



2022 ESGBV REPORT

KENYA'S GENERAL ELECTIONS

Election Sexual Gender Based violence (ESGBV) During the 2022 General Elections

Federation of Women Lawyers in Kenya

**November
2022**



FOREWORD

FIDA-Kenya has been championing women's rights, enhancing access to justice through legal aid to over **4,000,000** women, and policy and legislative advocacy to influence laws that protect women's rights, subsequently improving the quality of life of women during its **37 years** of existence. FIDA is committed to creating a society that respects and upholds women's rights with a mission to promote women's individual and collective power to claim their rights in all spheres of life.

FIDA-Kenya is a membership organization with over **1,400** women advocates and lawyers in Kenya. The organization continues to subscribe to the advancement of Gender equality and women's empowerment issues in efforts to contribute to the realization of the **SDG 5** agenda. FIDA-Kenya has three offices in Nairobi, Mombasa and Kisumu and has a presence in all 47 counties of Kenya and has been promoting access to justice for women through the provision of legal aid, self-representation training to women in the communities and women in custody, supporting pro bono lawyers' scheme, legal representation, and strategic impact litigation on matters ranging from child custody and maintenance, land and matrimonial disputes, labour and economic rights. FIDA Kenya is also accredited and has observer status with the **United Nations Economic and Social Council (ECOSOC)** and the African Commission on Human

People's Rights (ACHPR). FIDA-Kenya seeks to **increase the involvement of women in leadership positions and encourage women to participate in politics by addressing the challenges faced by female candidates and their surrogates as a result of gender-based violence and creating a level playing ground for female candidates.**

As part of its election's strategy, FIDA-Kenya established an ESGBV monitoring centre and deployed **100 monitors across all 47** counties in Kenya to monitor, document and report cases of ESGBV during pre, election and post-election periods. Monitors relayed the data to FIDA- Kenya through a secure reporting portal, allowing FIDA-Kenya to verify the information provided and further intervene where needed.

Through its Women Leadership Academy, FIDA-Kenya empowered female candidates and persons with disabilities to engage in the political process, subsequently impacting the number of women elected in the six elective positions in the 2022 general elections. FIDA-Kenya proudly announces that out of the **340** female aspirants admitted into the women Leadership Academy, **23** were successful in their election bid, winning several seats, including four gubernatorial and four Senatorial seats. FIDA-Kenya has been championing women's rights, enhancing access to justice through legal aid , and policy / legislative advocacy to influence laws that protect women's rights, subsequently improving their quality of life. FIDA is committed to creating a society that respects and upholds women's rights with a mission to promote women's individual and collective power to claim their rights in all spheres of life.

Sincerely



Nancy W Ikinu
Board Chair-FIDA-Kenya



ACKNOWLEDGEMENTS

FIDA-Kenya's elections monitoring strategy sought to promote electoral integrity, and strengthen FIDA-Kenya's capacity to encourage women's participation, engage in policy advocacy and foster governmental accountability within and beyond the election cycle. The FIDA -Kenya board, membership and secretariat involvement in the process were invaluable in ensuring success in the process.

I want to thank the FIDA-Kenya staff led by Christabella Naliaka Barasa (Research), supported by Vivian Mwendu, Sophie Kaibiria (programs) and Moses Okinyi (communications). Fida- Kenya also appreciates Tally International consultants (Dr Naftal Nyabuto and Maureen Mukalo) who assisted in developing this report. I also acknowledge the critical role of the 100 monitors and 15 coordinators whose presence ensured FIDA- Kenya had a footprint in every county within Kenya. KNCHR, IPOA, IMLU, ORPP, IEBC, and Judiciary were critical partners in the process, and Smartips Consultants for their contribution in the recruitment of the monitors their advice, cooperation, and support contributed to the success of our strategy.

To our development partners: DIAKONIA and the Danish Embassy through Uraia Trust, your continued partnership has significantly impacted the democratic space for Kenyan women, and your support is greatly appreciated.

Many thanks

A handwritten signature in black ink, appearing to read 'Anne Wambeti Ileri', written in a cursive style.

Anne Wambeti Ileri

Executive Director-FIDA-Kenya

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ABBREVIATIONS AND ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
CAT	Convention Against Torture
CEDAW	Convention on the Elimination on All Forms of Discrimination Against Women
CIPEV	Commission of Inquiry into Post-Election Violence
DEVAW	The United Nations Declaration on the Elimination of Violence Against Women
EGBV	Election gender-based violence
ESGBV	Election sexual and gender-based violence
FIDA-K	Federation of Women Lawyers, Kenya
GSU	General Service Unit
HIV	Human Immunodeficiency Virus
ICC	International Criminal Court
IEBC	Independent Electoral and Boundaries Commission
IDPs	Internally Displace Persons
IMLU	Independent Medico-Legal unit
IPOA	Independent Police Oversight Authority
ISP	Internet Service Provider
KIEM	Kenyan Integrated Elections Management Systems
KNCHR	Kenya National Commission on Human Rights
NAP	National Action Plan

NICC	National Integration and Cohesion Commission
NGEC	National Gender and Equality Commission
ORPP	Office of the Registrar of Political parties
PEP	Post exposure prophylaxis
SGBV	Sex and gender-based violence
VAWE	Violence against women in elections
VAWP	Violence against women in politics

EXECUTIVE SUMMARY

Electoral Related Sexual and Gender-Based Violence violates human rights while discouraging women from participating in politics, contributing to the disenfranchisement of voters. Forms of Electoral Related Gender Based Violence reported included: physical and verbal abuse during campaigns, sexual violence, voter fraud, defamation, and questions on the competence of female candidates to hold leadership positions.

In addition, patriarchal gender norms ingrained in our culture propagate gender-based violence and hinder women from asserting their political rights.

According to former UN Secretary-General Ban Ki-moon, ***“impunity for violence against women amplifies the effects of such violence as a control mechanism.”***

When the state fails to hold criminals accountable, impunity exacerbates the victims’ subordination and powerlessness and conveys to society that male violence against women is both expected and unavoidable.” This reflects the challenges female candidates and their surrogates face, despite protective mechanisms within the Kenyan legal framework.

Kenya National Commission on Human Rights (KNCHR) documented 201 Electoral Related Sexual and Gender-Based Violence cases in 11 counties. FIDA’s election monitors reported 1746 cases of ERSGBV from 47 counties.

Fida- Kenya’s elections monitoring report seeks to establish the prevalence of violence against women in Kenya during the elections cycle, identifying trends and patterns of violence, and the most prevalent forms of abuse, including types, tactics, affected populations, and perpetrators. This report seeks to make recommendations and identify strategies that will influence policy and programming responses to mitigate violence against women

2022 Election Monitoring

To enhance access to justice for women during elections, FIDA-Kenya deployed election monitors in all 47 counties within Kenya. FIDA-Kenya utilized an online platform to enable monitors document cases in a secure and prompt manner. The online platform was as a result of the generous, financial support from our development partners, **Diakonia and the Danish Embassy**. Monitors were trained on use of the platform which enabled them to input all identified cases and supporting evidence which included videos, photos, screenshots, audio and any other information that was relevant to the report. FIDA- Kenya's electoral monitoring process was initiated in April 2022, during the pre-election phase and concluded on **September 30th, 2022** at the end of the election cycle following the announcement of the Presidential winner, the Supreme Court Decision and the swearing in of the 5th President, H.E Dr. William Ruto. FIDA- Kenya, collaborated with various agencies during the monitoring period. This included:

Civil Society Organization, Constitutional Commissions and Independent Offices, local leaders, local law enforcement personnel, government agencies, online monitors, and volunteers.

Justification for monitoring ERSGBV in Kenya

The Government of Kenya in its **2020-2024 National Action Plan on Women, Peace, and Security** noted that **"the expansion in elective and public office positions has led in more aggressive electoral procedures that are not conducive to the effective involvement of women."** The NAP also cited the "patriarchal aspect of Kenyan society" as contributing to the practise "poor level of engagement of women in decision-making processes.". However, the NAP does not expressly identify how political violence disproportionately affects women and makes no substantial recommendations to address this issue.

What the report accentuates is that in the Kenyan context, SGBV is one of the most common types of political violence

employed against “ordinary” women - and men - especially when elections cause a rash of violence. Furthermore, the violence is frequently driven by a desire to exert political domination and power, even over specific communities, and while the consequences may vary, they may include women’s unwillingness to vote.

Electioneering period overall case reporting

This report covers the period from **April 1st to September 30th 2022**; however, the formal campaign was declared by IEBC in May, which witnessed more intense campaigns. During this reporting period, **1746** cases from 47 counties across the country were reported. Verbal and hate speech accounted for **54%** of the reported instances, with cyberbullying accounting for **23% (397 cases)**. **Nairobi** County had the greatest number of ESGBV cases during the reporting period, followed by Siaya, which had the same number of cases, and Kericho, which was third. Wajir had the fewest cases, followed by **Mandera and Kiambu**.

Typology of Cases reported in different Forums

The analysis intended to understand the most used platform in EGBV during the reporting period. These data also suggest that Kenyan election campaigns are becoming more **technology driven**, with **social media platforms** and online events taking centre stage. Online meetings (virtual meetups, WhatsApp, YouTube videos, Facebook and Twitter, bloggers, etc.) accounted for **43%** of electoral gender-based offenders. It was also discovered that verbal abuse and hate speech was the most widespread on this type of site, followed by **cyberbullying**. Another platform that followed is social gatherings such as funerals and community activities such as barazas, with **652** cases reported representing **37%** of the cases. **Political rallies**, ironically, accounted for barely 15% of the instances, with verbal and hate speech being the most common at these events. This could be due to media prominence and a fear of being recognised, causing people to turn to less visible platforms such as local gatherings and internet platforms.

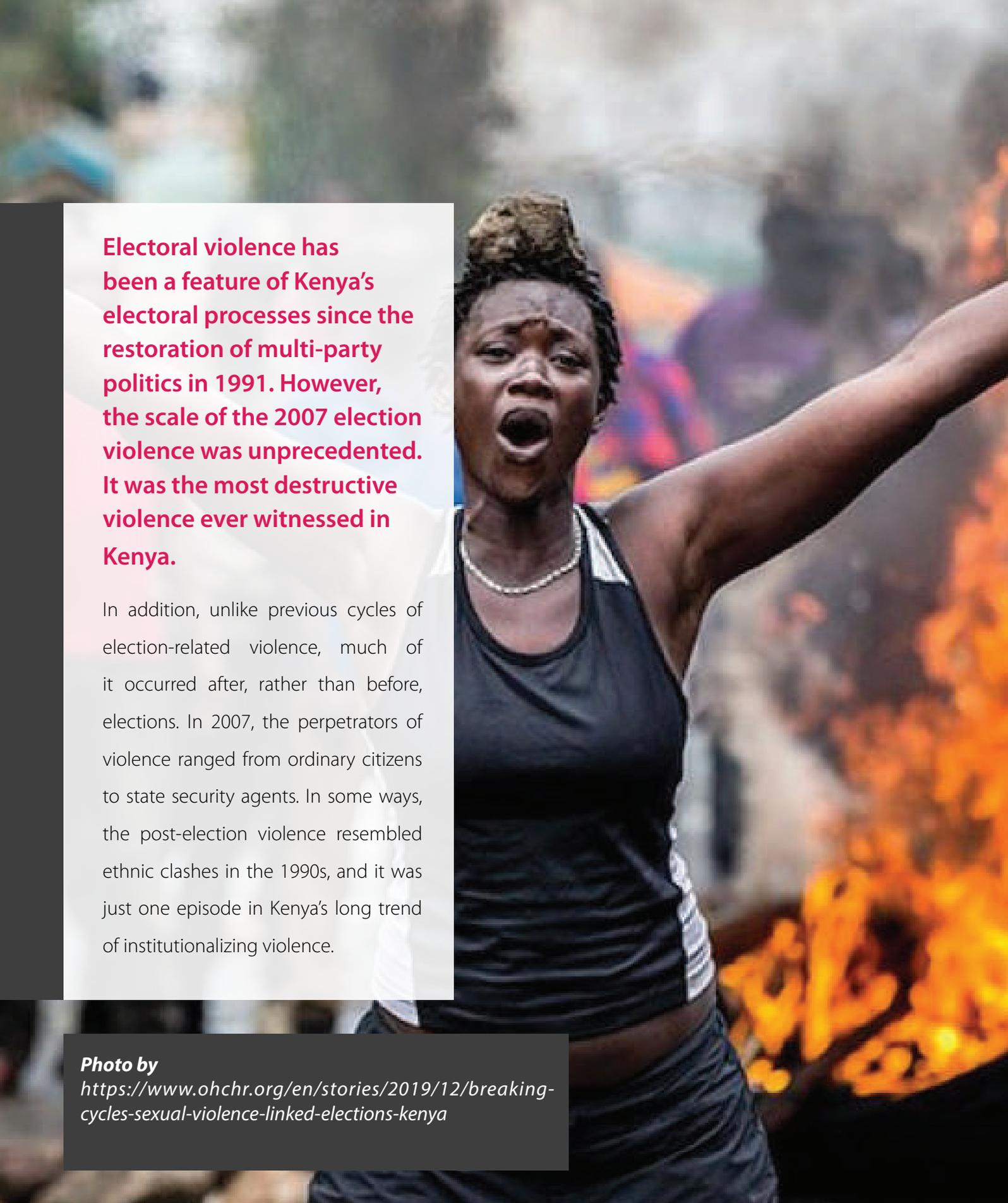
Conclusion and Recommendations

This monitoring has yielded some lessons that EGBV programmers and human rights revolutionaries might apply to future policies and programmes. Among the most important lessons are:

- a) The majority of SGBV instances relating to this year's general election are sparked by male aspiring candidates who believe their popularity and support in the upcoming election have decreased and are in favour of female candidates.
- b) To combat EGBV, the entire community must participate, and networking and inclusion with local authorities are critical.
- c) In addition to monitoring, additional emphasis should be placed on enhancing civic education. Another significant lesson is that most police stations in most local districts do not have gender desks, making it difficult for victims to report or be properly handled. Finally,
- d) continual monitoring should be implemented primarily on the technological side to analyse trends and invent strategies to enforce this rising tendency.

CHAPTER ONE

Introduction and Background

A woman with her hair in a bun, wearing a black tank top and a necklace, is shouting with her mouth wide open and her right arm raised. In the background, there is a large fire burning brightly, and other people are visible but out of focus.

Electoral violence has been a feature of Kenya's electoral processes since the restoration of multi-party politics in 1991. However, the scale of the 2007 election violence was unprecedented. It was the most destructive violence ever witnessed in Kenya.

In addition, unlike previous cycles of election-related violence, much of it occurred after, rather than before, elections. In 2007, the perpetrators of violence ranged from ordinary citizens to state security agents. In some ways, the post-election violence resembled ethnic clashes in the 1990s, and it was just one episode in Kenya's long trend of institutionalizing violence.

Photo by

<https://www.ohchr.org/en/stories/2019/12/breaking-cycles-sexual-violence-linked-elections-kenya>

According to history, armed militia was responsible for electoral violence in 1990, but the state failed to demobilize the militia. This made it simple for political leaders to reassemble militia groups and carry out the attacks in 2007. The personalization of power around the presidency continues to fuel electoral violence. The perception that the presidency benefits his ethnic group and other ethnic groups affiliated with the president drives communities to use violence as a means of gaining power. Furthermore, socioeconomic inequalities and marginalization along ethnic communities played a critical role in the informal settlements, particularly in Nairobi, during the 2007 electoral violence.

Election Sexual Gender Based Violence (ESGBV) is any form of sexual violence that occurs during the three phases of elections: pre-election, election, and post-election. When sexual violence is committed during a war with the intent to destroy a population, it is classified as a war crime and a crime against humanity under international law.

Sexual slavery, forced prostitution, and sexual torture are all forms of conflict-related sexual violence. After the 2007 electoral violence, Kenya paid specific focus to electoral-related sexual violence. The 2007 electoral violence was marred with cases of sex and gender-based violence. The Commission of Inquiry into Post-Election Violence (CIPEV), popularly referred to as the Waki Commission received reports about sexual violence against both women and men.

Reports received by the Commission included tales of rape, gang rape, sexual mutilation, loss of body parts, and hideous deaths. In addition, the Commission also gradually learned that the various forms of genital violence against innocent victims were not just one-off tragedies but major life-changing events.

Among others, the Commission heard tales of family members being forced to stand by and witness their mothers, fathers, sisters, brothers, and little children being raped, killed, and maimed: innocent victims contracting HIV/AIDS

after being sexually assaulted because the breakdown of law and order and the deteriorating security situation kept them from accessing medical care soon enough to prevent it: Husbands abandoning their wives who had been defiled, and the inevitable psychological burden of powerlessness and hopelessness that left individuals who had experienced sexual violence feeling alone, isolated, and unable to cope, not just for one moment in time, but possibly forever.

Worse still, the Commission also heard

that some individuals who had lost family members and property, and who had been chased away from the only homes they had ever known, also had experienced multiple forms of violence that included sexual violence. While women are most targeted by violence, men too experience untold suffering and abuse. Cases of sodomy forced circumcision, and even mutilation of their penises reported. Its reported that at **least 1,500 people died, over 3,000 innocent women raped, and an estimated 650,000 people left internally displaced.**

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DAILY NATION THURSDAY, AUGUST 4, 2022

National News
 DECISION 2022

Support Organisation has established physical and online centres to offer psychological and legal assistance

New Fida report lists most unsafe counties for women

Incidents of violence against female candidates and voters reported by monitors

BY MERCY SIMIYU

Siaya, Kisumu and Nairobi are the country's most hostile counties to women aspirants in the August 9 General Election campaigns, a new study by the Federation of Women Lawyers-Kenya (FIDA) has shown.

The three counties lead in a list of 14 that account for more than half of recorded attacks against women during campaigns.

Fida said it recorded 745 attacks on women aspirants nationwide between April and June in a report released yesterday.

Of these, Siaya recorded 59 while Kisumu and Nairobi had 40 cases each. Others in the list are Kericho where 33 incidences have been recorded, Marsabit (33), Kisii (26), Nakuru (25), Vihiga (24), Busia and Narok (21), Kitui and Bomet (20), Uasin Gishu and Mombasa (19).

IN NUMBERS

14 counties identified as problematic

Fida recorded 745 attacks on women aspirants and their supporters nationwide between April and June. The attacks were in the following counties:

1. Siaya - 59 cases
2. Kisumu and Nairobi - 40 cases
3. Kericho and Marsabit - 33 cases
4. Kisii - 26 cases
5. Nakuru - 25 cases
6. Vihiga - 24 cases
7. Busia and Narok - 21 cases
8. Kitui and Bomet - 20 cases
9. Uasin Gishu and Mombasa - 19 cases



Fida Chairperson Nancy Ikinu and Executive Director Anne Ireri address journalists at the organisation's offices in Nairobi yesterday. EVANS/HABILI/NATION

"We have been able to report, map and document incidents of sexual gender-based violence or perpetration against women aspirants, voters and supporters. Social media has also presented an opportunity to report and document election related violence on a mass scale providing information which could ordinarily not be accessed using traditional means," said Christabel Njauka who is the monitoring and evaluation lead Fida.

The organisation established a reporting portal that allowed 100 monitors in the 47 counties to provide real time data regarding the situation on the ground from April 2022 to June, 30 which ensured data authenticity and timely responses.

According to the report, cultural events, which include church gatherings and funerals, recorded the highest number of cases reported. Online meetings followed closely while official government functions and fundraisers recorded less numbers.

"The online space remains a marketplace of ideas that contributes to development and requires protection for women from unnecessary interference and irresponsible users, especially through self-regulation and moderation by site managers and users," Ms Njauka said.

Fida chairperson Nancy Ikinu said they have launched a physical and online elections observation centre to provide psychological and legal support.

"Our monitors have also been deployed across 47 counties in report, map and document incidents of gender based violence against women aspirants, voters and supporters. Fida will be monitoring and issuing periodic statements on the issues that will be reported from the ground as part of early warning and response during these elections," she said.

At the same time, the women's rights group said the country's gender rule remains a mirage.

"This is despite the fact that the 2017 election had a higher number of women elected into both houses of the Parliament," Ms Ikinu said. The lobby had last year launched the "Vote A Dada" campaign to advance the gender agenda.

"We have trained over 150 female aspirants including the youth and women living with disabilities, on the various aspects of the electoral cycle to ensure they have the requisite capacity for greater participation in elective politics," said Ms Ikinu.

In this election three female deputy presidential candidates, gubernatorial (23), deputy governor (57), National Assembly (340), senatorial (42) and 1,187 MCA candidates have been gazetted.

Perpetrators of the post-election sexual violence included the following: state security agents (e.g. administrative police, regular police, and members of the General Service Unit (GSU), members of organized gangs (e.g. Mungiki, Kalenjin warriors, and others), neighbours, relatives, supposed friends, and individuals working in IDP camps.

The **2013 General** elections have largely been described as peaceful, however the electoral process was still marked with pervasive low-intensity intimidation, harassment, and fear, Verbal abuse, insults, and hate speech continued to inflect everyday life, and street brawls, beatings, and skirmishes sometimes occurred between people supporting different parties.

The 2013 elections were notable in that they were the first held following the adoption of the 2010 constitution. The 2010 constitution added a provision requiring no more than two-thirds of members of elective or appointing bodies to be of the same gender.

Despite the fact that this law increased the number of women elected to County and National Assemblies, academics have described it as a “patriarchal backlash against women, potentially undermining their gains by normalizing new forms of oppression”.

There have been concerns on the unprecedented levels of violence meted against female politicians. The acts of violence are aimed at dissuading them from pursuing their political ambitions. Researchers have documented cases of attempted rape and physical assault of female politicians by male colleagues (survivors were struck on the head or grabbed by the neck) with some forced to hide in fear for their security.

According to the Kenya National Commission on Human Rights, a total of 201 cases of sexual violence were reported during the 2017 elections. The Commission pointed out that there was a possibility of many unreported sexual violence cases to date. The Commission recorded cases in the nine (9) counties of **Nairobi, Kisumu, Vihiga, Kakamega,**

Migori, Siaya, Busia, Homa Bay and Bungoma and one (1) case each in the Machakos and Uasin Gishu Counties.

These counties were identified as election violence hotspots, this was based on patterns from the previous elections. The most affected were women at 96.26% while men were at **3.74%**. Demoralizingly, older persons were not spared with the eldest survivors being a 70-years-old female and a 68-years-old male who were violated. The innocence and decency of young children was thrown out of the window with as young as seven (7) years old having to face the brutality and callousness of men who chose to defy nature and pounce on helpless members of society. In some cases children who were spared of actual bodily harm, they were forced to watch as their parents were subjected to heinous sexual assaults that they could barely comprehend.

Security agents were allegedly the main perpetrators of sexual violence in 2017. Victims and witnesses described the attackers as having been dressed in security regalia which is the jungle green uniform type.

They could also describe AK47 guns and some teargas canisters that were carried by the attackers. Other than this, some civilians were also identified as perpetrators.

According to the KNCHR report, many of the survivors were unable to receive medical care services; especially within the recommended window period of seventy-two (72) hours because protests would go on for days on end and they could not leave their homes for fear over their safety.

The cases reported at police stations were few and limited because of the same access issues and also owing to the fact the security agents were also perpetrators and thus residents were afraid of reporting them to their colleagues. Because of the stigma and taboo associated with the act of rape, others withheld sharing their ordeals, especially with their spouses for fear of family breakdown.

Those who were able to get to medical facilities were given Post Exposure Prophylaxis (PEP), Postinor 2 (for prevention of unwanted pregnancy) and in the cases of injuries they were also given painkillers. Many of the victims did not receive comprehensive psycho-social support. This is attributed to the unavailability and the high cost that comes with the service while others simply wanted to wish away the ordeal.

Human rights Campaigners believe that the official estimate of at least 900 instances of sexual violence is far too low. Police reports have indicated that at least 900 cases of sexual violence occurred. According to the CIPEV Report, there were serious instances of sexual violence committed against women, men, and children, as indicated by the testimonies of medical experts who were interviewed and also witness statements.

1.1 Pre-Election - Historical perspective

(what happened in the past and what happened in 2022, present the pre-election SGBV data April-8th August 2022. draw conclusions on this)

The disputed results of Kenya's presidential election in 2007 may have been a contributing factor in the rise in sexual assaults that occurred in connection with those elections. As a result of the violence, approximately **600,000** people were forced to flee their homes, and 1,133 individuals lost their lives.

Women in Kenya are socialised to accept, tolerate, and even rationalise the violence that is committed against them, which contributes to the problem of sexual violence in the country. In Kenya, the taboo surrounding the discussion of sexual acts is compounded by socioeconomic and cultural contexts. Because of this, the situation has become even direr, and men and boys are even more strictly socialised to avoid projecting an image of weakness. The existence of sexual violence in Kenya is a known fact; however, accurate statistics are difficult to come by as a result of societal pressures that emphasise the value of chastity and honour.

The reporting of rape, defilement, and sodomy is difficult because many survivors do not have the education or economic capacity to navigate the legal system. This is especially true for survivors living in rural areas and informal settlements.

Those who survive are frequently subjected to psychological trauma and social stigma, and they run the risk of being rejected, divorced, or deemed unfit for marriage. Women's precarious positions in society, including the home and the wider world, are exacerbated by their low social standing.

During the CIVEP investigations, it emerged that key drivers of sexual violence in the elections included planned and premeditated acts by both the contestants and the electorate to scare women in particular from participating in the electoral processes. It is also evident that violence was meted out to sections of populations that were deemed to have voted for "unwanted" leaders depending on the geographical context. Sexual violence was also wrapped in ethnic disguise as it was used as a "punishment" for settling in certain zones which were either dubbed as "opposition or ruling class zones. This was more rampant in Nyanza and Nairobi regions.



CHAPTER TWO

Legal framework addressing SGBV in Kenya



Photo by
<https://www.ohchr.org/en/elections>

Kenya's 2010 Constitution places a strong emphasis on human rights, equality, and justice, and it has established independent commissions to oversee the protection of specific rights and freedoms.

One of these is the National Gender and Equality Commission (NGEC), which is tasked with promoting gender equality and freedom from discrimination, with a particular emphasis on special interest groups such as women, youth, children, people with disabilities, the elderly, and minority or marginalised communities.

Kenya has also ratified several international and regional human rights instruments that address the state's obligations regarding sexual violence. Articles 2(5) and (6) of Kenya's 2010 Constitution state that general principles of international law shall be incorporated into Kenyan law.

This means that any treaty or convention ratified by Kenya will automatically become part of the national laws. Furthermore, Article 21 (4) requires the State to enact and implement legislation to fulfil its regional and international obligations to respect, promote, and protect human rights and fundamental freedoms. Some of the relevant legislations are tabulated below

International frameworks	The Convention on the Elimination of All forms of Discrimination against Women (CEDAW)	Articulates comprehensive state obligations to address all forms of discrimination against women: including to modify social and cultural norms and eradicate gender stereotypes and prejudice
	The United Nations Declaration on the Elimination of Violence against Women (DEVAW) (1993):	Contained within it is the recognition of “the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings”.
	Guidelines on Combating Sexual Violence and its Consequences in Africa- Niamey Guidelines by the African Union	These guidelines provide guidance for African Union member states in effectively implementing their commitments and obligations to combat sexual violence and its consequences. States are further obligated to put in place prevention mechanisms to eliminate the root causes of violence and protection mechanisms to ensure all victims receive the required support including medical, access to justice and reparations
	The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa of 2003 (Maputo Protocol):	This protocol is an international human rights instrument established by the African Union that went into effect in 2005. It guarantees comprehensive rights to women including the right to take part in the political process, to social and political equality with men
	The Beijing Platform for Action	further articulates as part of the 12 critical areas the elimination, prevention and response to all forms of violence against all women as well as the need to strengthen efforts to realize the right to the enjoyment of the highest attainable standard of physical and mental health for women and girls, including their sexual and reproductive health
	The Convention Against Torture (CAT) of 1984: Under CAT,	Kenya has an obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction
	Rome Statute of 1998:	Article 7 lists “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” under crimes against humanity

National legislative framework	Constitution of Kenya, 2010	The Constitution recognizes a number of important general principles that are of importance to gender equality and that have a general bearing on gender-based violence in the Country. Article 10 (2) (b) sets out the national values and principles of governance to include, among others, human dignity equity social justice, inclusivity, equality, human rights, non-discrimination and the protection of the marginalized. Further, Article 19 (2) presupposes the importance of recognizing and protecting human rights and freedoms to preservation of the dignity of individuals and communities and the promotion of social justice and the realization of the potential of all human beings. The Constitution of Kenya provides for the security of the person and protection against all forms of violence. Articles 25(a), 29(d) and (f) and 50 prohibit any form of torture or treatment that is cruel, inhuman and degrading from either public or private entities. This means that the Constitution safeguards women's rights against sexual violence. Article 27 provides for equal protection of both women and men before the law and in all spheres of life
	Penal Code:	The Penal Code prohibits all acts of violence in its provisions. Section 250 of the Penal Code (Cap.63. It however does not sufficiently address SGBV which is prevalent within the Kenyan society
	Children's Act	The Children's Act (2001, revised in 2012) prohibits the discrimination, torture, cruel treatment, sexual exploitation, and physical punishment of children, and highlights children's right to protection from physical and psychological abuse, neglect, and all forms of violence.
	Sexual Offences Act 2006:	It is the first law in Kenya to recognize sexual harassment as a crime. The Act was enacted to curb the escalating cases of sexual violence cases experienced in the country on or about 2006. Its primary purpose is to provide for the protection of persons from harm from unlawful sexual acts and act as a deterrence by providing for minimum sentences for sexual offences

	The Protection against Domestic Violence Act:	An ACT of Parliament to provide for the protection and relief of victims of domestic violence; to provide for the protection of a spouse and any children or other dependent persons, and to provide for matters connected therewith or incidental thereto. This piece of legislation provides for the protection and relief of victims of domestic violence by empowering persons who are in a domestic relationship with another person to apply to the Court for a protection order in respect of that other person
Policy framework	National Guidelines on the Management of Sexual Violence	This guiding policy spells out the essential procedures and services for management of survivors of sexual violence and explicitly recognizes sexual violence as a serious human rights and health issue which calls for imperative attention by all concerned.
	National Framework towards Response and Prevention of Gender Based Violence in Kenya	The framework is a specific strategy to coordinate the various state and non-state actors' responses to domestic violence in Kenya. It provides guidance for coordination mechanisms among the various actors, it also makes provision for the enhancement of capacity of the Kenyan police to respond adequately to cases of sexual and gender-based violence.

CHAPTER THREE

Research and Findings

The progressive expansion of women’s political participation during the last decades has pushed scholars to consider how women’s presence (or absence) alters the form, nature, and content of politics (Baldez, 2010; Beckwith, 2010; Franceschet et al., 2012).

Political violence violates human rights, impedes democracy from developing, consolidating, or flourishing, and undermines the relationships of fairness, transparency, and trust upon which good governments are built.

This report analyses three important categories of our election: the pre-election period, which tracks the political landscape in the months leading up to the election, the election period, which tracks when campaigns end, the election takes place, and the results are announced, and the post-election period, which tracks a month after the results are announced.



A FIDA-Kenya Elections Observer at a Polling Station

During Kenya’s election season, political violence affects men and women differently. In the case of women, and while we recognise that women are not a homogeneous group and that their experiences may differ depending on a variety of factors such as class, ethnicity, and perceived or real political affiliation, political violence frequently manifests as a form of gender-based oppression that aims to or tends to keep them from political participation.

Using the model that was developed by Bardall, Bjarnegrd, and Piscopo to define gendered political violence, we could argue that, in Kenya, the motive of such violence against female politicians appears to be the preservation of hegemonic men's control over the political system and the resistance to women's transgression of pre-determined gender roles; the form of such violence can be physical or psychological, and it is often sexualized in nature, including online; and tense political environments.

Authorities in Kenya, political parties, and the media all have a responsibility to acknowledge the connection that exists between the desire to maintain or seize political power and the use of sexual and gender-based violence as one of the means to accomplish this goal. In this report, we acknowledge that norms that render women subordinate and "less-than" and the misogynistic desire to punish women who violate these norms (Manne, 2017) fuel the myriad of harms that befall women in public and private spaces, ranging from offensive jokes to

sexual assault. We also acknowledge that these norms are fuelled by the misogynistic desire to punish women who violate these norms.

However, and we also want to bring attention to the fact that in the context of Kenya, SGBV is one of the primary forms of political violence that is used against "ordinary" women and men, in particular when elections lead to an outbreak of violence. This is something that we want to emphasise. Additionally, the desire to exert political dominance and power, which may include control over particular communities, is frequently the impetus behind the violence. The repercussions of this can be quite varied, but one of them may be that women are reluctant to take part in the electoral process.

The Constitution of Kenya was ratified in 2010, and it includes provisions for a comprehensive Bill of Rights as well as the introduction of a "gender rule." According to this rule, "no more than two-thirds of the members of elective or appointive bodies shall be of the same gender."

An increased number of women were elected to positions in Parliament as well as the recently established County Assemblies in the general elections that took place in 2013, which marked the first time that the quota policy was put into effect. These elections were the scene of unprecedented levels of violence against female politicians, motivated by a strong opposition to the quota policy. Some female candidates, elected or nominated, experienced attempted rapes and were called “prostitutes”. Berry, Bouka and Kamuru described this situation as a “patriarchal backlash against women, potentially undermining their gains by normalizing new forms of oppression”.

In a recent study, the United Nations Human Rights Office of the High Commissioner for Human Rights (OHCHR), UN Women, and Physicians for Human Rights (PHR) identified similar patterns of violence during the 2017 general elections, during which a large number of female candidates faced verbal and physical attacks, as well as sexual violence threats.

Tchérina Jerolon (2021- says “In order for the violence to be tackled, it has to be officially recognized and named for what it is, its root causes have to be identified, it has to be prevented, monitored, denounced, and investigated. The responses must also include dismantling the unequal power relations that exist between men and women. Otherwise, the risk is to normalize election-related SGBV and to only see it as the unfortunate collateral damage of politics”.

To therefore clearly define the contexts of this reporting, by borrowing from Gabrielle Bardall, Elin Bjarnegård, and Jennifer M Piscopo’ framework “How is Political Violence Gendered? Disentangling Motives, Forms, and Impacts”; we begin by (1) parsing expressed motives from the gendered scripts that influence forms and (2) by separating motives and forms from outcomes. First, political violence can have gendered motives. Such violence targets victims primarily in order to keep political power in the hands of hegemonic men, anz0064007Ad affects women (as VAWIP scholars argue).

Second, political violence can have gendered forms. This violence could also have gendered motives, or could have other aims related to disrupting the state or government; either way, this violence is carried out by exploiting the gendered roles and norms at work in each context. Third, political violence can have gendered impacts. Political violence may or may not be motivated or formed by gender, but gender can influence its interpretation.

The sex of the victim can shape how media and community members narrate the incident, and how men and women think about their own political roles and the risks they are willing to bear as political actors. If political violence causes women to retreat from politics more than men, then reinforcing women's systematic exclusion from politics is an impact, even if it was not the motive.

3.1 Methodology

This process was made possible by the collaboration support of Diakonia and the Danish Embassy, which enabled FIDA–Kenya to recruit 100 monitors across Kenya's 47 counties in order to ensure accurate electoral monitoring.

The election observers were provided with data collection tools and received training on the various types of incidents and how to report on them

FIDA-Kenya also launched a web-based platform in which all cases were submitted by monitors for validation. Supervisors were responsible for approving cases based on the presentation of evidence, while select FIDA-Kenya officials validated cases prior to their release. Monitors presented evidence via video, photo, screenshots, and audio, among other formats, as attachments in support of these cases.



100 monitors drawn from all the 47 counties in Kenya, undergoing training at the Kasarani sports view in Nairobi

maralal Case with id:EL/2022/01033

Status: Verified

Created by:	Leseketeti Frank Ltaniki	Nature of Evidence Coll...	Images/Pictures
Created Date:	2022-07-12 18:05:57	Actions Taken:	IEBC officer
County:	Samburu	Explain Action Taken:	reported to FIDA we also condemned allegations to be not true during the conversation where some people defended Hon.hezena to courage's woman
Constituency:	Samburu West	Was there Witness?:	Yes
Ward:	Maralal	Witness Name:	Arka
Venue/Location:	maralal	Witness Contact:	0743162262
Other Information:	this case happen online in a WhatsApp group Samburu development forum.	Any Other Relevant Inf...	many other people were active and saw the conversation in this WhatsApp group.
Nature of Event:	Online meeting	Last Updated by:	
Event Sponsors:	Independent sponser	Verified by:	Alvina NK
Category of Issue/Incid...	Verbal Abuse/Hate Speech	Validated by:	Amos Njenga
Interest Group Affected:	Youth		

Kosachei gaa Case with id:EL/2022/0462

Status: Verified

Created by:	Philip Kipchumba	Nature of Evidence Coll...	Social media(twitter,whatsapp,instagram,facebook,YouTube etc.)
Created Date:	2022-05-17 17:59:18	Actions Taken:	Political party agent/officer
County:	UasinGishu	Explain Action Taken:	Referred to a central police officer through county commissioners office.
Constituency:	Turbo	Was there Witness?:	Yes
Ward:	Tapsagoi	Witness Name:	Vescah Kangongo
Venue/Location:	Kosachei gaa	Witness Contact:	0722240298
Other Information:	While coming back from field , going through a female governor aspirant Facebook page.	Any Other Relevant Inf...	The reaction generated a thread of other insults including the aspirant being called a thief and a loser.
Nature of Event:	Other meetings/event(e.g cultural events,wedding,funeral,church service,public forums/debates etc.)	Last Updated by:	
Event Sponsors:	Other sponsors/s	Verified by:	Faith Nthambi
Category of Issue/Incid...	Cyber Bullying	Validated by:	Christabella Naliaka Barasa
Interest Group Affected:	Men and Women		

Online read Case with id:EL/2022/01733

Status: Verified

Created by:	Masika Kajumwa Mae	Nature of Evidence Coll...	Images/Pictures
Created Date:	2022-01-09 07:52:00	Actions Taken:	IEBC officer
County:	Mombasa	Explain Action Taken:	None taken
Constituency:	Kisauni	Was there Witness?:	Yes
Ward:	Mtopanga	Witness Name:	Social page of Ms. Kimani
Venue/Location:	Online read	Witness Contact:	None
Other Information:	Article that was written by a critic of the former regime on a personal page on Facebook	Any Other Relevant Inf...	Very "vernonous" kind of woman who is hell bent on critising her fellow woman.
Nature of Event:	Other meetings/event(e.g cultural events,wedding,funeral,church service,public forums/debates etc.)	Last Updated by:	
Event Sponsors:	Independent sponser	Verified by:	Betsy KegehiAnyanzwa
Category of Issue/Incid...	Verbal Abuse/Hate Speech	Validated by:	Alvina NK
Interest Group Affected:	Women		

West Pokot Daily News platform-A Facebook platform used to discuss politics in west pokot county. Case with id:EL/2022/01476

Status:	Verified		
Created by:	David Krop	Nature of Evidence Coll...	Social media(twitter,whatsapp,instagram,facebook,YouTube etc.)
Created Date:	2022-08-01 02:00:38	Actions Taken:	Political party agent/officer
County:	West Pokot	Explain Action Taken:	The incident was reported to the police
Constituency:	Kapenguria	Was there Witness?:	No
Ward:	Kapenguria	Witness Name:	
Venue/Location:	West Pokot Daily News platform-A Facebook platform used to discuss politics in west pokot county.	Witness Contact:	
Other Information:	The platform has membership across the county. It is not being owned by any politician by was created by a member of the community with intentions of creating a political arena where community members can discuss issues of politics within the county.	Any Other Relevant Inf...	Evans is being traced by the police after disappearing. It was also noted that the photo of the women representative was a photoshop. This was purely meant to tarnish her name and her aspirations to become a women rep for the second time.
Nature of Event:	Other meetings/event(e.g cultural events,wedding,funeral,church service,public forums/debates etc.)	Last Updated by:	David Krop
Event Sponsors:	Community bodies	Verified by:	Alvina NK
Category of Issue/Incid...	Sexual Harrasment	Validated by:	Elizabeth Wanjiru Mwaniki
Interest Group Affected:	Women		

West Pokot Daily News platform-A Facebook platform used to discuss politics in west pokot county. Case with id:EL/2022/01476

Status:	Verified		
Created by:	David Krop	Nature of Evidence Coll...	Social media(twitter,whatsapp,instagram,facebook,YouTube etc.)
Created Date:	2022-08-01 02:00:38	Aotions Taken:	Political party agent/officer
County:	West Pokot	Explain Action Taken:	The incident was reported to the police
Constituency:	Kapenguria	Was there Witness?:	No
Ward:	Kapenguria	Witness Name:	
Venue/Location:	West Pokot Daily News platform-A Facebook platform used to discuss politics in west pokot county.	Witness Contact:	
Other Information:	The platform has membership across the county. It is not being owned by any politician by was created by a member of the community with intentions of creating a political arena where community members can discuss issues of politics within the county.	Any Other Relevant Inf...	Evans is being traced by the police after disappearing. It was also noted that the photo of the women representative was a photoshop. This was purely meant to tarnish her name and her aspirations to become a women rep for the second time.
Nature of Event:	Other meetings/event(e.g cultural events,wedding,funeral,church service,public forums/debates etc.)	Last Updated by:	David Krop
Event Sponsors:	Community bodies	Verified by:	Alvina NK
Category of Issue/Incid...	Sexual Harrasment	Validated by:	Elizabeth Wanjiru Mwaniki
Interest Group Affected:	Women		

The monitoring began in April 2022 and spanned from pre-election, including the party primaries, to post-election. It draws attention to patterns of election-related sexual and gender-based violence (SGBV) in Kenya's general elections in 2022, highlighting their implications for achieving the 2/3 gender rule in electoral positions.

In addition, it demonstrates the patterns of various cases, the platforms utilised, and the counties with the highest prevalence. The reporting was done through a collaborative effort between various agencies, local leaders, election monitors, and volunteers. In addition, there was close collaboration with the IEBC Offices for information on the campaign trails and dates. the Kenya



Journalists during a press briefing and launch of FIDA-Kenya's ESGBV monitoring center on the 3rd August 2022

National Human Right Commission, as well as seeking support from the National Police service, the IPOA, Office of ORPP, the gender office, health facilities, the judiciary, IMLU, local administration, and community, amongst other organisations and individuals.

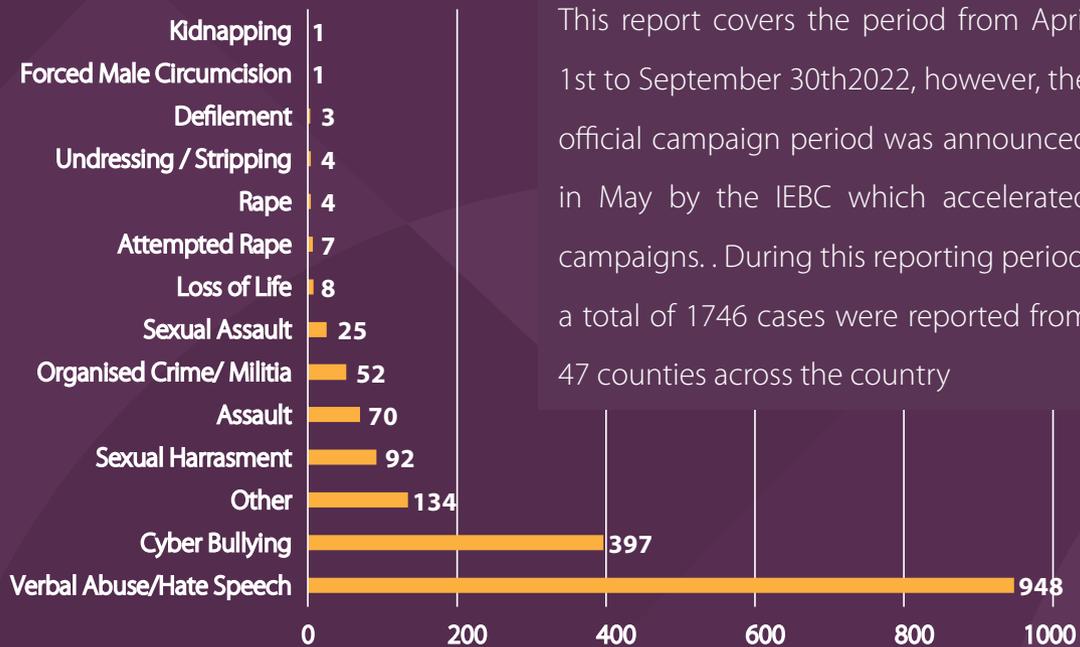
Other groups that worked together include the aspirant's chief campaigners, the children's office, Boda-boda riders, MCAs, and, in a roundabout way, the aspirant's assistants. Given that the vast majority of electoral information was distributed through social media platforms, county political WhatsApp groups have proven to be an invaluable resource. Facebook and Twitter have also been utilised as methods of communication, and the administrators of some of the groups on these platforms have been a source of information for the monitors.

In regard to the procedure, FIDA-Kenya would issue reports on a regular basis. These details would be disseminated to the public via various mediums, including radio and television programmes, newspapers, press releases, and social media.

FIDA-Kenya launched an Election Observation centre on August 3, 2022. The centre included a situation room, which was used to keep track of instances of sexual and gender-based violence (SGBV) that occurred during the election process. In addition to that, the Center featured a fully staffed call centre that was available to anyone who needed assistance. There was also a smart TV available, which made the process of monitoring much easier by allowing real-time access to information regarding events taking place across the country. FIDA-Kenya also separately engaged 55 observers across the country who helped in this course. An observation slot was developed in the online portal to facilitate their reporting too

3.2 Findings

3.2.1 Electioneering period overall case reporting



This report covers the period from April 1st to September 30th 2022, however, the official campaign period was announced in May by the IEBC which accelerated campaigns. During this reporting period, a total of 1746 cases were reported from 47 counties across the country

Figure 1: Overall cases reported and type

Verbal and Hate speech took over **54%** of the cases reported followed by cyber bullying that had **397** cases representing **23%** of the cases. However, during the same period we saw more serious **ESGBV** cases like forced circumcision, Defilement, rape and attempted rape. Unfortunately, loss of life and sexual assault were also reported.

3.2.3 Number of cases per county

The chart below shows that during the electioneering period, Nairobi County recorded the highest number of ESGBV cases at 92, followed by

Siaya with the same number of cases, and Kericho in third place, while Wajir recorded the fewest number of cases, Mandera, and Kiambu following respectively.

3.2.4 Cases against counties

Chart below analyses the different cases registered in different counties

County	Verbal Abuse					Forced Male			Cyberbullying			Organised Crime		Other	TOTAL
	Rape	Defilement	Sexual Assault	Sexual Harassment	Hate Speech	Attempted Rape	Undressing	Circumcision	Assault	Loss of Life	Engaging	Kidnapping	Time		
Mombasa	0	0	0	3	37	0	0	0	3	0	10	0	0	1	54
Mandera	0	0	0	0	10	0	0	0	1	0	7	0	0	0	18
Marsabit	0	0	0	0	47	0	0	0	1	0	0	0	0	1	49
Isiolo	0	0	0	0	6	0	0	0	1	0	7	0	4	5	23
Meru	0	0	0	1	21	0	0	0	0	0	1	0	3	1	27
Tharaka-N	0	0	0	0	25	0	0	0	0	0	7	0	1	0	33
Embu	0	0	0	0	17	0	0	0	1	0	9	0	0	1	28
Kitui	0	0	1	12	20	0	0	0	1	0	1	0	0	0	35
Machakos	1	0	0	0	15	0	0	0	1	0	4	0	0	2	23
Makueni	0	0	0	0	15	0	0	0	2	2	5	0	1	10	35
Nyandarua	0	0	0	0	18	0	0	0	0	0	10	0	1	4	33
Nyeri	0	0	1	0	8	0	0	0	1	0	19	0	0	1	30
Kirinyaga	0	0	0	0	16	0	0	0	2	0	9	0	4	5	36
Muranga	0	0	0	0	47	1	0	0	0	0	5	0	0	4	57
Kiambu	0	0	0	0	8	0	0	0	0	0	2	0	0	0	10
Turkana	0	0	0	0	3	0	0	0	3	0	0	0	0	4	10
West Pokot	0	0	6	15	1	0	0	0	2	0	3	0	0	0	27
Nairobi	0	0	2	15	31	1	1	0	3	1	18	1	14	5	92
Nyamira	0	0	0	3	20	1	0	0	0	0	8	0	0	0	32
Kisii	0	0	0	4	18	0	0	0	0	0	19	0	1	4	46
Migori	0	0	0	0	11	0	0	0	0	0	0	0	1	1	13
Homa Bay	0	0	0	0	13	0	0	0	4	0	2	0	3	6	28
Kwale	0	0	6	1	21	0	0	0	3	0	0	0	0	1	32
Kisumu	3	1	0	5	48	0	1	0	4	0	11	0	1	1	75
Siaya	0	0	0	1	33	0	0	0	4	3	34	0	0	17	92
Busia	0	0	0	0	30	0	0	0	2	0	4	0	2	4	42
Bungoma	0	0	0	0	2	0	0	0	2	0	15	0	3	7	29
Mhiga	0	0	2	10	42	0	0	0	2	0	1	0	1	2	60
Kakamega	0	0	0	1	24	1	0	0	2	0	12	0	3	1	44
Bomet	0	2	2	4	26	0	0	0	3	0	9	0	0	3	49
Kericho	0	0	0	7	52	0	0	0	4	0	14	0	1	6	84
Kajiado	0	0	2	0	23	0	0	0	10	0	6	0	0	5	46
Narok	0	0	2	3	14	0	2	0	1	0	12	0	0	2	36
Kilifi	0	0	0	0	26	0	0	0	0	0	8	0	0	4	38
Nakuru	0	0	1	1	26	1	0	0	1	3	12	0	0	4	49
Laikipia	0	0	0	1	7	0	0	0	0	0	27	0	0	7	42
Baringo	0	0	0	4	4	0	0	0	0	0	19	0	0	0	27
Nandi	0	0	0	1	19	0	0	0	0	0	1	0	0	1	22
Elgeyo-Ma	0	0	0	0	22	0	0	0	0	0	6	0	0	0	28
Trans-Nzo	0	0	0	0	14	0	0	0	1	0	13	0	2	3	33
UasinGish	0	0	0	0	23	2	0	0	0	0	23	0	0	5	53
Samburu	0	0	0	0	23	0	0	1	0	2	0	0	1	3	30
Kiambu	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
Tana River	0	0	0	0	14	0	0	0	0	0	7	0	3	0	24
Lamu	0	0	0	0	11	0	0	0	2	0	4	0	1	1	19
Taita-Tav	0	0	0	0	14	0	0	0	1	0	5	0	0	1	21
Garissa	0	0	0	0	14	0	0	0	2	0	1	0	1	1	19
Wajir	0	0	0	0	3	0	0	0	0	0	7	0	0	0	10
TOTAL	4	3	25	92	945	7	4	1	70	11	397	1	52	134	1746

Figure 2: Type and cases per county

The counties of Mandera, Tharaka Nithi, Kakamega, and Turkana registered the highest number of cases of verbal and hate speech violence, with a total of 48 and 47 incidents, respectively. Three cases involving more serious offences were registered in the county of Mandera, and one case was registered in the county of Marsabit. Kajiado County had the highest number of assault reports, while Kiambu County had the most reports of forcible circumcision.

In the counties of Kisumu and Bomet, the number of defilement cases reported was two and one, respectively. A list of serious ESGBV cases that occurred during the electioneering period was completed with the addition of a loss of life that was reported in the counties of Nakuru, Nairobi, Makueni, and Samburu.

NAKURU LOSS OF LIFE CASE

Background

G.W 20 years old, was discovered burned beyond recognition under a heap of bedding in a burned-down house on June 24th in Kiamaina, Nakuru North Sub County. Attempts by first responders to put out the fire were futile until Nakuru County fire engines arrived.

S.W was discovered dead in her bedroom at a house in Kiamaina a week later, after neighbours put out a fire that had engulfed the entire house around 4 p.m. fortunately, her three-year-old baby was rescued from the rubble. Ms. D.O 25, a daughter of a renown Church Bishop, was found murdered in her home on Friday by two men. According to a family member, the suspects entered the homestead at 2 p.m. after posing as electrical technicians. Mr. J stated that there were no signs of forced entry, implying that she must have

let them in willingly. Mr. J.K, a Nyumba Kumi official, stated that the thugs took nothing from her home. This is the murder that sparked outrage among Kenyans online, prompting the government to act, resulting in a manhunt that yielded seven suspects.

The murders are thought to have been organised and carried out by a local gang, which terrorises and intimidates women in the Mawanga area on a regular basis.

These killings are electoral (ESGBV) in nature due to the political people of interest present, the presence of only female victims, making it gender based, and the timing of the killings, which occurred during the campaign season in Nakuru county, which attracted an increase in female political aspirants. The killings could be interpreted as intimidation of female political aspirants and voters, as women in the area no longer walk outside alone,

engage in their regular activities, and lock themselves in their homes for fear of being caught lying.

Police and government actions All of the suspects were linked to five other murders and were detained for 14 days to allow their investigations to be completed. The suspects appeared in court on July 3, 2022, to face murder charges as well as other charges related to the killing. They are still being held in detention while additional investigations are being conducted.

3.2.5 Cases reported in different events

Certain events during the reporting period were magnets for particular types of cases, and this correlation will aid law enforcement and gender lobbyists in reducing the number of these incidents in future elections and in creating better tracking and investigation systems for ESGBV perpetrators.

Event Type	Rape	Defilement	Sexual Assault	Sodomy	Sexual Harassment	Verbal Abuse	Hate Speech	Attempted Rape	Attempted Defilement	Attempted Sodomy	Undressing/Stripping	FGM	Forced Male Circumcision	Assault	Loss of Life	Cyberbullying	Kidnapping	Crime Militia	Other	TOTAL
Political rally	1	0	2	0	17	129	0	0	0	0	1	0	1	23	1	19	0	25	37	256
Online meeting	0	1	10	0	37	419	3	0	0	0	1	0	0	7	0	252	1	2	17	750
Fundraisers	0	0	1	0	0	7	0	0	0	0	0	0	0	0	0	2	0	0	1	11
Official government function	1	0	2	0	2	30	0	0	0	0	0	0	0	9	0	5	0	2	16	67
Other meetings/event(e.g cultural events, wedding, funeral, church service, public forums/debates etc.)	2	2	10	0	36	360	4	0	0	0	0	0	0	30	7	119	0	21	61	652
Cultural Events	0	0	0	0	0	3	0	0	0	0	2	0	0	1	0	0	0	2	2	10
TOTAL	4	3	25	0	92	948	7	0	0	0	4	0	1	70	8	397	1	52	134	1746

Figure 3: Cases reported from different events

As shown in the table above, online meetings (virtual meets, WhatsApp, YouTube videos, Facebook and twitter, bloggers, etc.) were the most common venue for electoral gender based offenders, accounting for 43% of all cases reported. This was discovered in subsequent analyses conducted before, during, and after the election. This could be because it provides an easier platform for committing crimes and instils confidence in offenders due to the lower chances of being caught. Because this event/platform is based on technology, verbal abuse and hate speech were the most common, followed by cyberbullying. This was followed by social gatherings such as funerals and community events

such as barazas, with 652 cases reported, accounting for 37% of all cases. Political rallies, ironically, accounted for only 15% of the cases, with verbal and hate speech being the most common at these events.

Case 2: Assault and Intimidation

Mrs C.M, an aspiring member of the county assembly on the UDA ticket, was victimised during a Kenya kwanza political rally held at Kamiigua youth polytechnic on June 20, 2022. A militia group (goons) forcibly ejected her from the meeting before it had officially begun. Her competitors and others with political clout in the region are suspected of organising the act.

3.3 Pre-Election Campaign Period

This reporting period began in April, with monitors across the various counties monitoring pre-election cases from various platforms. This included everything from political rallies to public meetings/gatherings to online virtual meetings and social media.

According to the summary of cases recorded, the most common form of ESGBV was verbal abuse and hate speech directed at women.

This was most noticeable at public gatherings and campaign rallies. This was closely followed by cyberbullying, which was mostly reported on social media platforms, with (Facebook and Twitter) being the most common. The statistics below show no particular pattern of increase or decrease as campaigns progressed, but do show a consistent pattern of preference forms of abuse during campaigns. The graph below depicts cases with a score greater than 1%. Other cases reported but less than 1% were attempted rape, rape, and sexual assault.

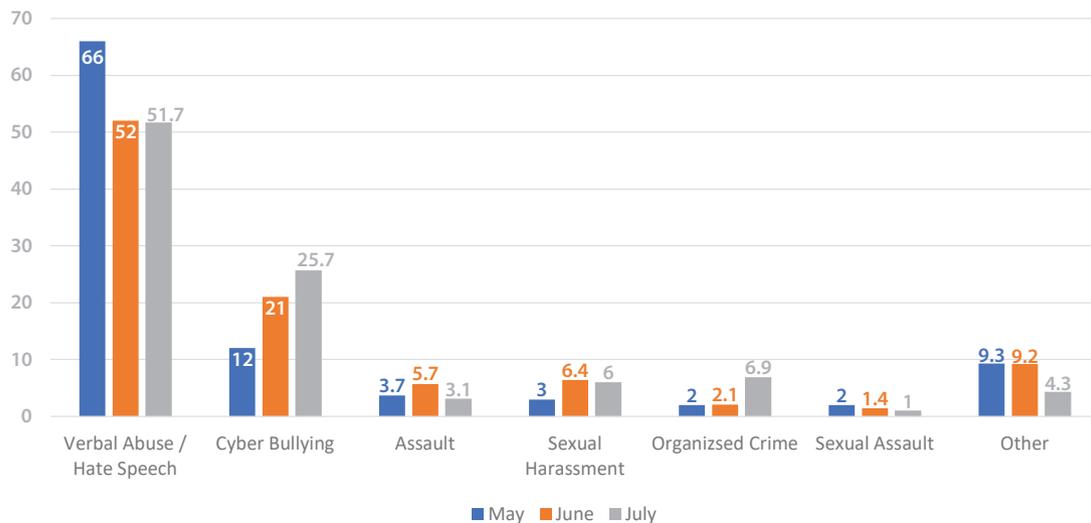


Figure 4: Type of cases per month-pre election



Verbal abuses and hate speech were common forms of psychological gender-based violence that were largely not reported despite the EAC Election Observation Mission’s description that the campaigns were “conducted calmly and peacefully.”

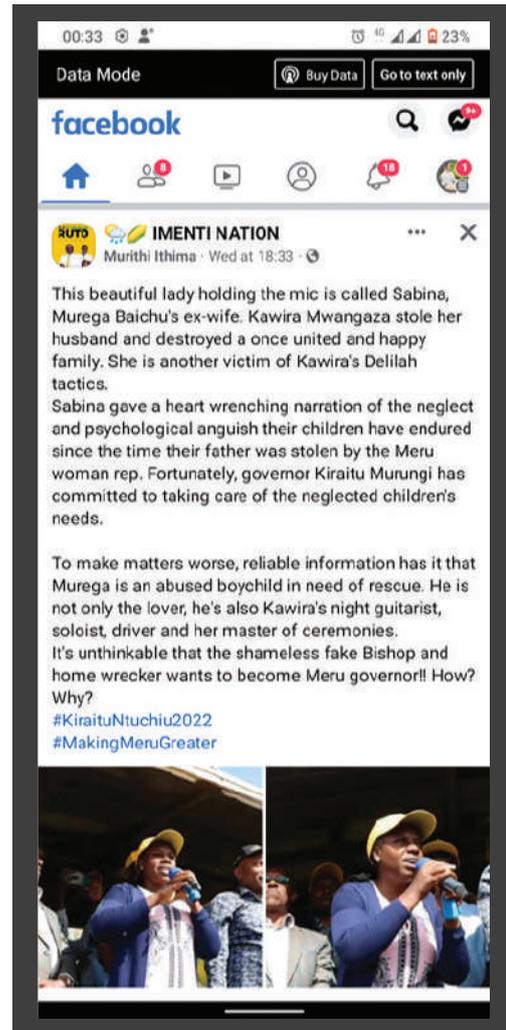
The identification of cyberbullying as a major form of violence that was taking place across a variety of online platforms sheds light on how technology is giving rise to a new kind of violence that is difficult to identify, track down, or apprehend the perpetrators of because there are not enough effective laws and tools made available by the government.

This presents a challenge to advocates working to end gender-based violence, who must lobby for stricter cybercrime laws and work to improve the tools available to not only recognise the various forms of violence but also locate those responsible for them.

The majority of reported instances of cyberbullying involved the dissemination of false and misleading information by unofficial or pseudonymous accounts. Additionally, some messages imply women are unqualified to serve in politics. Given that the platform lacks accountability, this explains its preference. It is almost impossible to find the perpetrators.

The International Center for Research on Women (ICRW) defines technology-facilitated GBV as an action by one or more people that harms others based on their sexual or gender identity or by enforcing harmful gender norms.

This action is carried out via the internet and/or mobile technology and includes stalking, bullying, sexual harassment, defamation, hate speech, and exploitation. As a result, the growth of social networking sites and information and communication technologies has created new opportunities for social and economic participation all over the world. They have, however, introduced new forms of violence. More research and programming are needed to ensure that these spaces are safe, inclusive, and conducive to growth, rather than the opposite.



Case 3: Cyber bullying

On the 16th of August 2022, at 10:25 a.m., on the Mwea people’s Facebook page. On the Mangwai ya Ghetto Facebook page, a photo of M.K and W.N was posted with the caption “ciugo igiri gwi shosh wa githumo na kimenyi wa jeshi,” which translates as “two words to the Kisumu grandmother and armies all-knowing one.” He was looking for insights and comments on the two female candidates, which he found in the comment sections. E.N commented, “nimathii nakuu makariithie nguku riu,” which translates as “the two should go and do chicken rearing now.”

3.3.1 Cases reported at county Levels

The highest number of cases of EGBV were reported during the month of July 2022 across all 47 counties, with Nairobi recording the highest number of cases (7%), followed closely by Kericho. Siaya, on the other hand, had the highest number of reported cases during the months of May and June, and it also ranked among the top five counties during the month of July. Marsabit, Kisumu, Vihiga, and

Kericho respectively are some of the other counties that have featured prominently over the course of the past three months. There is no evidence to suggest why these patterns occur; however, taking into account the types of cases that have been reported, it may be due to the more aggressive campaigns that have been experienced in those counties.

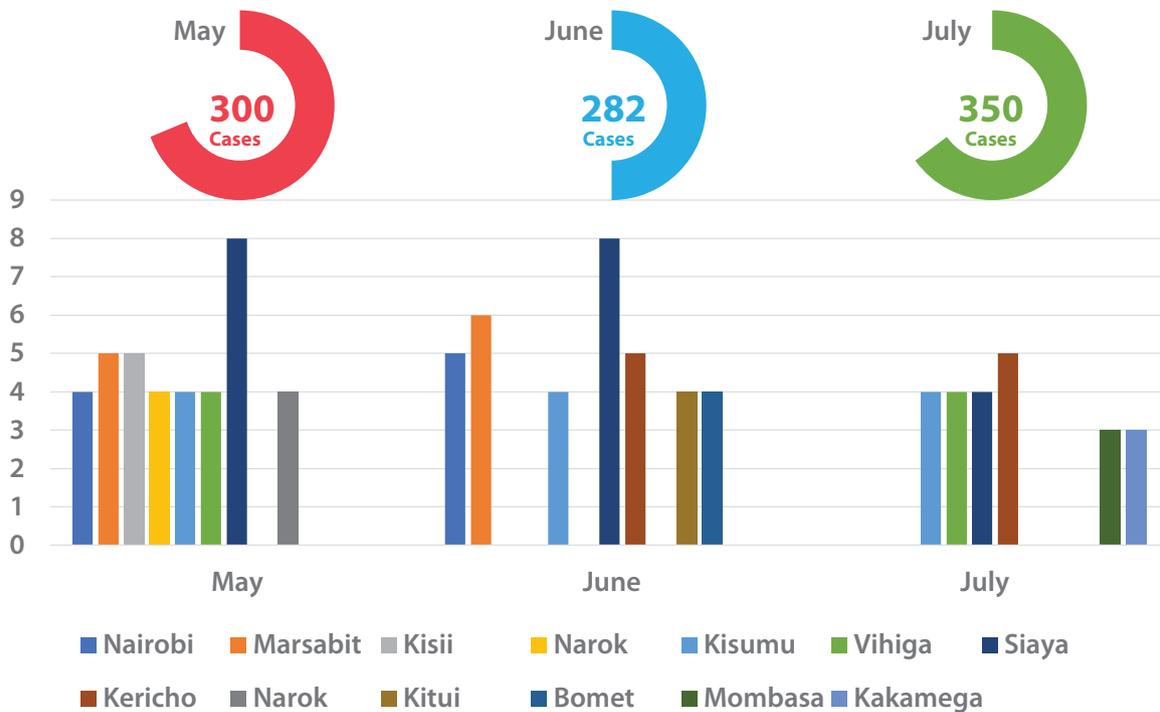


Figure 4: Type of cases per month-pre election

This research did not go further to investigate whether or not the counties were prepared to deal with cases of GBV; however, a previous report by KHRC and FIDH in 2017 found that various counties had only put in place a portion of the necessary preparatory measures to respond to sexual violence during the elections and that these measures were not effectively implemented.

This research did not go further to investigate whether or not the counties were prepared to deal with GBV cases. The consistency with which some counties report instances of GBV raises the necessity for those counties to put in place mechanisms aimed at preventing, reporting, tracking or holding those responsible to account to reduce the number of similar cases during the political cycle.

3.3.2 Overall top counties in pre-election ESGBV cases.

A report by National cohesion and Integration Commission (NCIC) dubbed towards a violence-free 2022 election ranked Siaya as medium risk county on electoral violence, Kericho a Kisumu as

12 | NATIONAL THURSDAY

Polls: Report reveals counties where women were assaulted



Fida officials launch an elections overview August 3. A study by the organisation shows Kiambu constituency in Murang'a reported the highest cases of violence before the elections, while Lamu East had the majority after the polls. (Samson Wini Starline)

► Study by Fida shows Kiambu had highest number of sexual harassment cases.

► Kajiado topped in physical assault, while cyberbullying was highest in Siaya.

MACTILDA MBENYWE, NAIROBI

Several women were sexually assaulted while many suffered verbal abuse before and the General Election, a report shows.

The findings by the Federal Women Lawyers-Kenya (Fida) indicate that violence against women intensified before, during and after elections.

According to the study, Siaya recorded the highest number of election-related gender violence cases in May and June.

July reported the highest cases across the 47 counties, with Nairobi recording the highest at 7 per cent followed by Kericho. Siaya was also among the top-five counties.

Others that have featured consistently over the three months are Marsabit, Kisumu and Vihiga.

"There are no clear reasons for such patterns. However, considering the category of cases reported, it might be attributed to more aggressive campaigns experienced in those counties," said Anne Ireri, Fida executive director.

In the report titled 'Kenya's Electioneering period: Election Sexual Gender Based Violence', 137 cases were reported in seven days to and after the General Election. Eight were recorded on the voting day.

"We sought to analyse events a week before the election when the campaign mode goes a notch higher, during the election and post-election when tension is higher as Kenyans await election result announcement," said Ms Ireri.

Kajiado County topped in physical assault, while Kiambu had the highest number of sexual harassment cases. Cyberbullying was highest in Siaya and organised crimes in Nairobi.

Across the country, verbal abuse and hate speech on women during public gatherings and campaign rallies was the most prevalent.

Verbal abuses before and after the elections stood at 67 per cent and 45 per cent of the cases respectively.

Cyberbullying was second most prevalent form of abuse pre-election but third after the voting day.

During the pre-election reporting cases, out of 290 Constituencies, Kilimo constituency in Murang'a reported the highest cases of violence before the election at 11 per cent, with the rest reporting less than four per cent.

On August 9 and seven days post-election, Lamu East constituency recorded the majority cases at 9 per cent followed by Karachuonyo and Mogotio.

Before the election, assault cases stood at 4 per cent and rose to 7 per cent after the polls.

One week to elections, Fida observed that online meetings reported the highest number of violence cases at 60 per cent, which dropped to 27 per cent after elections.

"Though the percentage cases dropped, it can be concluded that most cases have been reported through online platforms simply because of the higher uptake of using an online platform like social media live streams and virtual meetings," says the report.

Verbal abuse and hate speech were the highest number of cases reported in political rallies seven days to elections at 12 per cent. "No cases of sexual assault were reported on the election day," said Ms Ireri.

mbenywe@kikimardmedia.co.ke

157 CASES of violence against women reported seven days to and after the General Election. Eight were recorded on the voting day.

high risk hot spots. The report singled out Nakuru, Kericho and Kisumu 's high risk ranking as due to historical political violence, hotly contested party nominations particularly for the gubernatorial seat in Kericho and Nakuru flagged out as the apex of negative political rhetoric, hate speech, fake news and miss(dis)information having recorded a higher score than Nairobi County .

As a result of the pre-election monitoring that was carried out in each county by FIDA-Kenya in preparation for the elections in 2022, a great deal of consistency was found, with only a small amount of variation.

The highest number of ESGBV cases was recorded in the county of Siaya, which had a medium risk of the virus, and the counties of Kericho, Kisumu, Kisii, and Nakuru followed closely behind.

This finding demonstrates that there is a close correlation between ESGBV and political violence, and it also shows that women bear the heaviest burden of political violence.

With this analysis and these statistics, it is clear that hot spot mapping should also be used as a tool to assist counties in preparing for cases of intimate partner violence (IPV) or putting mechanisms in place to ensure that they are mitigated.

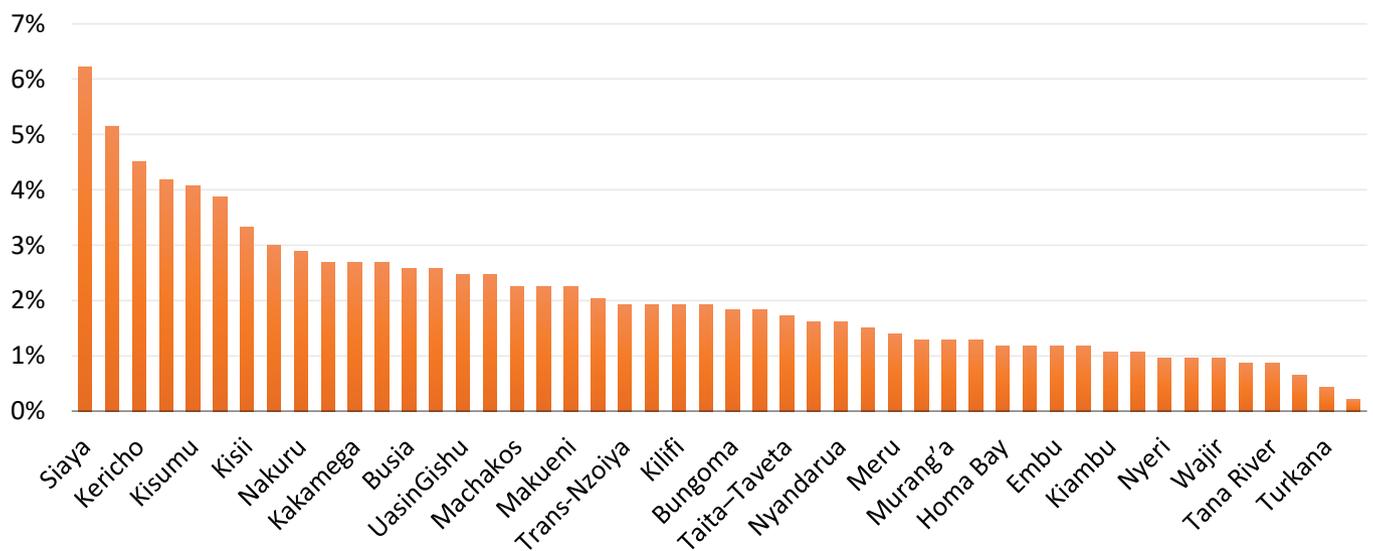


Figure 6: Pre-election overall cases per county

3.3.3 Type of cases

Cases that were reported to be most common in the top 8 counties before the election. According to the findings, the county of Nairobi had the highest rate of sexual assault, followed by the county of Vihiga. Kitui county had the highest number of reported cases of sexual harassment, while Nairobi and Vihiga counties followed closely behind with 21%, 17%, and 15% of cases respectively. Other cases that registered the highest

recording included cyber bullying, which was reported more in Siaya, Kisii, and Nairobi in that order, while organised crime was most prevalent in Nairobi at a whopping 39%, followed by Nakuru. Other cases that registered the highest recording included organised crime, which was most prevalent in Nairobi at a whopping 39%. Other strains of ESGBV have been identified in the counties of Kisii and Kericho in Kenya.

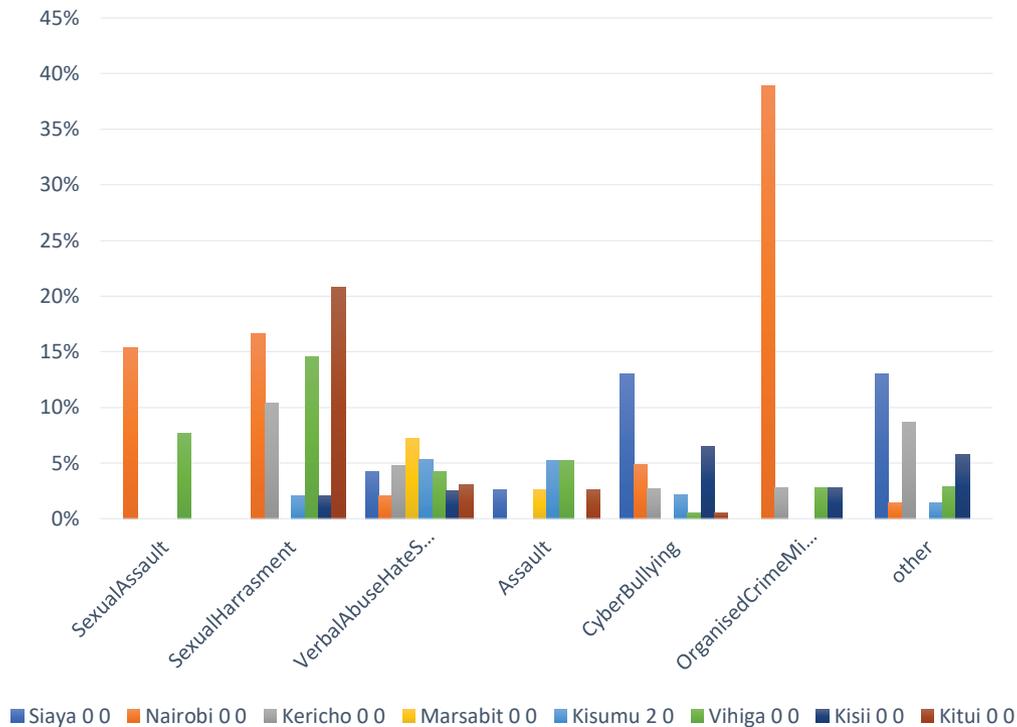


Figure 7: Cases prevalence in top counties

No evidence can definitively explain the patterns described above; however, it has been observed that urban counties like Nairobi recorded the highest number of cases of violent EGBV, including sexual assault, sexual harassment, and organised crime, amongst other things. This is in comparison to rural counties. One more possible explanation for this is the more aggressive campaigning that takes place in urban areas.



Case 4: Hate speech

Due to her association with a candidate who had sex scandals in the public eye, one of the running mates of a Meru gubernatorial aspirant faced hate speech, particularly on social media. As a result, "association" labelled her as a sex tool rather than a leader, with residents claiming that if elected, their office will be a "pornographic arena." The public believes she did not earn this position, but rather used 'sex' to advance. Others have questioned where she is married as a qualification for her to be in leadership.

Case 5: Hate speech

F.K, an aspiring women representative for Meru County, has faced hateful statements on her journey to become the next women rep, with a number of Meru residents questioning her leadership skills based on her marital status. F.K is divorced, and her 'inability to maintain her home' reflects her inadequacy as a woman leader. The idea is that if she can't keep her home together, how can she be trusted to lead?

3.2.4 Reported cases per event

In the time leading up to the election, the report made an effort to make a comparison of the cases that were reported as being the most prevalent during this period across the various event types.

The events that were reported included political rallies, cultural, funeral, and church events, as well as online meetings and other forms of gatherings including government forums and barazas.

According to a report that was compiled before the election, the rate of cyber bullying, which can include abusive speech and threats, was highest in online meetings. On the other hand, the rate of organised crime was highest reported at political rallies, while the rate of sexual assault was highest reported at political rallies, while the rate of sexual assault was highest in gatherings such as fundraisers and other meetings of political nature in small groupings in the community. This pattern sheds light on the fundamental characteristics of ESGBV offences that can take place at a variety of events.

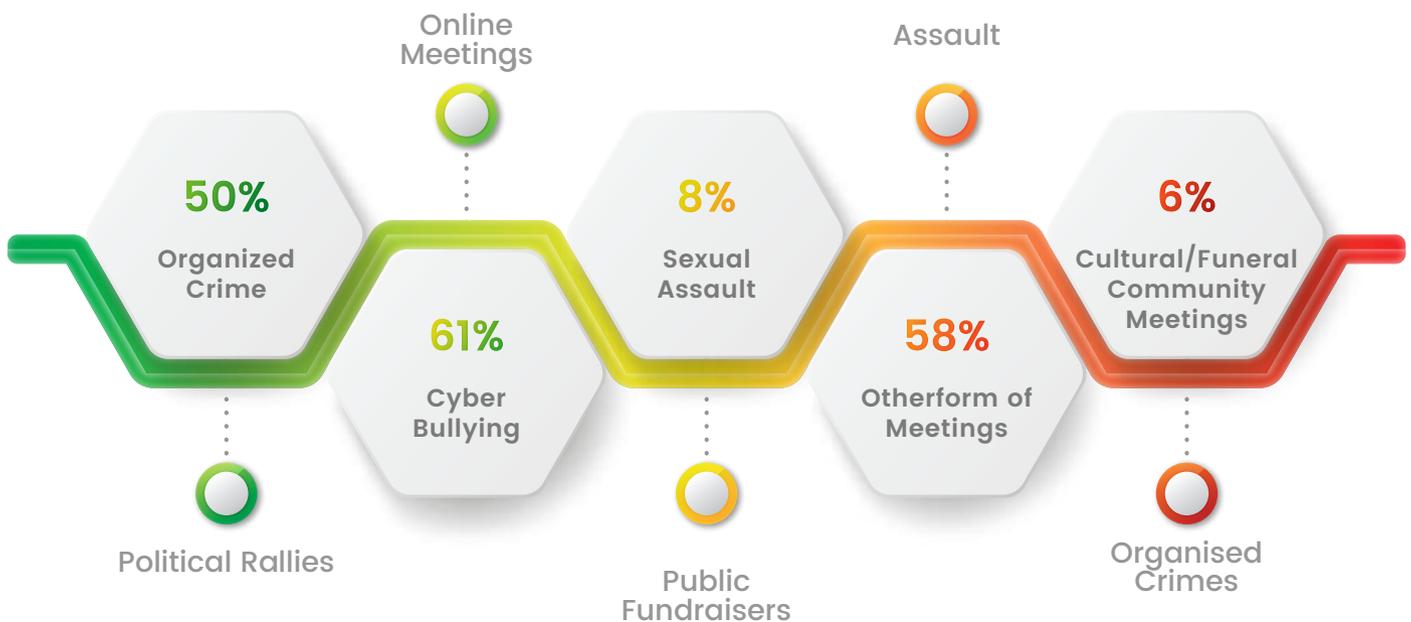


Figure 8: prevalent cases per event type

According to a report published by the International Center for Research on Women (ICRW), the spectrum of behaviours that comprise technology-facilitated GBV includes stalking, bullying, sexual harassment, defamation, hate speech, and exploitation. Technology can facilitate acts of GBV to cross over into the offline world as well. As a result, victims and survivors may experience a combination of physical, sexual, and psychological abuse both online and in person. ICRW's report, "technology-facilitated gender-based violence," shows further that studies have estimated the prevalence of online harassment and abuse, which is estimated to be on the

rise around the world, with approximately 33 percent of respondents in studies from Kenya and South Africa to 40 percent of adults in the United States reporting them as the leading forms of GBV. This ranges from the percentage of people who say they are the most common forms of GBV.

The graph below depicts trends in the form of cases reported during the same pre-election period. Over 526 cases, representing 56% of the cases reported, were in the form of verbal abuse, closely followed by cyberbullying, which reported 185 cases during the same period, accounting for approximately 20% of the cases.

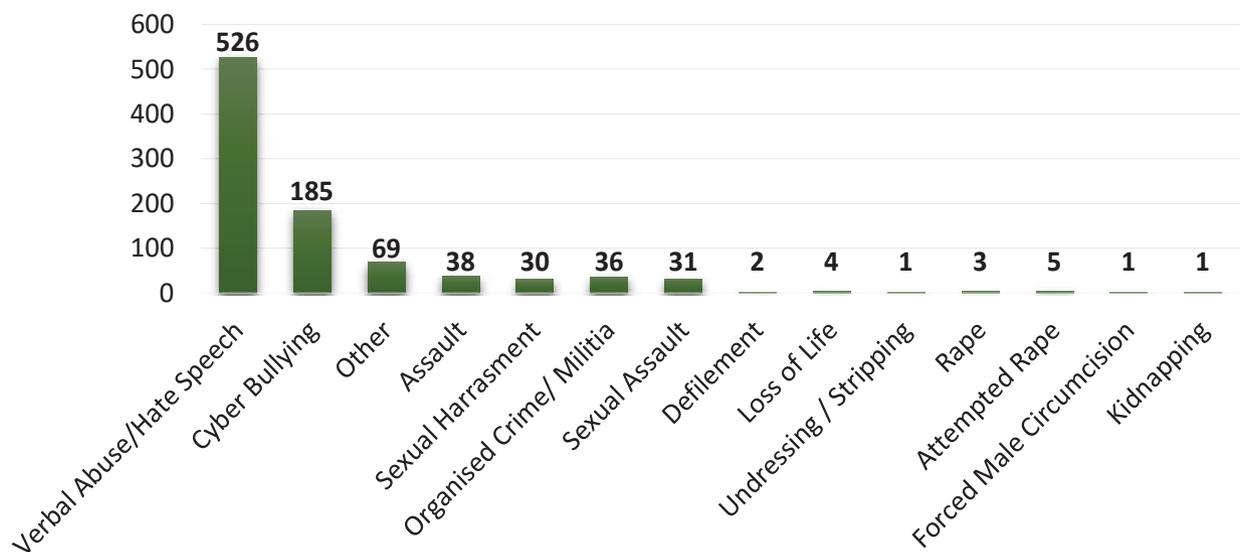


Figure 9: Prevalent cases during pre-election

The use of hate speech, careless and dangerous speech to incite emotions and incite communities against each other is mentioned as a key trigger of electoral violence in the NCIC report “conflict hotspot mapping for Kenya” 2022. According to the report, hate speech is typically spread in both public off-line and online spaces, including social media platforms and vernacular radio stations. As a result, verbal abuse and hate speech, which reported the highest number of EGBV cases, demonstrate that it is not only a political violence trigger but also a form of gender-based violence directed at women in political rallies and online platforms, as reported in this report.

CASE 6: Hate speech and Cyber Bullying

R.B.G was demeaned through Manderu Facebook Forum due to defection to a rival party. An Indecent photo with the caption, “The first Somali lady who slept with a Christian politician are R.B.G’ was noticed.

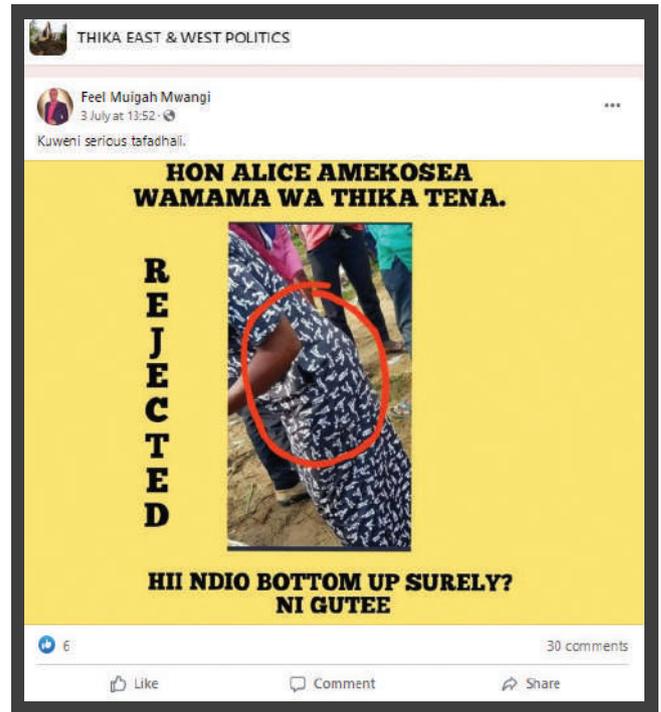


Figure 10: Screen shots of hate speech and cyber bullying during the pre-election

3.4 Election Date Violations 4th Aug-5th September

Since the introduction of multi-party politics in the country in 1991, the general elections held on August 9, 2022 were the seventh to be held in the country and the third to be held under the Constitution of 2010. In contrast to the elections that took place in 2007 and 2017, which were marred by a variety of acts of violence, the election that took place this year was largely peaceful. Both the African Union (AU) and the Common

Market for Eastern and Southern Africa (COMESA) sent representatives to the elections after being invited to do so by the government of Kenya. This was done per the mandates of both organisations, which are to promote peaceful, credible, and democratic elections in the member states of their respective organisations.

The joint AU-COMESA Election Observation Mission (EOM) evaluated whether or not the elections held on August 9 adhered to Kenya’s national, regional, and international commitments and obligations regarding the conduct of democratic elections.

The team concluded that the general elections for the 9th time were extremely competitive, and the campaign itself was noticeably less contentious than in previous elections. There was a noticeable shift away from ethnocentric presidential campaigns toward campaigns that were focused on issues.

The Independent Electoral and Boundaries Commission (IEBC) modified its use of technology during the 2022 elections, which was another point. In particular, it introduced additional voter identity verification features in the Kenyan Integrated Elections Management Systems (KIEMS) kit to provide for biometric and alphanumeric identification of voters on Election Day. This was done based on the lessons learned from the elections that took place in 2017. Because of these modifications to the Results Transmission System (RTS), the provisional presidential election results are now viewable by the public on the IEBC website.

According to the mission report, during the elections initial concerns about the risk posed by the lack of mobile network coverage in 1,111 polling stations prompted the Independent Electoral and Boundaries Commission (IEBC) to put measures into place to facilitate the transmission of results. These measures included the use of satellite phones.

The Mission took note of the fact that more than 95% of the polling stations had transmitted presidential results forms (form 34A) to the National Tallying Centre within 24 hours of the polls closing. The Joint AU-COMESA Election Observation Mission (EOM) visited 504 polling stations in 38 counties across the country to observe the opening, voting, closing, and counting procedures. This is one of the conclusions that they came to. 59% of these were found in urban areas, while 41% were discovered in rural areas. Overall, there was a predominant sense of calm throughout the environment. The activities that took place on Election Day were reasonably well-organized, well-ordered, and professional.

Kenyans waited anxiously and patiently for the results of the 2022 presidential elections, and the war of words by supporters was moved to online platforms and small “kamukunji” type of meetings across city suburbs or in rural areas for six days.

One Donald Omewo (via translator):
In 2022, I cast my third vote. Here’s my index finger. I cast my vote. But they claim that the commission is divided and that the results are falsified. As a result, we require our justice. We must have justice. There is no tranquillity.

The ESGBV monitoring during voting and a week after voting as Kenyans awaited the winner’s announcement reported GBV cases across many counties, though on a smaller scale than during the campaign period.

3.4.1 Case type reported

During this period, verbal Abuse reported the highest number of cases at 67% pre and 45% post-election, showing the change of focus towards results announcements. This was followed by Cyber bullying, assault and organised crime in that order.

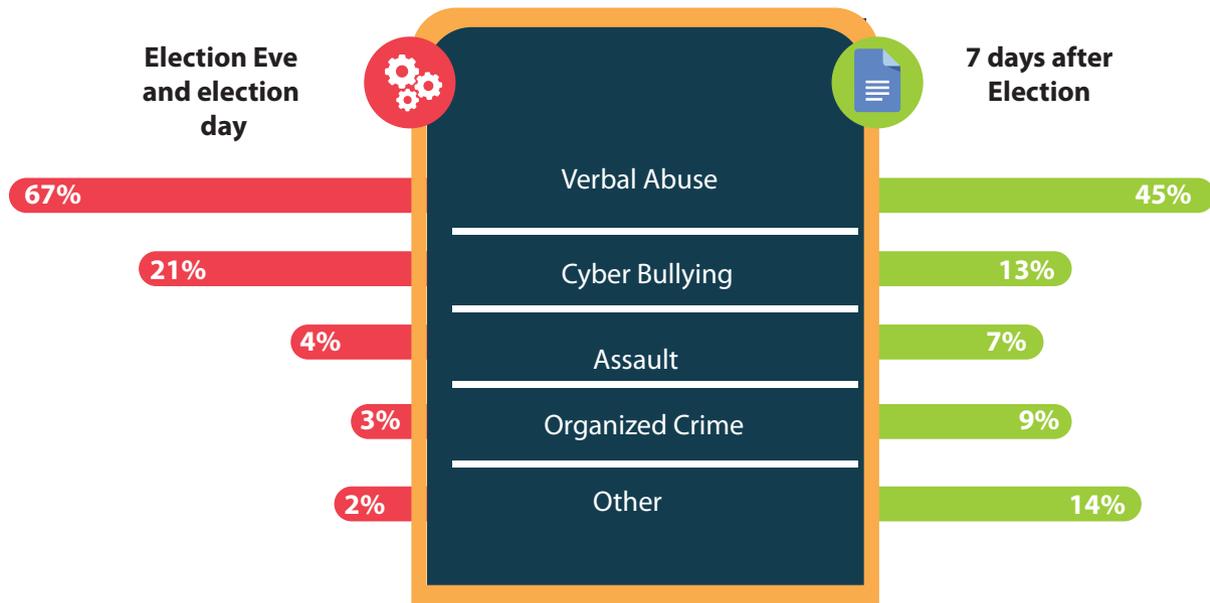


Figure 11: Cases reported during voting and election announcement period

During this period, the figure below shows that online meetings were the most prevalent type of meetings pre-election and on the day of election at 60% while post-election also shows same trends though at a little lower scale as anxiety, rumors and confusion filled the nation as Kenyans were waiting for results.

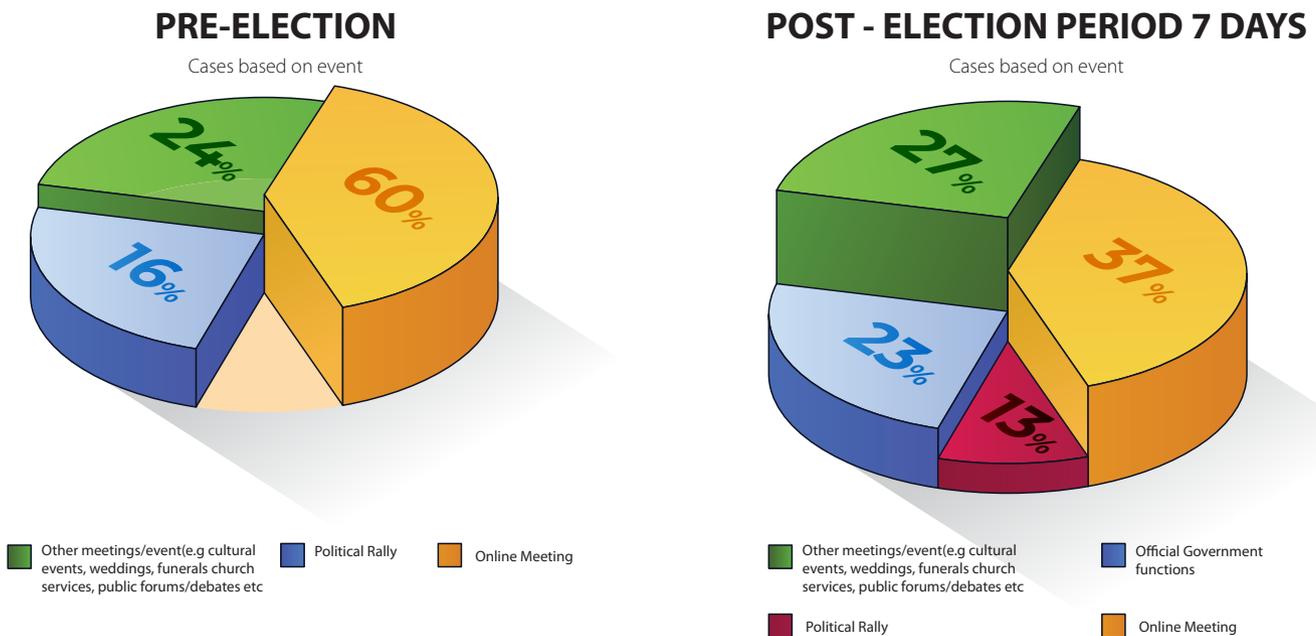
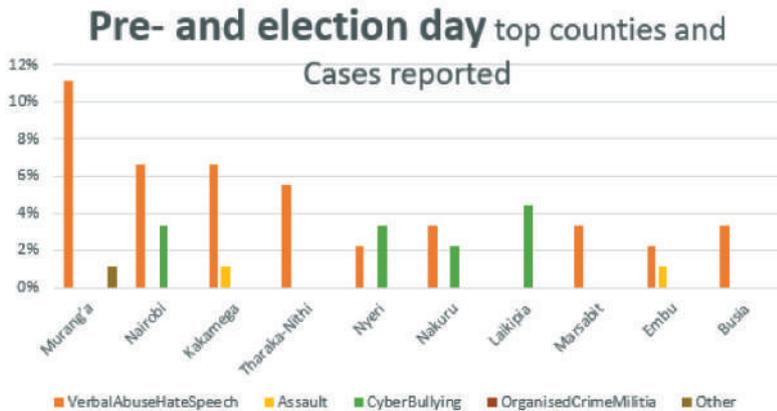


Figure 12: Cases per event on the eve of voting and after voting

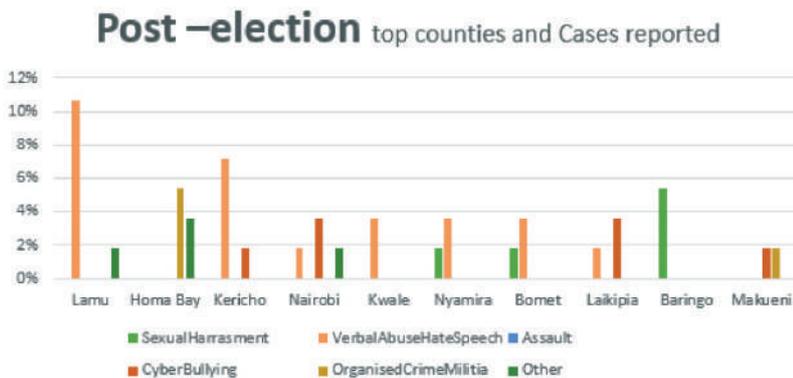
Comparing the different counties and cases reported by different monitors, Muranga county reported the highest cases of verbal abuse and hate speech at 11% followed by Kakamega and Nairobi respectively. The second type of EGBV recorded was cyberbullying, with the highest numbers recorded in Laikipia county, Nyeri, Nairobi and Nakuru followed respectively with small cases of Assault reported.



Verbal Abuse
This was reported Highest in Muranga County 11%, followed by Nairobi 7% and Kakamega 7% respectively

Assault
During this period, Kakamega county registered 1% of the cases as assault, the rest of counties did not register.

Cyber bullying
Nairobi county registered the highest cases of Cyber bullying at 3%, however, other counties like Nyeri and laikipia registered significant numbers



Verbal Abuse
Lamu county registered highest cases of verbal abuse at 11% followed closely by Kericho, Kwale and Nyamira in that order .

Sexual Harassment
Sexual harassment was registered highest in Baringo county post election at 5% followed closely by Nyamira and Bometi Counties

Cyber bullying
Nairobi and Laikipia counties resisted the highest number of cyber bullying cases at 4% followed by Kericho counties.

Figure 13: Comparison in counties on voting day and 7 days after voting

Post-election saw Verbal abuse and hate speech still lead with Lamu county recording the highest cases at 11% followed by Kericho and Kwale, Bomet respectively. Sexual harassment was the second type of EGBV reported during this period with Baringo leading at 7% followed by Homabay and Nairobi respectively.

3.4.2 Constituency level cases

Cases reported at the constituency level show that during the pre-election reporting period, Kiharu constituency in Central Kenya reported the highest number of EGBV cases (11%), with the rest reporting less than 4%. Out of 290 constituencies, Lamu East constituency in Lamu County reported the most cases of EGBV during the election and 7 days after the election, at 9%, followed by Karachuonyo and Mogotio at 7% and 5%, respectively.



FIDA-Kenya's election observation center

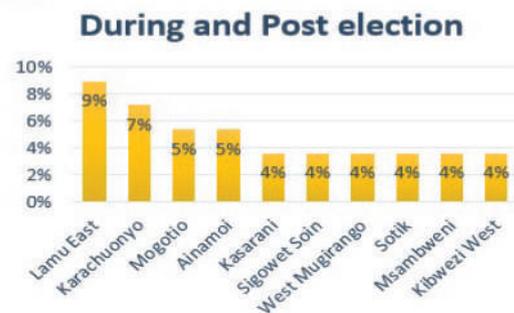
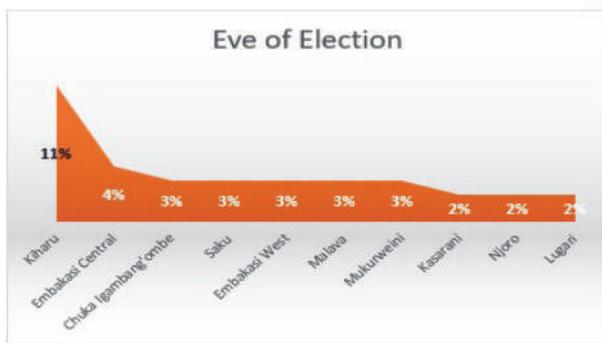
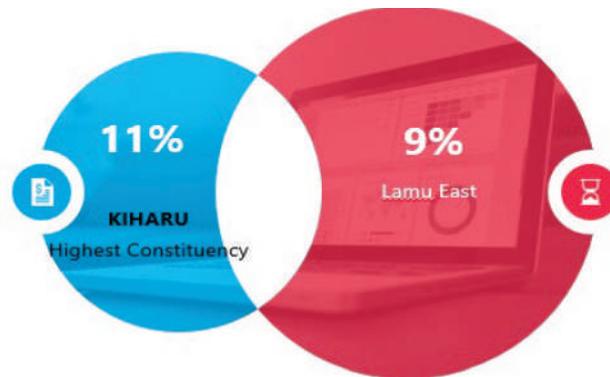


Figure 14: Constituencies that recorded highest numbers

3.4.3 Cases and events

The pattern of cases that were reported in the two weeks beginning the week before the election and ending the week after voting painted an interesting picture. These two weeks of reporting began on the week before the election and ended the week after voting. Online meetings quickly replaced in-person get-togethers as the venue of choice for political discourse and activism.

This includes interacting through social media and holding meetings online. This was most likely since political gatherings were prohibited during the time period covered by this report.

According to the findings presented above, the most common types of cases involving EGBV that occurred on online platforms were those involving verbal abuse and hate speech.



Danish embassy dignitaries being taken through the operation of the situation room/monitoring center operates

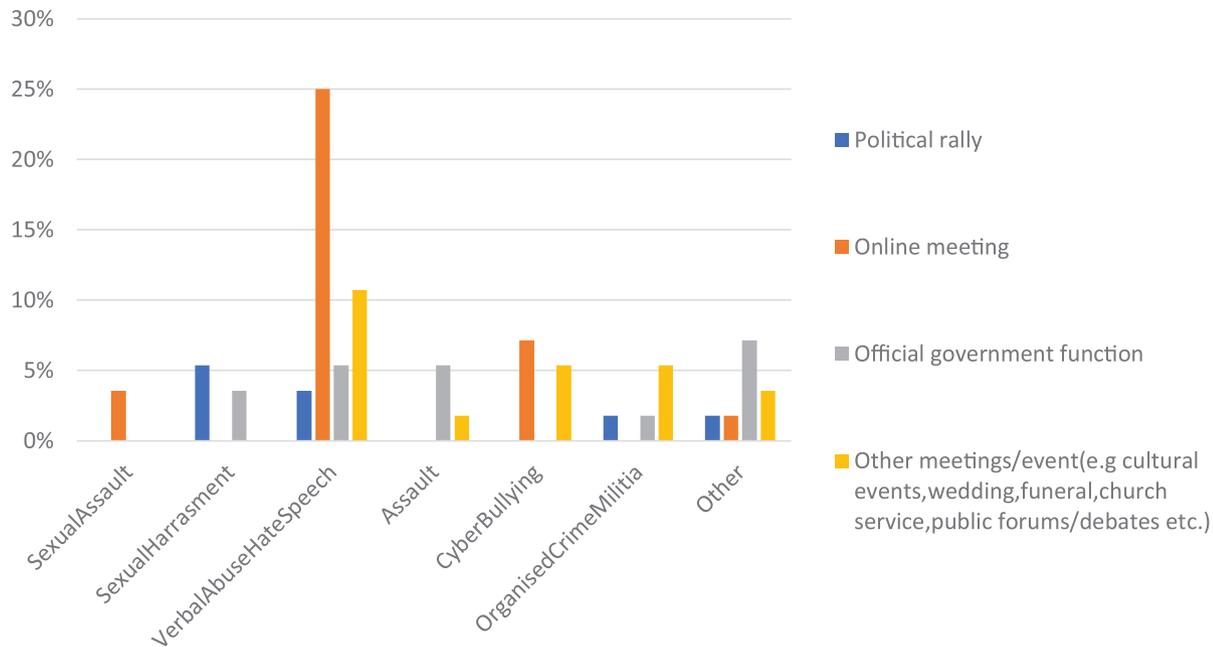


Figure 15: Nature of case and event type during and after voting

Regarding political rallies, there were not many, but they were very intense, as there were only a few days left until the election.

The most common form of gender-based violence that was reported was sexual harassment, followed by verbal abuse and then hate speech.

The fact that the two main political competitors held multiple intense rallies in the days leading up to the election closure, in addition to the fact that local aspirants also increased their political activities, may help to explain sexual harassment. Other types of gatherings, such as funerals, fund-raisers, debates, and small gatherings, which continued to take place after the election despite there being fewer opportunities for political participation, registered verbal abuse and hate speech as the most commonly reported form of violence against women.

3.5 Post Election ESGBV

3.5.1 Cases reported

After the election results were announced, the most reported incidence of victimisation was verbal abuse (53%), followed by cyberbullying (32%), and then sexual harassment (8%). The majority of these cases can be explained from the venues or events that were recorded the most after the elections; this refers to the online meetings or social media as the primary battleground for the majority of these cases.

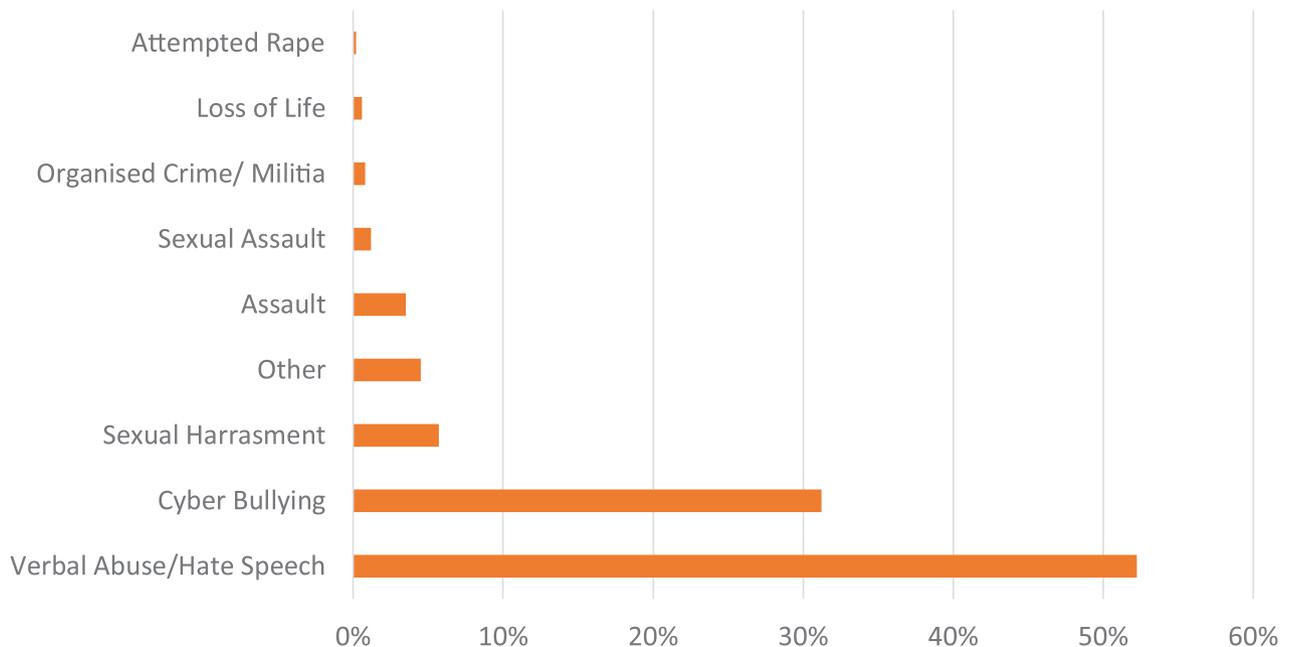


Figure 16: Type of cases reported post- election period

During this timeframe, there were no major political gatherings, and the majority of political activity took place either in small gatherings, debates, or community meetings, with a significant portion of these activities taking place on online platforms. As can be seen in the figure that follows, over 54% of the incidents were reported from online platforms, with the majority of them taking place on social media platforms like Facebook and Twitter.

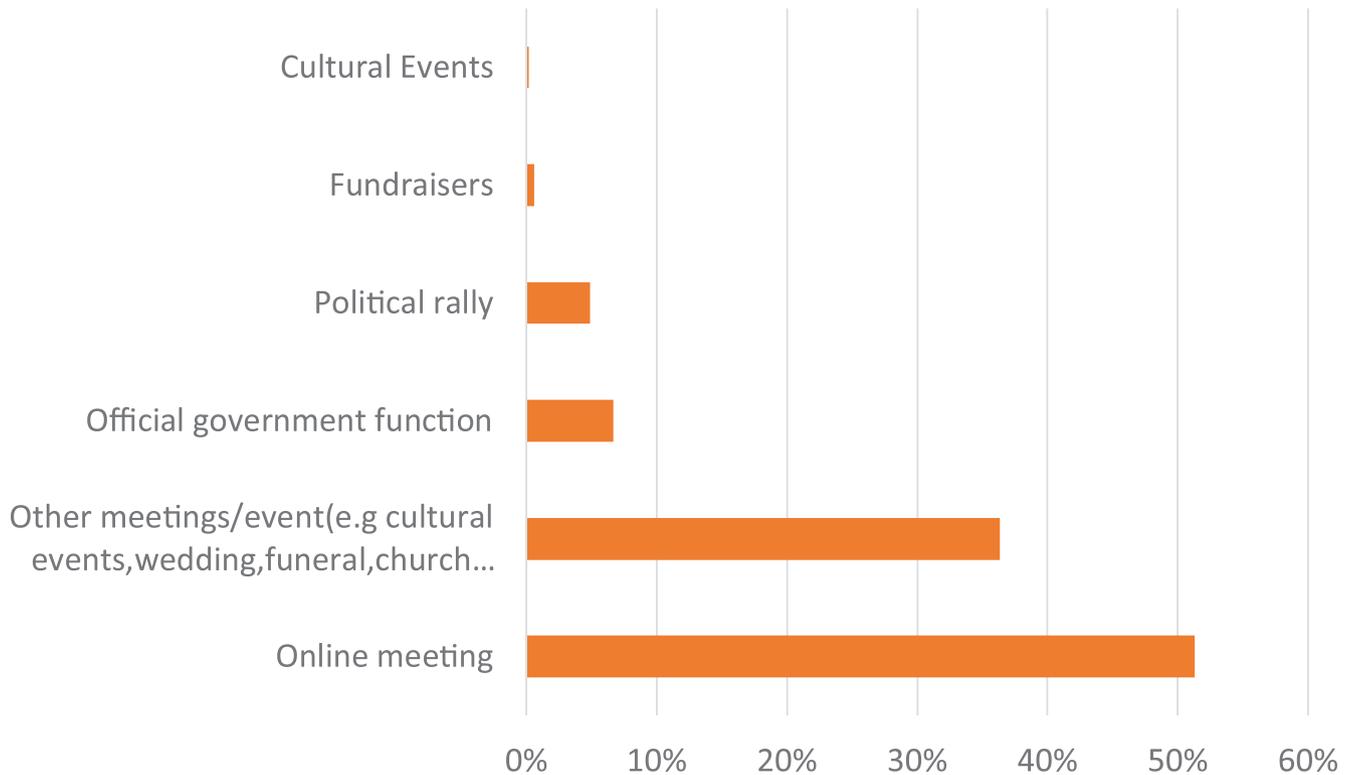


Figure 17: Platforms that recorded most cases

3.5.2 Comparing cases and the platforms of occurrence

The figure below shows which cases were being reported and the most prevalent platforms of occurrence.

Online platforms recorded the most prevalent type of event reporting verbal abuse at 26% and cyber bullying 21% with a combined 47% of the cases. This is a trend that has been noted since pre, during and now post-election. Similar patterns were recorded also in other types of gatherings like funerals, community meetings etc.

Category of cases and event

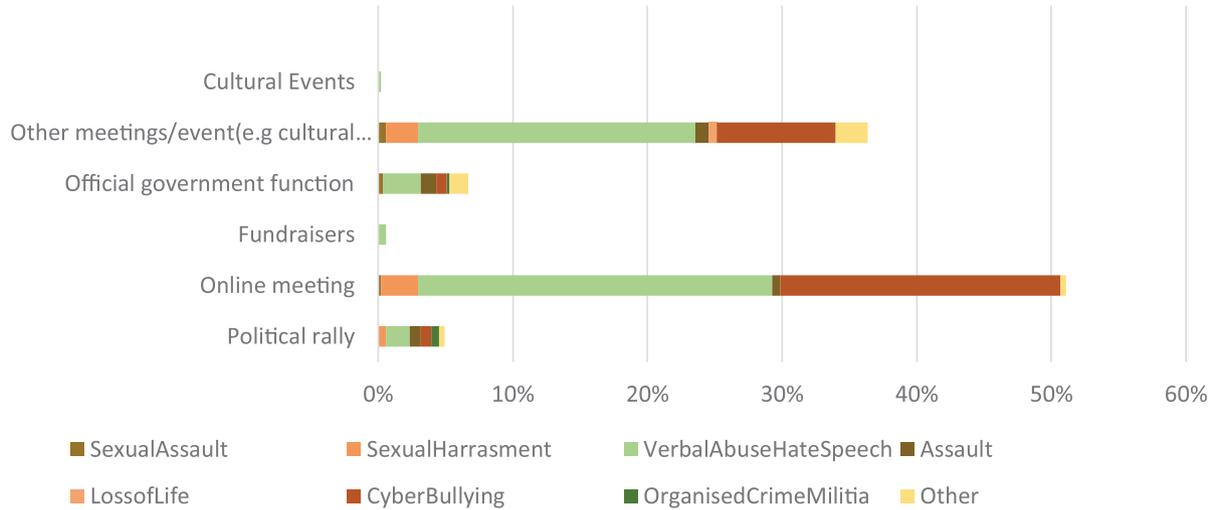


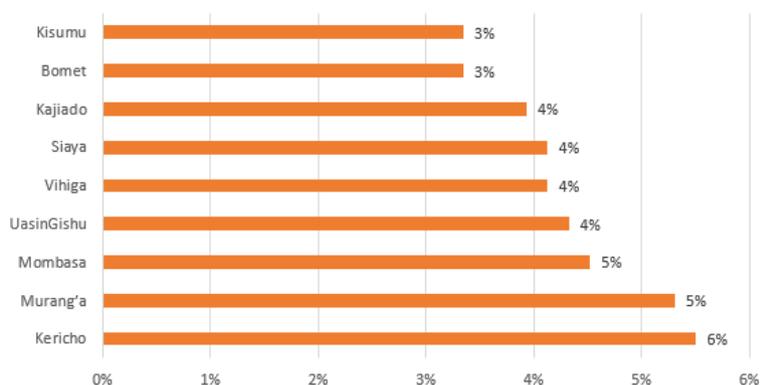
Figure 18: Nature of cases and platforms of occurrences

This trend illustrates a prolonged pattern of gender-based violence in many forms that evolves as circumstances change. The pattern also demonstrates that, regardless of the nature of the platform, ESGBV perpetrators remain the same, albeit camouflaged in different forms and persistently looking for occasions to unleash violence against women. The rise of social networking sites and information and communication technologies has opened up new avenues for social and economic participation all around the world. They have, however, ushered in new forms of violence.

More research and programming are required to guarantee that these venues are safe, inclusive, and growth-friendly. If no additional research, tools, or mechanisms are put in place to help prevent the spread of GBV utilising technology, the improvements made will be eroded, as evidenced by the way ESGBV cases evolved throughout the electioneering season.

3.5.3 Cases per county

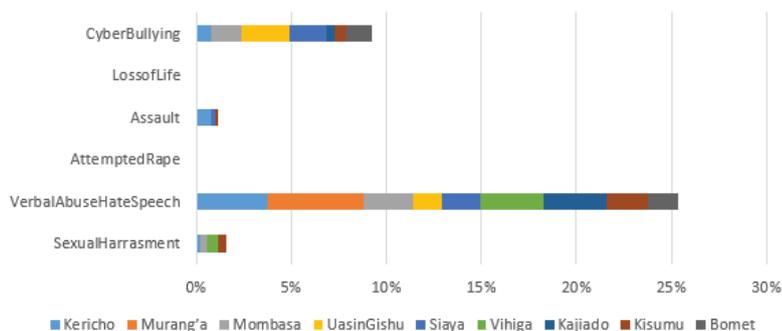
During this duration of post-election, Kericho county reported the highest number of ESGBV cases at 6% followed by Muranga, Mombasa and Uasin Gishu respectively. Two counties that IEBC had postponed elections interestingly did not report more EGBV as would be expected, though Mombasa was still in the top three.



Top ten Counties

In the post election reporting, highest cases were reported in Kericho county at 6% of the total cases followed closely by Muranga and Mombasa respectively at 5%. This is sharp contrast with counties that registered highest cases pre-election and during the election.

Cases reported in counties



Verbal Abuse

Muranga county registered the highest cases of verbal abuse, followed by Kericho vihiga and siaya respectively.

Cyber bullying

Cyber bullying is the second registered case type and Uasi Gishu registered followed by Siaya and then Mombasa counties.

Sexual Harassment

On sexual harassment, Vihiga county, Mombasa and Kisumu registered the highest number of cases.

Figure 19: Cases reported in the top 10 counties

During this period, Turkana, Samburu, Nandi, Migori, Taita-Taveta and Wajir were among the counties that recorded less than 1% in case county representing the counties with the lowest number of EGBV cases during the post-election period.

CHAPTER FOUR

Conclusion and Recommendations



FIDA-Kenya Vice Chairperson Ms. Christine Kungu at an elections function

Women face myriad challenges when they are exercising their political rights, the most alarming of which is the perceived increase in violence against women in politics (VAWP), including violence against women in elections (VAWE).

Gender-based violence in politics and elections is increasingly visible, ranging from the escalation of harassment, intimidation, sexual and physical violence against women in public life and gender-biased scrutiny by the public and the media, to forced resignations and assassinations of women politicians in the most extreme cases. As elections are the main event by which formal political power is established and voting rights

are realized, VAWE remains the highest barrier to women realizing their political rights. It must also be noted that VAWE and VAWP are not isolated but connected to gender based violence that happens in Kenyan communities across the year. As can be noted from the report, most of the cases are not unique to elections or daily occurrences but majority are committed in many Kenya societies every day. Without forgetting the platforms that these atrocities happen, majority of the cases could be observed they happen at community meetings, events and online platforms. This consistency, did not stop at the announcement of elections, they continued way after the presidential inauguration.



FIDA Kenya Observers at the National Tallying Center in Bomas Nairobi

4.1 Kenyan's Commitments to ending GBV

The Kenyan government made a courageous commitment in June 2021 to abolish Gender-Based Abuse (GBV) including sexual violence by 2026. Kenya pledged to intensify its campaign to end these violations by implementing a series of 12 audacious promises that would eliminate the systemic impediments that allow GBV to flourish. These promises are part of the effort to end gender-based violence associated with elections.

- The full implementation of GBV laws and policies by adopting a GBV indicator in the government Performance contracting framework to track duty-bearers' accountability on enforcement and implementation of GBV laws and policies by 2022.
- Investing USD 23 million for GBV prevention and response by 2022 and increasing the resource allocation up to USD 50 million by 2026 through a co-financing model.

Specifically, the Government of Kenya commits to sustain the allocation for FY2020/2021 of USD 2.79 million to GBV and FGM and incrementally work towards a minimum budget allocation of USD 5 million for subsequent financial years. In addition, we commit to instituting an accountability framework for tracking expenditures.

- Ratify and implement the ILO Convention 190 on eliminating Gender-Based Violence and Harassment in the world of work by 2026 in close partnership with the private sector.
- Introducing a module on GBV in the 2022 Kenya Demographic Health Survey to strengthen the utilization of gender statistics in informing the design, scale-up and evaluation of FGM and GBV programming.
- Develop a GBV management and information system by 2022 to strengthen GBV prevention and response programming.
- Invest USD 1 million annually for GBV research, and innovation to boost evidence-based programming by 2026.
- Integrating GBV services – medical, legal, and psychological support services into the essential minimum package of the Universal Health Coverage UHC by 2022.
- Scaling up the national police service integrated response to GBV (Policare) and establishing Gender-Based Violence Recovery Centers and shelters in all 47 counties by 2026.
- Establishing a GBV survivors fund through a co-financing model in partnership with private sector, civil society, and other stakeholders for the economic empowerment of GBV survivors.
- GBV prevention and response in crises such as COVID-19 pandemic response, humanitarian contexts and electoral related GBV.

- Strengthen collaboration with non-state actors including girl-led, women's rights organizations, male champions, and the private sector through coordination structures such as the Gender Sector working groups at the national and county level.
- Adopting and institutionalizing the multi-sectoral GEF Leadership structure comprising the National Advisory Committee, the National Steering Committee, and the county leadership structure to guide the implementation of Kenya's GEF Commitments in the GBV Action Coalition up to 2026.

4.2 Lessons Learnt

- The majority of SGBV incidents relating to this year's general election are sparked by male aspiring competitors who believe their popularity and support in the next election has decreased and is in favour of female candidates. The offenders' (paid goons') purpose is to coward female candidates into quitting the campaign.
- As a community, we should frequently improve the integrity of the voting process by preventing and exposing violence, and irregularities, and supporting women's engagement in political space.
- When performing the monitoring duty, networking is critical. Networks establish appropriate referral paths.
- In addition to monitoring, more emphasis should be placed on increasing civic education, as poor turnout was observed during political party primaries and voter registration inspections.

- The need for a monitor to connect with the locals as a friend in order for them to trust him as opposed to depiction of a spy who is only trying to gather information.
 - Having ESGBV lady monitors has helped aspirants acquire greater confidence in their work and feel free with the guarantee of recourse to justice when needed. It is also an indicator that more women would participate in political processes in the future.
 - It's also worth noting that the majority of these crimes take place online rather than on the ground. People are more of keyboard fighters than field soldiers; there should be ways for the media to be used to educate and abolish election sexual and gender-based violence.
 - Monitoring has emanated from the execution of newly developed policies. For example, voting rights and involvement in electoral processes have grown over time.
- Monitoring ESGBV has aided in assessing women's involvement and focusing primarily on women's components of non-discriminatory participation.
- Political candidates were particularly concerned about the terms they used during political rallies and gatherings. This was mostly due to the sensitization of several government institutions, such as the NCIC.
 - Since social media platforms reach a large number of people, they are being used to increase the popularity of candidates. The same social media platforms are being utilised battleground between supporters of various politicians representing various political viewpoints.
 - Female candidates will never be able to campaign peacefully like men unless the unequal power relations between men and women are addressed.



4.3 Recommendations

- Increased Awareness of ESGBV: The Kenyan community is developing intolerance for sexual violence, particularly against children, as a result of increased awareness. Involving grassroots leaders, churches, and youths in campaigns against sexual violence during elections will increase the accountability of leaders who promote such acts. In addition, the community will reject any such leaders, resulting in a political punishment that will alter attitudes towards EGBV.
- The Creation of ESGBV Networks: It is important to take note of the growing level of cooperation between non-state actors as well as the rising trend toward the formation of alliances and networks on both a regional and national scale. As a consequence of this, the organization's lobbying strength is increased. Creating interconnectivity, whether through technology or by bringing together diverse actors in reporting and enforcement, will not only instil terror among women leaders but will

also instil confidence that their safety will be ensured and sexual offenders will be punished.

- Actors in the election observation community should define and agree to a minimum set of standards of VAWE indicators to avoid providing a fragmented picture of the GBV in an electoral process. This can be accomplished by identifying a minimum set of standards of VAWE indicators.
- Every single ESGBV monitoring body ought to make the consolidation of data, reporting, and enforcement their top focus. There is an abundance of evidence to suggest that having access to trustworthy data on a worldwide scale is necessary to put an end to all types of GBVAW.
- Technology businesses in Kenya or Internet Service Providers (ISPs) can build or modify solutions to decrease the pervasiveness and repercussions of technology-facilitated gender-based violence (GBV) among users;
- The government and non-state actors should conduct additional research on technology-facilitated gender-based violence (GBV) in order to gain a deeper understanding of the phenomenon, raise awareness about technology-facilitated GBV and its effects, advocate for possible solutions, and establish new partnerships and collaborations;
- We are going to have to rely on quotas to enhance the representation of women so that we can get closer to achieving gender parity. These quotas should not only be relied on but also protected and defended. For instance, in the event that we did not have the post reserved for women representatives, there would only be three women chosen to represent Laikipia County in either the national assembly or the county assembly

Recommendations to the government

- In addition to monitoring, there should be a greater emphasis on increasing civic education, given the poor turnout during the general elections
- Gender desks in police stations are needed to provide a safe place for victims to submit instances without fear of stigma or disgrace.
- Both the national and county governments should develop a comprehensive rehabilitation programme for the survivors of election-related SGBV, through the provision of medical, psychosocial, legal and social services.
- Both governments should implement special Gender desks at Police stations to handle EGBV cases during election year and also provide training to enforcement agents to be able to efficiently handle such cases
- The Government and IEBC should strictly enforce the ban of hate speech mongers and EGBV perpetrators that run in the public offices
- The government should commit resources and work with the counties towards the establishment of shelters and GBV recovery centres, tracking down and documenting victims of gender discrimination

4.4 Conclusion

Sexual and gender-based violence occurs not only during national events such as elections but also in places where legal systems and institutions are in operation. Various societies and their legal systems have struggled for decades with the issue of ESGBV. Nonetheless, the majority of societies have learned and accepted to uphold and normalise various forms of abuse against women during elections.

ESGBV continues to occur even though Kenya is increasingly electing women to parliament and other public offices. Nonetheless, this advancement affords Kenya the chance to increase awareness, launch programmes that educate traditional/cultural barriers to electing women to office, and mentor more young leaders to compete politically and seek political office. The emergence of novel spaces for perpetrators of violence to instigate abuse against women and girls is also a worrying factor.

This is major because the majority of the population is youthful and it is projected that in the upcoming electoral cycles these youths will be directly participating as contestants or supporting some female candidates. It is therefore imperative that measures of both infrastructure and human resources are put in place to tackle online abuse which is expected to persist as technological growth expands.

Furthermore, we have established that there is a need to continuously monitor through observation and documentation of the cycle of elections as part of our human right surveillance obligation towards a violence-free Nation. We are hopeful that from these experiences that women leaders who have already been elected will also serve as mentors and role models, which will not only encourage young women to seek elective positions but also inspire society to value women leaders and develop confidence in their leadership.

Annexes

5.1 Preliminary reports

- pre-election.pdf
- electioneering period.pdf
- 3rd Preliminary reporting.pdf

5.2 Links to Tv, radio and you-tube

- <https://www.standardmedia.co.ke/politics/article/2001454563/polls-report-reveals-counties-where-women-were-assaulted>
- <https://www.the-star.co.ke/news/2022-08-03-lamu-baringo-wajir-favourable-for-women-aspirants-fida/>
- <https://www.youtube.com/watch?v=abLWqaDLym8>
- <https://www.youtube.com/watch?v=2egFW9s3Fv0>
- https://www.facebook.com/1004252179610896/videos/1664236640607360/?extid=WA-UNK-UNK-UNK-AN_GK0T-GK1C-GK2C&ref=sharing
- <https://www.youtube.com/watch?v=abLWqaDLym8&authuser=1>
- <https://www.youtube.com/watch?v=2egFW9s3Fv0&authuser=1>

5.3 FIDA-Kenya's Press statement on Kenya's general elections



PRESS STATEMENT

23/08/2022

KENYAN GENERAL ELECTIONS 2022

The Federation of Women Lawyers is a non-governmental, non-partisan, non-profit making organization established in 1985 with a mission to promote women's individual and collective power to claim their rights in all spheres of life. The organization works towards addressing challenges facing women's access to their social, political, and economic rights.

FIDA-Kenya has been working in a collaborative program with other partners to advance the **achievement of gender equality and empower all women**. This has been championed through the Vote A Dada initiative. This is a campaign aimed at supporting women's political participation across the electoral cycle, including through coordinated efforts with partners. The main focus of the campaign is the achievement of the two-third gender rule premised in the Constitution of Kenya 2010 and pronounced severally through Judicial rulings and advisory.

Additionally, FIDA-Kenya has been implementing several initiatives toward achieving gender equality and promoting safety for our women and girls in the electioneering period. This includes the deployment of SGBV monitors, the training of pro bono lawyers on Electoral disputes resolutions, the establishment of an observation center, the training of health care providers on SGBV documentation and evidence preservation, and the enhancement of our toll-free lines which provide for legal and psychosocial support to women and girls.

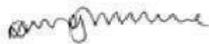
As a result of these initiatives coordinated over the last five years, we are proud to be associated with the positive outcomes of the elections 2022. Particularly that the elections have been largely peaceful with few reported cases of SGBV that we are mitigating in different regions. Secondly, there is an increase in the number of elected female leaders, especially as Governors where **Kenyans Voted in 7 female governors marking an increase of 4 from 2017**. The elections of the **31 single constituency female MPs also marked an increase of 7 from the 2017 polls**. We equally commend the female senators, the County women representatives and female members of the county assembly who were elected from a highly contested election. We salute your resilience and uphold your valiant pursuits to have your say on the governance platforms at the National and County levels. **Hongera Waheshimiwa!**

Thirdly, FIDA-Kenya commends the Kenyan electorate for taking up the challenge to give women a chance especially now we have **first-time Members of County assembly from Marginalised communities and counties where we had no elected female Members of Parliament.** These milestones will be beneficial for the whole society as we propel gender equality in all spaces and locations of Kenya.

As we embark on the formalization of the elected official we urge all our elected leaders to uphold their campaign manifestos which were laden with economic progress, democratic initiatives and progressive developmental ideals that had affirmative action at the center. We will be documenting this journey as we continue to strategize and program for the effective delivery of our mission goals.

We call upon all the elected leaders and institutions of governance to uphold their Constitutional mandate and we transition into the 13th Parliament.

Nancy K. Ikinu



Chairperson

For further inquiries, kindly reach out to the PR/Communications Lead, Moses Okinyi on mokinyi@fidakenya.org, or call 0726989713.



Press statement before elections



3 AUGUST 2022

PRESS STATEMENT

ELECTIONS 2022: FIDA-KENYA ELECTIONS OBSERVATION

The Federation of Women Lawyers is a non-governmental, non-partisan, non-profit making organization established in 1985 with a mission to promote women's individual and collective power to claim their rights in all spheres of life. The organization works towards addressing challenges facing women's access to their social, political, and economic rights.

Cognizance of its pivotal role in ensuring the human rights of women and girls are upheld. FIDA-Kenya has been working across the country in each electoral cycle to harness the gains that have been made through our Constitution and the overall democratic freedoms guaranteed by Constitutional offices.

As we are proud to state that we have succeeded in the last two years in coming up with mechanisms to ensure that our women and girls enjoy a free and fair election devoid of any form of violence or violation. This mechanism has been done in close collaboration with our partners at the International, Regional and National levels. The partners together with FIDA-Kenya Secretariat. and the board have instituted several measures to ensure that the challenges reported by Women in Girls post-2017 elections are mitigated.

As a result.

1. **We launched the 'Vote A Dada' Campaign in 2021** which has provided a platform to advance the gender agenda.
2. **We have trained over 350 female aspirants** including the youth and Women Living with Disabilities on the various aspects of the electoral cycle to ensure they have the requisite capacity to advance greater participation in elective politics
3. **We have recruited, trained, and deployed 100 elections SGBV monitors** across the country who have been able to report map, and document incidents of sexual gender-based violence perpetration against women aspirants, voters and supporters. The reporting of cases has a systematic referral pathway that includes agencies on the ground to respond to matters arising, both through referrals and litigation. These include IPOA, KNHRC, CSOs, ELOG, IMLU, NPS, Health facilities and FIDA-Kenya, pro-bono advocates.

4. **We have established a reporting portal** that allows the 100 monitors in the 47 counties to feed in data real-time regarding the situation on the ground. This does not only ensure data authenticity but also facilitates timely responses on matters.
5. **We have trained 60 health care providers** who form part of the essential services in emergencies in documentation and preservation of evidence. This is aimed at ensuring that evidence presented in court is not limited by insufficiencies.
6. **We have enhanced our capacity to provide psychosocial support and legal support** across the country through our offices
7. **We have trained 50 pro bono lawyers** who are ready to undertake disputes from the electoral process hence advancing the much-needed legal assistants to our female candidates. Out of this engagement, 17 aspirants were assisted following the Political Party Primaries held in April this year.
8. **We continue to advance our mission to women and girls** in this country through strategic support through partnerships with like-minded partners and friends of FIDA Kenya.

Through our monitors, we have been able to report, map and document incidents of sexual gender-based violence perpetration against women aspirants, voter, and supporters. Social media has also presented an opportunity to report and document election-related violence on a mass scale, providing information which could not ordinarily be accessed using traditional means. We have also set up an election monitoring center to coordinate incidences reported by our monitors in the field.

FIDA Kenya however notes that Electoral related Violence (ESGBV) is far from being curtailed during these elections. From our reports, we have established that cultural events which include church gatherings, funerals, weddings, and other traditional ceremonies record the highest platforms where ESGBV is reported. Online meetings follow closely while official government functions and fundraisers record fewer numbers. This is as of July 2022.

During the Election Period, FIDA-Kenya will be monitoring and issuing periodic statements on the issues that will be reported from the ground as part of the early warning and response during these elections. We hope that the elections will be peaceful, and we are set to undertake our collective mandate for the Nation and the people of Kenya.

It is in this regard that we have taken the important measure to unveil our **Elections Monitoring Centre** which shall buttress the existing SGBV referral pathways.

We reiterate our call for credible and peaceful elections, for which the Government of the Republic of the of Kenya, through the IEBC bears the primary responsibility. We remind the IEBC of the importance of free and constructive political debate, freedom of expression, freedom of assembly, equitable access to media, including State media, and safety for all candidates, as well as for election observers and witnesses, journalists, human rights defenders, and actors from the civil society including women.

We stress upon the need for IEBC to ensure enhanced and regular dialogue with all candidates to ensure a peaceful process before, during and after the elections. We also call upon the

Commission to address the technical issues perceived as key to the elections' credibility, including the reliability of the electoral database and the compilation of election results.

We welcome all the initiatives IEBC have put in place trying to solve all disputes between all stakeholders. We strongly encourage all political parties to adhere to the electoral code of conduct and to participate in a constructive and peaceful manner in the entire electoral process, including after the elections.

We commend all the authorities and people of Kenya for their endeavour toward holding successful elections in August 2022. We encourage all stakeholders to continue with efforts geared toward creating a conducive environment for peaceful, credible, and inclusive elections and encourage political tolerance and peace cultivation among citizens before, during and after the 9 August 2022 elections.

With those remarks, we would like to urge Kenyans and all election stakeholders to keep the peace and unity during this electioneering period.

Nancy K. Ikinu



Chairperson

For further inquiries, kindly reach out to the PR/Communications Lead, Moses Okinyi at mokinyi@fidakenya.org, or call 0726989713.

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FIDA-Kenya Chairperson Ms. Nancy Ikinu addressing a press conference on elections





ESGBV in elections Monitors



People
Change
the World

Diakonia



**MINISTRY OF FOREIGN AFFAIRS
OF DENMARK**
Denmark in Kenya



**FORD
FOUNDATION**

Nairobi Office
Amboseli Road
Off Gitanga Rd, Lavington, Nairobi
Tel: 0710607241 / 0722509760
Email: info@fidakenya.org

Mombasa Office
Off Link Raod, 3rd Street behind links plaza
(immediately behind Riyadh Towers).
P.) Box 80687-80100, Mombasa
Mobile: 0724 256 659
Email: ajmombasa@fidakenya.org

Kisumu Office
Milimani Estate, off Awuor Otiende
Rd next to Millimani Resort
Box 19219-40123, kisumu
Mobile: 0722466848 / 0734444449
Email: ajkisumu@fidakenya.org