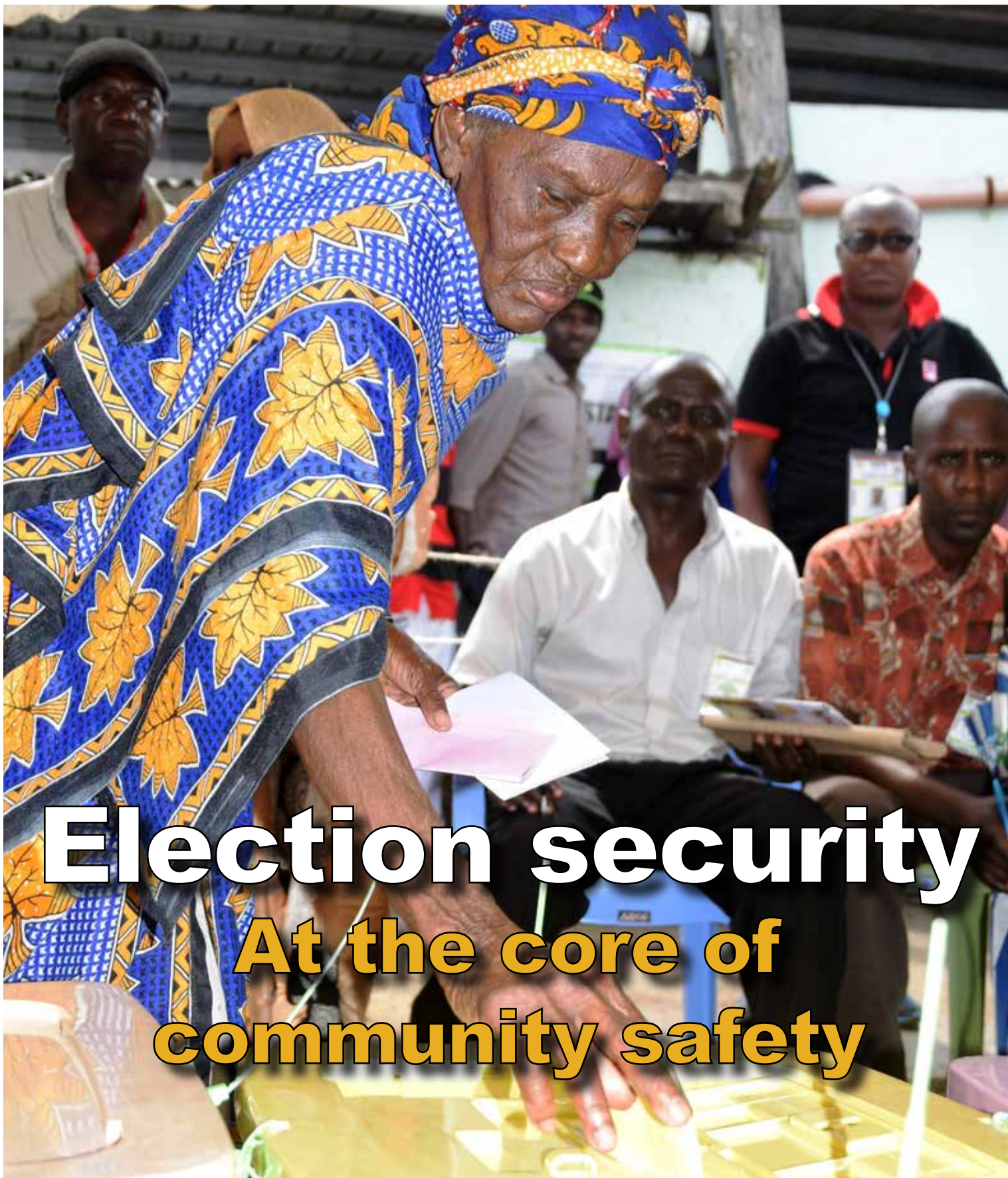




# Jamii Thabiti

Towards a safe and secure Kenya



**Election security**  
**At the core of**  
**community safety**

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Eminent women ensure peace prevails during polls



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Non-violence skills help forestall electoral conflict in Wajir



## About the Jamii Thabiti Programme

The Jamii Thabiti Programme is about improving community security and safety. It intends to reduce levels of criminal violence, inter-communal violence and violence against women and girls by working with authorities, service providers and civil society organisations at national and county levels.

The Programme will build on the achievements of improved legislation and police accountability as well as new peace and security architecture at the county level. It will provide a more people-centred, long-term approach to peace building, police reform and community security.

### International support

Jamii Thabiti Programme is being supported by the United Kingdom through the Department for International Development (DFID). It is being implemented by Coffey International in partnership with 30 organisations working closely with the Government of Kenya, including both national and county level institutions.

### Objective of the Programme

Jamii Thabiti will ensure a measureable improvement in the ability of national and county level institutions to tackle violence against women and girls, crime and inter-communal conflict, resulting in improved safety and security institutions at the national level and in eight counties of Kisumu, Bungoma, Kilifi, Kwale, Nakuru, Baringo, Wajir and Mandera.

The anticipated programme results include effective response to conflict and insecurity; improved policing; reduced gender based violence and better crime statistics.

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## Editorial team

**Arthur Okwemba**

Executive Director

**Jane Godia**

Managing Editor

**Ruth Omukhango**

Programme Manager

Writers

**Joyce Chimbi**

**Charles Mwangi**

**Odhiambo Orlale**

**Abjata Khalif**

**Jackson Okata**

**Pristone Mumbili**

**Yusuf Amin**

Design & Layout:

**Vieve Omnimedia**





A woman and school girls walk along a dusty road in Kwale County where gender violence is high and justice is suppressed at community level. PICTURE: ODHIAMBO ORLALE

# Community hides behind witchcraft in dealing with cases of violence

BY ODHIAMBO ORLALE

Cases of violence against women and girls in Kwale County have been linked to overnight wedding parties, disco-makumbusho (remembrance) and a wave of witchcraft.

According to members of the Community Policing Sub-Committee on Violence Against Women and Girls, incest, defilement, sodomy, rape and domestic violence are the most reported cases in the expansive county.

The overnight discos, mostly organised by the youth, have moved from night clubs to weddings and funerals.

Witchcraft comes in when witnesses are summoned to appear and the perpetrators use the dreaded men and elderly women to scare the hell out of them. Some have also been used to threaten survivors not to pursue cases.

## Elderly women targeted

Sarah Maina, a volunteer children's officer in Kwale says: "We have heard of many instances where witchcraft is used to interfere with cases, especially those of incest and defilement. Usually elderly widows risk being named prime suspects by the witchdoctors."

According to Inspector Leonard Namutali, it's a big challenge for a police officer to try and

arrest someone on allegations of witchcraft as there is no evidence. "Some of the cases are of jealous relatives who have failed in life and want to divert attention by blaming relative," said Namutali. Most of the cases are of incest and defilement involving relatives and siblings. Ironically, mothers who want to protect their marriages will always defend their husbands in cases of incest.

## Cases compromised

Citing a case where an assistant chief was accused of defiling two primary school girls, the police officer said the family failed to file a complaint. "Instead, the pupils dropped out of school and were later married off by their parents who had opted to settle the matter out of court and ensured the matter was "chini ya maji" (went underground)," explained Namutali.

Despite these challenges, the police have managed to make some headway. According to Inspector William Andayi, 50 cases of violence against women and girls were reported at Kwale Police Station in 2017 out of which two were of domestic violence and were concluded. Ten others are pending in court.

## Perpetrators convicted

Two convictions were made in 2017 of which one was a defilement case where the perpetrator was jailed for 20 years; while the other was of incest where the suspect was imprisoned for three years.

Three incest cases are pending in court out of the five that were reported. Five rape cases were reported but only two made it to court for hearing.

Mohamed Hamisi, chairman of West Matuga Community Policing Committee said: "We receive many cases of incest, defilement and rape from overnight discos that have mushroomed all over the county."

He added: "Our problem is that most complainants and their parents shy away and do not allow us to refer them to the police station gender desk for action to be taken against the perpetrators." .JT

# Electoral violence targeted women with sexual violence reigning high

BY ODHIAMBO ORLALE

**W**ith the stakes being very high, the 2017 General Election saw many cases of violence against women aspirants and candidates from nomination to voting.

According to Brian Weke, a consultant contracted by the Jamii Thabiti Programme on elections and security, a survey was carried out in Nairobi, Bungoma, Kilifi and Kisumu counties indicated that electoral violence was experienced during before, during and after the elections.

Electoral violence was noted to be specifically rampant against women and girls with many female aspirants and candidates being exposed to psychological, physical and sexual violence.

Weke cited cases of normalisation of negative influence such as sex for certificates also known as *“kuteremsha bandera* (lower the flag). Sex for nomination certificates was high in virtually all the political parties”.

## Sex for certificates

He claimed that in all political parties, influence holders and peddlers were men and for a woman to be ‘cleared by the party’ there was a high demand for sex in exchange for clearance certificate. This was because in many instances, a political party certificate during the nomination stage was almost a guaranteed win for the candidate in regions where there were party strongholds.

A lawyer and expert on electoral issues, Weke noted that during implementation of the Jamii Thabiti Programme, all political parties did not have internal dispute mechanisms in place.

According to Weke, party officials interviewed mentioned that “they only relied on the Constitution, internal constitution legislations and rules of natural justice”. This means that the internal party tribunal relied solely on its own discretion.

Citing several cases, Weke said that was a clear indication that Parliament should enact standardised rules that are gender sensitive to be enforced during the electioneering period.

“There is need to meet with Justice and Legal Affairs Committee of Parliament to draft, amend or improve on the initial draft. This should be spearheaded by National Gender and Equality Commission, Kenya National Human Rights Commission and Coffey.”

He maintained that “the Office of Registrar of Political Parties should be strengthened to push for reforms and implementation of the policy”.

## 40 women involved in disputes

During this assignment, it emerged that the Political Parties Dispute Tribunal dispensed justice impartially and followed the laid down rules and regulations. In particular, the Tribunal dealt with 300 cases out of which 40 involved female candidates. However, Weke recommended that the Tribunal should be decentralised to the 47 counties starting with the nine regions initially known as provinces to make pursuit for justice cheap and efficient. “There is need to create awareness on its role



“In all political parties, influence holders and peddlers were men and for a woman to be ‘cleared by the party’ there was a high demand for sex in exchange for clearance certificate.

— BRIAN WEKE, ELECTION SPECIALIST”

and processes,” he said.

Other findings indicated that over 80 percent of political parties were not aware of the Political Parties’ Code of Conduct or its contents. The remaining 20 percent were aware of the Code of Conduct but not of its contents.

Weke noted that civic and voter education was largely **PAGE 5>>**



Brian Weke, an election specialist with political parties’ stakeholders in Bungoma County. PHOTO: COURTESY

## Electoral violence targeted women with sexual violence reigning high

**<< FROM PAGE 4** lacking on a very high scale. “Pockets of civil society and faith-based organisations were undertaking civic education but this had limited in reach. Several political parties were undertaking civic education and sensitising supporters on peaceful campaigns but this was doubtful as their rivals disputed this.”

Furthermore, said Weke, many parties indicated that they lacked resources to execute civic education. Most of the political parties failed to adhere to their internal processes and regulations within the four counties. Nearly all the political parties had very good policies on paper but implementation framework was lacking. They had also given the two thirds gender rule a wide berth.

### Parties need standardised policy

In all the four counties, political party leadership kept disassociating themselves with their candidates who indicated signs of violence or hate speech. To reign in on the candidates, there was a need to sensitise all structures on the Code of Conduct of Political Parties.

Weke recommended a standardised policy that would strengthen institutions including the Political Party Nomination Rules (Political Parties Nomination Act or Regulations). “Political Parties do not have a standardized policy for nomination which created room for certain individuals to infiltrate internal processes and engage in violence during nominations,” said Weke. He noted: “This happened across the board in all the parties associated with the two leading coalitions — National Super Alliance (NASA) and the Jubilee Party.”

Weke suggested that Parliament enact a law or come up with regulations for the nomination process including provision of funding to political parties. He said: “Women candidates would perform better if there was proper organisation and absence of violence.” **JT**

# Dialogue on negotiated democracy open up chances for women’s political participation

**BY RUTH OMUKHANGO**

**F**or a long time women in North Eastern Kenya have faced discrimination in political leadership due to the patriarchal nature of the community found here.

During general elections, women aspiring for political positions experience pronounced challenges which are attributed to perceptions and traditional practices that put emphasis on male superiority. These challenges have had a negative impact on women’s participation in elective politics either as candidates or voters.

Unlike other regions where women have opportunities to battle it out with men during elections, it’s not the same for those in North Eastern Kenya due to cultural traditions that have the clan taking charge of nominating candidates. This way of doing things has worked against women who aspire for leadership positions.

### Traditional governance system

This system operates within the traditional governance institutions headed by a clan’s Council of Elders that negotiates for the various positions. According to Commissioner Fatuma Mohamed, a Gender and Governance Specialist, the biggest challenge with the system where clan elders nominate who will vie is the exclusion of women from political leadership since they are not represented in the Council of Elders. The situation is made worse by the fact that no clan wants a woman to represent them.



“Despite the Constitution calling for freedom from discrimination, county governments are still denying women an opportunity to political positions citing culture. Continued civic engagement is crucial in ensuring both religious and women’s leaders as well as elders understand constitutional rights. —

FATUMA MOHAMMED, GENDER AND GOVERNANCE SPECIALIST

With support from Jamii Thabiti Programme, Mohamed, embarked on the concept of negotiated democracy to ensure that women get political leadership positions in Wajir and Mandera counties.

“This intervention was informed by the isolation of women in the run up to the 2017 General Election and the fact that electoral positions were being shared out and women were not part of the process,” explained **PAGE 9>>**

# Eminent women ensure peace prevails during elections



Phoebe Asiyo, joined other prominent women in paying homage to the family of Baby Samantha Pendo who was allegedly killed by police in electoral violence that took place in Kisumu. PHOTO: AWC CORRESPONDENT

## BY JANE GODIA

The role of women in peace and security cannot be underestimated. It is reiterated in the United Nations Security Resolution 1325, which reinforced the role of women peace keeping and peace building.

The Kenya National Action Plan (KNAP) of the UN Security Resolution 1325 notes elections as one of the key causes of conflict in the country with women and girls being disproportionately affected.

Using the guidelines envisioned in UN

Security Resolution 1325, on the important role of women in peace and security, Jamii Thabiti recruited 80 eminent women to promote peace and security during the 2017 electioneering period in counties where the Programme is being implemented.

### **Eminent women nominated**

Through Roseline Odede, a consultant with the Jamii Thabiti Programme was able to put together a team of 80 eminent women from Baringo, Bungoma, Kisumu and Nairobi. They were empowered to address issues of violence against women and girls in elections (VAWGIE).

According to Odede, there is no clear definition of VAWGIE but they defined it as: “Any harm or threat of harm committed against women with the intent and/or impact of interfering with their free and equal participation in the electoral process during the electoral period. It includes harassment, intimidation, physical harm or coercion, threats and financial pressures, and it may be committed in the home or other private spaces, or in public spaces. These acts may be directed at women in any of their roles as electoral stakeholders such as voters, media, political actors, state actors, community leaders, or **PAGE 7>>**

<< FROM PAGE 6 electoral officials”.

“Time was spent identifying other grassroots women who would join the eminent women. The women were identified in liaison with Jamii Thabiti partners on the ground and other and other stakeholders,” explained Odede. “They formed a focal group to monitor, mitigate and speak out in cases of Violence against Women and Girls in Elections.”

The identified women fulfilled the following criteria:-

- i. They were women held in high esteem by their peers and are opinion shapers in the community.
- ii. They demonstrated knowledge of the relationship between gender and violent conflict.
- iii. They had capacity to recognise, discuss and address conflict related Violence against Women and Girls in Elections.
- iv. They understand and can contribute to inclusive and gender-sensitive peace-building.

### Identify, monitor and report

“The eminent women were trained and empowered as a focus group that would identify, monitor and report on incidences of Violence against Women and Girls in Elections. They were also given skills to identify early warning signs of violence and report on the same,” said Odede.

Jami Thabiti managed to link them up with the key stakeholders in their counties including the county commanders, media and other civil society actors. “This enabled a network that would readily act on reports of violence against women and girls in election,” she explained.

According to Odede, the greatest success output in the intervention of the eminent women followed the outbreak of violence in Nairobi and Kisumu after the declaration of



“The eminent women were picked through a process that also looked into the influence they have in the community where they live. — ROSELINE ODEDE, JAMII THABITI CONSULTANT

the Presidential result in August 2017.

### Diplomatic interventions

The eminent women raised alarm, came together immediately and condemned violence being perpetrated against unarmed women and children in a widely publicised press conference. “They also met with Fred Matiang’i, the Cabinet Secretary for Interior to get his assurance on the establishment of safe corridors to enable women and children access basic services in the face of conflict.”

The eminent women also offered legal support to the family of Moraa, an eight year old girl from the informal settlement of Mathare who died of gun shot wounds as a result of violence in elections. They also visited families of those affected by the violence and offered material, legal, financial and spiritual support.

Odede noted that in Kisumu, the eminent women liaised with the County Government and other actors including the County Commanders, and immediately set up a one stop centre where one would report a case

of violence and get immediate assistance.

“This centre was very useful as it made it easier to record the number of survivors and enable them get medical care as well as relevant police documents which had been a challenge,” explained Odede.

She noted that the eminent women continue to offer psycho-social support to survivors to date.

### Meeting with government stakeholders

Another success output was the policy paper that Jamii Thabiti was able to share with Government outlining actions that government and other stakeholders including political parties and the IEBC could take to ensure that women do not continue to suffer VAWG, and to also increase women’s participation in politics and decision making.

During this period there was the challenges of getting medical services especially for those who could not afford private health care treatment. There were those who did not access medical care because they could not afford transport charges to the medical institutions. In certain places there were medical facilities that are not equipped to handle the kind of injuries suffered.

“In Kisumu, the eminent women managed to form a caucus into which they invited the County Government, who then authorised free medical care for the survivors,” explained Odede.

The eminent women also received support from Red Cross, FIDA-Kenya and Women’s Concern Centre among other civil society actors. Other key stakeholders included government security agencies, Independent Electoral and Boundaries Commission (IEBC), county government’s gender departments, youth officials, media, political parties, and religious groups. JT

# Political parties committed to forestalling violence

**BY ODHIAMBO ORLALE**

**F**ormer Constitution of Kenya Review Commission official, Joyce Majiwa, undertook the work of Jamii Thabiti's elections and security programme.

Majiwa noted the acceptance and tolerance of violence in politics across the counties. She said political parties were often at a loss of how to deal with violence and particularly that meted out against women and girls.

According to Majiwa, there was more violence at the party nomination stage in the counties that she visited. This was mainly in areas with party strongholds where a nomination guaranteed a win for the aspirant.

However, Majiwa noted that political parties were not able to provide security to women aspirants or candidates despite this need ranking high in priority after funds.

## **Security at rallies**

The police were only willing to provide security to women candidates during political rallies. Some women candidates confirmed security was provided only during such events.

Prior to the 2017 General Election, Majiwa had undertaken an assignment for the National Gender and Equality Commission on a three-year campaign dubbed *Keeping the Promise — End Gender Based Violence*.

As the 2017 General Election approached, focus shifted to prevention and response to gender-based violence in elections.

By then, Jamii Thabiti had supported

county engagements in Nakuru, Baringo, Bungoma, Kisumu, Kilifi, Kwale, Wajir and Mandera.

"I also worked with the Women's Empowerment Link (WEL) on developing Women's Political Party Charter that would be used to hold political parties accountable to women during the 2017 General Election and through the election cycle," she explained.

"Both assignments and my having been chairperson of the Institute for Education in Democracy tied well with the Jamii Thabiti Programme with regard to mitigation of Violence Against Women and Girls (VAWGs) in elections," she explained.

## **Internal dispute resolution mechanism**

Majiwa was charged with ensuring that political parties committed to and were held accountable for the prevention and redress of violence against women and girls through the electioneering period. They would do this by developing internal dispute resolution mechanisms and commit to gender responsiveness in their nomination and campaign processes. Political parties would ensure a peaceful environment enabling the full participation of women in the electoral process as well as remove obstacles that in the past resulted in low participation of women in decision-making within Parliament and County Assemblies.

Majiwa held roundtable meetings with representatives from political parties on mainstreaming gender in the political party nomination rules. She also held two meetings



**Members of political parties during consultative processes held by Joyce Majiwa in Kisumu County to discuss elections and violence: PICTURE: COURTESY**

with representatives from the Political Parties Dispute Tribunal, Independent Electoral Boundaries Commission (IEBC) and Political Parties Liaison Committee to review political party dispute resolution mechanisms. She also held meetings with the Judiciary to deliberate on the dispute resolution rules developed by Political Parties Dispute Tribunal, with an eye on their responsiveness to violence against women and girls.

## **Women's election charter**

The first step was to develop the Women and Girls Peaceful (safe and open) Election Charter through review of the Constitution, electoral laws and regulations as well as the international obligations of political parties with regard to violence against women and girls mitigation.

This was followed by a consultative process facilitated by the Jamii Thabiti Programme





with a significant number of women and political party representatives as well as individual and collective meetings with key stakeholders in elections.

The Women and Girls Peaceful (safe and open) Election Charter was used as an advocacy tool to ensure that political parties commit to and adhere to the principles set out in the document. This was expected to enhance women's engagement by addressing gender inequality as well as ensuring women's equal participation before, during and after elections.

The Women and Girls Peaceful Election Charter was used to engage Political Parties, Independent Electoral Boundaries Commission (IEBC), Political Parties Liaison Committee, Registrar of Political Parties and the Judiciary. The institutions would address violence against women and girls in elections within the counties of Nairobi, Nakuru, Kisumu, Kilifi, and Bungoma.

There was acceptance of the message contained in the Charter across the counties. Political parties were positive and ready to champion the message.

Law enforcers exhibited greater cooperation and were ready to address cases of violence against women and girls.

Majiwa noted that the political landscape in the country has not changed much despite the laws and policies in place.

"Violence against women and girls is still being used as a tool to deter women from participating in elective positions with patriarchy and socialisation playing a big part on determining women's leadership," she noted.

### Opponents vicious

Reiterated Majiwa: "Although the message on women's leadership was accepted when it comes to voting, there is little progress in addressing violence. In many instances, tactics used by opponents have become more vicious."

She noted: "Gender roles are thrown at women in a manner that often constitutes violence while there is widespread acceptance of violence as part and parcel of politics which need not be the case."

Majiwa advised that more civic education be conducted between the election periods. "It is necessary to put in place predictable structures as grey areas and opaqueness is often a recipe for violence."

She suggested: "Political parties need to include non-violent elections as part of their agenda by putting in place processes to address violence against women and girls."

Majiwa advised that security forces be trained on how to prevent and respond to violence and specifically violence against women and girls during heightened tension. **JT**

## Dialogue on negotiated democracy open up chances for women's political participation

Mohamed.

### << FROM PAGE 5

Consultative meetings were held with women and religious leaders as well as clan elders to strengthen and improve women's participation in elective politics. The process also saw their capacity built in decision making, conflict resolution and contribution to policy on peace building among other purposes.

"We raised awareness of the rights of women and highlighted the need for the clan elders to include women in these processes," said Mohamed. "Hope was raised when religious leaders dismissed the notion that Islam discriminates against women thus allowing elders to accept women's leadership."

### Concerns raised

One of the successes of this intervention was the realisation that dialogue was crucial since it gave women an opportunity to speak out about their concerns and be heard by the men in their communities. "The women ended up being confident and were able to present a memorandum with their demands to the Councils of Elders," said Mohamed.

The consultative forums were the first of their kind and brought out issues of mistrust between the women and religious leaders as well as clan elders. "This needed to be resolved in order to increase co-ordination among the stakeholders for them to ultimately include women in decision making positions."

Mohamed urged consultative meetings be made consistent and frequent in order to bring about change in attitude and perceptions towards women. **JT**

# Non-violence skills help forestall electoral conflict in Wajir



Non-violence training of trainers participants pass their training skills to youth and women peace builders in Diif area of Wajir County. PICTURE: ABIJATA KHALIF

## BY ABIJATA KHALIF

**N**orthern Kenya is known as a frontier for recurrent armed conflicts that has made peace a very fragile item in the region.

Armed violence is entrenched in pastoralist communal cultural systems and regarded as a sacred tool for building and replenishing livestock herds.

Conflict is also used as a tool for defending clan territory and barring other weak clans from grazing and water points where the dominant and heavily armed clans remain at an advantage of capturing land that is

richly endowed with pasture, water and salt licks.

Conflict is also used as a sacred tool by politically domineering clans in suppressing their rivals' political plans and frustrating any efforts of forming an alliance with other clans.

### Political frustrations

The link between political dominance and electoral violence in Northern Kenya points to a trend where clans use huge resources in acquiring arms and financing youth in containing political rivals by attacking villages, disrupting transport

systems and barring communities from accessing natural resources in bid to frustrate them politically,

These trends have forced communities into an open reality of expecting armed violence during the electioneering period and after prolonged drought where dominant clans violently replenish stock lost during the dry spell.

Such realities have forced locals to come up with coping interventions. One trail blazing mechanism has been initiated by women peace builders who came up with clan tailor-made intervention that builds the capacity of women, **PAGE 11 >>**

<<FROM PAGE 10 local communities, youth and clan militias with non-violence peacebuilding skills.

The non-violence skills concept was mooted by women peace builders from Wajir County who interrogated their past peace-making successes and best practices developed new models with the support of the old and experienced women peacebuilders who were behind Wajir Women Peace Plan that culminated to the signing of local peace accord known as Al-Fatah.

After the clans signed and committed themselves to the Al-Fatah Peace Process, a new trend of conflict emerged instigated by the local electoral supremacies and dominance, climatic shocks that decimated livestock forcing devising of new coping mechanisms in restocking their lost herds.

### New dynamics

New conflict dynamics and realities forced women peace builders to go into a series of consultations which culminated into one main meeting organised by Frontier Indigenous Network, a women led organisation in Wajir County.

The meeting brought together women peace actors and builders with the aim of combining their strategies and experiences into a hybrid concept that would address the new conflict dynamics gripping the three northern frontier counties.

They interrogated various plans and ideas leading to the mooted of a new concept of non-violence peace education, tactics and skills. The group prepared non-violence training manuals with assistance of peace practitioners and a curriculum on non-violence skills and tactics was

developed. This was used in training women non-violent peace builders who in turn took the role of training of trainers and reached out to hundreds of stakeholders. They also helped them in forming village non-violence peace education.

### Strategies and ideas mooted

“The non-violence peace education skills and tactics idea was produced from a range of ideas and strategies developed by women peace builders in Wajir County. This new idea came with provision of training for trainers where the skills and tactics reached a critical mass of stakeholders,” explained Naima Abdi, Programme Coordinator with Frontier Indigenous Network based in Wajir County. She noted: “Each village in Wajir produced two women trainers who committed to reach 1,000 stakeholders in their respective villages. They would also train 100 women non-violent trainers in advancing the skills and tactics.”

The initiative played a key role in suppressing election related armed violence in Wajir County and also reached elders and youths who are active players in supporting clan led armed restocking programmes that triggers reprisals and revenge from affected clans.

“The new strategy imparted non-violence skills and tactics to women and active conflict players like elders and youth also played a key role in reducing armed electoral violence in the 2017 General Election,” Abdi explained. She noted: “The strategy significantly reduced armed restocking due to village non-violent education committees.”

So far the programme has reached 10,000 trainers, 40,000 community members and 500 village mediation committees actively propagating the non-violence skills and tactic as a tool of early warning and response to issues that could trigger armed violence in Wajir County. JT



Women from Wajir County being trained on non-violence peacebuilding skills. PICTURE: ABIJATA KHALIF

# Magistrate launches sensitisation campaign to address high number of defilement cases

**BY CHARLES MWANGI**

While defilement is a crime that should ensure justice for the survivor, this does not happen as cases are derailed by interference and graft.

Many suspects walk away scot-free from the courts despite concerted efforts by relatives, civil society organisations and security agencies to ensure justice for survivors.

In Nakuru, for example, one of the eight counties where the Jamii Thabiti Programme is being implemented, the number of defilement cases in different parts of the expansive county are alarming. However, despite efforts to serve justice to the victims, most of the cases are dismissed for varied reasons.

## Cases of defilement alarming

Molo Law Courts recently started a campaign against the defilement cases noting that the statistics are alarming.

Led by Senior Resident Magistrate James Wanyaga, court officials have been holding sensitisation camps across parts of Kuresoi and Molo where the cases are rampant. The high number of cases seen in 2017 led to the campaign.

“Since January 2017, I have heard 58



**Macklyne Aseda, a lawyer based in Nakuru outside the law courts. She works on cases pursuing justice for minors and is shocked with their level of abuse. PHOTO: CHRALES MWANGI**

cases. These are shocking statistics that have left us wondering where the society is headed to,” said Wanyaga. He added it was unfortunate that a handful of the cases are closed without

conviction of the suspects due to lack or mishandling of the evidence.

Nakuru police boss, Joshua Omukata noted that majority of the defilement cases fall in the dark side of crimes where they go unreported to the police.

“Simply because the cases reported at our desks are few does not mean that they don’t exist. Many are settled locally among the elders. We, as the police cannot coerce them to report,” said Omukata.

## Outside interferences

According to Christine Owino, a prosecutor based at Molo Law Courts, interference by family and influential people in the cases has led to scores of cases being unreported or getting thrown out by the court denying survivors’ justice.

Some parents are blamed for being influenced by the community to negotiate using elders through kangaroo courts which order perpetrators to pay fines of as low as KSh2,000 or cattle at the expense of the victim.

Owino noted that in some cases chiefs turn their offices into courts where they decide what is to be done to the offenders without involving the police.

“In some cases corrupt chiefs coerce guardians or parents of the victims to have the matter settled at the village level. The offenders bribe the chiefs who ensure the cases are not reported to the police,” explained Owino.

In an attempt to guard their reputation, some of the families, especially where defilement has been committed by a victim’s relatives settle the matter in the confines of the family boundaries. **PAGE 15 >>**

# Nakuru County to develop law that will address gender based violence

**BY JACKSON OKATA**

Female members of the Nakuru County Assembly have raised concerns over the increased cases of violence against women and girls in the county and called upon relevant authorities to act with speed to tame the rising wave in the county.

Under the Nakuru County Assembly Women MCAs Caucus, the women leaders who include those who are elected and nominated said that it is unfortunate to have Nakuru as a region leading with cases of gender based violence.

Led by the Catherine Kamau, Gender Committee Chair, the MCAs said they were saddened by a case where a 55-year-old woman was gang-raped before being stoned to death in Mariakani Estate. "It is saddening that right thinking men can gang rape an elderly woman and stone her to death. As women leaders we condemn the act and call upon the investigating authorities to ensure that perpetrators are brought to book."

## Legislation

"As much as we will be pushing for new legislation, both state and non-state actors must ensure that existing laws are put into proper use because we have seen people accused of sexual assault and rape walk away scot free and the reason we get is that there was lack of evidence," Kamau noted.

Through the Gender Committee of the County Assembly, the MCAs will be pushing for legislation that will not only work towards the empowerment of



**Women Members of County Assembly from Nakuru. They are pushing for legislation to ensure the county deals with GBV issues. PICTURE: JACKSON OKATA**

women but also towards addressing the rampant cases of violence against women and girls.

"As women members of the Assembly our work is cut out and we have started rolling out by pushing for the Nakuru County Gender Empowerment Bill which will address the issue of women's marginalisation in the county," she explained.

Kamau also revealed that the County Assembly Gender Committee is in the process of launching a sensitisation programme on gender based violence and how to combat the vice. They will concentrate in areas where cases of violence against women and girls are

rampant with the sole aim of educating the community on the need to join in the war against the vice and the importance of protecting women and girls from perpetrators.

## Create awareness

The sensitisation programme will also entail creating awareness with the community on how to access justice for survivors and victims of sexual and gender based violence.

The committee will be lobbying for the establishment of rescue centres at the grassroots level especially in areas with high cases of violence. **JT**



Vincent Omollo, Programme Officer with RHYFE addressing a Jamii Thabiti meeting with Baringo Women Empowerment Network. PICTURE: PRISTONE MAMBILI

## Insecurity and FGM remain biggest threats in Baringo

**BY PRISTONE MAMBILI**

**T**he need to restock cattle for wealth and paying of brideprice has remained a source of conflict in Baringo County.

This is especially true for the young morans who need to get cattle to pay for the new brides. The problem occurs immediately the girls have been circumcised and are seen to be ripe for marriage.

While admitting the many challenges in Baringo County among them Female Genital Mutilation, Emmy Butuk, a former Member of Baringo County Assembly said it's only when there are more women in leadership that they can champion for the rights of girls.

"In Baringo County we have many challenges affecting women and girls, and

particularly the issue of female genital mutilation," said Butuk.

These sentiments were echoed by Mary Kuket, a human rights activist who works in Tiaty, Baringo County.

Kuket said that the biggest problem they face is that of protecting girls and women from female genital mutilation.

### **Working in partnership**

According to Kuket, through the partnership with police from Nginyang' as well as other stakeholders, they have been able to save 65 girls from undergoing FGM or being married off at an early age.

"We work in a community that believes a girl should not be educated but instead bring wealth to the family. However, we have worked closely with Nginyang' Police Station and rescued around 65 girls from

early marriages and FGM," said Kuket.

She noted that empowering the girl child through education was the only way through which the Pokot community would solve the problem of insecurity and cattle rustling.

Kuket said the challenge in accessing justice is due to the long distance they have to travel to reach the law courts in Kabarnet.

"The area is so vast and we need to have more police posts to help us in addressing the same. My appeal to the community in Pokot is that they should ensure education for the girls and in so doing address insecurity in Baringo," she reiterated.

"We are appealing to the Government to establish more police posts in the area to address the issue of insecurity," said Kuket.

Butuk on the other hand, noted the need for women's empowerment at the grassroots level to enable them to participate in the male dominated political atmosphere.

She said a lot needs to be done to ensure women are involved in political decisions of the county and at the nation.

Butuk who is now involved in championing the rights of women and girls in Baringo County said this when she spoke at a women's empowerment meeting organised by Nakuru based Reproductive Health Youth Friendly and Environmental (RHYF) in Marigat, Baringo County.

She recalled that during her tenure as an MCA, she could not do much in the County Assembly because the atmosphere was unfriendly to women.

Butuk noted that those who were elected looked down upon the nominated MCAs. Personally she felt this challenge when she raised any issues concerning the rights of women and girls.

"Being a nominated MCA has a lot of challenges even in the Assembly. If you try to **PAGE 14 >>**

<<**FROM PAGE 14** raise your voice, those who are elected will silence you,” she said.

However, Butuk said this did not deter her from proceeding with her ambition of ensuring that the rights of women and girls are addressed.

In the 2017 General Election, she viededspite financial constraints and other numerous challenges but lost.

This prompted her to champion for the formation of Baringo County Women Leadership Network which works in collaboration with RHYFE with the support from the Jamii Thabiti Programme.

A visit to Marigat Police Station revealed an active gender desk where residents can report issues of Gender Based Violence.

#### **More cases being reported**

Aflin Anyango, officer in charge of the Gender Desk at Marigat Police Station said unlike before when the residents used to shy away from reporting such cases, they have improved since the coming in of Jamii Thabiti through RHYFE into the county.

“I can say that since 2016 there has been increased reporting and this I can attribute to sensitisation done by the Jamii Thabiti Programme,” said Anyango.

They have taken several cases to court citing a defilement case in which the culprit was jailed for 11 years.

“We have taken other cases to court where some have been prosecuted while others are pending. My message to the community is that they must take collective responsibility in handling cases of violence against women and girls,” said Anyango.

Vincent Omollo, a Programme Officer from RHYFE said they will continue to ensure that women at the grassroots are empowered economically, socially and politically to enable them participate fully in decision-making. **JT**

## Magistrate launches sensitisation campaign to address high number of defilement cases

<<**FROM PAGE 12** Owino noted that a few cases that make it to the court are jeopardised by witness accounts that give varying information concerning the crime.

She said some witnesses are sometimes influenced by the offenders to change their testimonies denying the prosecution a concrete base to build a strong case that would lead to the conviction.

“It’s usually hard to prove that a suspect is guilty when a witness who was expected to give support to the case is compromised,” said Owino. She added: “Some give contradicting information and in a case where the court is relying on what the minor says, it may not be enough to convict a suspect.”

#### **Excuses of unavailability**

In other times, said Owino, doctors who are supposed to carry out tests to determine if sexual assault took place, give excuses on their unavailability to appear in court when the case is proceeding. “This prolongs the court process and in the end families give up on the case.”

Some of the defilement cases have been thrown out after the court ruled that the minor was willing. For instance, a Nakuru court threw out a defilement case after it was alleged that it was planned by the suspect and the 15 year old victim.

The court also cited dishonesty by the minor who had lied to her mother that she had spent the days in question at a youth camp when she had voluntarily visited the suspect.

Macklyne Aseda, a Nakuru-based

“Since January 2017, I have heard 58 cases. It is a shocking statistic that has left us wondering where the society is headed to. It is unfortunate that a handful of the cases are closed without the conviction of the suspects especially due to lack or mishandling of the evidence.”

— JAMES WANYAGA,  
 SENIOR RESIDENT MAGISTRATE, MOLO SUB-COUNTY, NAKURU COUNTY

lawyer passionate about justice for minors, has been pursuing a number of cases of which she says some collapse as a result of ignorance by the parties involved.

Aseda said that despite having sufficient evidence to convict defilement suspects, a simple loophole allows them to walk away scot-free.

“There are very minor details that most people overlook when filing the cases. Some of them are noted when the case is at a level where additional evidence cannot be allowed,” explained Aseda.

She noted that some of the parents or guardians fail to provide proper documentation to prove the age of teenage victims where a birth certificate is the only reliable document to prove that the survivor is a minor. **JT**

# Media advised on how to report on insecurity



Joseph Kaguthi, chairman of Nyumba Kumi Initiative speaking to journalists on how they can work with the its members to improve community security. PICTURE: YUSUF AMIN

## BY YUSUF AMIN

**F**or any community to be safe, they must put efforts in ensuring their own safety and security through collaboration.

This is the cornerstone with which the Jamii Thabiti Programme is being implemented in eight counties on the realisation that security agencies will only be successful if they work together with the community.

Security represents a significant challenge to poor and marginalised Kenyans and the Programme being people-centred leverages on partnerships and other initiatives to support more effective, accountable and responsive police service.

The media remains a key partner in highlighting issues around this major theme and the

three thematic areas of inter-ethnic violence, criminal violence as well as violence against women and girls.

Within these thematic areas, initiatives such as Nyumba Kumi and Community Policing Committees play an important role in improving security.

### Powerful tool

At a media workshop organised by the Ministry of Interior, a key partner in the Jamii Thabiti Programme in Naivasha, Joseph Kaguthi, chairman of the Nyumba Kumi Initiative, said the media is a powerful tool that can help in identifying criminals to the police.

Kaguthi further noted that Social Media like Twitter and Facebook could be well used to notify Kenyans on areas where there are

cases of insecurity across the county.

He challenged journalists to be objective when reporting on issues of insecurity and also get proper facts before they publish or air stories.

“As journalists, you must enlighten members of the public on how they can assist each other in reporting issues of insecurity to the police for investigations to be conducted,” said Kaguthi.

He challenged Kenyans to understand the importance of the Nyumba Kumi Initiative as this would to enhance security in the community and across the country.

### Safety first

Kenya Correspondents Association chairman Oloo Janak noted that the Kenyan media plays a big role in highlighting issues of insecurity and asked the police to work with them and intervene in cases where journalists face threats.

He advised journalists to consider their safety first before reporting on insecurity.

“Journalists face many challenges when it comes to issues of insecurity and these challenges should be addressed on time,” noted Janak.

The media training workshop empowered journalists on how to deal with issues of insecurity. They also promised to cooperate with the Nyumba Kumi Initiative committees in their areas of operation.

Prof Karega Munene of United States International University asked journalists to be democratic in their reporting and ensure they do not bring tension within the community.

“Journalists have been facing threats from police officers and this has led to intimidation,” he said.

The journalists also asked the Nyumba Kumi Initiative boss to engage editors in their training so that they can understand what correspondents face when working on security related stories. This was after they complained that editors ‘kill’ their stories no matter how informative they are to the society. **JT**



# Top police officers offer hand of support to end violence against women and girls



From left: Mohammed Amin, Officer Commanding Police Division Nyando, Mr Peter Majani Officer Commanding Ahero Police Station, and Rachel Totum, Base Commander in Ahero. PICTURE: GEORGE NGESA

## BY JOYCE CHIMBI

The Jamii Thabiti Programme, operating under the theme Improving Community Security places the National Police Service high among the partners who would make this successful.

As Jamii Thabiti partners have cross-crossed the eight counties where the Programme is being implemented, nowhere has the police missed from being involved.

The support and partnership was solidified when the African Woman and Child Feature Service held a one day forum that led to the formation of the Ahero Sub-Committee on Violence against Women and Girls.

The activity provided a rare opportunity for the Ahero Community Policing Committee to engage with officers from Ahero Police Station including the Officer Commanding

the Station (OCS) and those manning the gender desk.

Present during the meeting was Mohammed Amin, Officer Commanding Police Division (OCPD) Nyando, Peter Majani OCS at Ahero and Rachel Totum who is the Ahero Base Commander. They were joined by Commissioner of Police Wilkister Verah Nyaiyo from police headquarters.

“I have served in many communities, but in this community there is a lot of hostility towards the police. There is almost a pure hatred for the police and the community does not volunteer intelligence information. This has affected the rate at which cases are prosecuted,” said Amin. He added: “I am urging all of you to take advantage of this opportunity to get closer to us. The Jamii Thabiti intervention is a unique especially in addressing violence against women and girls.”

Two months after this crucial meeting the community seems to have headed the call.

Hezekiah Omanga, chairman of the Community Policing Committee in Nyando said: “Ahero is a hotspot for cultural and traditional practices that increase the vulnerability of women and girls while at the same time reducing their safety and security.” He added: “We have been working with the police and the situation is improving slowly.”

Among the many harmful practices is the issue of widow inheritance and widow disinheritance. The female face of HIV remains dominant and is reflective of a society where women’s sexual and reproductive health rights are significantly suppressed.

## Patriarchy

Child and forced marriages are rampant with rape and defilement remaining at the core of sexual violence. A general discrimination of women is common here depicting a society that subscribes to patriarchy.

“Our committee members encourage the community to report cases that occur to the police. This is very encouraging as the community is beginning to warm up towards the police,” Omanga explained.

Other members of the committee including Lorna Achieng who affirmed that harmful cultural practices continue to be a hindrance to improving the status and situation of women and girls in the area.

“The situation is beyond what the chief can handle and this is why we need support from the police. Those of us who have called on the police can confirm that indeed they are willing to work with the community to reduce cases of violence against women and girls,” said Achieng. **UT**

# Greater collaboration sets positive changes to violence cases



Members of the Ahero Sub-Committee on VAWG who have promised to stem out the vice in Nyando Sub-county. PICTURE: GEORGE NGESA

## BY ODHIAMBO ORLALE

**V**iolence against women and girls advocacy programme in Nyando Sub-county in Kisumu County has gone a notch higher.

This is being done through the “adopt-a-police” initiative where primary and secondary students are encouraged to have closer relations with law-enforcers by sharing information on crime and sexual offences.

Chairman of Nyando Community Policing Committee Hezekiah Omanga says: “Under the Jamii Thabiti Programme we have learnt a lot so far and the best outcome is the adopt-a-cop slogan which is quite successful in the area.”

A similar campaign is going on in Muhoroni, Kisumu Town and Maseno police stations where the community uses the adopt-a-police

station initiative to promote anti-gender based violence in their respective areas.

Omanga was speaking at a forum held to establish a sub-committee on violence against women and girls within the Nyando Community Policing Committee.

### Impact of Jamii Thabiti

The community was joined by officers from Ahero Police Station led by the Officer Commanding Division, the Base Commandant and the Officer Commanding Station as well as the team from Gender Desk.

The brief ceremony was attended and addressed by the Director of Gender and Child Protection at Vigilance House, Commissioner Wilkister Verah Nyaiyo.

Each participant had an opportunity to share how the Jamii Thabiti Programme had affected and impacted their lives and work.

The views varied from the programme helping to bring about peace and promote safe neighbourhoods in the area to reducing cases of gender based violence.

Lorna Juma, a member of the Community Policing Committee and village elder said: “Through this programme we have learnt a lot. The many cases we used to have of violence against women and girls as well as conflict in the villages have now reduced.” She noted: “This is because of the awareness that has been created through the Jamii Thabiti Programme trainings.”

### Early warning and response

Rose Akumu, also a village elder said the toll free number set up for the public and victims of violence has borne fruits as far as reporting, early warning and response is concerned.

Others said the Programme has helped them in ways that have seen the community policing committees handle cases of violence against women and girls better than before and they are specifically able to identify and help survivors.

“Since the programme was introduced here in Nyando Sub-county in 2017, we have been trained and are working closely with the police,” said Jane Anyango, a member of the Community Policing Committee.

Said George Odilo: “We have been empowered and know how to deal with cases of defilement, rape and retrogressive traditions that promote other vices like forced marriages.”

Some success stories are of cases that have been prosecuted successfully due to involvement of organisations such as the Women Concern Centre that coordinates Jamii Thabiti Programme on behalf of the Gender Technical Working Group in Kisumu County. **JT**

# Committee forms base for improving safety and security

**BY JOYCE CHIMBI**

One of the foremost challenges that have affected interventions to address Violence against Women and Girls has been the lack of community support.

According to Godwin Nganga, Officer Commanding Muhoroni Police Station, there has been open hostility between the police and the community precipitated by political violence and or tensions, as well as a general fear of the police.

“When we see a police officer, we know that trouble is not far away. People fear the police who are seen as the enemy because they are not friendly,” said Johannes Otieno, Secretary of the Muhoroni Community Policing Committee. “The people are hostile and the police are also hostile so there is no cooperation.”

Otieno was speaking at a Community Policing Committee meeting held under the Jamii Thabiti Programme. He noted that it was very important “because we are talking as partners for the good of our mothers, wives, daughters and sisters”.

The meeting was held to establish a sub-committee that would address issues of violence against women and girls within Muhoroni Community Policing Committee.

The forum provided an opportunity for women to provide perspectives into violence against women and girls as they are so often marginalised and remain the greatest victims of the vice. Although this is very clear, in the constitution, the leadership of the Community Policing Committee operates on the basis that women are to be

seen but not heard. “What our OCS has said is true and we are going to hold fresh elections and women must be part of the committee’s leadership. This is important as they will bring in a new perspective into the fight for the rights of women and girls,” said James Okal, chair of the committee.

Due to Nganga’s push for the inclusion of women in the leadership of all interventions established to fight violence against women and girls, it has been confirmed that “not only are women expressing their views on violence freely during meetings held but they are also part of the sub-committee established with some holding leadership positions,” Nganga affirmed.

Since the sub-committee was established in December last year, members confirmed that it has been a critical process for the community to give a critique of the police by explaining why the community shies away from police stations. The officers took the criticism in their stride and affirmed that such remarks were positive and would bring the community closer to the security officers and help seal existing gaps.

Community Policing Committee members have continued to lead in exploring many missed opportunities that could be exploited to establish a formidable grassroots foundation to improve safety and security of women and girls.

The sub-committee has, therefore, become a primary base in efforts towards creating a sustainable and effective community-driven intervention. Within this committee, both the chair of the community policing committee and the OCS draw the best efforts from both the community and police officers towards improving the safety and security of women and girls in Muhoroni area. **JT**



Godwin Nganga (centre) Officer Commanding Muhoroni Police Station, Muhoroni Sub-County joined with other officers during the community forum. PICTURE: GEORGE NGESA

# Know Jamii Thabiti Programme Partners

**This is a programme being implemented in Kenya with about 30 local organisations on board. In every Issue, we will be profiling partner organizations. In this issue, we profile the following partner:**

## Independent Technical Consultant

Jamii Thabiti Programme has involved various stakeholders in ensuring that the goals and objectives of the Programme are met. These are organisations at national levels, downstream partners and individual consultant.

Charles Otieno is an independent consultant who was recruited by Jamii Thabiti for giving technical input to the National Polices Service especially on policies. The consultant works with an activity coordinator and secretariat to enable him deliver on his milestones.

The main focus for the consultant with Jamii Thabiti includes review of the service standing orders; formulation of community policing handbooks, community policing committee guidelines and manuals, working with Internal Affairs Unit to develop the professional standards document; Sensitisation of police and community on community policing documents and the National police service standing orders.

The independent consultant has also developed the National Police Service Charter, Monitoring and Implementation

Plan on Service Standing Orders and its related documents. Towards the end of the project, the consultant will sample the services offered at the police stations by distributing a score card to each station where the public will assess the services as offered at the police station.

The consultant has been working at National level in all the eight counties — Kisumu, Bungoma, Nakuru, Baringo, Kilifi, Kwale, Mandera and Wajir — where Jamii Thabiti Programme is being implemented.

Currently, the Service Standing Orders have been approved and the consultant is pushing for its national launch. The consultant is also finalising on the sensitisation on the *Community Policing Committee Booklet*, *Community Policing Committee Handbook*, *National Police Service Charter* and *Criminal Investigation Guide*.

Among the achievements that the consultant can speak of include:

- Approval of the Service standing orders (SSO) by the Attorney General and Parliament
- Conducting a successful meeting with drafters on quality assurance before sending the Service Standing Orders to the Government Printers.
- Sensitising 200 police officers and 40 community members in the eight Jamii Thabiti counties on the Service Standing Orders, Community Policing

Committee Manual, Police Service Charter and Community Policing Forum Handbook.

Among the challenges that the consultant faced is that during the sensitisation , it was envisioned that he would sensitize only police officers from the Jamii Thabiti stations in the eight counties. However, when the sensitisation team reached the counties, the County Commanders had mobilised all the Officers Commanding Divisions and Officers Commanding Stations. The Service Standing Orders to be distributed were 40 per county but we ended up printing more so that each county got an average of 55 copies, 120 *Community Policing Handbook*, 150 *Community Policing Committee Guidelines*.

All officers at the station regardless of rank, each was to be given a copy of the Service Standing Orders but the County Commanders advised that as per their discipline, a junior officer cannot be given Service Standing Orders when a senior officer does not have. That meant that the sensitisation and distribution went further than the planned target group and number.

Among the emerging issues that the independent consultant can speak of is that police officers need more training on Public Order Management. He also notes that there is need for more training on community policing and the chiefs to be included. **JT**