. Ministry of Education
4. Ministry of Labour and Social Protection: Director of Children Services
5. Ministry of Interior-County Commissioner, Police
6. Office of the Director of Public Prosecution
7. Ministry of finance and affiliate budget control
8. Judiciary
9. Correctional Services:
 - Prisons Department
 - Probation and aftercare services

National laws and policies addressing GBV (Refer to annex 1&2):

- a) Explore operationalization of the laws and policies in Bomet County.
- b) Explore opportunities for implementation.
- c) Explore gaps in implementation and possible solutions towards domestication of the laws and policies in the County.

County laws and policies

- a) Sexual and gender based violence policy.
- b) Bomet County Enterprise Fund policy-Targeting Women, Youth and Persons with Disability (PWDs).
- c) Bomet internship policy targeting Youth aged 18-35 (both Diploma and Degree holders).
- d) Bomet Universal Health coverage policy that targets 10,000 vulnerable households.
- e) Support for the needy Act (2014) – this can be accessed on the Kenya Law Reform Commission website.
- f) Inter-governmental consultation framework for Gender sector signed on 28th January 2019 between the Council of Governors (CoG) and CS Public Service Youth and Gender affairs.

Bomet SGBV related Policies	Elements/details	Key Highlights (Gaps and challenges in operationalization of the policy)
1. A bill for Sexual Gender Based Violence Management and Control Act 2018	<ul style="list-style-type: none"> • Objectives • Collaboration with other agencies • Establishment of County Gender Technical Committee. • Access to education and information • Access to services: Health care, psychological, safe houses/shelter, economic recovery • County budget allocation and funding 	
2. Bomet County Enterprise Fund policy-Targeting Women, Youth and Persons with Disability (PWDs)	<ul style="list-style-type: none"> • Objectives • Collaboration with agencies • Economic recovery to GBV survivors • Access to information and education • National/County Budget Allocation and funding 	
3. Bomet Universal Health coverage policy that targets 10,000 vulnerable households	<ul style="list-style-type: none"> • Objectives • Collaboration with agencies • Access to information and education • Access to health care services to GBV survivors • National/County Budget Allocation and funding 	
4. Inter-governmental consultation framework for Gender sector	<ul style="list-style-type: none"> • Objectives • Collaboration with agencies • Access to information and education • Access to services for GBV survivors (health, psychosocial, legal aid, safety and security). • Socio-economic recovery and stability of GBV survivors • Intersectoral gender integration • National/County Budget Allocation and funding 	
National laws		
5. Outputs produced, follow-up activities to be undertaken	Follow-up county-level Policy recommendations:	

Annex 1: Summary of national legislative framework addressing elements of SGBV in Kenya

Statute	Summary	Opportunities for Implementation	Challenges and gaps
The Constitution of Kenya, 2010	Provides that every person has right to freedom and security of their person which includes the right not to be subject to any form of violence from either public or private sources, any form of torture whether physical or psychological or cruel, inhuman or degrading treatment. The right to security means that the Constitution safeguards its citizens against SGBV and any other related form of gender-based violence.		
The Penal Code Cap 63 Laws of Kenya	Other than bigamy which is provided for under section 171, there are no provisions for such forms of SGBV as marital rape, wife or husband battery, domestic violence etc. Some of these offences are only derivative of main offences such as assault under section 250 and 251.		
The Children’s Act, 2001	Provides for a child care, administration institutions, and sets the age of marriage at 18 years in line with Convention on the Rights and Welfare of the Child.		
HIV & AIDS Prevention and Control Act 2006	Prohibits deliberate transmission of HIV/AIDS and outlaws discriminatory acts and policies based on one’s HIV/AIDS status in all places and safe guards rights and dignity of those already affected.		
The Sexual Offences Act, 2006	Provides for prevention and the protection of all persons from harm from sexual acts and access to justice and psychosocial support		
Employment Act, 2007	The Act prohibits discrimination and harassment of employees on the basis of sex, guaranteeing equal remuneration for work of equal value.		
Counter Trafficking in Persons Act, 2010	Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.		
Prohibition of Female Genital Mutilation Act, 2011	Prohibits the practice of Female Genital Mutilation and safeguards against		

Statute	Summary	Opportunities for Implementation	Challenges and gaps
	violation of a person's mental or physical integrity		
The Land Act, 2012	Secures rights of women to matrimonial property		
Matrimonial Property Act, 2013	Provides for the rights and responsibilities of spouses in relation to matrimonial property.		
Marriage Act, 2014	Provides for the minimum age in marriage and types of marriages. The Act guarantees parties to a marriage, equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage.		
The Protection Against Domestic Violence (PADV) Act, 2015	Provides for the protection and relief of members of a family from domestic violence.		

Annex 2: Summary of national policy framework in Kenya addressing SGBV

Statute	Summary	Opportunities for Implementation	Challenges and gaps
National Gender and Development Policy (2000)	Makes recommendations on diverse issues on violence including: amendments of SGBV laws, more so the Penal Code to include gender related crimes; privacy in conducting SGBV hearings; SGBV tailored trainings on agents in the judicial system; setting up safe shelters for survivors of domestic violence; and ensuring access to information.		
Kenya Adolescent Reproductive Health Policy (2003)	Which recommends development of rehabilitation and rescue mechanisms for victims of sexual abuse and violence and enhancing measures to protect young people in penal institutions from sexual abuse		
National Adolescent Sexual and Reproductive Health Policy (2015)	It provides for mechanisms for addressing adolescents' sexual and reproductive health (SRH) needs. It recommends multifaceted approaches to adolescent SRH issues which provides for mitigation of risk factors and puts in place a safety net for early detection and prevention of SRH challenge.		
National Guidelines on the Management of Sexual Violence (2014)	<p>Is a guiding policy framework on procedures and services for management of survivors of sexual violence and explicitly recognizes sexual violence as a serious human rights and health issue which calls for imperative attention by all concerned.</p> <p>Provides elemental information on management of sexual violence in a multi-pronged manner.</p> <p>Gives medical practitioners information on steps to be taken when treating a survivor of sexual violence, preservation of evidence for court use, issues of psycho-social support and other ethical issues related to the management of health-related problems of sexual violence.</p>		

Statute	Summary	Opportunities for Implementation	Challenges and gaps
The Education Gender Policy (2007)	<ul style="list-style-type: none"> Addresses prevention and response to school related gender based violence. It recommends mainstreaming of policies that address GBV at all education levels; establishing modalities for dealing with SGBV including harassment; and developing and implementing clear anti-sexual harassment and anti-gender based violence policies at all levels in the Ministry of Education and all educational institutions. 		
Vision 2030 Second Medium Term Plan (2013—17)	<ul style="list-style-type: none"> Emphasizes the need for establishment of integrated one stop SGBV response centres in all healthcare facilities in Kenya and undertaking public awareness campaign against FGM, early and forced marriages. 		
The National Reproductive Health Strategy (2009-2015)	<ul style="list-style-type: none"> Provides for the implementation of Post-Rape Care Services ensures the inclusion of sexual violence as a key issue within the Reproductive Health Strategy and sets the development of standards for post rape care service delivery. 		