SEXUAL OFFENCES ACT
IMPLEMENTATION WORKSHOP
25-27 MAY, 2011

SUMMARY REPORT
THANKS & ACKNOWLEDGEMENTS

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The realization of the Sexual Offences Act Implementation Workshop would have been impossible without the critical partnership of the Task Force on the Implementation of the Sexual Offences Act and the members of the Workshop Steering Committee. Specifically, we were fortunate to have worked most closely with Hon. Lady Justice (Rtd.) Effie Owuor, Jacinta Nyamosi, Samson Mainye and Commissioner Milly Odongo (TFSOA); Dr. Nduku Kilonzo, Carol Ajema and Mary Valai (LVCT); Jane Serwanga and Mariam Kamunyu (FIDA-Kenya); George Kegoro and Judy Gitau (ICJ); Lydia Muthiani (COVAW); Mike Wachira and Vicky Wambua (CREAW); Shonali Shome (AIDS-Free World); and Faith Kabata and Buluma Bwire (TFSOA / GIZ).

The summarization of Workshop discussion is based on extraordinary note-taking by a rapporteur team of volunteers from the TFSOA, LVCT, FIDA-Kenya, HRC, AIDS-Free World, and the UCLA Law School International Human Rights Clinic: Mary Valai, Mariam Kamunyu, Faith Kabata, Melissa Carnay, Camille Crittenden, Julie Freccero, Alexa Koenig, Shonali Shome, and Vanessa Baehr-Jones.

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Thank you to Miguel Visser (Hellingproof Concept and Design, www.hellingproof.com) for donating the Workshop logo design.

Finally, sincere thanks to the Great Rift Valley Lodge, whose staff members accommodated us all with unflagging flexibility and good humor.
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Ladies and Gentlemen:

I am pleased to join you today in this event to critically examine Kenya’s position in the implementation of the Sexual Offences Act. The Government is resolutely committed in improving prevention and response to sexual violence through effective administration and implementation of the Sexual Offences Act.

The Sexual Offences Act is a progressive and pioneer legislation in tackling sexual violence in Kenya. It incorporates all forms of sexual violence in one piece of legislation as well as provides progressive provisions for dealing with sexual violence in an integrated fashion to ensure that survivors' rights are wholly protected.

Before I share the Government’s achievements, challenges and vision in the implementation of the Sexual Offences Act, it may be helpful to point out that the Attorney General is accountable to Parliament under Statute for superintendence of the Sexual Offences Act.

Much progress has been made across Government in the implementation of the Sexual Offences Act. The Task Force on the Implementation of the Sexual Offences Act is responsible for the effective implementation and the administration of the Act. The achievements include:

i. Development of the Sexual Offences Regulations;
ii. Development of a National Policy Framework on the Act though a consultative and participatory process;
iii. Training of prosecutors, state counsels and police officers on the Sexual Offences Act;
iv. Public awareness and outreach programmes;
v. Development of an Action Plan on One Stop Centres/Referral Mechanisms to foster multi-sectoral collaboration;
vii. Revision of the Prosecutor’s manual on sexual violence by the Office of the Director of Public Prosecutions
vii. Development of the Investigators manual including framing of model charges under the Sexual Offences Act done by the Police Department
viii. Setting up of Gender Desks by the Police Department across police stations in Kenya;
ix. Development of a Gender police training manual in conjunction with FIDA-Kenya;
x. Incorporation of SOA provisions in the induction curriculum of Chiefs and Assistant Chiefs by the Ministry of Provincial Administration and Internal Security;
x. Development of the National Guidelines for the Management of Sexual Violence and the Post Rape Care Form by the Ministry of Medical Services;
xii. The Teachers Service Commission Circular relating to sexual abuse in schools; and


These achievements will be discussed in detail by the respective Government Departments today.

The implementation of the Act has not been without challenges, some of the challenges include: cultural attitudes and practices that condone sexual violence hence hindering reporting of sexual violence cases and ultimately the operation of the Act, lack of coordinated multi-sectoral collaboration among the various actors and poor or lack of knowledge both by members of the public and some actors on the provisions of the Act.

To counter these challenges the Task Force on the Implementation of the Act together with key relevant actors including civil society is embarking on initiatives that include:

i. Approval and subsequent operationalization of the National Policy Framework which envisions establishment of a permanent Authority to administer the Sexual Offences Act;

ii. Establishment of One Stop Centres/Referral Mechanisms foster multi-sectoral collaboration to streamline delivery of services for survivors of sexual violence in the health, justice, legal, social and forensic management sectors;

iii. Audit and review of all laws, regulations, practices and customs relation to sexual offences to harmonize them with the Constitution and the Sexual Offences Act for effective administration of the Act;

iv. Development of the Protection of the Welfare of Victims of Offences Bill under Article 50 of the Constitution to ensure that the rights of survivors of sexual violence are realized as envisaged in the Bill of Rights; and

v. Continued public awareness and outreach in partnership with civil society to educate communities on the rights provided in the Act and the obligations therein.

For effective implementation of the Sexual Offences Act, there must be collaborative working across Government sectors and with civil society organizations. This is the only way to make the progressive provision of the Sexual Offences Act a reality to all Kenyans. This Workshop is important to achieving this aim.

Am therefore pleased to see many of you here today as each of you has a significant role to play in the effective implementation of the Sexual Offences Act. The message we are sending out today is that we are committed to working together through a multi-sectoral approach to sexual violence.

I hope that in this Workshop you will be able to critically examine our position in relation to implementation of the Sexual Offences Act and agree on modalities of multi-sectoral collaboration in the implementation of the Sexual Offences Act.

Hon. S. Amos Wako
Former Attorney General of Kenya (13th May 1991 to 26th August 2011)

Naivasha, Kenya
25 May, 2011
This Report summarizes the presentations and discussions of the Sexual Offences Act Implementation Workshop held at the Great Rift Valley Lodge in Naivasha, Kenya, on 24–27 May, 2011.

The major objective of the Workshop was to take stock of the progress made in implementing the Sexual Offences Act across sectors by facilitating open and informal discussions between Government agencies and civil society organizations. The discussions were constructive, objective and, sometimes, heated. However, the Workshop was useful in identifying concrete ways to enhance implementation of the Sexual Offences Act.

This Report therefore contains an assessment of what has been achieved in the implementation of the Sexual Offences Act, existing challenges, and actionable recommendations to be implemented apace and in the long term.

It is worth underscoring that the Workshop also provided a good opportunity to illustrate the Government’s achievements in the fight against sexual violence—many of them firsts in the region. These included progressive and comprehensive legislation on sexual offences, development of a National Policy Framework for the implementation and administration of the Sexual Offences Act, formulation of an Action Plan on the establishment of One Stop Centres and Referral Mechanisms for survivors and development of National Guidelines on Management of Sexual Violence in Kenya.

Following this Workshop, progress has been made on many fronts including drafting and submission of amendments to the Sexual Offences Act, which would create a national coordinating authority and repeal Section 38 of the Act. Further progress has come in finalizing the Chief Justice Rules and making significant strides towards the gazettement of the Medical Treatment Regulations and the Post Rape Care Form.

I am confident that building on the Workshop momentum there will be more dialogue, in-depth discussions, and joint action among multi-sectoral actors on the issues raised in this Report.

Finally, the Workshop and preparation of this Report was made possible by the Human Rights Center, University of California—Berkeley, Liverpool VCT Care and Treatment, and FIDA-Kenya, with substantial funding from the Open Society Institute—International Women’s Program, GIZ, Global Fund for Women, the Finnish Embassy, UN Women, and AIDS Free World. I take this opportunity to extend our gratitude to them.

Hon. Lady Justice (Rtd.) Effie Owuor
Chairperson, Task Force on the Implementation of the Sexual Offences Act
The issue of sexual and gender-based violence is of deep concern to me, particularly in light of my work with Kenya’s Commission of Inquiry into Post-Election Violence (CIPEV), which I had the privilege of chairing.

Kenya erupted into violence following the 2007 elections. Alongside so much death and destruction, our fellow Kenyans also suffered widespread rape, sexual assault, and related gender-based violence. Evidence presented to the Commission suggested that perpetrators had raped and sexually mutilated their victims with full expectation of impunity.

So far, we as a country have done little to prove them wrong.

However, neither the perpetration of, nor impunity for, these crimes is limited to the period of post-election violence. Rape, genital mutilation, defilement, and sexual exploitation are ever-present scourges; they are with us even during times of peace. Unfortunately, due to factors such as stigma, under-reporting, and lack of a strong legal framework, these perpetrators have traditionally eluded prosecution. Survivors continue to suffer in silence. They may pass their rapists in the street day after day; they may endure years of psychological trauma without counseling; they may continue to fall prey to sexual exploitation or harassment in order to keep their jobs, feed their children.

Without accountability for sexual and gender-based violence committed in our communities every day, how can we expect to investigate and prosecute crimes that take place in times of crisis?

Our path forward is clear: we must work tirelessly to achieve accountability and provide care for victims of sexual violence at all times, and in all parts of Kenya.

Kenya’s key weapon against sexual and gender-based violence is the 2006 Sexual Offences Act. It is a far-reaching and progressive piece of legislation that expanded our definition of sexual offences, heightened the penalties for several crimes, and emphasized new elements such as psychosocial support, witness protection, and forensic evidence. However, realization of the law on the ground has met many challenges.

At the Sexual Offences Act Implementation Workshop, held in Naivasha from 25-27 May, 2011, many of us from relevant sectors of both government and civil society gathered to examine our delivery of the Act’s promise. We realized that, while we each struggle to fulfill our individual responsibilities under the law, our shared challenge is to determine how to work together to better implement the Act as a full and coherent process. How can healthcare providers, police officers, prosecutors, judicial officers, probation officials, and lawyers work more closely to create a survivor-centered path to justice? How does the Act operate in the context of Kenya’s new Constitution, domestic statutes, and obligations under international law? How can it be extended to the most vulnerable, invisible populations in our country?

The workshop was truly an historic event. It was a forum where cross-pollination of diverse experiences and expertise gave rise to new and critical insights. Participants sat together and spoke
frankly about their capacities, deficiencies and needs. We identified priority action areas and began to outline several concrete measures to take forward and send across sectors.

The Workshop has borne early fruit. Some of our recommendations have led to submission of a statutory amendment to the Act. Others have blossomed into collaborative grants for medico-legal partnerships. We even have renewed progress regarding guidance for the courts. However, an improved coordination of response to sexual and gender-based violence in Kenya has only begun.

The Sexual Offences Act Implementation Workshop Report constitutes the culmination of our three days together. It is my hope that its memorialization of our dialogue will not only nourish participants’ commitment to collective problem-solving, but will provide a blueprint for all of Kenya’s stakeholders who continue to fight against sexual and gender-based violence in our country.

The Hon. Mr. Justice Philip Waki

Nairobi, Kenya
October, 2011
Dear Friends,

It has been the Human Rights Center’s honor and privilege to work so closely with our Kenyan colleagues over the past year to improve accountability for sexual and gender-based violence in their country. We learned a great deal from these able experts and were pleased to contribute our interdisciplinary research, coordination, and technical skills to their efforts. We will continue to work with the Workshop Steering Committee as it transitions to fill a new role in support of the Task Force on the Implementation of the Sexual Offences Act. We hope that the collective energy, intelligence, and commitment of our Kenyan colleagues will bring about tremendous progress and good faith collaboration in the coming months.

One thing is clear: full implementation of the Sexual Offences Act will take serious and sustained political will. We have been impressed by the longstanding leadership behind the Act’s protections—particularly that of Hon. Njoki Ndung’u, Hon. Millie Odhiambo, the Task Force on the Implementation of the Sexual Offences Act, and former Attorney General Hon. Amos Wako. We hope Kenya’s new leaders—especially Hon. Attorney General Githu Muigai, Hon. Chief Justice Willy Mutunga, and Director of Public Prosecutions Keriako Tobiko—will continue to make justice and support for survivors of sexual and gender-based violence in Kenya a priority. We encourage them to work closely with the relevant government bodies and civil society organizations to bridge the gaps that currently exist as obstacles along a survivor’s path to justice. We also hope to remain in contact with all of our Kenyan colleagues in order to learn of, and learn from, their successes and challenges.

Our deep thanks to the Open Society Institute International Women’s Program, GIZ (German Development Cooperation), the Global Fund for Women, and AIDS Free World for making the Workshop possible. Our additional gratitude to the Finnish Embassy in Nairobi and UN Women for supporting the development and production of the Workshop reports.

We hope that the recommendations and record we have highlighted in the Workshop’s comprehensive report and its companion summary will promote improved implementation of the Sexual Offences Act by providing both a roadmap for future action and a platform for broader public engagement.

With sincerest thanks and warmest regards,

Kim Thuy Seelinger, JD
Director, Sexual Violence & Accountability Project

October, 2011
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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CREA W</td>
<td>Center for Rights Education and Awareness</td>
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<td>COVA W</td>
<td>Coalition on Violence Against Women</td>
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<tr>
<td>DNA</td>
<td>Deoxyribonucleic acid, which contains unique genetic traits that can be traced to any human or other living organism</td>
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<td>DPP</td>
<td>Department of Public Prosecutions</td>
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<td>DRH</td>
<td>Division of Reproductive Health</td>
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<td>FIDA K</td>
<td>Federation of Women Lawyers, Kenya</td>
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<td>GBVIMS</td>
<td>Gender-based Violence Information Management System</td>
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<td>HRC</td>
<td>The Human Rights Center, at the University of California, Berkeley</td>
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<td>ICJ</td>
<td>International Commission of Jurists</td>
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<td>IDP</td>
<td>Internally displaced person(s)</td>
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<td>LVCT</td>
<td>Liverpool VCT Care and Treatment</td>
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<td>MOMS</td>
<td>Ministry of Medical Services</td>
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<td>MOPHS</td>
<td>Ministry of Public Health and Sanitation</td>
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<tr>
<td>P3 Form</td>
<td>Police medical examination document, used to document the physical impact of various acts of violence</td>
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<tr>
<td>PRC Form</td>
<td>Post-Rape Care Form, used by healthcare providers to document the physical and psychological impact of sexual offences</td>
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<td>SOA</td>
<td>2006 Sexual Offences Act</td>
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<td>SGBV</td>
<td>Sexual and Gender-Based Violence</td>
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<td>TFSOA</td>
<td>Task Force on the Implementation of the Sexual Offences Act</td>
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<td>UNHCR</td>
<td>The United Nations High Commissioner for Refugees</td>
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**Terminology Notes:**
The terms “victim” and “survivor” are used interchangeably depending on speaker’s preference, intent, and context; both refer to an individual who has suffered an act of sexual or gender-based violence.

Certain government agencies referred to in the Workshop session summaries (featured in the *Sexual Offences Act Implementation Workshop, 2011: Comprehensive Report*) are currently in the process of restructuring, renaming, or removal based on the Kenyan Constitution enacted August 27, 2010. In the session summaries, all government agencies are referenced as referred to by Workshop participants during 25–27 May, 2011.
EXECUTIVE SUMMARY

This summary report presents the objectives and findings of the Sexual Offences Act Implementation Workshop, held in Naivasha, Kenya, 25-27 May, 2011. The idea of such a convening was first conceptualized by the University of California’s Human Rights Center, in the context of research conducted by its Sexual Violence and Accountability Project. The Workshop was then brought to fruition by Kenya’s Task Force on the Implementation of the Sexual Offences Act and the Workshop Steering Committee. Along with the Task Force, the Steering Committee included representatives from Liverpool VCT Care and Treatment (LVCT), Federation of Women Lawyers–Kenya (FIDA-K), International Commission of Jurists (ICJ), Coalition on Violence Against Women (COVAW), Center for Rights Education and Awareness (CREAW), the German Development Cooperation (GIZ), AIDS Free World, and the Human Rights Center, University of California, Berkeley (HRC).

The overarching objective of the convening was to improve implementation of Kenya’s 2006 Sexual Offences Act (SOA) by bringing together more than eighty six participants drawn from a cross-section of government and civil society organizations. They came from around the country to discuss sectoral capacity challenges and explore ways to improve the overall process of protection envisioned by the Act.

During the workshop, participants discussed the gains made by the Kenyan government and civil society organizations in responding to sexual violence. They also diagnosed the challenges that remain, how to adjust response to emergency situations. Finally, they discussed how to improve government engagement with informal community mechanisms and protect particularly vulnerable groups.

Workshop participants were first tasked with identifying critical challenges to the implementation of the Sexual Offences Act—both within their individual sectors and then as an overall, cross-sectoral process. Discussion illuminated several obstacles in both categories. Finally, Workshop participants prioritized several baseline improvements common to the entire implementation structure.

The recommendations that resulted ranged from making fundamental improvements to the coordination of government and civil society actors, to specific suggestions as to strengthening individual sector capacities.

Critical among participants’ recommendations was the call for a permanent national coordinating body to orchestrate and oversee coherent implementation of the SOA, as well as enhanced communication between government and civil society.

For a full accounting of the Workshop session discussions and recommendations, as well as helpful resources, please see the companion document: The Sexual Offences Act Implementation Workshop, 2011: Comprehensive Report.
Further, increased resource allocation to implementing agents was seen as necessary to fulfillment of individual stakeholder responsibilities under the Act. This was repeatedly noted in the case of provision of witness protection, awareness-raising about the SOA, improved investigatory and prosecutorial capacity, and improved provision of psychosocial support for survivors of sexual offences in Kenya.

Data collection and dissemination about sexual offences in Kenya was an additional area requiring further development and coordination.

Finally, Workshop participants identified areas requiring additional research, including models of integrated medico-legal services, models of witness protection, the design and maintenance of offender databases, and potential strategies for productive engagement between formal and informal justice systems.
The 2003 Kenya Demographic Health Survey (KDHS) reported that 16% of women in Kenya from 15-24 years old had experienced sexual violence in the previous year. The 2008-2009 KDHS further reported that 1 in every 5 (21%) women in Kenya aged 15-49 had experienced sexual violence. Much of this violence came at the hands of their spouses. Moreover, the same 2008/2009 study found that 12% of Kenyan women ages 15-49 reported that their first experience of sexual intercourse was against their will.

Despite this grim picture, Kenya has made great strides in addressing sexual violence as a medico-legal issue. This is evidenced by existence of several policy frameworks, which have been put in place to guide development of response and prevention to SGBV. These include the Sexual Offences Act (2006), the Health Ministries’ National Guidelines on the Management of Sexual Violence (2009), and the Kenya National HIV/AIDS Strategic Plan.
Prior to 2006, high levels of sexual and gender-based violence in Kenya went largely unaddressed by Kenya’s courts due to limited definitions of offences, a weak legal framework, discretionary sentencing, and general taboos that permeated both the formal and informal justice sectors. Law enforcement and prosecutors alike were ill-equipped for the challenges that arise in sexual and gender-based crime. Strict requirements for corroboration of testimony intimidated survivors of intimate crimes for which there were no eyewitnesses. Further, there was no anticipation of psychosocial support, much less witness protection for those brave enough to come forward and hold their perpetrators accountable in court.

In 2006, thanks to the extraordinary advocacy efforts of both civil society and political champions like then-Parliamntarian, Hon. Njoki Ndung’u, the Sexual Offences Act of 2006 (SOA) was passed. It came into force on July 21, 2006. The Act serves as a consolidated, stand-alone piece of legislation regarding sexual offences and replaces the few scattered penal code provisions then in existence.

More than revising and consolidating provisions regarding sexual and gender-based violence, the SOA re-defines sexual violence as crimes of violence instead of crimes of morality—heightening the emphasis on bringing perpetrators to justice. It also expands the scope of acts considered sexual offences, adding new crimes such as sexual assault (Section 5), gang rape (Section 10), child trafficking (Section 13), and intentional transmission of HIV or other life-threatening conditions (Section 23). This expanded enumeration of crimes is accompanied by a liberalization of notions of “victim” and “perpetrator”—the SOA is gender neutral, allowing for cases in which men and boys may be victims and females may be perpetrators. The SOA refined the penalties for defilement, tying the punishment to the age of the victim. The Act also establishes minimum sentences for some of the most serious sexual offences.

In terms of practice, the SOA calls for cross-sectoral delivery of inter-linking services, across the health, law enforcement, legal, and forensic sectors. For example, it places new emphasis on the collection and admission of forensic evidence into sex crime cases. It also creates a set of data-banks for the registration of convicted sexual offenders and their DNA. Moreover, it provides for psychosocial counseling for survivors and, where deemed appropriate, rehabilitative counseling for the accused.

A generally forward-thinking and progressive piece of legislation, the SOA is of course a product of political compromise. Even the law as passed contains items of controversy. For example, a “false allegation” provision in Section 38 has become a lightning rod for activists. This infamous

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provision provides that a victim or witness deemed to have given false testimony can receive the same sentence the accused would have received if found guilty. Activists have argued that the mere chance of losing a case and then being blamed for having made a false allegation is enough to prevent victims from coming forward. This feared “chilling effect” has made Section 38 of the SOA a prime target for repeal.

Though respectable progress has been made toward realizing the Act’s full potential, both the government and civil society are still learning how to wield this weapon effectively. The different sectoral responses are yet to be aligned to the provisions of the SOA.

THE TASK FORCE ON THE IMPLEMENTATION OF THE SEXUAL OFFENCES ACT

The Task Force on Implementation of the Sexual Offences Act (“TFSOA” or “Task Force”) was established by the Attorney General on March 16, 2007, via Gazette Notice 2155. The Task Force’s mandate is to oversee the implementation of Kenya’s 2006 Sexual Offences Act. A critical but temporary monitoring body, the Task Force’s original period of appointment was set to expire on December 30, 2010. However, its appointment was later extended to December 31, 2012, by Gazette Notice No. 743 of January 21, 2011. Its membership includes representatives from both government and civil society, with its leadership currently vested in Chairperson Hon. Lady Justice (Rtd.) Effie Owuor.³

The Task Force’s responsibilities, as outlined in its terms of reference, are to develop and oversee the intersectoral implementation and administration of the SOA. It is also charged with ensuring consistency among the Act and other existing laws, policies, regulations, and customs. Finally, the Task Force is responsible for overseeing all research, public education, and sensitization campaigns necessary to fulfill its mandate and promote the objectives of the SOA.

³ A list of current members is provided in the appendix of the more detailed Sexual Offences Act Implementation Workshop, 2011: Comprehensive Report.
THE WORKSHOP: BACKGROUND, OBJECTIVES, AND DESIGN

The Workshop was designed to bring key representatives from all the relevant sectors to the same table. It would contribute to improved implementation of Kenya’s 2006 Sexual Offences Act by creating an active dialogue among stakeholders from both government and civil society, as well as urban and rural areas of Kenya. Participants would represent fields vital to the discussion—healthcare providers, lawyers, police, forensic scientists, judges, legislators, and community advocates. They would not only examine individual sector challenges in SOA implementation: together, they would step back and take a bird’s eye view of the entire process in order to diagnose and address critical breakages in the links between sectors.

The workshop that resulted was truly a collaborative and historic effort, bringing eighty-six participants to Naivasha’s Great Rift Valley Lodge from 25–27 May, 2011. The Workshop consisted of interlocking plenary and breakout sessions that enabled focused discussion as well as general dialogue about small-group findings.

Day 1 of the Workshop was aimed at evaluating the status quo with respect to implementation of the Sexual Offences Act, and charting the anatomy of an “ideal process” for accountability as envisioned by the historic legislation. On Day 2, participants diagnosed critical challenges within and between sectors and assessed proposed solutions. On Day 3, participants considered special issues related to improving the response to sexual and gender-based violence in Kenya, identifying next steps and priority action items.
In the various plenary and concurrent sessions, Workshop participants identified the following overarching and common challenges to implementation of Kenya’s Sexual Offences Act:

1. Insufficient awareness regarding sexual offences and the SOA itself among survivors, communities, and implementation stakeholders alike.
2. Resource constraints among government and civil society actors.
3. Individual capacity gaps in government and civil society.
4. Disconnection between professional sectors, between urban and rural areas, between government and civil society, and among civil society actors themselves.

The challenges of awareness-raising and resource allocation ran throughout the Workshop discussion and were common to almost all aspects of implementation.

**Individual Sector Challenges**

In terms of individual capacity gaps and sectoral challenges, Workshop participants identified several pressing issues. These were found to somehow impact the extent to which sectors are able to fulfill their responsibilities under the SOA.

**Sector Challenges: Community Actors and Informal Justice Systems**

It was clear to Workshop participants that community factors can either help or hinder a survivor’s ability—and desire—to seek support or accountability through formal institutions. Key challenges that relate to community and informal justice influence include:

1. The chilling effect of stigma around sexual and gender-based violence.
2. Insufficient sensitization and engagement of men and boys to help change societal norms.
3. Inadequate assurances of witness protection preceding and throughout an investigatory and trial process.

**Sector Challenges: Health**

Aside from limited resources, the primary challenges affecting the health sector’s ability to fulfill its SOA-related obligations involve a general insufficiency of standardization. This manifests in the following ways:

2. Gross disparity in resources and services provided by major referral hospitals in urban centers and smaller clinics in rural areas.

3. Absence of uniform training for healthcare providers regarding sexual and gender-based violence, and few opportunities are available to develop workers’ abilities.


5. Insufficient roll-out of the 2009 Guidelines themselves.

6. Inconsistent and uncoordinated data collection about SGBV-related cases.

7. Limited awareness among health care providers on the provisions of the SOA.

8. Lack of a budget line within the national budget that provides for consistent supply of post rape care supplies.

Further, the health sector has had difficulty meeting its SOA-based obligations to provide meaningful psychosocial support to survivors (as well as accused persons).

One additional, concrete challenge faced by healthcare providers concerns the conflicting means of documentation of sexual offence cases. Specifically, there is need to clarify the relationship between the medico-legal forms used by police and healthcare workers.

**Sector Challenges: Investigations & Prosecution**

Participants identified several challenges to investigating and prosecuting SOA-related cases. These were found to include:

1. Insufficiency of effective witness protection, especially in cases where the perpetrator is known to the survivors and/or family.

2. Inadequate sensitization and training among police officers, which was found to result in weak evidence gathering, spanning the collection, storage, and transmittal of forensic evidence, to basic interviewing and statement taking.

3. Insufficient police training in handling children’s cases.

4. Inadequate levels of sensitivity to the need for psychosocial support for survivors entering the investigatory or prosecutorial process.

5. Low public awareness of the SOA, which can impede the reporting of violations and can inadvertently lead to the destruction of evidence.

6. SOA provisions that contain disincentives to reporting of crime—specifically, Section 38 provides for the possible punishment of a survivor found to have falsely testified in an SOA case.

7. Inconsistent levels of expertise among police prosecutors regarding the SOA or relevant courtroom procedures.

8. Overburdened caseloads.
9. Current absence of SOA practice guidelines from the Chief Justice, which participants said can result in inconsistent processes and protections in the courtroom.

Sector Challenges: Forensics
In Kenya, DNA analysis of all forensic evidence in criminal cases is analyzed by the office of the Government Chemist in Nairobi. The laboratory was found to suffer the following challenges:

1. Backlog created by understaffing, a lack of a quantification system, and ongoing need for equipment maintenance and supplies.
2. Difficulty generating DNA profiles from forensic evidence that has been improperly collected, stored or transported.
3. The DNA analyst is required to travel to courts outside of Nairobi to testify about the DNA report he was (or was not) able to produce from the forensic evidence supplied. This further contributes to backlog in laboratory work.
4. Little progress toward development of either of the sexual offender databases mandated by the SOA, including the DNA database of convicted offenders.

Sector Challenges: Judiciary
Workshop participants observed that the judiciary faces the following challenges in its adjudication of SOA-related cases:

1. Inadequate training and sensitization about sexual offences and related legislation, including the SOA itself.
2. Absence of practice guidelines from Kenya’s Chief Justice, which would standardize courtroom procedures for SOA-related cases.
3. Insufficient guidance regarding deployment of SOA’s minimum sentences—especially when faced with insufficient evidence due to poor investigations.
4. Absence of a national case management system to track cases.
5. Insufficient psychosocial support for judges.
6. Undue delay and inconsistent adjudication caused in part by the routine transfer of judges.

Sector Challenges: Prison / Probation
Post-trial phases such as incarceration and probation had been largely ignored when discussing SOA implementation. Workshop participants addressed this oversight, noting the following challenges:

1. Essential lack of psychosocial or rehabilitative support within the prison system to help reform sexual offenders before their release back into society.
2. Insufficiency of clarity and progress regarding the Dangerous Sexual Offenders’ database, which relates to the general database of convicted sexual offenders and has severe implications for a convicted person’s rights to parole and supervised release.
3. The effect of minimum sentencing on prison system resources.
Linkage Challenges

Workshop participants acknowledged that SGBV cannot be addressed by any one sector, or by government or civil society alone. Therefore, they spent part of the Workshop identifying areas where the linkages between the different players responding to SGBV were either non-existent or non-functional.

The following linkages were found to require attention so as to ensure coordinated cross-sectoral response to SGBV:

Linkage Challenge: Across Community / Health / Law Enforcement / Legal Sectors

Workshop participants identified several gaps between sectors into which a survivor’s case can fall, and then fall apart. These include:

1. Inadequate community and media sensitization about sexual and gender-based violence, the SOA, and how to obtain government protection.
2. Survivors’ difficulty navigating health and police support, due to lack of understanding of the processes involved in each of these institutions.
3. Insufficiency of systematic and safe transfer of survivors’ forensic samples from healthcare providers to the police, and finally to the government chemist.
4. Discrepancies between health sector and police documentation of survivor examinations and case details.
5. Sectors’ disparate training curricula and understanding of the SOA’s evidentiary requirements.
6. Inadequate witness protection and psychosocial support to enable survivors and witnesses to move through the legal and healthcare processes.
7. Weak coordination among government agencies with respect to development of SOA-mandated databases to track DNA and “dangerous sexual offenders.”
8. Sub-optimal engagement by different sectors with the school system, a critical stakeholder with respect to prevention and response to the sexual abuse of children.

Linkage Challenge: The Government / Civil Society Divide

Participants noted several areas in need of improved coordination between government and civil society stakeholders. These include:

1. Limited understanding by civil society organizations about how their government counterparts work.
2. Absence of SOA implementation support in the government budgeting process.
3. Inadequate information sharing between government and civil society regarding SOA implementation efforts needs improvement.
4. Under-developed standards, data collection, and monitoring and evaluation processes on both sides.
5. Absence of a standing, funded, national coordinating body—with meaningful allocation of resources.

**Linkage Challenge: The Urban / Rural Divide**

Not surprisingly, Workshop participants noted SOA-related disparities between urban centers and rural areas. Aside from heightened SOA-awareness deficiencies in the rural areas, this geographical disconnect is marked by:

1. Insufficient accounting for healthcare and police capacities in the rural areas by Nairobi-based entities.
2. Insufficient communication and connection between urban and rural areas regarding meaningful provision of training, resources, supportive services, and information-sharing;
3. Inadequate support for the transport of forensic evidence to analysis centers.
5. Inadequate expansion of SOA protections to Kenya’s internally displaced persons and refugees.

**Linkage Challenge: Bridging Formal and Informal Justice Systems**

Workshop participants articulated various “justice” priorities, identifying the inherent tension between community healing (the goal of most informal justice mechanisms) and individual justice (as prioritized by the SOA). They identified the following challenges:

1. Insufficient engagement and sensitization of community leaders, village and religious elders, and teachers to the SOA’s provisions.
2. Difficulty on the part of government and civil society actors to earn the community’s confidence by proving their competence in handling cases of sexual and gender-based violence.
3. Inadequate community-sensitive witness protection mechanisms.
4. Inadequate understanding of the role of the traditional justice systems in responding to SGBV and how these systems feed into the formal justice system.
WORKSHOP RECOMMENDATIONS

In light of the above challenges to SOA implementation, and in spite of gains made, Workshop participants identified the following priority recommendations:

Recommendations: Improved National Coordination

1. Attorney General’s office should establish a permanent, national coordinating body within the government to oversee state and civil society implementation efforts. This body must be endowed with greater resources and authority than the current, temporary Task Force on the Implementation of the Sexual Offences Act.

2. Task Force on the Implementation of the Sexual Offences Act should inform stakeholders of status and contents of National Policy Framework such that it can be understood, discussed, and implemented.

3. Civil society should form sector-specific teams to work with the Task Force or future permanent government agency to identify gaps and move action items forward. This effort could be coordinated by the Workshop Steering Committee.

4. The Workshop Steering Committee or a broader segment of civil society should reconfigure a coordinating body to support the TFSOA’s efforts by:
   - adding key stakeholders from the public school system, probations, gender and health ministries, as well as informal justice and religious communities;
   - developing a clear mandate and internal accountability structure to support the current Task Force or future permanent coordinating body.

5. All sectors should standardize and coordinate inter- and intra-sector guidelines and training curricula regarding SOA implementation.

6. Relevant government and civil society partners should improve data collection and data management regarding sexual and gender-based violence in Kenya.

7. Relevant government ministries should determine the structure of, and a maintenance plan for, SOA-mandated databases (DNA, dangerous sexual offenders, etc.).

8. The TFSOA and its civil society counterparts should improve their mutual engagement and communication with regards to SOA implementation efforts, resources, etc.

9. The TFSOA should oversee a review and harmonization of the SOA with Kenya’s related laws, including the Children’s Act and the Witness Protection Act.

10. Civil society groups should simplify and translate the SOA into local languages and work with organizations with rural outreach capacity such as COVAW, CREAW, FIDA-K, the
Caucus for Women’s Leadership, the IDP Network, and UNHCR’s implementing partners to disseminate these versions at the community level.

11. Relevant government entities should improve coordination with entities working in Kenya’s refugee and IDP communities to ensure that SOA-related protections and processes reach all survivors.

12. Relevant government entities, with support from civil society, should advocate for the repeal of SOA Section 38, the “false allegation” clause.

Recommendations: Common to All Sectors

1. All government entities, with relevant civil society partners, should explore how to create cumulative training models that track and build on individuals’ prior training in order to deepen expertise, rather than simply repeat exposure to basic training materials.

2. All SOA implementers should develop monitoring and evaluation mechanisms to gauge effectiveness in delivering SOA-mandated protection and support.

3. The TFSOA or other appropriate liaising body should help identify and introduce individual organizations to key government and civil society counterparts in order to build relationships, coordination, and trust among diverse implementers.

4. The TFSOA and its civil society partners should work to improve internal training of community leaders, healthcare providers, law enforcement, and the judiciary, especially regarding the “chain of custody” of forensic evidence in SOA-related cases, including proper forensic evidence collection, storage, and transport methods, etc.

5. The TFSOA and its civil society partners should develop mechanisms that would enhance provision of psychosocial support for first responders (particularly in the health and law enforcement sectors) as well as advocates, lawyers, and judicial staff who experience routine exposure to difficult sexual violence cases.

Recommendations: Specific Sectors

Recommendations: Health Sector

1. The relevant government entities should secure gazettement of medical regulations concerning the management of sexual and gender-based violence, including use of the PRC form.

2. Until a single health ministry emerges, there is a need to clarify roles and responsibilities of the appropriate government departments regarding health sector aspects of SOA implementation.

3. The relevant actors should standardize implementation of the 2009 Guidelines for the Medical Management of Sexual Violence in all health facilities through dissemination fora.

4. Health sector groups in civil society should advocate for increased resources and supplies for the clinical care and forensic examination of survivors.
5. The relevant health ministry actors should establish one-stop gender violence recovery centers at Level 5 healthcare facilities as appropriate, while strengthening referral mechanisms in all other contexts.

6. Medico-legal partnerships among civil society actors should support healthcare workers in preparing for possible court appearances.

7. The relevant government entities should develop psychological care guidelines specific to survivors of sexual and gender-based violence.

8. Government and civil society partnerships should explore expanded training of, and support for, community-based counselors and therapists to increase the provision of psychosocial services for rural SGBV survivors.

9. The relevant health ministry actors should develop protocols for the clinical care and forensic examination, as well as psychosocial support, of children in sexual offence cases.

**Recommendations: Law Enforcement / Investigations / Prosecutions**

1. Entities tasked with police training should improve sensitization regarding sexual and gender-based violence among law enforcement personnel, including:
   a. “statement taking” skills;
   b. general understanding of the SOA’s evidentiary standards and proper techniques regarding the collection, storage, and transfer of forensic evidence;
   c. management of children’s cases.

2. The police department should provide consistent, well-trained officers at “gender desks” at police stations throughout Kenya so these gender desks can offer a meaningful presence in their communities.

3. Relevant training entities should improve police prosecutors’ familiarity with the process for seeking restraining orders in sexual offence cases to better protect witnesses from accused persons.

4. The TFSOA should commission further research on Witness Protection models to determine the best system to meet the differing needs of Kenya’s various communities.

5. The relevant government entities should enable the Witness Protection Agency to provide critical support for sexual and gender-based violence survivors and witnesses, including “safe shelters.”

6. Civil society organizations should increase the use of rural paralegal systems, which can provide Nairobi-based technical assistance to paralegals in the provinces.

**Recommendations: Judiciary**

1. TFSOA should obtain judicial practice guidance from the Chief Justice regarding the handling of SOA-related cases.

2. The Ministry of Justice should develop a case management system within the judiciary to enable appropriate support and follow-up in SOA-related cases.
3. The Ministry of Justice, with appropriate technical support, should develop the SOA-mandated sexual offenders registry for the judicial sector.

**Recommendations: Improved Cross-Sectoral Response**

1. All government and civil society entities should involve both formal and informal justice systems, including rural communities, in developing solutions.

2. The TFSOA and civil society partners should deliver cross-sectoral training regarding the SOA and evidentiary requirements that bring community leaders, healthcare, law enforcement, legal and judicial officers *into the same room*.

3. The TFSOA should commission further research and assessment regarding appropriate models to bring critical systems together for survivors (including “integrated service models,” such as Population Council’s programs and the Sexual Assault Response Team model used in California).

4. A civil-society / government partnership should convene government ministries, departments, and agencies to educate civil society about how government operates and the availability of various government resources with respect to SOA-related efforts.

5. The relevant health ministry and appropriate civil society partners should provide more coordinated and comprehensive access to psychosocial support through all stages of a case—both for survivors, as well as accused and convicted persons, as appropriate.

6. Legal advocacy groups engaged in impact litigation should coordinate strategic litigation strategies related to SOA implementation to avoid duplication and improve mutual support.

7. Medical and legal advocacy groups should identify shared policy reform priorities among legal and health sectors and develop coordinated legal / non-legal advocacy strategies around issues of mutual concern.

8. Local courts should support expanded use of “court users committees” to improve coordination and information-sharing about case successes and challenges among local community advocates, health care providers, police, lawyers, and judicial staff.

9. Civil society groups and major media partners should educate and engage the general media regarding SGBV and the SOA, including the need to protect witness and survivor identities.

10. All SOA-implementing entities should increase their engagement with the Ministry of Education and the Teachers Service Commission.

11. Any entities involved in outreach and data collection should explore the enhanced use of mobile technology to improve access to local resources and encourage reporting of sexual offences, both in times of peace and crisis.

**Additional Recommendations**

After the Workshop, the Task Force has noted the following additional recommendations to improve SOA implementation:
1. Lobby for allocation of funds to support SOA implementation efforts.

2. Prioritize compensation of victims of sexual violence in consultation with the victims and their communities, as envisaged in the Victims of Offences Bill.

3. Implement the Power of Mercy Act to enable victims of sexual offences to make representation to the advisory committee in petitions relating to sex offenders.

4. Consult with the Teachers Service Commission to learn of their plans to develop an internal offenders' registry and to harmonize, coordinate as necessary.

Based on the discussions and conclusions that emerged from the Workshop, as well as research conducted before and after May 2011, the Human Rights Center offers the following supplemental recommendations:

1. The TFSOA should conduct a second, more thorough “SOA mapping” exercise with high-level government and civil society / community leaders present to further refine identification of ground-level breakages and finalize strategies to address them in overall guidelines with government buy-in at outset.

2. All government and civil society implementing entities should attend to the special protection and outreach needs of particularly vulnerable and/or stigmatized populations affected by sexual and gender-based violence in Kenya in addition to children, refugees, and internally displaced persons. These groups include male survivors, HIV+ persons, sexual minorities, elderly, and the disabled.

3. The TFSOA and any other civil society coordinating body should explore the use of Internet-based mechanisms such as Yahoo or Google groups to centralize communications and resources for cross-sectoral stakeholders involved in SOA implementation.

4. In terms of strengthening referral mechanisms, SOA implementers engaged in the provinces should consider engaging community volunteers in rural areas to act as “individual guides” or “advocates” to help survivors navigate the health, law enforcement, and judicial systems.

5. Groups involved in outreach should explore the use of community radio to sensitize local populations to sexual and gender-based violence and SOA provisions, perhaps by adapting the model toolkit created by Raising Voices in Kampala, Uganda (see www.raisingvoices.org).

6. The TFSOA or Kenya National Human Rights Commission should support ongoing study into the legal mechanisms by which the perpetrators of sexual and gender-based violence during 2007–2008 post-election period might yet be held accountable, including options for retrospective application of Kenya’s 2008 International Crimes Act.

7. Stakeholders in all sectors—particularly medical, legal, and law enforcement—should continue examination of the ways in which intra- and inter-sectoral responses to sexual and gender-based violence must be adapted in times of crises; they should make necessary protocol or policy modifications as soon as possible.
WORKSHOP-RELATED UPDATES

TFSOA Activities

The findings of the SOA Workshop included specific and important recommendations to remedy the challenges identified in the implementation of the SOA. In this update, the Task Force reports on important gains relating to these recommendations.

1. **Review and Finalization of National Policy Framework and Guidelines**: The TFSOA reviewed the National Policy Framework and Guidelines to align it with the new Constitution and prepared a cabinet memo for submission of the National Policy Framework and Guidelines to cabinet. The *National Policy Framework and Guidelines* was submitted to the Honourable Attorney General in June 2011 for review and onward transmission to Cabinet for approval.

2. **Finalization of the Chief Justice Practice and Procedure Rules**: The TFSOA, together with the High Court Rules Committee, SOA Workshop Steering Committee members, and the Directorate of Public Prosecutions, validated the Chief Justice Practice and Procedure Rules in June 2011. The Rules have been finalized and will be submitted to the Chief Justice for gazettement.

3. **Development of comprehensive policies for the protection of victims of sexual offences and management of sex offenders**: Jointly with the Probation and Prisons Departments, the TFSOA is conducting a baseline survey to establish the current programmes for protection of victims of sexual offences and management of sex offenders; identify the gaps and recommend appropriate programmes and mechanisms.

4. **Development of National Referral Mechanism**: TFSOA is developing a National Referral Mechanism to facilitate multi-sectoral coordination in the administration and implementation of the Sexual Offences Act. This is in line with the Action Plan formulated by stakeholders in December 2010 after consideration of the Position Paper.

5. **Audit and review of existing laws, policies, regulations, practices and customs relating to sexual offences**: The findings of the field and desk research will be validated by stakeholders in November 2011 and subsequently submitted to the Attorney General with recommendations for amendment, modification and/or abolition.

6. **Public Awareness, Sensitization and Education**: The TFSOA is conducting intensified nationwide public awareness campaigns with the twin objectives of enhancing awareness on the provisions of the Sexual Offences Act to the citizenry and sensitizing implementers of the Act—government agencies, civil society and community based organizations on multi-
sectoral coordination. The first phase of the public awareness campaigns runs from July 2011 to December 2011 and is funded by GIZ.

7. **The Child Justice Bill vis-a-vis Prosecution of Child Sexual Offenders:** In June 2011, the TFSOA submitted proposals to a technical team working on the Child Justice Bill. The technical workshop was organized by the Law Society of Kenya. The Bill aims to provide a comprehensive legal framework for protection of children in conflict with the law. The TFSOA presentation addressed issues relating to prosecution of child sexual offenders.

8. **Bill on the Protection, Welfare and Rights of Victims of Offences:** In June 2011, the TFSOA presented proposals to the Task Force on the Victims of Offences Bill and Bail Supervision Information Bill. The Task Force on the Victim of Offences Bill is established by the Vice-President under the Ministry of Home Affairs pursuant to Article 50 (9) of the Constitution is mandated to develop the Victims of Offences Bill and Policy. The TFSOA presentation proposed a national legal reparative framework for victims of sexual violence.

**SOA Amendment Bill (2011)**

An immediate outcome of the SOA Implementation Workshop was a coming together of the Workshop Steering Committee under the auspices of the Task Force to review the impediments to justice for SGBV victims within the legislation itself. A relatively easy starting point, the team sought to enumerate a list of amendments as well as additions to the SOA for recommendations to the office of the Attorney General. A solid legislative framework would then spearhead the Workshop’s recommendations. These amendments would be legislated by way of National gazette notice.

These recommendations included the repeal of the notorious Section 38 of the SOA, which threatened to punish a complainant in the event that the case was dismissed. Further, the recommendations sought to widen the definition of sexual offences and types of perpetrators. They also map out basic obligations owed to an SGBV victim by a medical caregiver.

This amendment would find concordance with the Constitution, given the elaborate bill of rights that provides for Social and Economic rights including the right to the highest standard of medical care (health).

Finally, the recommendations sought to give statutory backing to a body coordinating the various sectors. The amendments established a multidisciplinary authority with ministerial funding through the office of the Attorney General.

The recommendations were submitted to the office of the Attorney General for publishing but are yet to be gazetted.
APPENDIX 1: WORKSHOP PROGRAM

SEXUAL OFFENCES ACT
IMPLEMENTATION WORKSHOP 2011

May 25-27, 2011
Great Rift Valley Lodge
Kenya
WORKSHOP LEADERSHIP

ORGANIZERS
Task Force on the Implementation of the Sexual Offences Act (G.o.K.) (TFSOA)
Human Rights Center, University of California, Berkeley (HRC)
Federation of Women Lawyers - Kenya (FIDA-K)
Liverpool VCT (LVCT)
AIDS Free World

STEERING COMMITTEE
Task Force on the Implementation of the Sexual Offences Act (G.o.K.) (TFSOA)
AIDS Free World
Center for Rights, Education, and Awareness (CREAW)
Coalition on Violence Against Women (COVAW)
Federation of Women Lawyers - Kenya (FIDA-K)
Human Rights Center, University of California, Berkeley (HRC)
International Commission of Jurists (ICJ)
Liverpool VCT (LVCT)

SPONSORS
Open Society Institute, International Women’s Program (OSI)
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Embassy of Finland, Nairobi
Global Fund for Women
UN Women
WELCOME

May 25, 2011

Dear Colleagues,

On behalf of the Task Force on the Implementation of the Sexual Offences Act and the Human Rights Center at the University of California, Berkeley, we welcome you to the Sexual Offences Act Implementation Workshop.

We gather here to critically assess our fight against sexual offences in Kenya – what our successes have been, and what challenges remain. Since the passage of the 2006 Sexual Offences Act, it has become clear that a meaningful and coherent response to these crimes relies on coordinated, cross-sectoral efforts. This means finding a way for all of us – in healthcare, law enforcement, legal professions, forensics, the judiciary, and the broader community – to come together to address the problem. This also means connecting government and civil society, Nairobi and the provinces. We have a tremendous, but important, task ahead.

This Workshop offers the first opportunity for this critical, cross-sectoral dialogue. We have structured the meeting to be discussion-oriented, with several topical break-out sessions for focused discussion. We hope you will all contribute your thoughts, experiences, and expertise to ensure a rich collective understanding of how sexual crimes are affecting our communities and how they can be addressed.

Many thanks to the workshop steering committee for their efforts to make the workshop a success. We are also grateful to you, the participants, for your commitment to accountability and justice for survivors of sexual offences, and for your willingness to chart the way forward together.

Warmly,

[Signature]

Chair of the Task Force on the Implementation of the Sexual Offences Act

Camille Crittenden
Executive Director
Human Rights Center, University of California, Berkeley
### DAY 1: WEDNESDAY, MAY 25TH

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<th>Time</th>
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<tr>
<td>08:00 - 10:00</td>
<td>PLENARY 1: Welcome / Opening Remarks / Keynote</td>
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<td>10:00 - 10:30</td>
<td>Tea Break &amp; Group Photo</td>
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<td>10:30 - 12:30</td>
<td>PLENARY 2: Status Updates from Government</td>
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<td>12:30 - 13:30</td>
<td>PLENARY 3: Mapping the SOA and Placement in Context</td>
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<td>13:30 - 14:30</td>
<td>Lunch</td>
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<td>14:30 - 16:00</td>
<td>CONCURRENT SESSION 1: Current Sector Challenges</td>
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<td>16:00 - 17:00</td>
<td>PLENARY 4: Report Back and Prioritizing Breakages</td>
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### DAY 2: THURSDAY, MAY 26TH

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<td>08:00 - 08:30</td>
<td>Re-Cap of Day 1</td>
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<td>08:30 - 10:00</td>
<td>PLENARY 5: A National Effort Under the New Constitution</td>
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<td>10:30 - 12:00</td>
<td>CONCURRENT SESSION 2: Addressing Weak Linkages</td>
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<td>12:00 - 13:30</td>
<td>PLENARY 6: Report Back on Weak Linkages &amp; Discussion</td>
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<td>14:30 - 16:00</td>
<td>CONCURRENT SESSION 3: Improving Capacities</td>
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<td>16:00 - 17:00</td>
<td>PLENARY 7: Report Back on Individual Capacity Challenges</td>
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## DAY 3: FRIDAY, MAY 27TH

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<td>08:00 - 08:30</td>
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<td>08:30 - 10:00</td>
<td>PLENARY 8: SGBV and Emergency Situations</td>
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<td>10:00 - 10:30</td>
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<td>10:30 - 11:15</td>
<td>PLENARY 8 Continued</td>
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<td>CONCURRENT SESSION 5: Coordination &amp; Next Steps</td>
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<td>16:00 - 17:00</td>
<td>PLENARY 9: Report Back from Concurrent Session 5</td>
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<td>17:00 - 17:30</td>
<td>PLENARY 10: Action Items, Next Steps, Recommendations</td>
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<td>17:30 - 18:00</td>
<td>Closing Remarks and Vote of Thanks</td>
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## DAY 4: SATURDAY, MAY 28TH

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<tr>
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<td>10:00</td>
<td>Buses Depart for Nairobi</td>
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DAY 1 SCHEDULE
WEDNESDAY, MAY 25TH

Theme: Where Kenya Stands
Day Chairs: Milly Odongo, TFSOA (G.o.K.), and George Kegoro, ICI

07:00 to 08:00 Registration

08:00 to 10:00 PLENARY 1: WELCOME / OPENING REMARKS

Welcome
Jacinta Nyamosi, TFSOA (G.o.K.)
Carole Osero Ang’o, OSI
Camille Crittenden, HRC

Opening Remarks and Keynote
Hon. Justice Philip Waki, Court of Appeals
Hon. Justice (Rtd.) Effie Owuor, TFSOA (G.o.K.)
Hon. Amos Wako, Attorney General of the Republic of Kenya

10:00 to 10:30 Tea Break and Group Photo

10:30 to 12:30 PLENARY 2: STATUS UPDATES FROM GOVERNMENT

Objective: To learn from government agencies what progress they have made to date in terms of SOA implementation, as well as next steps.

Moderators: Day Chairs

Presenters: C.F. Kimani, Office of the President
            Alice Ondieki, DPP
            Beatrice Nduta, Police (tent.)
            Dr. John Kihama, Ministry of Medical Services
            Dr. Shiphrah Kuria, Ministry of Public Health
            John K. Mungai, Government Chemist
            Emmah Nungari, Gender Commission
            Naivasha Magistrate, Judiciary (TBA)

Question and Answer

12:30 to 13:30 PLENARY 3: MAPPING THE SOA AND PLACEMENT IN CONTEXT

Objective: To visualize the anatomy of a case according to SOA provisions, then to provide a sectoral overview of the SOA’s implementation before breaking into sectoral groups.

Moderators: Day Chairs

SOA Mapping Exercise
            Kim Thuy Seelinger, Human Rights Center
            Jane Serwanga, FIDA-K

Discussants
            Dr. Nduku Kilonzo, LVCT
            Roselyn Korir-Lagat, TFSOA (G.o.K.)

Question and Answer
13:30 to 14:30       Lunch

14:30 to 16:00       CONCURRENT SESSION 1: CURRENT SECTOR CHALLENGES (ASSIGNED)

Objective: Each sector will gather to identify three priority challenges for Plenary report-back (10 min each sector). Afternoon tea served during this discussion.

Group 1: Health Sector
    Moderators: Carol Ajema, LVCT
                Andrew Buluma, GIZ/TFSOA

Group 2: Investigations and Prosecution
    Moderators: Beatrice Nduta, Police (tent.)
                Alice Ondieki, DPP

Group 3: Judicial Sector
    Moderator: Tom K'Opere, Law Society of Kenya

Group 4: Community Mechanisms
    Moderators: Mike Wachira, CREAW
                Lydia Muthiani, COVAF

16:00 to 17:00       PLENARY 4: REPORT BACK AND PRIORITIZING BREAKAGES

Objective: To review sectors’ most serious challenges and provide TFSOA an opportunity to respond, prioritize from these various obstacles. Open discussion to follow.

Moderators: Day Chairs

17:00 - 17:30       CLOSE OF DAY BY CHAIRS
DAY 2 SCHEDULE
THURSDAY, MAY 26TH

Theme: Addressing Linkages and Capacities
Chairs: Dr. Nduku Kilonzo, LVCT, and Dr. Jill Keesbury, Population Council

08:00 to 08:30  RE-CAP OF DAY 1

Moderators: Day Chairs

08:30 to 10:00  PLENARY 5: A NATIONAL EFFORT UNDER THE NEW CONSTITUTION

Objective: To review SOA implementation as a national effort according to the New Constitution.

Moderators: Day Chairs
The SOA and the New Constitution
Hon. Justice (Rtd.) Violet Mavisi
Key Aspects of the National Consultation Towards the National Policy Framework
Tom K'Opare, Law Society of Kenya

Discussion
Tea Break

10:30 to 12:00  CONCURRENT SESSION 2: ADDRESSING WEAK LINKAGES (ASSIGNED)

Objective: To have assigned, cross-sectoral discussion groups identify three key linkage challenges and explore best strategies / steps forward. Representatives will prepare for report back at Plenary.

Group 1: Linkages: Government & Civil Society
Moderator: Judy Gitau, ICI
Presenter: Mike Wachira, CREA

Group 2: Linking the Medico-Legal Systems
Moderator: Shonal Shome, AIDS Free World
Presenter: Mary Njeri, COVAW

Group 3: Comparative Models of Integrated Services
Moderators: Dr. Nduku Kilonzo, LVCT
Presenters: Dr. William Green, UC Davis Medical Center
Dr. Jill Keesbury, Population Council

12:00 to 13:30  PLENARY 6: REPORT BACK ON WEAK LINKAGES AND DISCUSSION

Objective: To hear from smaller discussion groups what main three breakages exist for each area and what three responses were offered; discuss linkage building as a larger group.

Moderators: Day Chairs
13:30 to 14:30  Lunch

14:30 to 16:00  CONCURRENT SESSION 3: IMPROVING CAPACITIES

Objective: Open, moderated discussions aimed at identifying three key capacity shortfalls in each sector and beginning exploration of who and how to “fix” them. Prepare for report-back. Afternoon tea served during the session.

**Group 1:** Investigations and Prosecution
Moderators: John K. Mungai, Government Chemist
            Alice Ondieki, DPP

**Group 2:** Implementing Medical Mgt. Guidelines
Moderator: Dr. Shiphrah Kuria, Ministry of Public Health and Sanitation

**Group 3:** Coordinating Capacity-Building Efforts
Moderators: Vicky Wambua, CREA
            Mary Njeri, COVAW

16:00 to 17:00  PLENARY 7: REPORT BACK ON INDIVIDUAL CAPACITY CHALLENGES

Objective: To hear from smaller groups what three main capacity challenges exist for each area and what responses were considered; discuss capacity building as a larger group.

Moderators: Day Chairs

17:00 to 17:30  CLOSE OF DAY BY CHAIRS

~20:00  SURPRISE SCREENING (OPTIONAL)
DAY 3 SCHEDULE
FRIDAY, MAY 27TH

Theme: Prevention, Response, and Next Steps
Chairs: Jane Serwanga, FIDA-K, and Mary Njeri, COVAW

08:00 to 08:30
RE-CAP OF DAY 2
Moderators: Dr. Nduku Kilonzo, LVCT, and Dr. Jill Keesbury, Population Council

08:30 to 10:00
PLENARY 8: SGBV AND EMERGENCY SITUATIONS
Objective: To open discussion on SGBV in times of national or regional crisis, such as PEV in 2007 – 2008. How does SGBV in these emergencies differ? How must response be adapted? How is SGBV treated under international law and Kenya’s International Crimes Act, 2008?
Moderators: Day Chairs
Election-Related SGBV and PEV Retrospective
Hon. Justice Phillip Waki, Court of Appeals

SGBV in Crisis: What’s Unique About It?
Carole Osero Ageng’o, OSI

SGBV as an International Crime / International Crimes Act
Judy Gitau, ICJ

Emergency Response: Roles of Government and CSOs
Maina Kial, UN Human Rights Council; former chair, KNCHR

Discussion / Question and Answer

10:00 to 10:30
Tea Break

10:30 to 11:15
PLENARY 8 CONTINUED
Open Discussion - Adapting Response to SGBV in Emergency: What Changes?

11:15 to 13:00
CONCURRENT SESSION 4: RESPONSE AND SUPPORT
Objective: To focus on critical support issues, especially for vulnerable or invisible populations – how does the SOA protect these groups? What are the three key implementation blockages for each? What are the best strategies for overcoming them?

Group 1: SOA and the Protection of Children
Moderator: Patricia Joseph, CRADLE
Presenters: Christine Nkonge, IUM
Joan Ngunzi, TSC

Group 2: SOA and Psychosocial Support
Moderator: Lydia Muthiani, COVAW
Presenter: Dr. Margaret Makanyengo, Kenyatta National Hosp., GVRC

Group 3: SOA and Displaced Populations
Moderator: Kim Thuy Seelinger, HRC
Presenters: George Oduor, UNHCR
Sam Kotonya, UNHCR
Keitra Magedy, IDPAC Kenya
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<tr>
<th>Time</th>
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<tr>
<td>13:00 to 14:00</td>
<td>Lunch</td>
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<tr>
<td>14:00 to 15:30</td>
<td>CONCURRENT SESSION 5: COORDINATION AND NEXT STEPS</td>
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<td>Objective: To explore and prioritize cross-sectoral advocacy strategies, to identify points of collaboration and coordination regarding the challenges and strategies discussed previously.</td>
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<td><strong>Group 1:</strong> Non-Legal Approaches for Awareness and Response</td>
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<tr>
<td>Moderator:</td>
<td>Mike Wachira, CREALW</td>
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<tr>
<td>Presenters:</td>
<td>Emily Jacobi, Digital Democracy (remotely)</td>
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<td>John Gicharu, UNFPA</td>
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<td>John Kipchumba, SODNET</td>
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<tr>
<td>15:30 to 16:00</td>
<td>Tea Break and Evaluations</td>
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<tr>
<td>16:00 to 17:00</td>
<td>PLENARY 9: REPORT BACK FROM CONCURRENT SESSION 5</td>
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<td>Objective: To hear from smaller groups what three main capacity challenges exist for each area and what responses were considered; discuss capacity building as a larger group.</td>
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<td>Moderators:</td>
<td>Day Chairs</td>
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<td>17:00 to 17:30</td>
<td>PLENARY 10: ACTION ITEMS, NEXT STEPS, AND RECOMMENDATIONS</td>
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<td>Objective: Open discussion time for final thoughts from the floor.</td>
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<td>Moderators:</td>
<td>Day Chairs</td>
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<tr>
<td>17:30 to 18:00</td>
<td>CLOSING REMARKS AND VOTE OF THANKS</td>
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<td></td>
<td>Closing Remarks</td>
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<td></td>
<td>Hon. Justice (Rtd.) Effie Owoor, TFSOA (G.o.K.)</td>
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<td></td>
<td>Vote of Thanks</td>
</tr>
<tr>
<td></td>
<td>Kim Thuy Seelinger, HRC</td>
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