The Taskforce on the Implementation of the Sexual Offences Act (TFSOA) was set up by the Attorney General in 2007 to support coordination in the implementation of the Sexual Offences Act (SOA). The TFSOA is headed by the Hon. Lady Justice (Retired) Effie Ouwor assisted by two Joint Secretaries. It has a membership of 27 drawn from all critical sexual and gender based violence prevention and response actors both State (civil society organisations). These include health, police, prosecution, justice, judiciary, education, social and welfare, finance, administration and legal aid. To date, the TFSOA has achieved the following milestones:

1. National Policy and Guidelines Framework on implementation and administration of the SOA has been developed and submitted to the Attorney General
2. Development of mechanisms for rehabilitation, reintegration and supervision (including psychosocial support) of perpetrators in sexual offences.
3. Development of standard operating procedures for the various actors to support coordination and referral in sexual violence response and prevention.
4. Audit and review of the various legal instruments, provider practices and community norms with a view to recommend changes to align with the SOA. The audit report was instrumental in the recent repeal of Section 38 of the SOA.
5. Public education has been conducted in nine sites across the country: Coast, Eastern, Central, Nyanza, Kavirondo, Western, Rift Valley. Additionally, jointly with the GIZ Good Governance Project, the TFSOA supported the Sexual and Gender Based Violence (SGBV) multistakeholder trainings for actors in Naivasha, Nakuru, Eldoret, Kisumu and Vihiga. The TFSOA has also been called upon to educate the public on the SOA via media and judiciary open forums
6. All regulations required for implementation of the Act have been developed, gazetted and published: in March 2009, the TFSOA published the gazette notice No.132 – the Sexual Offences Regulations, 2008 and in November 2012, the TFSOA gazetted the Sexual Offences Medical Regulations and the Post Rape Care Form vide Gazette Notice No.133 of 16 November 2012.

The Sexual Offences (Medical Treatment) Regulations, 2012, are made pursuant to Section 35 (3) and (5) of the Sexual Offences Act as required of the Minister responsible for health. These regulations are particularly significant as they provide the legal basis for access to free medical treatment for victims of sexual violence in public health facilities and authorize the filling in and production of medicolegal documents (P3 Form and Post Rape Care Form) by nurses and clinicians in evidence to doctors. This will address the persistent delay in filling in of P3 Forms and production of medical evidence in court. Further, the regulations outline the procedure for handling of forensic evidence among the police, medical personnel and Government Chemist to safeguard the integrity of the evidence. It is noteworthy that most cases of sexual violence are lost due to mishandling of evidence between the police and health facilities. The Constitution, 2010, expressly provides for the right to health and specifically that no person shall be denied emergency medical treatment. Viewed from this perspective, these Regulations aim to safeguard the rights of victims of sexual offences in line with the Constitutional guarantees.

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The Constitution, 2010, expressly provides for the right to health and specifically that no person shall be denied emergency medical treatment. Viewed from this perspective, these Regulations aim to safeguard the rights of victims of sexual offences in line with the Constitutional guarantees.

LEGAL NOTICE NO. 133 of 16 November 2012
THE SEXUAL OFFENCES ACT, 2006 (No. 3 of 2006)
IN EXERCISE of the powers conferred by section 35(3) of the Sexual Offences Act, 2006, the Minister for Public Health, makes the following Regulations-

THE SEXUAL OFFENCES (MEDICAL TREATMENT) REGULATIONS, 2012

Citation:
Interpretation.
Cap. 257 Cap. 260
Cap. 253
1. These Regulations may be cited as the Sexual Offences (Medical Treatment) Regulations, 2012.
2. In these Regulations, unless the context otherwise requires-
   "designated person" includes-
   (a) a nurse registered under section 12(1) or enrolled under section 14 (1) of the Nurses Act; and
   (b) a clinical officer registered -under section 7 of the Clinical Officers (Training, Registration and Licensing) Act;
   "medical practitioner" means a medical practitioner registered in accordance with section 6 of the Medical Practitioners and Dentist Act;
   "medical treatment" includes counseling;
   "public hospital" means a Government health facility at all levels of health care, or such other health facility as may be designated, by notice in the Gazette, as a public hospital for the purpose of this Act.

Right to medical treatment.
(1) A victim, suspect, a person convicted or witness of a sexual offence has the right to medical treatment in a public hospital, private hospital or any other medical facility.
(2) The expenses incurred by a victim, a person who is suspected to have committed a sexual offence, a person convicted or witness of a sexual offence for medical treatment in a public hospital shall be borne by the Government.
(3) A victim of a sexual offence shall be entitled to receive medical treatment at any medical facility, whether they have or have not reported the matter to the police.
(4) The Minister may, at any time, enter into agreements with private hospitals or any other health facility to be designated as public hospitals for purposes of the Act.

A police officer who is on duty shall, upon receiving a report that a sexual offence has been committed against anyone, notify a medical practitioner or designated person at any health facility and refer the victim of the sexual offence to the medical practitioner or designated person at any health facility.

Specimen collection.
(1) A medical practitioner, at any time, upon receiving a report that a sexual offence has been committed against anyone, notify a medical practitioner or designated person at any health facility and refer the victim of the sexual offence to the medical practitioner or designated person at any health facility.