



Kenya National Commission on Human Rights

SILHOUETTES OF BRUTALITY

AN ACCOUNT OF SEXUAL VIOLENCE DURING AND
AFTER THE 2017 GENERAL ELECTION

2017 ELECTION SERIES

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2017 GENERAL ELECTION

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Foreword

This report is a documentation of the aftermath effects of disputed poll results specifically on sexual violence during the 2017 Election cycle. Noting the private and sensitive nature that sexual violence exhibits itself within the society, this report may not be conclusive in recording all the cases, number of survivors and areas where the sexual violence occurred. However, it gives account of events and testimonies of the survivors who chose to speak about their ordeals in strict confidentiality to the Commission.

One of the key human rights principles is *indivisibility*. It states that human rights are inherent to the dignity of every human person and thus all rights have equal status. A person's rights cannot be compromised at the expense of other person's rights. Consequently, all human rights have equal status and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights.

Guided by the above principle, the Kenya National Commission on Human Rights made a deliberate and conscious effort to holistically look at adherence of human rights standards and possible violation of the same while drafting and putting in place its election monitoring strategy. This approach, however, was cognizant of the fact that the Commission might interact with issues that do not fall within its mandate and may require referral or consultation with relevant actors for efficient redress.

The trajectory of the number of citizens who participate in General Election in Kenya shows an upward trend. This is a sign perhaps to show greater understanding of the need to exercise their guaranteed right under Article 38 of the Constitution of Kenya. The advent of devolved governments has led to the citizens becoming aware of their individual and collective role in development which starts with the power to cast their vote for visionary leadership. Conversely, citizens



are also mandated by the same Article to respect contrasting views of their fellow citizens regardless of their party or candidate affiliations.

When leadership fails in its duty to safeguard the enjoyment of fundamental rights and freedoms, citizens fail to observe the rule of law during election periods. Thus, the face of democracy is dented. Consequently, violations are normalized when no deliberate effort is made to amend the same in subsequent years and thus a nation will have a cycle of human rights violations.

Unlike other violations that KNCHR was able to document as they occurred and published in its three-part series of election reports, majority of sexual violence reports and testimonials emerged later when the *bang of gunfire fell silent* and the clouds of teargas had cleared. Citizens were then confident enough to either seek medical support or report to relevant institutions. Notwithstanding, this report is comprehensive to the extent of demonstrating the steps yet to be taken to ensure that the general election and its related processes foster a spirit of democracy.

The Commission has years of experience in monitoring election and election processes in Kenya. It remains confident in the systems of governance and policies already in place to ensure elections are a smooth sail. However, just like the evolution of societies, these policies and systems must evolve to reflect changing trends to effectively mitigate trouble ahead. As documented by the Commission in this report, the country is yet to have a gender sensitive component to management of elections. A policy that can, in the case of this report, effect accountability for perpetrators.

While we realize and actualize sophisticated election management systems for effective public participation as envisaged in Article 10 of the constitution, deliberate effort must be put in place to address the impediments of the same. The special documentation of sexual violence during electoral cycles will ensure that citizens are confident in exercising their power to vote.

Kagwiria Mbogori



Chairperson, Kenya National Commission on Human Rights

Acknowledgements

Kenya National Commission on Human Rights salutes the brave women, men and children whose stories will ignite a change process in General Election cycles in Kenya. The healing journey began with the acceptance to share your innermost fears, worries and reservations.

We also acknowledge the great support from the Commission leadership under the guidance and stewardship of the Chairperson, Commissioners and Commission Secretary who pressed on to ensure that accountability for General Election violations is documented, even at a time when many actors had shifted focus.

Specifically, the Commission acknowledges the members of the KNCHR Elections Monitoring Hub who continued to dedicate their time and effort to ensure that justice prevails upon victims whose voices had been silenced. Persistent and consistent belief in the course of human rights as demonstrated by these members is the pathway to influencing policy that will enhance the enjoyment of human rights and fundamental freedoms in Kenya.

Our sincere gratitude goes to our development partners; United Nations Development Program (UNDP), United Nation Entity on Gender Equality and Women's Empowerment (UNWomen), Office of United Nations High Commissioner for Human Rights (OHCHR), the European Union, The Government of Italy, The Government of Ireland, the UK Department for International Development (DFID) and the United States Agency for International Development (USAID). They provided invaluable technical and financial support through the Strengthening Electoral Processes in Kenya (SEPK) Project towards KNCHR's monitoring of electoral processes in 2017, the subsequent research and development of this report.

We further wish to thank Freedom House, the Royal Danish Embassy in Nairobi, Uraia Trust, Center for Reproductive Rights (CRR), IPAS-Kenya and Open Society Initiative for East Africa (OSIEA) for supporting the Commission implement its monitoring exercise of the 2017 General Election. The generous contribution of all our development partners facilitated delivery of this report.

KNCHR remains grateful to all civil society actors and partners who were key informants to the Commission through the process and facilitated linkages with the survivors especially in the grassroots areas.

We also acknowledge public sector actors who facilitated the data collection process in their specific and unique ways. Close collaboration and support for the public-sector actors' mandates is the only way to provide efficient services to the citizens.

Human rights for all at all times!

Acronyms and Abbreviations

ACHPR	African Commission on Human and People's Rights.
ACRWC	African Charter on the Rights and Welfare of the Child.
AG	Attorney General.
AP	Administration Police.
CAT	Convention Against Torture.
CEDAW	Convention on Elimination of all forms of Discrimination Against Women.
CIPEV	Commission of Inquiry into Post Election Violence.
CRC	Convention on the Rights of the Child.
CSOs	Civil Society Organizations.
DOJ	Department of Justice.
EC	Emergency Contraception.
EMS	Election Monitoring System.
GANHRI	Global Alliance of National Human Rights institutions.
GBV	Gender Based Violence.
GHRD	Gender Human Rights Defenders.
GSU	General Service Unit.
IAU	Internal Affairs Unit.
ICCPR	International Covenant on Civil and Political Rights.
ICPD	International Conference on Population and Development.
IEBC	Independent and Electoral and Boundaries Commission.
IPOA	Independent Policing Oversight Authority.
JOOTRH	Jaramogi Oginga Odinga Teaching and Referral Hospital
KFS	Kenya Forest Services.
KMWA	Kenya Medical Women's Association.

KNCHR	Kenya National Commission on Human Rights.
KPS	Kenya Police Service.
KWS	Kenya Wildlife Service.
MCA	Member of County Assembly.
MSF	Médecins Sans Frontiers.
NCIC	National Cohesion and Integration Commission.
NGEC	National Gender and Equality Commission.
NHIF	National Hospital Insurance Fund.
NHRI	National Human Rights Institution.
NPM	National Preventive Mechanism.
NPS	National Police Service.
NYS	National Youth Service.
ODPP	Office of the Director of Public Prosecutions.
OHCHR	Office of the High Commissioner for Human Rights.
PEP	Post Exposure Prophylaxis.
POTA	Prevention of Torture Act.
PRC	Post Rape Care.
PWDs	Persons with Disabilities.
SDGs	Sustainable Development Goals.
SGBV	Sexual and GenderBased Violence.
SOPs	Standard Operating Procedures.
STI	Sexually Transmitted Infections.
SV	Sexual Violence
SWOP	Sex Workers Outreach Programme.
TFSOA	Task Force on the Implementation of the Sexual Offences Act.
UDHR	Universal Declaration of Human Rights.
WHO	World Health Organization.

Executive Summary

“ I had closed my shop early because teargas had been lobbed around the area. Later that night at around 11:00pm, four men broke our door and entered our house. I was with my husband and three daughters aged, 12 years, 9 years and 5 years. They told my husband that they wanted to rape our children in front of us. I pleaded with them not to because they were young and instead rape me if they wanted. Two of the men tore my clothes while they pinned me on top of the table. The other two held both my legs and kept them apart. They raped me and sodomized me for about 30 minutes. My husband watched helplessly crying as my children hid under the bed.¹

In the wake of the August 2017 General Election, assurance from the IEBC painted a façade that, despite political tension and divisions, the country was ready for the polls. All seemed well with varied actors sharing their level of preparedness to ensure peaceful polls. Key to note was the elaborate security strategies put in place whose plans included grass root interactions to ensure citizens share real time security alerts. As a key player in the monitoring of elections in Kenya, the Kenya National Commission on Human Rights (KNCHR) witnessed this interplay between the national government security arms and the public when staff and monitors attended various meetings where local administration and security offices held ward to ward gatherings to interact with the public opinion.

As it has been the practice in previous electoral processes, KNCHR was keen to monitor the respect of human rights standards secured within the *right to vote* and *be voted for*. These included but not limited to; ensuring the enjoyment of the right to life, right to adequate security, freedom of association, right to information, rights of vulnerable groups amongst others. KNCHR election monitoring parameters set out in April 2017 at the start of the party primaries, sought to monitor the rights of women and children as vulnerable persons during election cycles. For the women, it was not only the monitoring of their participation

¹Testimony from a survivor as recorded by KNCHR

in the electoral process but also their right to participate as candidates in a male dominated political arena. Concerning children, KNCHR was keen to monitor the protection of their rights especially during the campaigns.

Securing free and fair electoral processes requires purposeful focus on how each of these rights interplay with each other and thus our election monitoring process was intent on bringing out this interplay and hence this fourth series of the 2017 election reports, with a key focus on sexual violence.

This report focuses on post election violations largely experienced following the announcement of the first Presidential results on August 11th, 2017, and the ensuing months prior to and after the fresh Presidential polls on October 26th, 2017. Its findings are a stark reminder about the vulnerability of women and children during General Election. There is need for the country to have an early start in strategizing on how to secure this critical voting mass for there to be confidence in the political leadership.

On 11th August, 2017, when the electoral management body IEBC announced the Presidential results, the KNCHR hotline number 0800 720 627, which had been publicized for citizens to share human rights concerns rang off-the-hook. Members of the public from different parts of Kenya especially from Nairobi, Nyanza and Western regions made distress calls as protests broke out in the dark of night. The men would call and indicate they were being mobilized to go out and protest the election results. On the other hand, women were calling to seek help as protesters and security agents targeted them - sexually violating them and their children. While these claims could not be ascertained at the time, KNCHR, through a press statement released on 12th August, 2017 raised the red flag and specifically noted a breakdown of civil order perpetuated by both civilians and security agents. KNCHR, alarmed by the increasing number of complains embarked on separately documenting rape, defilement and sodomy cases reported particularly by women in distress. They sought to be rescued from their homes that were marooned in violent eruptions as security agents engaged protestors in running battles.

The trend continued in the days and weeks preceding the 26th October fresh Presidential election and even after announcement of the outcome. Protests

seem to have only been quelled by the month of December festivities. What started as a few cases of varied sexual violations grew into a total of the 201 cases as documented in this report that emanated from the 2017 electoral violence. KNCHR is cognizant of the probability of many sexual violence cases out there that remain unreported to date.

The Commission's findings indicate that majority of the survivors come from informal settlements where fierce protests were witnessed. While there could be more counties where sexual violence took place, the KNCHR's findings recorded cases in the nine (9) counties of Nairobi, Kisumu, Vihiga, Kakamega, Migori, Siaya, Busia, HomaBay and Bungoma and one (1) case each in the Machakos and Uasin Gishu Counties.

It is noteworthy to put on record that the 201 sexual violence cases are not conclusive and are a record of survivors who courageously came out to the KNCHR to share their ordeals. 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. For some 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.

While many people would have been presumed to be safer knowing that security agents were within their precincts and therefore sleep peacefully, many survivors whose statements are recorded in this report pointed to security agents as the key violators, thereby disillusioning this presumption. They described the attackers as having been dressed in security regalia that is the jungle green uniform type. They could also describe AK47 guns and some teargas canisters that were carried by the attackers. Others thought the solidarity amongst civilians would be their fortress until the opposite happened, with some survivors noting that they were sexually assaulted by opportunistic fellow civilians.

Our findings reveal that 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 pain killers. Many of the victims recorded in this report are yet to receive comprehensive psycho-social support. This is as a result of the costs that come with the service while others simply just want to wish away the ordeal. KNCHR notes that only a few survivors benefited from community-based organizations that offer free counseling sessions, albeit months later.

The findings in this report could not have been recorded were it not for the early warning mechanisms put in place to include gender-based violence as one of the parameters to be monitored within the election cycle. Through the reports shared, the Commission was able to single out cases of sexual violations. The complaints received led to investigations being conducted and due attention accorded especially after the post-election mayhem had ebbed.

Leading up to the 2017 General election, KNCHR had never programmed its activities around SGBV issues and thus the first point of call was to establish key players in the sector and hold several consultative meetings and a workshop to share experiences and action points. Further, KNCHR published a media write-up highlighting the patterns of sexual violence during General Election.

In April and May 2018, KNCHR made submissions to the *Africa Special Rapporteur on the Violation of the Rights of Women* and the *UN Special Rapporteur on Violence against Women* in relation to the General Election and made recommendations for international intervention.

While sexual violence should never be an outcome of a General Election in Kenya, it is a vice that is playing out as a tactic of conflict to subdue opposing voices, a matter that needs to be addressed.

Kenya must now come to its reality and set out policies and strategies that will ensure that survivors of such inhumane acts get justice. The new constitution envisaged security sector reforms that would enhance service delivery and not encourage impunity no matter how difficult the circumstances are. They must adhere to the oath they took to secure Kenyans and especially the victims when incidences occur especially during General Election. This role further extends to their ability to receive victims and record their statements when they report at Police stations. The time is now for the perpetrators of these heinous violations to be prosecuted if accountability is to be effected.

The National and County Governments must work collaboratively to establish safe houses for victims of sexual violence who require such services to reduce cases of intimidation of victims.

Glossary of Terms on Sexual Violence

Attempted	Any act that is done with intent to commit a criminal offence, but which offence is not completed.
Child	Any person under the age of eighteen years.
Defilement	An act which causes penetration of a child's genital organs.
Gang	Two or more persons.
Gang rape	The offence of rape or defilement committed by a person in association with another/others with common intention.
Genital organs	The whole or part of male or female reproductive organ, including the anus.
Indecent act	An unlawful intentional act which causes any contact between any part of the body of a person with the genital organs, breasts or buttocks of another, but does not include an act that causes penetration.
Penetration	means the partial or complete insertion of the genital organs of a person into the genital organs of another person.
Post rape care form	This is a document that should be filled in triplicate by medical practitioners or either of the designed persons for purposes of medico-legal documentation following sexual violence.
Rape	An act done which causes penetration of one person's genital organs with the genital organs of another without their consent or where the consent is obtained by force, threats or intimidation of any kind.
Sexual assault	Any act where a person unlawfully and purposely uses an object or any part of his body (except his/her genital organs) to penetrate the genital organs of another person.
Sexual violence	For the purpose of this report, sexual violence refers to rape, attempted rape, gang rape, defilement, attempted defilement, sexual assault, indecent act and sodomy.
Sodomy	An unlawful sexual act which causes a person to penetrate another man's anus with his penis.
Survivor	Also referred to as a 'victim' is any person who has undergone sexual violence.

CHAPTER 1

INTRODUCTION

1.1 Background to the Documentation

The Kenya National Commission on Human Rights is a National Human Rights Institution (NHRI) that is established under Article 59 of the Constitution of Kenya. It is operationalized by the Kenya National Commission on Human Rights Act of 2011 (revised 2012) with the core mandate of promoting and protecting human rights in Kenya. The KNCHR's mandate was further enhanced by the Prevention of Torture Act (POTA) of 2017 that seeks to promote and protect the right to freedom from torture, cruel, inhuman and degrading treatment.

At the international realm, KNCHR is accredited an “A status” by the Global Alliance of National Human Rights Institutions (GANHRI) having met the required standards of NHRIs to effectively and efficiently carry out its mandate. As a result of this “A status”, KNCHR has audience in the regional and the international human rights treaty bodies and charter-based mechanisms.

The Commission is empowered to monitor, investigate and advice on the observance of human rights including conduct by the national security organs. In addition, it is also empowered to receive and investigate complaints about alleged abuses of human rights and take necessary steps to secure appropriate redress mechanisms.

In fulfillment of its mandate, KNCHR plays a key role in providing the link between domestic and international human rights systems.² This means that the Commission has a unique position where it engages and interacts with relevant actors at the national level as well international mechanisms. It acts as the

²The KNCHR has audience in the ratified regional and international human rights treaty bodies and charter-based mechanisms including but not limited to the African Commission on Human and People's Rights, Africa Committee of Experts on the Welfare of Children, the Human Rights Council, the Human Rights Committee, the Committee Against torture, the Committee on Economic, Social and Cultural Rights, the Committee on Elimination of all forms of Discrimination against women among others. This means that the Commission monitors the implementation of the obligations under these treaties and submits an alternative report on the status of the State's compliance with key recommendations of action points.

principal organ of the State in ensuring compliance with obligations under treaties and conventions relating to human rights.

NHRIs in general, are designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against *Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. This mechanism involves a system of regular, unannounced, preventive visits to document and respond to individual complaints.

Torture and inhuman degrading treatment or punishment being one of the most horrendous violations and an attack on person's dignity continues to be practiced despite the absolute prohibition and non-derogation nature under international law, the Constitution of Kenya and the Prevention of Torture Act (POTA). Its purpose is to deliberately destroy not only the physical and emotional well-being of individuals, but the dignity and will of entire communities. It concerns all members of the human family because it impugns the very meaning of our existence and our hopes for a brighter future.

The KNCHR notes that Kenya has the legal obligation to ensure accountability by initiating investigations and prosecutions for those responsible for acts of torture and ill-treatment not only as a matter of securing justice for the victims but also act as a deterrent measure in order to uphold the rule of law and public trust in the justice system. The State may also be held responsible for acts of torture that were conducted by non-state actors, such as armed groups, for example, if it failed to take sufficient steps to prevent torture or acquiesced or condoned the torture.

Sexual violence under the World Health Organization (WHO) refers to *any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including but not limited to home and work.*

Sexual violence is viewed as a form of torture in the schedule of the POTA in which it further categorizes the various forms of torture to include physical and psychological. The Commission in its investigations and documentation process focused on these acts of torture in the context of the sexual violence that occurred in the 2017 electioneering period.

During the 2017 electioneering period, the KNCHR set out to monitor compliance of the electoral process with a human rights lens that was focused on the *right to vote* and *be voted for*. Out of this monitoring, the KNCHR published human rights accounts of various stages of the 2017 electoral cycle and documented the same in three (3) reports namely; *The Fallacious Vote*, *Mirage at Dusk*, and *Still a Mirage at Dusk*, which documented the party nominations, campaign period and the fresh Presidential election scenarios respectively.

It was at the advent of the campaign period in June 2017 that the KNCHR noted an increase in verbal threats to sexual violence from competing candidates and cases of gender-based violence. From the Commission's findings, the incidences of sexual violence increased towards the election day and escalated during the post-election scenarios.

The encounter with victims of sexual violence was a turning point for the Commission and a call for action to focus on the increasing numbers of reported cases of sexual violence. The Commission also notes the ravaging effects of conflict on women and girls in accessing medical care and help when violated. The environment made it difficult for survivors to obtain help at the time of need and relied on emergency response missions from humanitarian agencies.

The KNCHR's findings from the documentation process were also corroborated by reports from other key human rights stakeholders including the Human Rights Watch which brought to the fore the use of sexual violence as a weapon of conflict during the unrests that occurred in the 2017 electioneering period.

On the basis of the complaints, reports and recommendations received, the KNCHR devoted special attention to sexual violence as an act of torture that was meted against women, girls, men and boys during moments of unrest in the 2017 electioneering period.

Through this report, KNCHR seeks to amplify the voices of the victims of sexual violence during the 2017 electioneering period and determine how, when, and where the violations occurred as well as any trends, patterns or practices that may have caused it. Through its documentation process, it seeks to establish and acknowledge individual and State responsibility for victims or survivors of sexual violence and impact on their families.

KNCHR's report demonstrates the need for redress of the victims from the perpetrator, including the State and implementing measures to prevent recurrences of sexual violence during elections. Through this report, the KNCHR pursues to advocate for an elaborate framework through which survivors of sexual violence are able to access justice as a means for survivors to actively claim the entire range of rights provided for in the Constitution and the relevant laws.

The KNCHR report also examines the existing legislative framework and proposes reforms where there are existing gaps so as to enable the country to provide mechanisms for prevention and protection of electoral-related sexual violence.

1.2 Contextual Focus on Sexual Violence as a Weapon of Electoral Conflict

Globally, as the UN Secretary General noted in April 2017; ...

“sexual violence continued to be employed as a tactic of war, with widespread and strategic rapes, including mass rapes, allegedly committed by several parties to armed conflict, mostly in conjunction with other crimes such as killing, looting, pillage, forced displacement and arbitrary detention. The strategic nature of the violence was evident in the selective targeting of victims from opposing ethnic, religious or political groups, mirroring the fault lines of the wider conflict or crisis...”³

In many instances, survivors of sexual violence during conflict are mainly girls and women but this too seems to be changing as men and boys have become vulnerable to sexual violence. Cases of sexual violence may appear to be opportunistic, the product of a larger breakdown in the rule of law and social order that may occur anytime but escalate during times of conflict. In other cases, sexual violence has also been employed by combatant groups as a strategic tool⁴. Perpetrators may include members of the security forces, rebel movements, militias, or other non-state armed groups. In some cases, individuals at the highest levels of the State have been accused of ordering, condoning, or tolerating such violence.⁵

In Kenya, sexual violence was historically abhorred by many communities and persons accused of sexually abusing others were punished as per the set rules

³<http://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf>

⁴<https://fas.org/sgp/crs/row/R40956.pdf>

⁵https://nobelwomensinitiative.org/wp-content/uploads/2011/05/Sexual_Violence_in_African_Conflicts.pdf

in respective communities. However, with time the erosion of African norms and values has led to an increase in the cases of sexual and gender-based violence especially during conflict.

The Kenyan historical context of sexual violence during conflict, like other countries such as Central African Republic, Chad, Guinea, Congo, Mali and Liberia has been on the increase. In Kenya, sexual violence is compounded by socio-economic and cultural backgrounds as discourse related to sexual act is taboo and more so, women are socialized to accept, tolerate and even rationalize violence against them. This has worsened the situation with men and boys even strictly socialized to avoid depicting a picture of weakness. Sexual violence in Kenya is acknowledged but statistics are not certain due to societal pressures which impress the importance of chastity and honor. The reporting of rape, defilement and sodomy is difficult as many survivors do not have the education or economic capacity to negotiate the legal system, especially those in the rural areas and in informal settlements. Survivors are often traumatized and stigmatized and can be abandoned, divorced and or declared unmarriageable. The low status of women contributes to their vulnerability in the wider society and within the home.⁶

Sexual violence in the context of Kenyan elections can be traced to the 2007 Presidential election results complication. The violence led to the death of 1,133 people and displacement of approximately 600,000 people. Officials indicate that at least 900 cases of sexual violence occurred, but campaigners say this figure is an underestimate⁷. The CIPEV⁸ Report notes that medical experts interviewed and also testimonies from witness statements indicated serious cases of sexual violence against women, men and children.⁹ KNCHR draws a parallel that mirrors the occurrences of the 2017-2018 electioneering period.

During the 2007/2008 post-election violence, the KNCHR compiled over 260 cases of sexual violence from several parts of the country mainly in Rift Valley, Nairobi and Coastal regions¹⁰. While the veil for the sexual violence was the dispute on Presidential election results, it can be noted that the drivers for the same were beyond the electoral disagreement. It emerged that key drivers of sexual violence in the elections include planned and premeditated acts by both

⁶http://kenyalaw.org/kl/fileadmin/pdfdownloads/Situational_Analysis_and_Legal_Framework_-_Aura.doc

⁷<https://www.theguardian.com/global-development/2016/feb/15/kenya-failing-women-raped-election-sexual-violence>

⁸Commission of Inquiry into the Post-Election Violence.

⁹Chapter six of the Commission of Inquiry on Post-Election Violence (CIPEV)

¹⁰ On the Brink of the Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence, KNCHR, Page 151

the contestants and the electorate to scare women in particular from participating in the electoral processes. It is also evident that violence was meted to sections of populations which 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. According to expert reports, sexual violence took the form of individual and gang rapes. In certain instances, KNCHR noted parents were sexually assaulted in the presence of their children.

The 2007-2008 period perhaps depicted the worst-case scenario for elections related sexual violence in Kenya with KNCHR and other human rights actors documenting heart wrenching cases. Looting, arson and murder have become hallmarks of Kenya’s conflict over disputed General Election. Another, less talked about tactic in the unleashing of violence that has degenerated into ethnic clashes is rape¹¹. Kenya having experienced related scenarios and with the marking of 10 years since the 2007-2008 post-election violence, impunity can be noted as the key driver for the repeat of the unwarranted violence. Indeed, some of the cases documented by KNCHR, show that victims of 2007 sexual attacks suffered similar fate in 2017.

KNCHR notes that perpetrators of sexual violence during electioneering period were cited as ordinary citizens, gang members and members of security forces. KNCHR notes that majority of the survivors specifically pointed out security agents as perpetrators of the sexual violence. The KNCHR findings in this report indicate that 54.6% of the alleged perpetrators were security agents. Failure to punish perpetrators of the 2007-2008 electoral violence can be attributed to the repeat of the sexual violence attacks on candidates and sections of voters in the 2017 electioneering period.

From the KNCHR’s findings, it can be deduced that sexual violence is being used as a weapon for electoral-related conflict. KNCHR recommendations call for a multi-pronged approach to tame this worrying vice.

¹¹http://www.nbcnews.com/id/23153090/ns/world_news-africa/t/rape-used-weapon-kenyas-ethnic-clashes/#.W2AHR1AzblU

1.3 Methodology

The KNCHR implemented an election monitoring project that sought to monitor all stages of the electoral cycle and undertake remedial actions and interventions geared towards safeguarding human rights in the 2017 General Election and beyond. The KNCHR team developed and rolled out an Election Monitoring System (EMS) with an overarching objective of enhancing the credibility of the data collection process. This was achieved by documenting accurate account of events as they unfolded in an auditable, transparent and secure manner.

Considering the magnitude of the sexual violence in all its forms, this report is limited to the available data analysis of violations perpetuated between April 2017 and March 2018 that occurred within a highly contested political environment.

This report is based primarily on cases documented by KNCHR in nine (9) counties¹² as these were the ones that were worst hit with violations as captured by the KNCHR Election Monitoring System. The report relies on information received by KNCHR from victims and their family members through individual interviews and statement taking. KNCHR has also used information provided by State and non-state actors, including civil society actors, law enforcement officers, health service providers and human rights defenders.

In compiling the report, KNCHR made reference to the relevant domestic, regional, international frameworks, elections human rights reports and other documents available in the public domain, with an aim of establishing the extent of the State's compliance to the various normative frameworks.

The cases monitored by KNCHR are therefore not representative of the actual numerical scope of sexual violence in Kenya. It however, demonstrates the trends and patterns of electoral-related sexual violence and the unique circumstances that sexual violation presents with regard to accountability and the overall impact on survivors.

¹²Nairobi, Kisumu, Vihiga, Kakamega, Migori, Siaya, Busia, HomaBay and Bungoma

The KNCHR team employed a mix of approaches in gathering the necessary information. These approaches are discussed below:

Desktop Research:

A comprehensive desk research involving the review of available literature and documentary evidence on sexual violence in Kenya was undertaken. An analysis of the legal and policy framework on sexual violence was also conducted including the relevant international, regional and national laws and policies relating to sexual violence.

Preparatory Stakeholders Forums:

Two preparatory meetings that drew membership of over fifteen (15) key organizations from government departments and civil society organizations working on the area of sexual violence were held. These meetings aimed at building synergy and leveraging on the various mandates and interventions on sexual violence. The stakeholders acted as the broader reference group for the identification and documentation of cases, but more importantly, they established the link and trust between KNCHR and the wider stakeholders' constituencies in the society.

Field Interviews:

Field interviews were conducted between March and July 2018 with a view to corroborate the findings of the desk research and identify gaps to be addressed during the cases documentation. Key informants drawn from Nairobi, Western and Nyanza regions were interviewed. These three regions were purposely selected due to the negative impact during the 2017 General Election. The regions included the following counties; Nairobi, Kisumu, Siaya, Busia, Homa Bay, Migori, Vihiga, Kakamega and Bungoma. This selection was aimed at capturing the diverse dimensions of sexual violence across the counties with a view to ensure that the findings are representative of the sexual violence situation of the entire country. Survivors held individual sessions with the KNCHR officers for purposes of statement taking and recording their testimonies. In all the individual interviews with the survivors, professional psychosocial experts held concurrent sessions aimed at addressing the trauma associated with the violation. The field interviews targeted key stakeholders; these included the national and county governments, health services providers and civil society organizations. Data was collected using structured questionnaires, interview guides and observation check lists.

CHAPTER 2

COMPLIANCE TO THE CONSTITUTION, THE RULE OF LAW AND HUMAN RIGHTS STANDARDS

There are several international and regional human rights instruments that the Republic of Kenya has ratified which address the obligations of the State on sexual violence. Article 2(5) and (6) of the Constitution of Kenya 2010, provides that the general principles of international law shall form part of the laws of Kenya. This means that any treaty or convention that Kenya ratifies shall automatically form part of the national laws. Further, Article 21 (4) imposes on the State the obligation to enact and implement legislation to fulfill its regional and international obligations to respect, promote and protect human rights and fundamental freedoms.

This chapter takes an in-depth analysis of the provisions of the relevant international, regional and national framework and the extent of their compliance by the State in the 2017 General Election pertaining to the prevention and protection of sexual violence in Kenya.

The following table analyses a sample of some relevant human rights instruments relating to sexual violence;

2.1 Analytical framework of pertinent human rights instruments relating to sexual violence

A.PROTECTION OF THE RIGHTS OF WOMEN		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
The Convention on Elimination of all forms of Discrimination Against Women (CEDAW) of 1979.	<p>This is the first convention that dedicates itself on the non-discrimination of women in all spheres of life including protection from Sexual Violence (SV).</p> <p>General recommendations 35 and 19 of the Committee on Elimination of Discrimination Against Women defines gender-based violence as a form of discrimination. This principle has evolved into a principle of customary international law.</p> <p>CEDAW bestows responsibility on state parties for acts and omissions by its organs and agents that constitute gender-based violence against women. It further requires State parties to prevent these acts or omissions through training, adoption, implementation and monitoring of legal provisions, administrative regulations and codes of conduct, to investigate, prosecute and apply appropriate legal or disciplinary sanctions as well as provide reparation in all cases of gender-based violence against women.¹³</p>	<p>Prior to the electioneering period several institutions including the KNCHR, NPS, NCIC and CSOs mapped out the hotspot and volatile areas.</p> <p>The NPS gazetted the Police Standing Orders in June 2017 and the same obligates all officers to ensure the promotion and protection of human rights. In particular, Chapter 67 of the orders dedicates itself to sexual violence.</p> <p>KNCHR in partnership with the OHCHR undertook human rights sensitization workshops in July 2017 for 450 security officers in 6 cluster regions¹⁴ to raise awareness and integrate a human rights-based approach to policing during this period.</p> <p>Further, an attempt to have this human rights training with all Regional Commanders did not materialize due to the busy election calendar.</p> <p>The KNCHR notes that the National Police Service made deployment plans to provide additional security for all during the elections. However, there is no specific indication that the State undertook specific preparations to promote the protection of the rights of women especially during this period in the event of violence. Some of this preparation would have included gender specific training and a special unit of officers deployed.</p>

¹³General Recommendation 35-Article 22

¹⁴North Rift, Coast, North Eastern, Western, Eastern and Nyanza

A.PROTECTION OF THE RIGHTS OF WOMEN		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
The United Nations Declaration on the Elimination of Violence against Women (1993).	<p>This was the first international human rights instrument to deal exclusively with gender-based violence (GBV).</p> <p>Although non-binding on countries, the declaration uniformly defines GBV as “any act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.”</p> <p>The states are further obligated to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons¹⁵</p>	<p>In July 2017, KNCHR issued an advisory to the Inspector General stating that all officers deployed must operate within the confines of human rights principles.</p> <p>The KNCHR findings in this report indicate that 54.6% of the alleged perpetrators were security agents.</p> <p>Despite various reports by KNCHR raising alarm of security agents identified by the public as alleged perpetrators of sexual violence in the 2017 Elections, there has been limited investigations by the State into these allegations and no prosecution to date.</p> <p>Similarly, there has been no indictment or disciplinary sanction of any security officer or commanders of the teams that were deployed in the hotspot areas that KNCHR recorded cases of sexual violence.</p> <p>Similarly, there has been no indictment or disciplinary sanction of any security officer or commanders of the teams that were deployed in the hotspot areas that KNCHR recorded cases of sexual violence.</p>
Protocol on the Prevention and Suppression of Sexual Violence against Women and Children – International Conference on the Great Lakes Region (ICGLR) of 2006.	<p>The Protocol specifically names and addresses the principles of resolution 1325 on the protection and promotion of the rights of women and children being critical to peace and security.</p> <p>The ICGLR especially views sexual and gender-based violence as a priority and a crosscutting issue affecting peace, security, development and good governance.</p>	

Continuation of analysis

¹⁵Article 4(c)

Contd.

A.PROTECTION OF THE RIGHTS OF WOMEN		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
<i>Protocol on the Prevention and Suppression of Sexual Violence against Women and Children – International Conference on the Great Lakes Region (ICGLR) of 2006.</i>	<p>Its policy framework includes the Great Lakes Pact on Security, Stability and Development in the Great Lakes Region (2006) which includes protocols that are legally binding most of which address issues of gender equality, sexual and gender-based violence.</p> <p>Kenya is obligated to prevent sexual and gender-based violence, sexual exploitation and abuse of women and girls in armed conflict situations as far as troop deployment is concerned. Kenya is further obligated to punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims.</p>	
Guidelines on Combating Sexual Violence and its Consequences in Africa-Niamey Guidelines by the African Union.	<p>These guidelines provide guidance for African Union member states in effectively implementing their commitments and obligations to combat sexual violence and its consequences.</p> <p>Further, States are guided by several principles including the <i>do no harm</i> and non-discrimination principles. The guidelines also call for due diligence by States to ensure agents acting on their behalf refrain from committing any acts of sexual violence and any reported case must be investigated and prosecuted.</p>	<p>Access to justice for the sexual violence remains a distant illusion with only 22% of cases having been recorded in the police stations, no investigations had proceeded in all of the above cases by the time of compiling this report.</p> <p>Similarly, since the 2007/2008, there has been no concerted effort to address survivors of SV reparations.</p>

Previous analysis applies

Contd.

A.PROTECTION OF THE RIGHTS OF WOMEN		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
<i>Guidelines on Combating Sexual Violence and its Consequences in Africa-Niamey Guidelines by the African Union.</i>	<p>States must 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.</p> <p>The guarantee of non-repetition by the States must be assured to all through security sector reforms, legislative reforms and public awareness.</p> <p>The guidelines in recognizing the unique circumstances that prosecuting conflict-related sexual violence calls upon States to take into consideration the context of the conflict or crisis and difficulties especially in the gathering of evidence that generally result from the destruction of infrastructure and public services, during conflict and crisis.</p> <p>This means that the evidence collected should come from a variety of sources. Investigators must pay attention to any risk factor or contextual element that could reveal the perpetration of possible acts of sexual violence in times of conflict and crisis.</p>	<p>Two cases that seek redress for sexual violence survivors of the 2007/2008 post-election violence namely Petition No. 122 of 2013 and Petition no. 273 of 2011, both which KNCHR is a party, are still ongoing. The cases among other prayers seek reparations for the 2007/2008 SGBV cases.</p>

continuation of analysis

A.PROTECTION OF THE RIGHTS OF WOMEN		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
Contd. <i>Guidelines on Combating Sexual Violence and its Consequences in Africa-Niamey Guidelines by the African Union.</i>	<p>Investigators, judges and prosecutors in charge of establishing liability in the perpetration of international crimes of sexual violence must take into consideration all types of individual criminal liability provided for under international criminal law (direct and indirect criminal liability).</p> <p>States must take the necessary measures to guarantee that members of security and defense forces, non-State actors and their respective superiors who are responsible for the perpetration of acts of sexual violence are held liable for their actions before the criminal courts of law.</p>	Previous analysis applies
The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 2003 commonly referred to as the Maputo Protocol.	<p>This Protocol provides that every woman shall be entitled to respect for her life and the integrity and security of her person.</p> <p>All forms of exploitation, cruel, inhuman or degrading punishment and treatment including sexual violence are prohibited. States are therefore obligated to set up both protection and promotion mechanisms to ensure the prohibition of all forms of violence against women including unwanted or forced sex, and ensure the prevention, punishment and eradication of all forms of violence against women¹⁶.</p>	

¹⁶Article 4

Contd.

A.PROTECTION OF THE RIGHTS OF WOMEN		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
<i>The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 2003 commonly referred to as the Maputo Protocol.</i>	<p>Further, the State has to identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence.</p> <p>The Protocol also provides for medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus¹⁷</p>	KNCHR recorded cases of survivors of sexual violence some of whom became pregnant.

continuation of analysis

B. SECURITY OF PERSON AND FREEDOM FROM TORTURE, CRUEL, INHUMANE AND DEGRADING TREATMENT		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
<p>Universal Declaration of Human Right (UDHR) of 1948.</p> <p>African Charter on Human and Peoples' Rights (Banjul Charter).</p> <p>The Convention on the Rights of Persons with Disabilities (CRPD) of 2006</p>	<p>The right to security of the person is guaranteed by Article 3 of the Universal Declaration of Human Rights.</p> <p>This provision is reiterated by the ACHPR where Article 6 provides that every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law.</p> <p>With regards to Persons with Disabilities (PWDs) the CRPD obligates State parties to undertake all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk.¹⁸</p>	<p>KNCHR in invoking its mandate under POTA and the affirmation that sexual violence is a form of torture embarked on a comprehensive investigation and documentation process that focused on these acts of torture in the context of the sexual violence that occurred in the 2017 electioneering period. KNCHR findings indicate that the civil unrest in several parts of the country provided a breeding ground for sexual violence.</p> <p>Further it was alleged that sexual violence was perpetuated against the political backdrop with most of the cases being reported in opposition strongholds. Indeed, most of the survivors reported that they were raped as a punishment for their perceived political affiliation.</p>

¹⁷Article 14, however Kenya entered a reservation against this provision¹⁸Article 11

B. SECURITY OF PERSON AND FREEDOM FROM TORTURE, CRUEL, INHUMANE AND DEGRADING TREATMENT		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
International Covenant on Civil and Political Rights (ICCPR) of 1966.	<p>The right to security of the person is guaranteed by Article 3 of the Universal Declaration of Human Rights.</p> <p>Article 6 Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law.</p> <p>The ICCPR also recognizes a right to security of person. Article 9 states that “Everyone has the right to liberty and security of person,” International Law continues to expand the definition of security of persons to encompass rights based on prohibitions of torture and cruel and unusual punishment. The CoK, 2010 under Article states that every person has the right to freedom and security of the person, which includes the right not to be subjected to any form of violence from either public or private sources; subjected to torture in any manner, whether physical or psychological; or treated or punished in a cruel, inhuman or degrading manner. Kenya is a signatory to various international conventions that prohibit torture and any other form of cruel, inhuman or degrading treatment which is a violation of one's Right to security of person.</p>	<p>From these investigations, the various categories of sexual violence under POTA indeed did occur with two categories of perpetrators: the security agents and the civilians.</p> <p>KNCHR observes from the witness statements recorded that sexual violence was perpetuated with a notable pattern; violent protest during the day between the security agents and rowdy youth, in the evening or night the youth and men would flee from their homes and the security officers would descend on residential homes where the women and children were subjected to violence including sexual violence.</p>

continuation of analysis

B. SECURITY OF PERSON AND FREEDOM FROM TORTURE, CRUEL, INHUMANE AND DEGRADING TREATMENT		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
The Convention Against Torture (CAT) of 1984.	<p>Defines torture to include any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind¹⁹.</p> <p>Jurisprudence from the international criminal court is increasingly aligning sexual violence as an act of torture based on the elements that the violation entails.</p> <p>Under CAT, Kenya has an obligation totake effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.</p>	<p>This was specifically recorded on the night of the August 11th 2018 following the announcement of the elections in nine counties which were perceived to be opposition strongholds.</p> <p>Further, rape was perpetuated in most of the urban informal settlements where the survivors indicated that the perpetrators moved from one house to the next.</p> <p>Despite KNCHR raising these issues at the onset of the violence, there has been no official acknowledgment or condemnation of these violations by the Inspector General of Police. Further, there has been no specific investigation of these alleged violations.</p> <p>Indeed, the President H.E. Uhuru Kenyatta on 30th November 2017 through the Director of Police Operations commended the National Police Service for a job well done during this period.</p> <p>KNCHR shall continue invoking its mandate under POTA to ensure accountability is attained. KNCHR shall liaise with both the Independent Policing Oversight Authority (IPOA) and the Office of the Director of Public Prosecutions (ODPP) for further investigation and prosecution. Continued advocacy with the Cabinet Secretary, Ministry of Interior and Coordination of National Government and National Police Service (NPS) on both accountability and prevention in furtherance to the recommendations.</p>

¹⁹Article 1

Contd.

B. SECURITY OF PERSON AND FREEDOM FROM TORTURE, CRUEL, INHUMANE AND DEGRADING TREATMENT		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
	Prevention from Torture is an absolute right and cannot be limited under any circumstances; and as such there is no justification of torture; whether during a state of war or a threat of war, internal political instability or any other public emergency. An order from a superior officer or a public authority may not be invoked as a justification of torture ²⁰ .	Finally, advocacy for the appointment of the Coroner General and the operationalization of the Coroner services in the various counties will continue with the Office of the Attorney General and the Public Service Commission.
Rome Statute of 1998.	<p>This statute enlists rape or any other form of sexual violence of comparable gravity as a crime against humanity if it is committed as part of a widespread or systematic attack against civilian population.²¹ The significance of this lies in the long history of various forms of sexual violence committed against women and girls during armed conflicts. 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.</p> <p>The statute provides for individual criminal responsibility²² in instances of personally committing the offence, ordering or soliciting another to commit the same, assists the commission of the crime.</p>	

continuation of analysis

²⁰Article 2(1,2and 3)²¹Article 71(g)²²Article 25

B. SECURITY OF PERSON AND FREEDOM FROM TORTURE, CRUEL, INHUMANE AND DEGRADING TREATMENT		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
Contd. <i>Rome Statute of 1998.</i>	The statute further states that there shall be responsibility of commanders or others in superior ²³ for the actions of officers under their control provided that they knew of the offences being carried or about to be carried out or they failed to take all necessary and reasonable measures within their powers to prevent or repress their commission or initiate investigations and prosecutions.	Previous analysis applies
Prevention of Torture Act (POTA) of 2017.	<p>Under POTA, the KNCHR is the main body tasked with implementing the Act. The schedule of the act enlists categories of the various acts of Sexual Violence as forms of physical and psychological torture to include:</p> <ul style="list-style-type: none"> a) Rape and sexual abuse, including the insertion of foreign bodies into the sexual organs or rectum or electrical torture of the genitals; b) Mutilation including amputation of parts of the body such as the genitalia, ears and tongue; c) Threatening a victim or a victim's family with bodily harm, execution or other wrongful acts; <p>Shame infliction such as stripping a victim naked, parading a victim in a public place, shaving a victim's head or putting a mark on the victim's body against the victim's will.</p>	

²³Article 28

B. SECURITY OF PERSON AND FREEDOM FROM TORTURE, CRUEL, INHUMANE AND DEGRADING TREATMENT

INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
National Coroners Services Act, 2017.	The Act provides for the establishment of the Coroner-General Services whose purpose is to investigate any suspicious or violent deaths and ensure accountability. Under this statute, the Coroner General shall have powers to investigate deaths including those that occur as a result of sexual violence. Section 32(4) of the act further provides that for purposes of criminal investigation and subsequent prosecution of an offence under any written law, the Coroner shall submit an interim report to the National Police Service and the Director of Public Prosecutions or any other relevant Authority within twenty-four hours of notification of a death.	

Previous analysis applies

C. PROTECTING THE RIGHTS OF CHILDREN

INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
Convention on the Rights of the Child (CRC) of 1990. African Charter on the Rights and Welfare of the Child (ACRWC) of 2009. Children's Act, 2008.	Under the CRC, ACRWC and the Children's Act of Kenya, the State is obligated to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.	KNCHR findings indicate that 5% survivors of violence were children. Among the adult survivors, many indicated that their children were present during the violence ordeal. Despite KNCHR raising the red flag on the increasing abuse of children during the electioneering period and their vulnerability especially in the hot spot areas, and subsequently

Contd.

D. DOMESTICATION OF THE HUMAN RIGHTS OBLIGATIONS		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
	These protective measures shall include effective procedures for the establishment of special monitoring units to provide the necessary support for children and their caregivers, ensure prevention, identification, reporting, referral, investigation, treatment, and follow-up in instances of child abuse and neglect ²⁴ .	issuing an advisory to the Cabinet Secretary in charge of education in June 2017, there is no clarity of State mechanism in relation to children in preventing and avail protection to the children affected by the violence. To date, there have been no investigations or prosecutions by any State office on cases of children defiled during the 2017 electioneering period.
Constitution of Kenya, 2010.	<p>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 right against sexual violence.</p> <p>Article 27 provides for equal protection of both women and men before the law and in all spheres of life. It prohibits any discrimination and obligates the State to take measures to address any disadvantage suffered by any individual or group because of past discrimination</p>	<p>The right to security was massively violated in the nine Counties that the KNCHR recorded the high cases of sexual violence perpetrated on men, women, boys and girls. The survivors indicated that persons bestowed with the duty to guarantee this right to security turned out to be the perpetrators with women and girls bearing the biggest brunt.</p> <p>Further, the principle of non-discrimination was equally violated by the State and didn't ensure that proper mechanism for groups that had traditionally suffered discrimination were addressed.</p>

continuation of analysis

²⁴Article 16 of the ACRWC on Child Abuse and Torture

Contd.

D. DOMESTICATION OF THE HUMAN RIGHTS OBLIGATIONS		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
<i>Constitution of Kenya, 2010.</i>	<p>The Constitution further provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care²⁵. A person shall also not be denied emergency medical treatment²⁶.</p> <p>Article 26(4) permits abortion only in the circumstances where in the opinion of a trained health professional there is need for emergency treatment or the life or health of the mother is in danger, or if permitted by any other law.</p>	<p>Despite the provision for emergency abortion, where the health of the mother is in danger, Kenya continues with its reservation on Article 14(2) (c) of the Maputo protocol thereby denying victims of sexual violence this right.</p>
The Sexual Offences Act, 2006	<p>The Act was enacted to curb the escalating cases of sexual violence. 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. It prohibits all forms of sexual offences including defilement, attempted defilement, rape, attempted rape, sexual harassment and sexual exploitation. It is the first law in Kenya to recognize sexual harassment as a crime.</p> <p>Further, the multi sectoral Standard Operating Procedures (SOPs) for Prevention of and Response to Sexual Violence in Kenya (2013) were developed</p>	<p>Kenya through the Treaty Making and Ratification Act, 2012 has a progressive framework that aims at domesticating its international regional obligations with regards to putting in place mechanism to prevent and protect sexual violence.</p> <p>Unfortunately, the Sexual Offences Act and other supporting legal frameworks have not been matched with adequate budget, training and dissemination of the law enforcement officers, judicial officers and other relevant stakeholders to promote rights and prosecute perpetrators.</p>

continuation of analysis

²⁵Article 43 (a)²⁶Article 43(2)

D. DOMESTICATION OF THE HUMAN RIGHTS OBLIGATIONS		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
Contd. <i>The Sexual Offences Act, 2006</i>	<p>by the Task Force on the Implementation of the Sexual Offences Act (TFSOA) to provide for the minimum package of care that should be accorded to survivors across sectors (in health, legal and psychosocial) and outlined referral pathways in cross sectoral management of survivors. This multi-pronged approach is also provided for in the National Framework toward Response and Prevention of Gender Based Violence in Kenya which provides for the coordination of the various State and non-State actors' responses to domestic violence.</p> <p>This response was borne out of the realization that there were various actors in the fight against SGBV, but whose responses were uncoordinated.</p>	<p>Public Benefits Organizations have played the lead role in public awareness and training instead of the State. The PBO Act needs to be operationalized to facilitate a more elaborate and certain cooperation between State and non-State actors.</p> <p>Further, a lot still remains be done in respect to the referral pathways, public awareness, technical skills, administration and access to justice for the survivor's sexual violence.</p> <p>Unfortunately, issues around preservation of evidence and poor investigations of cases especially those relating to electoral violence results in limited or no conviction of sexual violence offenders thus denying justice to many survivors of violence.</p> <p>Many of the survivors indicated that because of the civil unrest and sporadic violence many of them reported that they could not afford and access hospitals within the prescribed 72 hours. Hence the hospitals could not obtain the requisite physical evidence needed for prosecutions.</p>

continuation of analysis

Contd.

D. DOMESTICATION OF THE HUMAN RIGHTS OBLIGATIONS		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
Public Benefits Act, (PBO) 2013.	The PBO Act provides for the framework that regulates public benefit organisations and the necessary support and provisions for enhancing their contribution in meeting the needs of Kenyans.	<p>Again, most of the survivors were unable to identify the perpetrators as any of the perpetrators hid their identities or the violation took place in poorly lit environments. KNCHR's findings indicated that more than half of the perpetrators were security agents and therefore many of the survivors feared to report these incidences at the police stations for fear of reprisals. This pattern is similar to what was witnessed in 2007/2008 PEV where no prosecutions were initiated. The Office of the Director of Public Prosecution later indicated that they were unable to proceed with any prosecution due to lack of sufficient evidence.</p> <p>There is therefore need to relook at both the legislative framework and implementation in addressing conflict-related sexual violence especially in situations of conflict.</p>
The National Guidelines on Management of Sexual Violence of 2014.	This guideline is a critical response to the devastating effects of sexual violence. It spells out the essential procedures and services for the management of survivors of sexual violence and explicitly recognizes sexual violence as a serious human rights and health issue. It calls for the imperative attention by all concerned.	The implementation of these guidelines especially in times of conflict need further interrogation especially on the nature of the violence and lack of access to health care. The State needs to prioritize these services and take them where the people are in need way before the violence erupts.

continuation of analysis

Contd.

D. DOMESTICATION OF THE HUMAN RIGHTS OBLIGATIONS		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
<i>The National Guidelines on Management of Sexual Violence of 2014.</i>	<p>The guideline calls for the need to be treated with dignity and respect to minimize the harm already occasioned by the violation.</p> <p>The guidelines further provide for elemental information on the management of sexual violence in a multi-pronged manner, procedures for medical personnel including medical management of sexual violence survivors as an essential element in mitigating against adverse effects of the violence, procedures for investigation to preserve evidence, medical care including Post Exposure Prophylaxis and pregnancy prevention through Emergency Contraception (EC) which should be free and readily available at all times in all government health facilities.</p>	<p>People should not struggle to access and receive these much-needed facilities while putting their lives at risk. The role of community health workers needs to be upscaled due to the remote nature of some places and also for the aftercare management. This should also include response strategies where there is history or eminent violence.</p> <p>The KNCHR findings indicate that most of the provisions provided for in these guidelines were not applicable as majority sought treatment only after the violence had subsided, which was after the 72 hours timeline. Further the nurses' strike deeply hampered the delivery of these service in government hospitals and clinics which further violated their right to health.</p>
National Police Service Act, 2011.	<p>Article 238(2) of CoK provides that national security shall be promoted and guaranteed in compliance with the law and with utmost respect for the rule of law, democracy, human rights and fundamental freedoms.</p> <p>Article 244 obligates the National Police Service to comply with the constitutional standards of human rights and fundamental freedoms. These provisions have been reiterated in the National Police Service Act.</p>	<p>KNCHR's election report series have heavily implicated the security agents as some of the perpetrators of human rights violations including sexual violations.</p> <p>In July 2017 KNCHR issued an advisory to the Inspector General of Police reiterating their obligation to promoting and protecting human rights especially the right to security during the electioneering period.</p>

continuation of analysis

D. DOMESTICATION OF THE HUMAN RIGHTS OBLIGATIONS		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR'S FINDINGS
Police Service Standing Orders (PSSO), 2017.	<p>Section 24 (b) of the Act states that protection of life and property as one of the core functions of the NPS. The Act further imposes criminal responsibility upon any officer who engages in any activity that is contrary to the law.</p> <p>The fourth schedule of the Act provides for the oath to bear allegiance to the Constitution.</p> <p>Chapter 67 of the Service Standing Orders states how the police will respond and sexual violence cases. The Standing Orders prohibit any form of sexual violence by Police Officers while on duty and places mechanism for both reporting and investigation. Specifically, a police commander who receives a report of an incident of sexual violence or harassment should respond as quickly as the circumstances of the case may require.</p>	<p>KNCHR specifically reiterated that the deployed police officers under the national election security plan needed to be appraised on human rights principles. KNCHR recommended to the Inspector General of Police to issue a communication to all deployed officers requiring that they act within the confines of the law, with due respect of the right to the freedom of peaceful assembly and expression. Such communication should include clear instructions and guidelines to officers on how to defuse situations at risk of escalation while ensuring respect of human rights in dealing with public order management and crowd control.</p>
Independent Policing Oversight Authority, 2011.	<p>One of the main functions of the Authority under the Act is to investigate any complaints related to disciplinary or criminal offences committed by any member of the Service, whether on its own motion or on receipt of a complaint and make recommendations to the relevant authorities, including recommendations for prosecution, compensation, internal disciplinary action or any other appropriate relief.</p>	

continuation of analysis

D. DOMESTICATION OF THE HUMAN RIGHTS OBLIGATIONS		
INSTRUMENT	RELEVANT PROVISIONS AND STATE'S OBLIGATIONS	ANALYSIS FROM KNCHR's FINDINGS
Office of the Director of Public Prosecutions, 2013.	The Director of Public Prosecution has critical powers and functions as relates to sexual violence including the power to direct the Inspector General on allegation of criminal conduct and also direct any other agencies as provided for in the statute to conduct investigations.	

Previous analysis applies

2.2 National Framework Challenges

The national legislative and practice framework pertaining to the evidence threshold does not adequately address violations in times of violence, unrest and conflict. The current process calls for a victim to report the case to the police station and within 72 hours they must visit a health facility to secure the necessary physical evidence which is captured in the Post Rape Care (PRC) Form. This form is filled by a clinical officer which is then used to fill the police P3 form. The P3 form is filled by both a police officer and a doctor and both forms are the primary evidence that is to be adduced in court in addition to identification of the specific perpetrator(s). In the context of electoral violence and conflict, all the above are not practically applicable and hence the laws are silent on this.

The national laws of proving sexual violence is on an evidential threshold of beyond reasonable doubt in addition to the requirement of the physical evidence as adduced in both the P3 and PRC forms. This high evidentiary threshold has resulted in no single prosecution in the over nine hundred (900) cases of sexual violence perpetrated during the 2007/2008 post-election violence. Further, the Election Offences Act 2016 does not expressly provide for sexual violence as an electoral offence. It is important to note that the international jurisprudence especially at the International Criminal Court has shifted this high evidential threshold and held that sexual violence perpetrated in the context of conflict has peculiar and unique circumstances that limits the victims hence the oral testimony of the victim together with other corroborating factors is enough to activate a conviction. It therefore means that there is need for actors in the administration of justice and Parliament to review how the prosecution of sexual violence in situations of conflict is managed to ensure that there can be convictions which can act as deterrence in future.

In conclusion, it is evident that Kenya has a progressive legislative and policy framework at the international, regional and national levels. However, from the analysis and findings provided in this chapter, it is the implementation that is seriously lacking in the promotion, protection and prevention strategies of the State. There is limited progressive indication of any State progress through its

various organs and agents, especially the security agents, to comply with their constitutional obligations of promoting the rights of women and girls specifically in the prevention and protection of sexual violence. The personal security of women and girls is a matter of national and public interest which needs to be taken seriously by all arms of government; the executive, legislative and judicial. It is therefore imperative that the KNCHR findings on both electoral and sexual violence should be taken up with the seriousness they deserve instead of the continued and constant State's denial. The culture of impunity and lack of adherence to the rule of law especially by security organs need to be stopped and both individual officers and formation commanders held to account.

Finally, there is need for the National Police Service and the Independent Policing Oversight Authority to embark on full investigations and prosecution of all cases of sexual violence immediately. The office of the Director of Public Prosecutions should provide this much needed leadership as a first step towards complying with the existing legal obligations in Kenya.

CHAPTER 3

KEY FINDINGS

3.1 Situating Sexual Violence in the 2017 General Election

The KNCHR documented a total of two hundred and one (201) cases of sexual violence. These were recorded in eleven (11) Counties. The Commission targeted the following nine (9) Counties: Nairobi, Kisumu, Vihiga, Kakamega, Migori, Siaya, Busia, Homa Bay and Bungoma. Two incidents were also recorded in Machakos and Uasin Gishu Counties during the electioneering period. KNCHR cautions that the figures here are not a comprehensive account of the cases of SGBV that may have occurred in the 2017 General Election. These figures are only for the regions which the Commission could reach within the scope of its election monitoring project. KNCHR therefore notes that the numbers recorded are only a fraction of the cases as many survivors were not willing to come forth because of fear of stigmatization among other reasons. Most of the survivors that recorded the statements with KNCHR are yet to come to terms with the trauma but the Commission takes this opportunity to thank them for being bold enough to share with their personal experiences.

The documentation process was carried out throughout the electioneering period that included political party primaries, campaigns, the August 8, 2017 poll, the October 26th fresh Presidential election and the post-election scenarios. The targeted counties were mapped from the findings that were collected by KNCHR throughout the period. Sexual and gender-based violations accounted for 25.17% of all the human rights violations recorded from the personal statements of victims and survivors that the Commission documented throughout the election cycle.

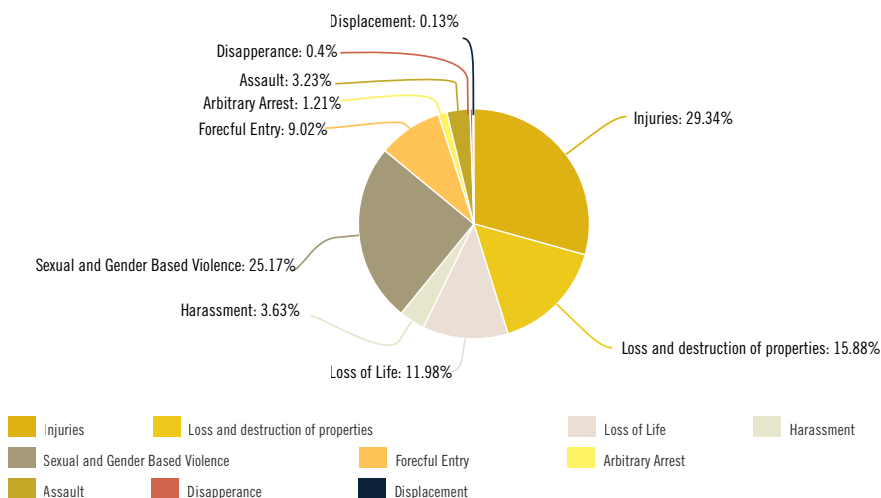


Figure 1: Categorization of violations during the 2017 General Election

According to the statistics, sexual and gender-based violations were perpetrated more by the police at 54.5% compared to civilians at 45.5%. Women, who form the larger percentage of victims and survivors, stated that they were left at home alone with their children as the men fled their homes ahead of the violence, further indicating the vulnerability that women and children suffered during the electioneering period.

One of the highlights of the geo-spatial distribution trends of victims and survivors is that over half of them live in informal settlements within the urban areas, though some few cases were also reported from the rural areas. More than 90% of the victims and survivors are from the lower income economic bracket, earning less than a dollar a day. The KNCHR analysis of statistics further indicates that 62.9% of the survivors were the breadwinners of their households, with more than 80% engaging in the informal employment sector. These violations occurred against a backdrop of violent protests and confrontations between civilian and security agents that resulted to destruction of property, with small-scale business people bearing the brunt of the destruction

The most cogent finding is that sexual violence did not only affect the individual victim or survivor but the entire family structure. Most of the women interviewed

stated that they were raped in front of their children who subsequently became either withdrawn or started exhibiting behaviours indicative of mental and social disturbances. The women narrated the unfortunate developments that followed the sexual violations that they suffered. For most women, their marriages were seriously affected following the violence they suffered, with most of the men accusing the women of adultery and some eventually divorced their wives. Some of the men were present as the unfortunate events of rape unfolded before their eyes. Some of the survivors got sexually transmitted infections (STI), HIV/AIDS, prolonged physical and mental injuries and pregnancies among others.

Many women sustained physical injuries and lacked timely medical attention. Most women reported that the injuries they suffered hampered their ability to work and earn a livelihood, which in turn has led to further impoverishment and despair for the women and children. Because of the stigma and shame associated with sexual violation, most of the women did not disclose their ordeals to family members, especially to their husbands, for fear of rejection, scorn and ridicule. Some women fled leaving behind their marital homes, husbands and children because of the stigma and shame associated with sexual violence.

KNCHR notes that 80% of the survivors were unable to access timely medical care (within 72 hours), including obtaining Post Exposure Prophylaxis (PEP) to reduce the risk of HIV infection after their rape ordeal. Survivors who spoke to KNCHR noted that the reasons for not obtaining medical care included breakdown in security and the fear of leaving home, lack of transport,



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28 of the
Constitution
of Kenya
states that
every person
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dignity and
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ignorance about PEP, and fear of stigmatization. It is also notable that even after suffering from the sexual violence ordeal, most victims and survivors found it difficult to access medical facilities for forensics and medical attention, due to, among other factors; exorbitant hospital charges, unfriendly health experts and fear of imminent attacks from marauding gangs.

Article 28 of the Constitution of Kenya states that every person has inherent dignity and the right to have that dignity respected and protected. The Commission documented a number of cases where victims and survivors suffered under a barrage of humiliating and dehumanizing utterances that were hurled at them before, during and after sexual violation. Some of the utterances are reproduced hereunder and they connote that the sexual and gender based violence attacks were premeditated and in some cases, involved multiple attackers and violators over and above being laced with political and ethnic undertones.

Table 3. 1 Dehumanizing utterances by sexual delinquents

Dehumanizing/ethnic slur/ political/ sexual ethnic undertone words	Loose English translation
SEXUAL	
<i>Hapa tumeona warembo wengi. Tutawarudia usiku</i>	We have seen many beautiful ladies here. We will come for you at night!
<i>Toa suruali nifanye kitu naweza fanya</i>	Remove your panties so that I do what I have to do
<i>Toeni suruali! Toa suruali</i>	Remove your panties, remove your pantie!
<i>Tomba hii mtaro. Tomba tomba hii mtaro</i>	Have sex with this tunnel. Have repeated sex with this tunnel. (the word 'tunnel' is used here to connote the victim's vagina. What is more, the context in which this word is used here is extremely dehumanizing since it essentially reduces the victim from a whole and complete human-being to a single sexual organ—her vagina.
<i>Wee umekaa sana ebu toka, ni mimi sasa</i>	You have taken too long, it's my turn
<i>Harakisha hata mimi niingie</i>	Hurry up, I also want to get in
<i>Niko karibu kumaliza wewe kaa tayari</i>	I am about to finish. You get ready

Dehumanizing/ethnic slur/ political/ sexual ethnic undertone words	Loose English translation
DEHUMANIZING	
<i>Mama ukikataa kutoa suruali, tutakutomba na hii rungu</i>	Woman, if you refuse to remove your panties, we will rape you using this baton
<i>Wewe umekauka hata hauna nyama</i>	You are too skinny...You have no meat on you.
<i>Kumbe hii kitu ndio mnauzia watu hapa</i>	So this is the thing [used here to refer to the victim's vagina] you are selling here
<i>Sisi ni malaya wa ** location withheld</i>	We are the prostitutes of ** location withheld
<i>Wewe ni mali ya serikali</i>	You are the property of government.
ETHNIC	
<i>Ndio huyu Okuyu</i>	Here is a Kikuyu (intended to isolate the victim on the basis of ethnicity so that they could be subjected to violence)
<i>You cannot rule us, Kenya is not made up of two tribes, baba ndio alileta multiparty</i>	You cannot rule us, Kenya is not for two tribes, Raila is the one that brought multiparty (the two tribes here imply the Kikuyu and the Kalenjin. The President and the Deputy President are from these two communities).
POLITICAL	
<i>Wewe ni wa Jubilee na hatutaki wafuasi wa Jubilee</i>	You belong to Jubilee and we don't want Jubilee supporters
<i>Hawa ndio watu wa Raila wanajiskia sana</i>	These are the people of Raila who are very proud (isolating victims on the basis of their political affiliation so that they could be subjected to violence).
<i>Nyinyi ni wale mnasumbua watu mkisema Raila! Raila! kwani Raila ni baba yenu? Leo mtajua sisi ni wanajubilee</i>	You are the ones who disturb other people by shouting out Raila! Raila! Is Raila your father? Today you will know we are Jubilee!
<i>Tupige huyu mama tuuwe kabisa, anatusumbua, na Raila anatusumbua huko juu</i>	Let's beat this woman and kill her. She is disturbing us and Raila is disturbing us at the national level.
<i>Sema leo Raila si baba Uhuru ndio baba leo</i>	Today you have to say Uhuru is the father of the nation and not Raila
<i>Pigia baba yako Raila uone kama atakusaidia</i>	Call your father Raila and see if he can help you

3.2 Trends and Patterns of Violations during the Electoral Cycle

Figure 2 depicts the trends and numbers of sexual violation broken down by month.

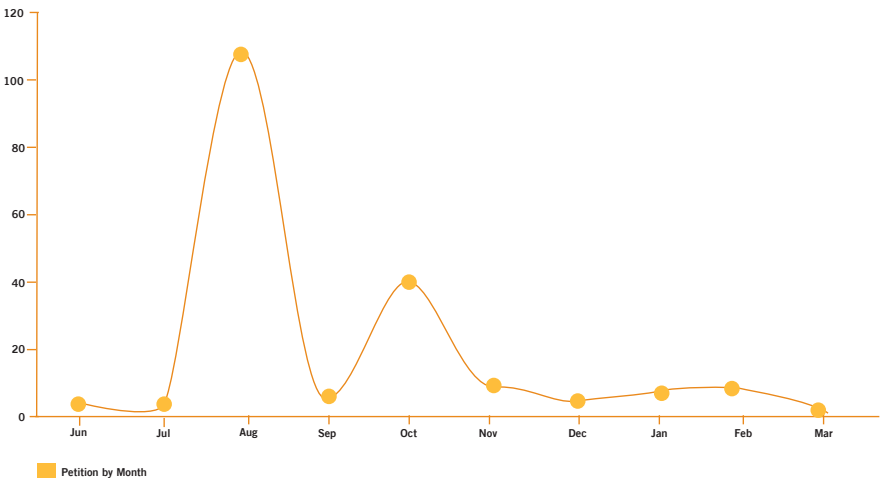


Figure 2: Distribution of sexual violence cases by month

Figure 2 clearly depicts that there is a direct relationship between the numbers of violations reported and the prevailing intensity of the civil unrest. However, a caveat for the foregoing statement is necessary. Although some months recorded high levels of violence, which does not mean in any way that the intensity of the violations suffered were less in the months that recorded low levels of violence. For instance, in one of the early incidents of sexual violence recorded by KNCHR a female aspirant for Member of County Assembly position was gang raped by six men for associating and campaigning on a party that was not popular in that region. KNCHR observed that the highest cases were in August and October, with 108 and 39 cases respectively. These numbers were recorded during the high-intensity moments of civil unrest which characterized the months that Kenya held its 2017 General Election and the fresh Presidential Election respectively. As expected, the numbers of reported violations significantly dropped after the conclusion of the fresh Presidential election and consequently the coming together of President Uhuru Kenyatta and leader of opposition, Rt. Hon. Raila

Odinga through *the handshake*. However, it is important to note that even with the political détente between President Uhuru Kenyatta and Hon. Raila Odinga in place, the Commission continued to record cases of election-related violations in February and March 2018 from Mt. Elgon and Bungoma Constituencies within Bungoma County.

3.3 Categories of sexual violations

KNCHR categorized sexual violence into the following groups: gang-rape, rape, sexual assault, indecent act, attempted rape, defilement, sodomy, attempted defilement. The graph below depicts the breakdown of those categories to further demonstrate how the violations were committed.

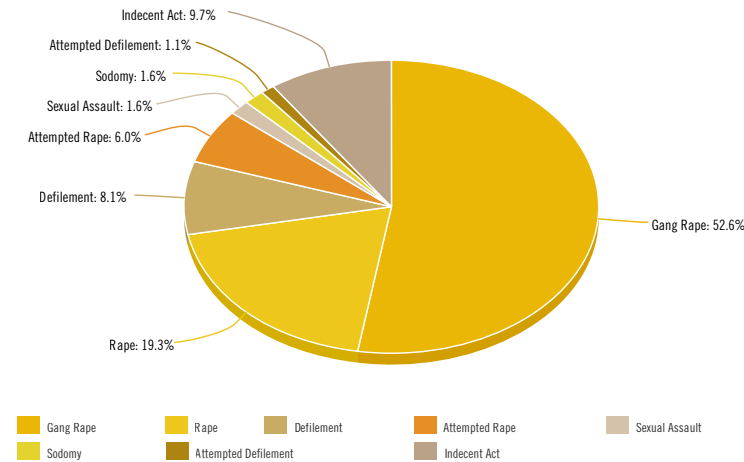


Figure 3: Categories of Sexual Violence

Gang Rape and Rape accounted for over 71% of cases recorded, the least percentage being that of attempted defilement at 1.07%. Sodomy contributed to 1.60% of the reported cases. About 9% of cases affected minors aged between 7 years to 17 years old further depicting the vulnerability of this category of people. The number of perpetrators per incident of gang-rape ranged from 2 to 6 persons who took turns in violating their victims. The KNCHR recorded incidences where minors and elderly persons were gang-raped. Sexual assault, with 1.6% representation was manifested through men being beaten on their private parts while women were groped on their breasts and buttocks.

INCIDENT 1	<i>In one of the incidences recorded on December 10th 2017 in Mt. Elgon Constituency, Bungoma County a child aged 12 years old was returning from school when she was abducted by a group of unknown people. One of them forcefully defiled her. The child was taken to hospital and provided with post rape care but she suffered fistula damages. The child has become withdrawn and rarely associates with other children because of the trauma.</i>
INCIDENT 2	<i>In a similar incident on November 26th 2017 in Ruaraka Constituency, Nairobi County a mother reported that her 16-years-old girl who was in form 2 then had been raped. Following the rape ordeal, the girl developed severe anxiety and fear and consequently her school performance was negatively affected.</i>
INCIDENT 3	<i>In one of the informal settlements, Obunga within Kisumu County, police were called in, ostensibly to restore law and order after violence had erupted following the release of Presidential election results on August 8th 2017. A mother narrated to KNCHR that the police entered her premises and she was forced to tearfully watch as police defiled her 17 years old daughter. This occurred after she had informed the assailants that she was HIV+ so that they couldn't sexually violate her.</i>
INCIDENT 4	<i>In another incident in Mathare area, Nairobi County on October 12th 2017 two boys aged 12 years and 15 years defiled a 7years-old girl. The two boys were arrested and later released. The affected girl was taken to the Gender Violence Recovery Center for treatment. The mother confirmed that her daughter soils herself as her anal muscles got damaged during the ordeal. The survivor is yet to receive professional counseling. She is still withdrawn and avoids interacting especially with people of the opposite sex.</i>
INCIDENT 5	<i>One of the male survivors was thoroughly beaten on his private parts by policemen as they shouted at him "Mtu wenu alishindwa na munasema aliibiwa" [Translation: "Your person was defeated but you are insisting that the vote was stolen"]. The man's grandchild was equally beaten. He went to the hospital for treatment and was admitted for 2 days. Later he went to the police station to request for a P3 forms, which he was denied.</i>

	<i>This was recorded in Gem Constituency, Siaya County on August 12th 2017.</i>
INCIDENT 6	<i>In one of the sodomy cases recorded, a man who was hiding in his brother's kiosk was beaten and sodomized after violence had erupted in Embakasi North Constituency, Nairobi County. This is after the annulment of Presidential results on August 18th 2017. The incident happened at 10:00 pm on the material day.</i>

3.4 Categorization of Violations per County and Constituency

According to the Commission's findings, the areas most affected in the mapped out Counties were those perceived to be opposition strongholds in the country. Heavy security deployment was witnessed in these areas in anticipation of chaotic scenes and this was heightened before the announcement of the Presidential election results that was followed by a wave of protests from these regions.

KNCHR findings from the statements shared by the sexual violence victims and survivors indicate that the security agents forced their way into people's homes and in most cases sexually violated females they found in the houses i.e. women and children. In most cases as these occurred, the men who were found inside the houses as well as those on the streets were severely beaten by the security agents while in other areas the security agents looted and destroyed the survivor's property and businesses.

The Commission documented Sexual Violence cases in the following areas: Uthiru, Kibra, Dandora, Mathare, Ngomongo, Kariobangi, Kawangware, Baba Dogo, Huruma, Waithaka in Nairobi City County, Apida, Marindi, Bondo, Oruba in Migori County, Kabras, Sichirai, Kakamega town in Kakamega County, Majengo and Mbale in Vihiga County, Mt. Elgon in Bungoma County, Rangwe, Homabay town in Homabay County, Nyamasaria, Nyalenda, Obunga, Kondele, Manyatta, Katito, Mowlem in Kisumu County, Athi River in Machakos County, Yala in Siaya County and Kapsabet in Nandi County.

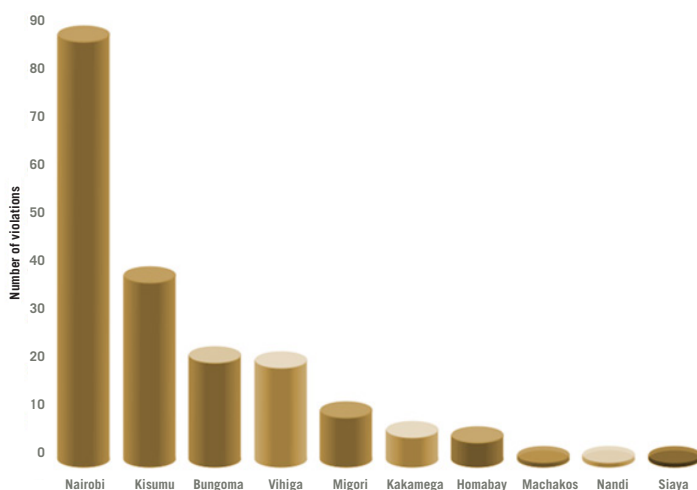


Figure 4: Frequency of violations per county

Figure 4 is a representation of the sexual violence frequency of ten most highly affected Counties according to the KNCHR's findings. These Counties have been clustered further to Constituencies to show the magnitude of sexual violence in specific areas in these Constituencies as shown in Figure 5.

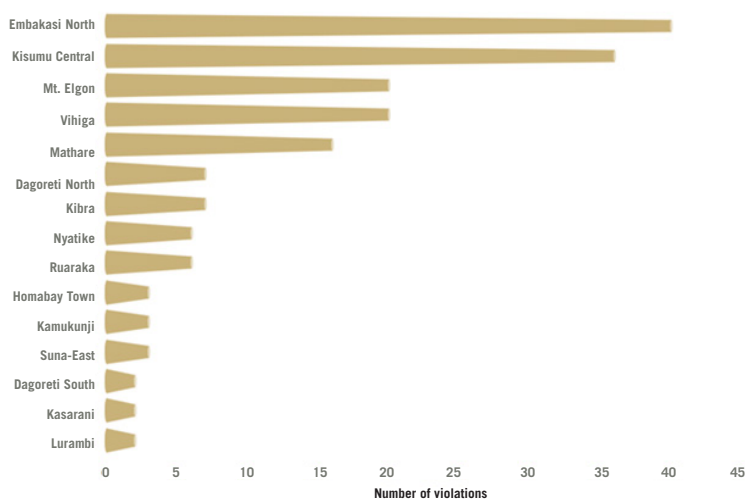


Figure 5: Frequency of violations per Constituency

From the findings shown in Figure 5, Embakasi North Constituency was leading with 40 cases of sexual violations. Violations occurred mainly in Dandora and Kariobangi. It is clear from the analysis that the survivors were mainly targeted because they lived in informal settlements.

Kisumu Central Constituency which includes the following areas of Nyamasaria, Mowlem, Obunga, Nyalenda, Manyatta, Kondele and Katito had 36 cases documented by KNCHR. These regions suffered double tragedy as they were mainly targeted because the area is an opposition stronghold and majority of the survivors were from one ethnic community.

In Mt. Elgon Constituency which includes the following areas of Kaptama, Chepyuk, Kaptalelio, Kopsiro, Cheromet, Chebin, Chelebei, Elgon had 20 cases documented. From KNCHR findings in this region it can be deduced that sexual violence is an ongoing peculiar occurrence perpetrated by a criminal gang. According to the community, it was established that the alleged members of the criminal gang were active campaigners of the former Member of Parliament for Mr. Elgon. Further the areas most affected by the insecurity as mentioned above had overwhelmingly voted for the current Member of Parliament. The two politicians were campaigning on the agenda of land issue, with each promising their supporters that they would get parcels of land from the Chepyuk phase III settlement scheme if they voted for them. Noteworthy though is the fact that phase III is yet to be degazetted and therefore the current occupants in the scheme have no documents of ownership. Our conclusion is that the situation in this region could have been politically instigated.

The case was different in Vihiga Constituency specifically Majengo and Mbale areas where 20 cases were documented. In these areas it was alleged that a businessman who was a Jubilee supporter and from the Kikuyu ethnic community had been in possession of ballot papers and several national identification cards ahead of the fresh Presidential election which he was carrying in his vehicle. Based on the foregoing allegations some youths impounded and overturned his vehicle and threatened to burn it. He then called the Officer Commanding Station to deploy his officers to calm the situation. The GSU engaged the youths in running battles and in the process the police officers forced their way into people's houses

The survivors provided detailed information to the Commission, including the type of attires worn by the security agents, at the time of the attacks.

and businesses where they further caused bodily harm to civilians through severe beatings. The GSU Officers also sexually violated the women, looted and destroyed people's property and businesses. What is surprising and even more worrying about the conduct of the GSU Officers is the fact that the Deputy OCS was clobbered by the same officers when he went to check on their conduct. They failed to recognize who he was. In Mathare Constituency, mainly in Mathare area, 6 cases of sexual violence were documented.

3.5 Key Perpetrators of Sexual Violence

KNCHR findings from the statements shared by survivors of sexual violence indicated that the alleged perpetrators can be summarized into two main categories: security agencies and civilians. The security agencies, as described by the survivors, attacked them at their most vulnerable moments and following the attacks, most victims and survivors reported to the Commission that their lives have never been the same again.

The civilians reported to be perpetrators, carried out the heinous acts as individuals or groups. They took advantage of the political mayhem to attack and rape the women and in some instances rob the victims. The statements provided to KNCHR by the survivors, reveal a noticeable and disturbing trend of lawlessness and premeditated acts of sexual violence meted out on residents by both the security agents and the civilians. Our findings also point out the fact that the perpetrators acted for different reasons. In relation to attacks by the security agencies, they went into people's homes under the guise of looking for

male protesters hiding in the homes and in other cases the security agents were retaliating against the male protestors who had “given them a hard time” (this is in relation to the street protests that were witnessed in that period). In one of cases recorded, the officers were heard uttering the following words; “...*Nyinyi wajaluo mnafikiria mtashinda munatukula kichwa* (You Luos, you think you will keep on giving us a headache?). In another case, the officers took the political angle by attacking the survivors for belonging to an opposing political party. The agents were heard using the words... “*Nyinyi ni wale mnasumbua watu mkisema Raila, Raila, kwani Raila ni baba yenyu? Leo mtajua sisi ni wanajubilee.*” (“You disturb other people chanting Raila, Raila, Is Raila your father? Today you will know we belong to Jubilee!” (Referring to the ruling political party). The civilians, as reported by the survivors, attacked their victims on the basis of political affiliation. Supporters of the two main political rivals (Jubilee Party and NASA Coalition) were reported to have sexually violated the survivors in the political strongholds of either Party.

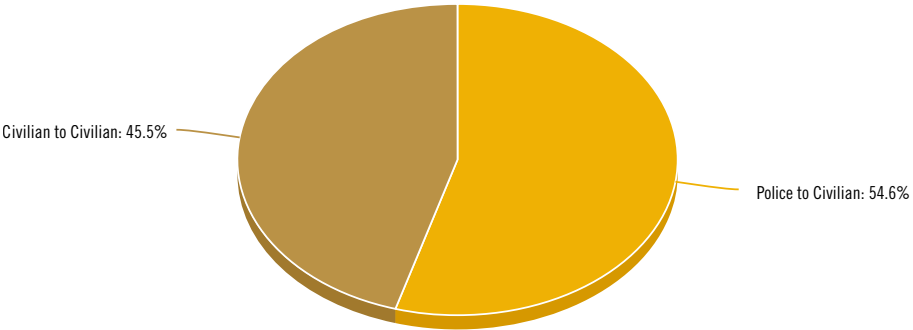


Figure 6: Perpetrators of SV during the 2017 Elections.

The statements recorded by the KNCHR show that the security agents were the major perpetrators of sexual violence at 54.55%, followed closely by civilians at 45.45%. This is an alarming trend. It is expected that in moments of conflict, the security agencies should be at the forefront offering protection to civilians and arresting the perpetrators for prosecution. A situation whereby the security agencies are the perpetrators as was the case in 2007/2008 General Election and as was repeated in the 2017 General Election must be a course of concern

and worry for all Kenyans. Sexual violence is one of the most egregious forms of human rights violations and no Kenyan should suffer this violation on account of disagreements arising out political contests. The Commission calls upon the ODPP and the DCI to move with speed and bring all the perpetrators to book. Among the reported number of perpetrators, the security agencies featured as the most reported perpetrators. It is alleged that some security officers took advantage of the running battles with the protesters to indiscriminately raid homes and in the process, some of the agents sexually violated the survivors, most of who were in the comfort of their homes and were not involved with the protests. It is reported that apart from sexually violating the women and physically assaulting them, some of the security agents robbed the victims of money and foodstuff.

3.5.1 Security Agencies as Perpetrators of Sexual and Gender Based Violence.

The Kenyan Government, in preparation for the 2017 General Election, deployed over 180,000 police officers to provide crucial security services during the electioneering period. The officers were drawn from the National Police Services (NPS) and Kenya Prisons Service (KPS), Kenya Wildlife Service (KWS), Kenya Forest Services (KFS) and National Youth Service (NYS) providing additional support as special police officers²⁷. The heavy deployment was done according to the perceived violence hotspots as mapped out by the security agencies for the August 2017 General Election. The move raised political tensions and did little to deter protests that came after the announcement of the Presidential results on 11th August 2017. The list of hotspots was further revised ahead of the fresh Presidential election on 26th October 2017. In the ensuing protests arising from the disputed Presidential election, the security agencies were reported to have dispersed crowds using excessive force. There were reports of use of live ammunition, protesters being beaten and homes being raided. But it is the reported door to door raids that contributed to the many cases of sexual violence, theft of property and physical assault orchestrated the security officers as reported by victims and survivors.

²⁷http://kenyalaw.org/kenya_gazette/gazette/volume/MTUzNw--/Vol.CXIX-No.101

The survivors provided detailed information to the Commission, including the type of attires worn by the security agents, at the time of the attacks. The survivors used the following keywords to describe the attires worn by the various security agencies. The descriptions included: *“The police were in jungle green uniform and armed with guns”*. *“They were in police uniform from the General Service Unit, who wore green, red hats and black boots”*. Others described the attackers as follows: *“I saw about 10 policemen who were adorned in combat gear. Their faces were covered with hoods and they had runguns and guns”*. *“The officers were in jungle green combat uniform”* and *“The officers were in jungle green pants, combat jackets and helmets.”* Another survivor reported that she encountered *“6 policemen who were in full riot gear with guards and runguns and wore helmets”*. Other attackers also introduced themselves as security agents and demanded that the victims and survivors open their doors for them.



According to the National Police Service Standard Operating Procedures, when the police officers are deployed for a security operation, they are usually required to wear jungle green jackets among other attires and the survivors’ statements therefore corroborates the presence of security agencies at the time of the attacks as provided for in the standard operating procedures.

In some of the cases reported, the security agents had the audacity to attack and sexually violate the survivors under the guise of offering protection at the height of the protests. Two survivors had unpleasant experiences in the hands of the security agents.



Janice**²⁸, one of the survivors, a middle-aged married woman²⁹, from Vihiga County reported her ordeal in the hands of two security agents. She narrated that at around 11 am on 28th October 2017 while at her hair and beauty salon, she heard gunshots and screams as a result of the protests. Her clients ran away while she was left locking up the salon. On her way home she came across two policemen whom she ran towards thinking they would protect her and provide for a safe passage home. When she reached up to them, one of the officers unashamedly told her they were “looking for women like her”. She reports that she was dragged to a nearby abandoned shop and raped by the security agents.

²⁸ Name changed on request.

²⁹Statement Form No.758

In a similar incident, a 35-years-old woman from Dandora, Embakasi North Constituency (Nairobi County) recalled how she was gang-raped by five security agents.

In her statement she narrated her painful story as follows;



“On August 15, 2017, at 5.00 p.m while returning home from work, I reached Dandora and found violence had started. I met five policemen and I asked them to escort me to reach home. A short distance later, they told me in Kiswahili, “Wewe ni mboga yetu leo” (loosely meaning that she would be their meal); a connotation that they would sleep with me. The woman continued her narration thus: “I started resisting but I was severely beaten. They dragged me to a nearby bush and they raped me. All the five police officers raped me for long hours. After two days, when I went to the Police Station to report the matter, they instead arrested me for “reporting the government”. I was in custody for two days. After the release I went to a local clinic in Dandora where I received treatment.”

KNCHR recorded a number of statements from the survivors, who in spite of being visibly anguished by what they had suffered, bravely narrated how the security agents had viciously attacked them and robbed them of their dignity.

In her statement, a 25-years-old married woman³⁰ spoke vividly of how the security officers sexually violated her.

She narrated the following incident:



“On August 11, 2017, following the announcement of the 2017 Presidential results, the residents took to the streets in protest, police had already been deployed and they started hurling tear gas at the protestors and entering into residential plots looking for hiding protestors. At about 12.15 p.m. I heard them at my door asking for all men to come out. I told my husband we should just open as they could break in. Upon opening the door, three police officers entered, dragged my husband outside and told me “wewe ni mali ya serikali” (you are the property of the government). I was hit on my right knee and back with batons. One of the officers grabbed me and they proceeded to tear my clothes. As they were undressing me, one officer told me “Nyinyi wajaluo mnafikiria mtashinda munatukula kichwa?” (“You Luos think that you will keep on giving us a headache?”) I was gang-raped by the three officers. I could hear them saying to each other, “wee umekaa sana ebuka toka” (You have stayed for too long, get out; indicating to the officer raping me to hurry up so he can take his turn) as they took turns raping me...”

³⁰Statement Form No 187

The security agents seemed not to care who they came across and raped. In one case, a 56-years-old widow³¹, resident of Obunga Kasarani, Kisumu Central Constituency (Kisumu County) living with her grandchildren narrated how she was sexually violated even after informing the agents that she was HIV+.

Her horrific story is as below:



“On August 11, 2017, when Uhuru Kenyatta was announced President in the evening at around 9pm, I heard noise from my neighbor, who lives in a house that is directly behind my bedroom. She called out to me asking what I was doing in the house as people were being beaten and killed in their houses.

I opened the door and I saw about ten policemen who were adorned in combat gear. Their faces were covered in hoods and they had rungu and guns. Three officers spotted me and they pushed me back inside my house. They kept pushing me until they entered my bedroom.

The Officers told me, “Nyinyi ni wale mnasumbua watu mkisema Raila, Raila, kwani Raila ni baba yenyu? Leo mtajua sisi ni wanajubilee.” (You are those who are causing disturbance saying Raila, Raila...Is Raila your father? Today you will know we are Jubilee supporters!”).

I pleaded with them that I was a widow and only living with my grandchildren and that I was also HIV-positive and taking ARVs. They did not heed my call. They tore my lesso (shawl) and pushed me to the bed and ordered me. “Toa suruali! Toa suruali!” (Remove your underwear! Remove your underwear!)

I pleaded with them saying, “Jameni, mimi ni mgonjwa, nitawaambukiza virusi vya ukimwi” (Please, I am sick, I will infect you with the HIV/AIDS). They again did not heed my call. I resisted, holding on to my side of the underwear. One of the officers ordered, “Mama ukikataa kutoa suruali, tutakutomba na hii rungu!” (Woman, if you refuse to remove your underwear, we will forcefully insert this baton in your private parts.)

I was afraid and I surrendered as my legs at that time were weak from the beatings. It is then when they began to rape me. As one officer raped me, the other officers kept on telling him, “harakisha hata mimi niingie!” (Hurry up, I also want to take my turn!) All the three officers raped me in turns and then they left...”

The security agents in their rape spree were not perturbed by the presence of children as they carried out their inhuman acts.

³¹Statement Form No 121

A 38-year-old married woman³² resident of Obunga Kisumu Central Constituency (Kisumu County) narrated how she was sexually violated by police officers as follows:



“...I was at my business stall at around 10:00 p.m. when the youth started demonstrating. It was on a Thursday after the announcement of the results of the Presidential election. I quickly closed the stall and rushed home to prepare dinner for my children. My husband had been caught up in the demonstrations hence I was home alone. Two police officers pushed my door open, one had a gun and the other carried a baton. I recognized them as police officers from the camouflage uniform they wore. They told me “Sema leo Raila si baba Uhuru ndio baba leo”(Say today that Raila is not the boss but Uhuru is). I was so shocked I just stared at them. One officer proceeded to feast on the food I was cooking and the other one ripped my clothes off and started raping me repeating “Leo utajua baba ni Uhuru si Raila”. Pigia baba yako Raila uone kama atakusaidia. (Today you will know that Uhuru is not Raila, call Raila if you think he will come and help you). He raped me repeatedly and when he was done, they left...”

A 29-year-old woman³³ from Ngomongo Ruaraka Constituency (Nairobi County) narrates how she was raped in front of her sister's children.



“I heard people hitting my door, it flung open and policemen came in. I knew they were police because of their dressing. They started slapping me and gagged me when I tried to scream. Two of officers held my hands as the other tore my clothes and removed my pants. They restrained me with handcuffs; one hand on the bed and the other hand against the chair and then started one by one to penetrate me and proceeded to rape me in turns. All the time, the children were just looking and crying. One of them told the children to keep quiet or they will also rape them too. After they were done raping me, they unchained me and left me on the floor. I did not have the strength after that ordeal but I managed to get up and close the door and supported it with the chair since it was not strong. I feared other policemen would enter in the house and rape me again...”

Cases recorded by KNCHR show that there was a pattern of gang-rape by the security officers usually involving several security officers. The survivors reported that perpetrators numbered from 2 to 3 security officers. There were serious cases where the survivors were raped by 5 to 6 officers.

³² Statement No 120

³³ Statement No 203

A 29-years-old woman³⁴ from Manyatta, Kisumu Central Constituency (Kisumu County) was gang-raped by three police officers.

She narrated her heart-breaking story as follows:



“...On October 24, 2017, which was a Tuesday around 2:30 p.m. we were at our workplace at Westgate Kondele when all over a sudden the doors were opened and 3 police officers entered. The officers were in jungle green trousers, combat jackets and helmets. The 3 officers entered into my room but the others went to the other rooms. One of them asked me “wewe unasupport nani Raila ama Uhuru? Kama ni Raila mkule Raila wenu!”(You, who are you supporting Raila of Uhuru? If its Raila the you can as well eat your Raila) They then started beating me with their batons. In the process of beating me, I tried to shield myself with my hands but the more I tried to protect my body, the harder they beat me. One of the officers started to forcibly remove my trousers while telling me “leo utatambia sisi ni akina nani”. He then proceeded to penetrate me. I asked him why he would penetrate me and we don’t know each other. I told him if he must have sex with me then at least he should wear a condom. He sneered back “who are you to tell me such!”. Another officer then slapped me and covered my mouth as the other officer raped me. He then told him “niko karibu kumaliza wewe kaa tayari”(I am about to finish, get ready). After about five minutes the next officer, who had been covering my mouth took his turn and raped me. They took turns raping me until all three had done so. ...”

Another survivor, a 40-years-old married woman³⁵ from Kisumu Central Constituency (Kisumu County) was gang-raped by four police officers. The survivor describes the ordeal as follows:



“...The policemen entered our plot and started destroying property and breaking things. Four police officers found me outside my door. Some wore camouflage jackets with black hats others had green pants and camouflage and red berets. They started beating me telling me to get in the house. The four policemen forced me into my house and pushed me on the sofa. I struggled with them but they overpowered me. One held one leg, the other held my other leg and another proceeded to undress and rape me. When he was done, the second and the third proceeded to take their turns, all this time I was putting up a fight and struggling. In my struggles with them, I was hit on the head and my arms as I was protecting my head. By the time the fourth one started raping me, I was too tired to even resist. They kept saying, “Nyinyi wajaluo mumetusumbua sana” (You Luos are really frustrating us) as they repeatedly raped me...”

³⁴Statement No 125

³⁵Statement No. 757

Another survivor narrated that she was gang-raped by five security agents. The inhuman act was perpetrated by all five security agents of whom the survivor recalled that at one point two agents raped her simultaneously.

The narrative of the dastardly act is as below:



“The incident happened on 13th August 2017 at around 7pm at Dandora, Gitari Marigu. Elections results for the Presidential seat had been announced. There was tension around this area and there were groups of protesters engaging the police in running battles. As we were walking to my house we were accosted by policemen. They hurled a teargas at the group of people who scattered. My sister and I sought refuge in a kibanda (stall) waiting for the situation to calm down. Accidentally my sister coughed and the policemen discovered our hiding spot. Five of the policemen pulled us from the kibanda and ripped our clothes and started raping us. Our screams for help were suppressed by the policemen who were gagging us using our own under-wears. They whipped us as others kept watch, while the rest raped us. At some point I was raped by two of them simultaneously, one penetrated my anus and the other my vagina. They repeatedly raped us until all the five were done. We were left for the dead after they were gone...”

The security agents also sexually violated the survivors regardless of whether the spouse and children were present.

A 33-years-old married woman resident of Kisumu Central Constituency (Kisumu County) recounted how the agents ruthlessly raped her in spite of her husband and children being in the house. The heart-wrenching encounter is as follows:



“I was preparing supper for my family when I heard commotion and screams. I went to check what was happening and as soon as I opened the door, I was confronted by six policemen who were in full riot gear. They pushed me back inside the house where my husband and children were. They told my husband in Swahili. ‘Wewe mwanaume chukua hawa watoto ama uingie huko ndani, ama kama wewe ni mwanaume usimame hapa’ (You man, take the children and go with them to the other room or if you are man enough stay here). My husband took the children to the bedroom and two officers dragged me outside. The other policemen stayed behind and ate the fish I had prepared for my family while the other two officers ordered me to undress. On resisting, they hit me hard and eventually I obliged. They raped me in turns...”

3.5.2 Civilians as Perpetrators of Sexual and Gender-Based Violence

KNCHR recorded statements from survivors detailing the extent of their ordeal in the hands of civilians. From the statements, civilians attacked their victims either for politically motivated reasons or acts of lawlessness arising from the unrest occasioned by the disputed election results. The survivors reported being raped by one man or several men on different occasions. The politically motivated attacks happened in areas where a rival party received majority of the support while the criminal acts occurred when the security agents were engaging the protesters in the streets.

In addition to raping the survivors, it is reported that the perpetrators robbed the survivors of money and belongings.

One survivor, a 40-years-old widow³⁶ from Homa Bay Town Constituency in Homabay County was attacked during the campaign period. She was vying for a political seat. She narrated her ordeal in the hands of six men who gang-raped her. Her story is summarized below:



“...On July 20, 2017 at around 10:00 p.m. when finalizing my campaigns, I was ambushed by six men. They accused me of being a Jubilee party supporter and they wanted the money President Uhuru gave me. I responded that those allegations were false and that is when I was attacked.

One man grabbed me, blindfolded and gagged me. While being held down, the other men undressed me and began raping me in turns. All six men took turns to rape me. When they were through with me, they left. As a result of the ordeal, I was in a lot of pain. At 5 am the next day, I was taken to a private clinic where I was treated. The rape incident harmed me such that I had a minor surgery to repair the damage done to my private parts. I was admitted for a day then discharged...”

Another case involved a victims of a perceived political affiliation by virtue of tribe at the time of the political unrest following the declaration of the Presidential results. The statement suggests that the men who attacked the victim had prior knowledge of her tribe.

³⁶Statement No 773

The 32-years-old woman³⁷ from Dandora, Embakasi North Constituency (Nairobi County) narrated her ordeal as follows:



“...When Uhuru Kenyatta was initially declared the winner, there were celebrations and chaos later broke out between Kikuyus and Luos (The two tribes were affiliated to the main political rival; Uhuru Kenyatta (Kikuyu) and Raila (Luo). It was around 11 pm when three men approached my house. They kept saying that Uhuru will not rule Kenya and if he ruled they would kill us all. They kicked down my wooden door. They asked me where my husband was and I said I was alone. One grabbed me by the neck. He threw me on the floor. One held my legs and kept them apart. The one who had held me on the neck began slapping me and told me that I should cooperate because they were going to rape and kill me. They removed my shorts and tore my t-shirt. They raped me in turns. They took over half an hour and on finishing with me, they left...”

The same fate befell a 20-years-old woman³⁸ from Dandora Embakasi North Constituency (Nairobi County) who reported that she was attacked in her house by three men. She believes she was targeted and attacked as retribution for her fellow tribesmen actions.

She narrated her experience as follows:



“On 28th November 2017 just after the announcement of the results of the fresh Presidential poll, protests erupted in our neighborhood. At around 11 pm I heard knocks on my door. I was alone and my boyfriend whom I stay with had not arrived up to that time though he later called saying he will not be coming. The men threatened to break down the door if I didn't open. Out of fear, I decided to open and three men came in. The men assaulted me claiming that we are among those “disturbing the peace” in the country. I was roughed up, beaten and raped by the three men who took our electronics and left. I screamed asking for help but no one came to my aid”

The acts of sexual violence were not limited to young women but some of the cases reported involved elderly women being raped as well. In one instance, an elderly 64-years-old married woman from Mbale, Vihiga Constituency (Vihiga County) reported that she was raped by two men who had accosted her.

³⁷ Statement No.217

³⁸Statement No. 211

Her ordeal is as recorded below:



“...During the August 2017 General Election, I was on my way home when I reached Mazigulu, Mbale within Vihiga. 2 men waylaid me as they told me, “Wewe ni wa Jubilee na hatutaki wafuasi wa Jubilee” (You are a jubilee supporter and we don't want jubilee supporters) I started crying stating that it was my right to vote. The man raped me despite my pleas with him to leave me alone since I was an old woman. It was so painful. I suffered abrasions on my vagina. The doctors were on strike so I couldn't go to hospital. I treated myself with salt and water. When I told my husband what has happened to me, he just cried as he could not believe it. We no longer get intimate. I suffered from itchiness on the vagina, I received treatment and I am now feeling better although I still experiences pain on the breast, legs and back due to the force used by the perpetrators...”

The cases highlighted above are a fraction of the many statements reported by victims and survivors of sexual violence. The Commission is of the view that there are many more survivors who could have been sexually violated in many forms but they have not had the courage to come out and speak about their ordeal. The violence meted out on these women; who were courageous enough to come out and share their experiences will forever be etched in their minds, the minds of their close relatives who either suffered with them or witnessed as the perpetrators stole their dignity, broke their families, infected them with diseases, robbed them of money and worse still, damaged their genitalia. Most of the survivors used the following key words indicating a pattern of the vice.

Summary of keywords

Analysis of the findings revealed two broad categories of perpetrators namely the police and civilians. However, there were several keywords the victims used to specifically identify their perpetrators as shown in the figure below.



Figure 7: Summary of keywords

From the statements recorded by the Commission, security agents were mostly mentioned as key perpetrators. This was according to the survivors narrations based on the description of their dressing and weaponry including their uniform, riot gear, jungle green jackets, berets with coat of arms and related insignia, batons, handcuffs and guns. To support the National Police Service, more security agents were drawn from the National Administration Police Service (AP), General Service Unit (GSU), Kenya Prison Service and National Youth Service (NYS) officers.

Where the perpetrators were civilians, they were either known or unknown to the victims and survivors. As records reveal, the youth were highly mentioned by survivors as being key violators in the civilian categories. They mostly operated in gangs and committed other criminal acts such as theft or destruction of property in addition to perpetrating acts of sexual violence. Several survivors mentioned being violated by individuals with dreadlocks who at times were dressed in police uniform.³⁹

In instances where the victims knew the perpetrators, neighbors were adversely named as violators. One such case recorded with KNCHR was in Utalii Area, Nairobi County. The incident happened around the election period where a perpetrator took advantage of the state of chaos and violence to rape four girls in separate occasions. The perpetrator lives in the same neighborhood and is well known. One of the victims is a 13-years-old in class 4 who the mother reports is deeply traumatized and the ordeal had greatly affected her schoolwork.⁴⁰

3.6 Reporting of Cases of Sexual and Gender-Based Violence to the Police

An analysis of the findings shows that victims and survivors of SGBV generally had a great challenge reporting complaints of sexual violence to the police. As shown by the figure below only 21.6 % of survivors reported to the police.

³⁹<https://www.standardmedia.co.ke/article/2001250378/record-180-000-security-officers-to-man-elections-> Accessed on 4/8/2018

⁴⁰KNCHR statement no. 155

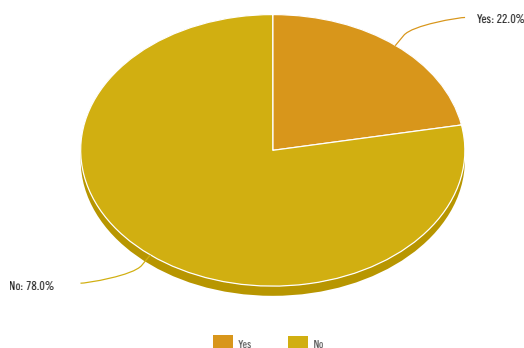


Figure 8: Percentage of victims who reported the incident to the police

The low numbers of reported complaints can be attributed to a number of reasons. To begin with, the police were reported as key perpetrators of sexual violence as indicated by figure 6 in this report and therefore survivors did not report to the police out of fear of reprisal. The police are reported to have acted indifferently when victims came to report about sexual violations especially in instances where the survivor would accuse the police of being the perpetrator. The survivors would either be denied the opportunity to record a statement, turned away or arrested and placed under custody. The survivors lacked confidence in the police to handle the complaints objectively considering that the perpetrators were their colleagues.

A 30-years-old woman from Kisumu County who recorded a statement with KNCHR narrated as follows:



“On August 11, 2017 after the release of the results of the Presidential election, there was a lot of chaos and violent protests. One police officer stormed into my house and accused me of being one of the rioters. He asked me where my husband was and I told him that he had gone to work. The officer then started touching my breasts. I attempted to push him away but he started beating me up violently with a club. He then ordered me to undress. I complied and as I was undressing he kept beating me. The officer then raped me. Another officer came but he did not rape me, he only destroyed my property, including a motorbike that I had kept in the house. I reported my case to Obunga Police station but they refused to take my complaint. Instead, the Police accused me of lying against their officers. I then went to Central Police Station where I attempted to report my ordeal but I was referred back to Obunga. After the intervention by local HRDs, my complaint was finally recorded at Central Police Station. No action has been taken so far”.⁴¹

⁴¹KNCHR statement no. 113

The victims felt ashamed and feared being stigmatized and would prefer to keep the ordeal to themselves. In cases where survivors had been raped in addition to other violations such as physical assault or loss of property, there are those who went to report but only mentioned other violations and failed to disclose the rape ordeal.

A 55-years-old woman from Kisumu County narrated to KNCHR as follows:



“On August 8, 2017, during polls, I was at my place of business. There was a lot of tension and eventually violence erupted. A helicopter started hovering over our area. Shortly after, gunshots were heard and men in police uniform entered my hotel and started beating my customers. Everyone fled. I remained with my 18-years-old granddaughter. They started beating us. They were two of them. One went straight to the kitchen and the other came to where I was and ordered me to pull up my skirt and he raped me. My granddaughter was hiding but witnessed everything. She was sexually harassed by the police who groped her breasts and told her that they were tiny. I was in too much pain on my back and had suffered injuries on my back and vagina. I could not dare report because I was afraid of the shame and stigma from my community. On August 21, 2017, I reported to Obunga police station, but could only report about my goods worth 30,000 Kenya Shillings that had been stolen and others destroyed at the hotel. I did not report the rape ordeal.”⁴²

A number of survivors did not bother reporting because they felt they lacked adequate evidence and some who actually went to a police station were turned away and were not able to record statements because of the same. There are those that were not able to go to the police station immediately, those who took a shower before the evidence was preserved, those who lacked witnesses and those who could not identify their perpetrators.

A 47-years-old woman from Nairobi County narrated to KNCHR thus:



“On August 10, 2017, on my way from work at Industrial area at about 7.00 p.m., a group of men whom I can't recall the exact number ambushed and blind-folded me. After the ordeal, I was semi- conscious and found myself in a field near Hamsa. I was in pain and I knew then I had been raped. I struggled and got myself home where I took a shower because I felt disgusted with myself. The next day, I shared with a neighbor who linked me up with a lady who deals with and helps women who have been raped. She accompanied me to the police station who told me that they couldn't help me because I had no evidence. I did not see the faces of the perpetrators and I could not in any way recognize them.”⁴³

⁴²KNCHR statement no.756

⁴³KNCHR statement no. 96

Lastly, survivors accompanied by Gender Human Rights Defenders (GHRD) reported being denied the right to record statements as the police accused the GHRDs of faking stories.

KNCHR notes that even for those who went to report, a good number were not accorded much help. The police either did not take the matter seriously or frustrated the survivors by demanding that either the survivor produces some form of evidence, a witness or be able to identify the perpetrator failure to which the case would be dismissed. KNCHR followed up with survivors who managed to successfully record statements and they reported that for most cases, no further action had been taken by the time of publishing this report.

3.7 Challenges in Seeking Medical Assistance for Victims and Survivors of Sexual Violence

The aftermath of sexual violence can have a devastating effect on victims and survivors. The individual(s) affected usually need immediate (*for life threatening injuries*) and progressive treatment in cases of psychological trauma. In cases of sexual violence, it is usually recommended that the victims seek medical assistance immediately. This is encouraged so that the victims get post rape treatment which includes treating the injuries, getting medication to prevent infections, and most importantly, to preserve the evidence for future prosecution.

The National Guidelines on Management of Sexual Violence in Kenya (2014), state that: “Sexual violence is a serious public health and human rights concern in Kenya. The vice transcends all genders and has adverse physical and psychosocial consequences on the survivors.” In light of the sexual violence featuring prominently in virtually all electoral cycles, there was a need to develop guidelines that would guide the care providers on how to approach sexual violence cases.

The guidelines extensively cover clinical management (treatment of survivors at first point of contact), the necessary support for psychosocial support and forensic management which cover how evidence is preserved and its use in legal action.

Clinical management is vital as it covers aspects of the survivor’s immediate

condition and also outlines how healthcare provider should approach minors and adults. It emphasizes that “the management of any life threatening injuries, and extreme distress should take precedence over all other aspects of post-rape care”. The summary to be documented after examining a survivor include; General examination (state of clothes), mental assessment of survivor and systemic assessment of the survivor. This involves documenting details of survivor’s physical condition; level of consciousness, physical injuries and the state of the genitalia (tears, bleeding, discharge etc.). The purpose of this activity is to document the general condition of the survivor and crucially collect forensic evidence. The forensic evidence is preserved and handed over to police for investigations and processing in court of law.

The guidelines further recommend availability of key emergency treatment kits and medication such as Post Exposure Prophylaxis (PEP) which is administered (as a prevention treatment against possible infection of HIV. The drugs must be administered within the first 72-hour post rape and if the period has elapsed before the survivor seeks medical assistance, post rape care takes precedence). Availability of emergency contraception at all time is also recommended to provide care against possible pregnancies. The Commission commends the Government of Kenya, through the Ministry of Health, for developing these elaborate guidelines on the management of sexual violence in Kenya. We urge the Government to provide further protection mechanisms for victims and survivors of sexual and gender-based violence by removing its reservation on Article 14 (2) (c) of the Maputo Protocol.

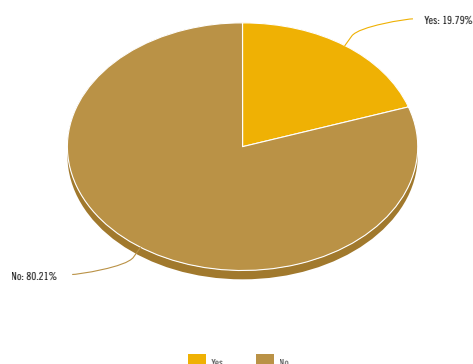


Figure 9: Percentage of survivors who sought medical assistance

However, the Commission is concerned that despite there being an elaborate policy document on the management of sexual violence in Kenya, a majority of the victims and survivors of sexual violence did not immediately seek medical assistance after suffering the violations. What is more, as can be seen from the figure above, only 19.79% of the victims and survivors of sexual violence sought medical attention. A whopping 80.21% of the victims and survivors did not seek any medical attention at all. There are a number of reasons why the victims and survivors of sexual violence did not seek immediate assistance. According to the Commission's findings, the survivors were severely traumatized by the incidences and did not share their experiences due to fear to stigmatization and feelings of self-guilt. In addition, some of the victims were in areas where the situation was still volatile due to running battles with police and they could not leave their homes to seek medical assistance.

The unavailability of medical assistance was compounded by the five-month long nurses strike that crippled critical services in all public hospitals. The strike forced many patients to seek help in private hospitals where they experienced long queues and high healthcare costs. Some of the survivors we interviewed used painkillers or antibiotics with some even washing the injuries in salted water as a means of self-medication as they had no money to seek further medical assistance from the private medical facilities. These factors forced many survivors to miss critical post rape care as they were unable to meet the high cost of treatment. Majority of the post rape care treatment services in public hospitals are virtually cost-free and they would have provided the requisite support the survivors desperately needed had the prevailing circumstances allowed for the same.

The survivors who were able to visit the medical facilities were few and majority were victims of gang-rape and physical assaults who needed urgent medical care. The medical facilities within their vicinities were local clinics equipped with insufficient medical equipment to cater for sexual violence cases. Some of the survivors who reported that they had visited medical facilities, informed us they did not seek post rape care services. This could be attributed to stigma fear of anyone knowing about their predicament or what had actually befallen them. Survivors living in Nairobi managed to visit facilities such as Médecins Sans Frontières (MSF) Clinics and SWOP Clinics. They were later referred to The Nairobi Women

Hospital which has a specialized Gender Violence Recovery Centre. Those in Kisumu County were referred to Jaramogi Oginga Odinga Teaching and Referral Hospital (JOOTRH) which was able to cater for the survivors. Bungoma County survivors were accommodated by Dreamland Hospital where they were able to get comprehensive care.

3.6 Categorization of Victims and Survivors by Gender

The figure 10 indicates that females were the most affected category. It revealed that, partly because of their vulnerability, they increasingly became targets of sexual violence from both the security officers and civilians. As can be seen from the figure below, 96.26% of the victims and survivors of sexual violence were female while 3.74% were male.

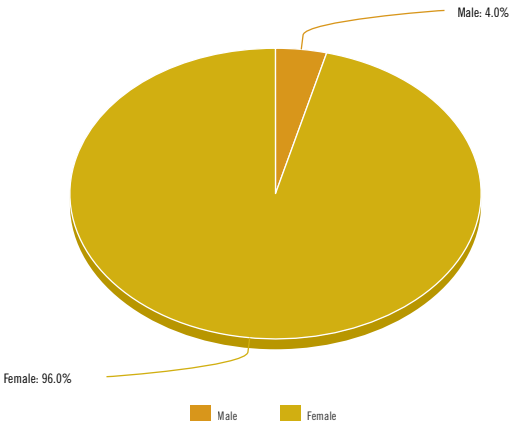


Figure 10: Analysis of survivors by gender

Our interaction with the survivors revealed that security agents moved into their homes looking for youths who they accused of causing mayhem. Women and young girls remained in their residential areas taking care of their families while others were on their way either to their homes or workplaces in the salons and shops. Most men deserted their homes for their safety while some were engaging the police in running battles. The women and children were left at home.

In most of the cases the police officers would ask where the women were hiding

their men and in instances where a man was found in the house, he was attacked and had to witness the horrendous rape ordeal of his wife or daughter.

After the attackers gained entry into their residential areas, they physically assaulted and raped their victims and also destroyed their properties. The Commission was informed that some of the men whose wives were raped have left their homes and abandoned their families.

3.9 Categorization the Victims and Survivors by Age

The youth category were the most affected by sexual violence at 52.70%,

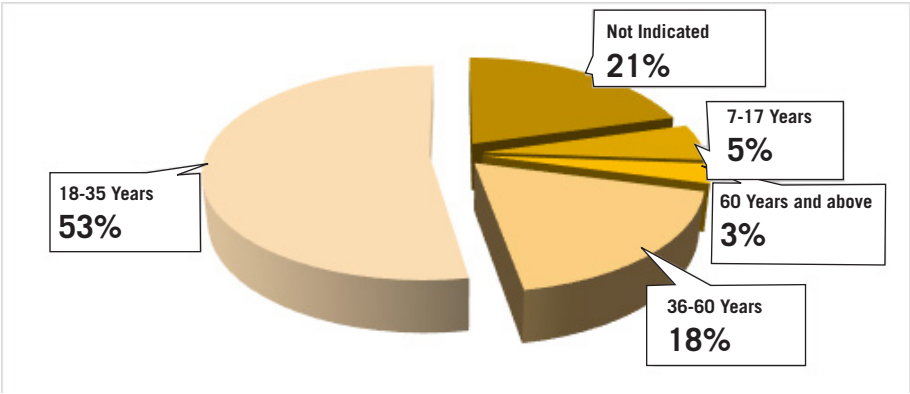


Figure 11: Categorization by age

The statistics collected by the Commission indicates that sexual violence was spread out between the ages of 7 years to 68 years. It is important to note that in the youth category, women were recorded as the highest victims perhaps due to their vulnerability. 24.06 % of the recorded cases were against middle-aged women particularly those who are married or have childrens or both. Further the Commission noted that sexual violence was also meted out against elderly women. For the elderly survivors, the fact that the perpetrators were young enough to be their sons made the ordeal more painful and degrading.

From what we deduced from our findings most of the victims were attacked at their residential areas, in their places of work or on their way to their homes.

INCIDENT 1	As recorded on July 18, 2018, a survivor aged 68 years from Vihiga County stated as follows: <i>“That on October 28, 2017 while I was on my way to Mbale to pick up groceries for sale, I met two men who grabbed and tore my clothes. One of them raped me. The following day I told my children that my stock had been destroyed but I did not mention that I had been raped. Thereafter, I went to Ebukhanga dispensary where I was given painkillers to ease the pain. I am experiencing pain on the hip joint and I am economically affected after my source of income was destroyed”</i> ⁴⁴ .
INCIDENT 2	A mother of a 7-years-old minor from Mathare Nairobi City County stated as follows: <i>“On October 12, 2017 there were ethnic clashes that extended to young children. Two boys aged 12 years and 15 years from our neighborhood took my daughter aged 7 years into the bush and defiled her. I reported the case to Pangani Police Stations. The boys were given corporal punishment and no further action was taken against them”</i> ⁴⁵ .

3.10 Categorization of Victims and Survivors by Marital Status

The people who were affected were of different marital statuses. The chart below illustrates that the highest percentage, at 36.90%, of victims of sexual violence were married women. Other survivors affected included those living as singles, widowed and separated as well as those that have not attained the recognized age of marriage.

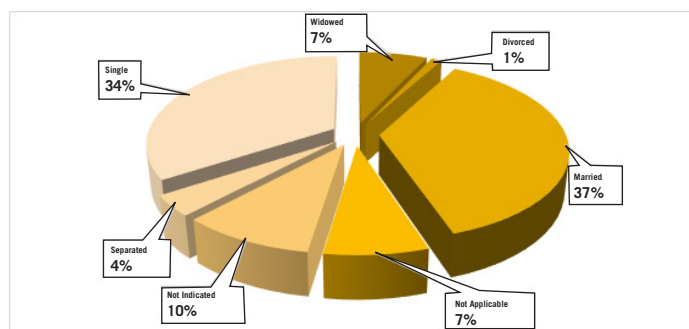


Figure 12: Survivors based on marital status

⁴⁴Statement Form No 706

⁴⁵Statement Form No 155

As earlier stated, most victims were attacked at their residential places, in their places of work and on their way to their homes. For those attacked in their homes, it was carried out in front of their children while in some instances in front of the whole family including their spouses. Follow-up by the Commission revealed that the sexual violence ordeals suffered by victims and survivors have had devastating effects, not just on the victims, but also on their children and spouses, some of whom were forced to witness the violations. Below are examples of families that have broken up as a result of sexual violence.

INCIDENCE 1	A businesswoman ⁴⁶ aged 40 years from Majengo Vihiga Constituency (recorded on July 18, 2018) reported as follows: <i>“That On October 28, 2017, there were skirmishes at Majengo and while I was on my way to deliver groceries to a client, I met two police officers who forced me to enter into the police lorry. I found two other women inside the police lorry and we were taken to the forested area and told us to lie down. I tried to run away but they caught up with me, tore my clothes and raped me. The last one tried to put his penis on my mouth. I pushed him off, which made him very angry. He went ahead and ejaculated on my face. They also stole my belongings. After informing my husband what had happened to me, we started getting into constant disagreements and we no longer share bedroom. I sleep in a separate room (a sooty kitchen) thereby affecting our intimacy. I tested HIV positive and I have not shared the ordeal with anyone else. I am experiencing back pains, eye problems and I am economically straining due to the loss of my property”.</i>
INCIDENCE 2	A businesswoman ⁴⁷ aged 47 years from Majengo Vihiga County reported as follows: <i>“On October 28, 2017, I was attacked at my tailoring shop together with my cousin. Four policemen forced their way into the shop and tore my clothes then gang raped the two of us. They hurled teargas inside the shop and my eyes were affected as a result I am not able to see well. I cannot afford treatment. I lost my property and I had earlier taken a loan with KWFT which I am unable to pay due to my current health status. My husband left me with four children to take care of. They have dropped out of school due to lack of school fees. I only depend on selling chicken to be able to survive. Further I developed eye problems, back pains, swollen legs and sustained pains on my left hand as well as stroke”.</i>
INC.. 3	A survivor resident ⁴⁸ of Obunga Kisumu County reported that, <i>“On August 11, 2017 two police officers entered my house after my husband had left with some of my children. One of them forced me to undress and raped me as my child was watching. I informed my husband about the ordeal</i>

⁴⁶ Statement Form No 747

⁴⁷ Statement Form No 694

⁴⁸Statement Form No 709

	<p>thereafter. My husband blamed me and said that I was accusing the police falsely. He refused to take me to the hospital by alleging that I had an affair with the police and had the audacity of undertaking the same in front of the children and lying that I was raped. A local CSO facilitated me to see a doctor in Kisumu”.</p>
INCIDENCE 4	<p>A 32-years-old woman resident⁴⁹ of Dandora Embakasi North Constituency (Nairobi City County) reported to the Commission on 24th November 2017 as follows; “there were celebrations on the day President Uhuru was declared the winner. Chaos broke out between members of the Kikuyu and Luo communities. At around 11 pm, men entered my house and kept on saying that Uhuru would not rule Kenya. They were 3 men and one held my legs and kept them apart. One of them told me to cooperate because they could rape and kill me if I refused to cooperate. They raped me in turns for 30 minutes after which they left. I called my sister and my mother who came with administration police officers who told me to report the matter the following day. However, I did not report to the police station because I did not know who they were. One of the men who raped me had a scar on his left shoulder from a cut and I can identify him. The following day I went to Samaritan Hospital but I could not disclose that I was raped due to fear of being shamed further. I had pain on my neck, hips and thighs because of the force they had used. I told the doctor I was beaten and he gave me painkillers and I went home. I refused to let the doctor examine my vagina. I shared the ordeal with the priest who counseled me. My boyfriend left me after sharing with him what had happened”.</p>
INCIDENCE 5	<p>A business lady aged 45 years resident⁵⁰ of Kanyasa Karungu, Nyatike Constituency in Migori County reported on July 18, 2018 as follows: “On August 11, 2017 the announcement of Uhuru Kenyatta as the winner of the Presidential election triggered anger among residents in the area, the situation was not good as their preferred Presidential candidate (Raila Odinga) had lost. I usually stay late selling vegetables hoping to get more customers. After closing the business, I began my journey back home. I stay a bit far and I use bodaboda (Motorbike taxi) to get home. Two bodaboda riders approached me and I asked for a lift home. The two told me that I was disturbing them just as President Uhuru was disturbing them. One of them alighted and grabbed me stating that they will kill me today. I pleaded for my life but they would hear none of that and said that they would do something else. One of the passenger in the other bodaboda alighted, grabbed and dragged me to a nearby thicket and thereafter raped me. After the act they left. I dusted myself up and went home. On reaching home, my husband asked me where I was from. I told him that I was from the market. He started calling me a prostitute for coming home late. I told him that I had been raped and instead of</p>

⁴⁹ Statement Form No 217

⁵⁰ Statement Form No 774

	<p>comforting me he began calling me names. I wanted to go to the hospital but my husband refused. He has since left me and renounced me as his wife. I later went for check-up, first at a local clinic and later at sub district hospital and all the tests have come out negative for HIV/AIDS. We have four children together and since he left he has refused to take care of us. He has refused to come back home. We are straining and my family is falling apart. I am struggling to raise school fees and all our efforts to get bursary have failed. One of my children is a 3rd Year Student at a local university. I am in need of school fees for my children.”</p>
INCIDENT 6	<p>A 37-years-old businesswoman ⁵¹from Saa Yote area Suna East Constituency in Migori County reported on February 14, 2018 as follows: “On Friday October 27, 2017 at around noon. I was in my shop together with two men. About four policemen in jungle green uniform, green helmet with batons and rifles entered my shop. Two others police officers were in civilian clothes. Of the 4, one had dreadlocks. One of the police officers ordered the two men to leave and also beat them as they were leaving. One officer in uniform ordered me to remove my apron. I told him that I was just a woman and had done nothing wrong. He insisted I remove my apron and thereafter ordered me to remove my skirt. When I questioned, he hit me with a baton on my left hand next to the shoulder. One of the officers in civilian shouted at me for wasting their time. The uniformed one unloaded his rifle and tried placing it down. That is when I got a chance to escape. I did not remove my skirt I only removed my overall. The officer beat me up with a baton but was not successful in abusing me sexually. It was a market day and I had carried some cash (Kshs.45, 000) and they took it. I suffered business loss of 95,000 Kenya Shillings. I am traumatized by their harassment and attempt to rape me. After disclosing it to my husband our intimacy relations has strained because he looks disturbed and keeps on distancing himself from me. I sustained other injuries on my leg as a result of beatings (baton) and my legs are constantly aching”.</p>
INCIDENT 7	<p>A survivor⁵² from Kabras area Malava constituency Kakamega County, reported as follows: “That on 11th August 2017 at around 10pm, I was with my daughter and my 2 sons. 8 men entered the house and took me to a different room and blindfolded me. They violently gang raped me and in the process I sustained other injuries on the ribs, legs and my hands got swollen. My daughter who was 8 months pregnant was also raped and after the ordeal she developed premature labor pains and was rushed to the hospital. Fortunately, she delivered well. We both suffer stigma from the community and my husband left me for another woman. Currently I am experiencing bleeding and back pains.”</p>

⁵¹Statement Form No 115

⁵²Statement Form No 691

3.11 Categorization Victims and Survivors by Ethnicity

The 2017 elections, just like previous general elections in Kenya, was marked with great polarization along ethnic and political lines. The Commission documented cases of sexual violence across various Counties and was keen to note that occurrence of sexual violence was not limited to one community. Figure 13 is a categorization of survivors by ethnicity showing the top ten communities.

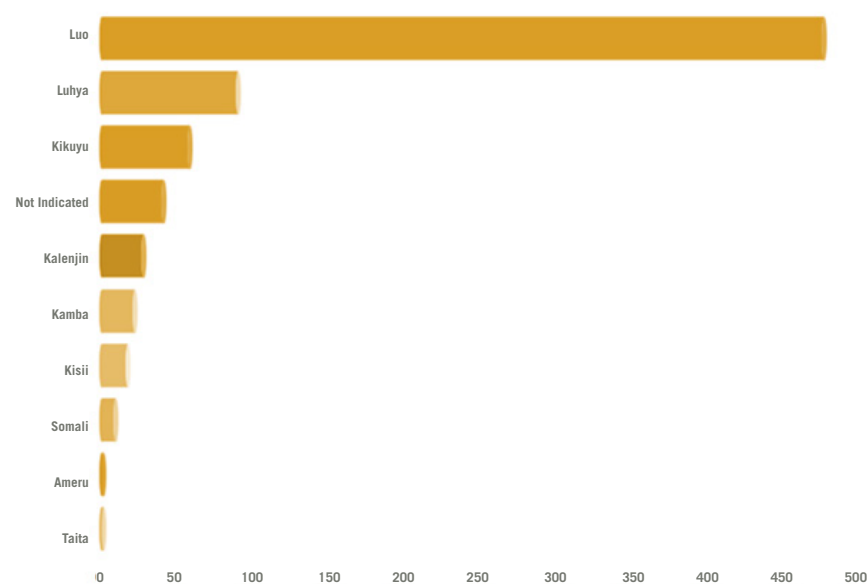


Figure 13: Categorization of survivors by ethnicity

According to KNCHR findings, the Luo Community, at slightly over 450 cases, recorded the highest number of victims. This can be attributed to the fact that the western region especially Kisumu was highly marred by violence. There were occurrences of violent demonstrations and protests including an election boycott in the region. This was consequently met by high security deployment. In Nairobi, the number of victims was spread out to several ethnicities and this is because of the cosmopolitan nature of the region. For instance, in Nairobi KNCHR recorded cases of survivors from different ethnic communities as follows: Kamba (5), Meru (1), Kikuyu (6), Luhya (10), Taita (1), Somali (2), Luo (7), Kisii (1).

3.12 Sexual Violence against Persons with Disabilities (PWDs)

While documenting sexual violence cases, the Commission gave due attention to Persons with Disabilities. This is because PWDS, both children and adults, are at much higher risks to experience sexual violence. Only one case of sexual violence against a PWD was recorded in Kisumu. The survivor, a 28-year-old mother of two narrates her ordeal as follows:

INCIDENT 1

“It was on August 13, 2017 after the announcement of Uhuru as President. I was in my home with my two children aged 12 years and 3 years. There was a lot of violence outside my house, the police were beating a man when my children went outside to see what was happening. Two police officers approached my house. I recognize them as the police because of their uniform- camouflage brown and green and they were armed with guns. They entered the house and threw me on the bed, my children fled to my neighbour’s house. One of the police officers left while the other beat me and said he had come for his “right”. He beat me, I fell on the bed and he ripped my clothes and panty. He then proceeded to rape me and when he was done he left. On his way out he hit the bulb of the house with his gun, I was left in darkness...”⁵³

3.13 Short and Long Term Implications

In the process of documenting cases of sexual violence, KNCHR recorded a number of far reaching effects to survivors. These effects range from individual to the society. In summary, the Commission took note of the following adverse consequences of sexual violence on survivors and communities:

(a) Pregnancy and abortion

Some of the survivors interviewed informed KNCHR that they later found out that they were impregnated as a result of the rape. In one of the cases, the survivor got pregnant as a result of the rape. She did inform her husband and they both agreed to keep the baby.

⁵³KNCHR statement no.117

In another example, one survivor realized she was expectant after pregnancy test two weeks after the rape happened. She says she had not been intimate with her husband so she decided to abort the pregnancy and didn't tell her husband. Another survivor realized she was pregnant one month after the incident she did not want to carry the pregnancy considering the circumstances so she procured an abortion.

(b) Sexual Violence on expectant Women

Pregnant women were not spared even after informing the perpetrators of their condition. In one of the cases documented, the survivor was raped by four men alongside with her daughter who was eight months pregnant. The daughter later was rushed to hospital due to complications arising from the rape and luckily delivered the baby well.

In another case, one of the survivors from the Western region, lost her three-month pregnancy after being severely beaten and gang-raped. This is a result of the violence which led to injuries on her body which in turn affected the unborn child.

(c) Psychological and Physical effect

The survivors reported that they experience anxiety, flashbacks of the ordeal, and feelings of shame, isolation and guilt. A majority of the survivors interviewed expressed the desire to get medical assistance as the offenders did not use any form of protection and most feared that they would get serious infections. KNCHR recorded statements of survivors who were raped in front of their children. The mothers stated that the children are traumatized while others stated that children have assumed guilt that they could not help their mothers from being raped.

KNCHR notes that there were also cases of physical trauma especially for those who were violently hit as they struggled to ward off the perpetrators and therefore suffered injuries which through partially healed, brings back painful memories.

Some of the victims who were physically assaulted still complain of pain in areas such the lower abdomen, back pains, swollen limbs and chest pains.

(d) Stigma/Ostracism

The survivors did request for regular trauma/psychological counseling to help deal with the aftermath. Many of the victims are depressed and many are still living in constant fear. There are many who have been stigmatized by the people who know what they went through. In one instance, the survivor narrated the ordeal to her husband hoping that he could help her. Instead he accused her of planning the whole thing and inviting men to have sex with her. He abandoned her and now she has to take care of 11 children on her own.

Another survivor has never told her husband what happened to her because she would be chased away and her children may not have a mother to care for them. Her husband even asked her if she had slept with the police but she denied it.

Due to cultural issues and to avoid stigma, some of the survivors, due to their cultural practices, washed their private parts thus losing valuable evidence.

(e) Sexually Transmitted Infections (STIs)

KNCHR documented cases where the survivors contracted sexually transmitted infections. Majority of these women found out about their situation after seeking medical care later than the period of accessing PEP had elapsed. For the girls who were still students, their performance at school has dropped and some have completely dropped out of school.

(f) HIV infections

KNCHR documented cases whereby HIV infections occurred after the sexual violence. This is attributed to the fact that most of the perpetrators did not use protection when they were committing the violations. It is shocking that even in cases whereby some victims informed the perpetrators that they were HIV positive, they still proceeded to rape them, resulting to either infections or re-infections.

(f) Impact on Marital and Family relationships

KNCHR notes that the sexual violence led to serious problems within marriages and the overall family relationships. In some cases, both the men and women were attacked simultaneously. This has had an effect on intimacy relations. A

case recorded by KNCHR on 17th July 2017 indicated that one of the survivors in Kisumu County, Manyatta area together with her husband was physically assaulted by the security agencies dressed in NYS uniforms. The husband's penis and testicles were hit repeatedly using batons and as a result of injuries he suffered, he is sexually dysfunctional.

KNCHR recorded cases of family breakages, for instance, where husbands blamed their wives, with some even abandoning them by accusing them of committing adultery. For mothers who were raped in front of their children, some have reported that their children have lost respect for them and their relationship has become extremely strained. In Kisumu, at Nyalenda area, a 46-years-old mother was gang raped by 3 police officers in presence of her children. This has seen the children loss respect for her.

(g) Loss of Means of Livelihood

KNCHR notes that some of the victims continue to suffer since they have loans to clear yet their businesses were destroyed and have to find other means to pay the loans. In cases where spouses left them, the problem is compounded especially where they assume the sole role of being breadwinner.

Some survivors experience recurrent pain due to vaginal bruises and bleeding due to forced sexual assault. Follow up by the Commission has revealed that some survivors contracted sexually transmitted infections, unwanted pregnancies and even HIV infection. The affected mothers are unable to work or even care for their families.

(h) Education Performance

Some young girls who were affected by sexual violence have dropped out of school. For those still in school their performance has dropped while others often experience fear and anxiety. This is especially so for girls who have to attend schools where they have to face male teachers and fellow male pupils and flashback their sexual violence ordeal in the hands of males.

In other incidences, rape survivors stated that their children have since reviled them. Many of the children are school going. KNCHR has had statements of

children showing signs of withdrawing in school whereas others have suffered health complications. KNCHR found out that some of the children who were sexually violated have not reported to school from the time they suffered the violations while some have suffered severe medical problems such as fistula.

3.14 Perspectives of Key Informants

While sexual and gender-based violence appears to be widespread across the country, the KNCHR conducted a documentation process to determine whether the Sexual Violence has a unique trend at times of unrest, more specifically, during the electioneering period.

During the 2017 general election, Sexual Violence emerged as one of the top human rights violations in Kenya. As a result, the KNCHR spoke to survivors, individual HRDs, security officers, local administration, and healthcare providers and professionals. KNCHR intended to understand ways in which these officers or individuals are generally prepared to deal with the eventualities of sexual violence during times of conflict. Their opinions were to guide KNCHR to draw recommendations to duty bearers and communities for future sustainable interventions to address sexual violence during conflict and specifically at election time.

In the month of July 2018, KNCHR met with these key informants to get their understanding of sexual violence in relation to the laws of Kenya and other human rights instruments. In addition, KNCHR sought to know factors that contribute to and increase sexual violence as well as those that impede pursuit for justice for survivors and victims.

3.14.1 Human Rights Defenders and Social Workers

KNCHR mapped them based on the nature of their work as the primary or secondary responders to cases of sexual violence and second, due to their ability to progressively plan, pre-empt, and facilitate community based sustainable solutions. In addition, KNCHR believes that views from these groups and individuals will enable the Commission develop targeted short-term and long-term

multi-sectorial recommendations to deal with sexual violence at times of conflict.

KNCHR set out to measure specific parameters relevant to HRDs and CSOs target groups. These included prevalence of sexual violence, key victims, key perpetrators, kinds of interventions offered by the target groups, points of contact, and levels of awareness on sexual violence, key challenges and recommendations. The Commission's findings on civil society perspectives are summarized as follows:

In all the areas visited by the KNCHR, human rights defenders from various institutions affirmed that there was prevalence of sexual violence in their areas of operation. In pursuit for redress to the violations, survivors preferred to report cases of sexual violence to local administration as a priority based on their faith towards these duty bearers. This was followed by police, family members, health facilities, religious institutions and to a lesser extent, political leaders.

KNCHR was informed that men are the top perpetrators and that women accounted for 70% of the victims while children were 30%. KNCHR learnt that there was a degree of interventions to sexual violence by the CSOs and HRDs. The highest percentage of help to survivors by human rights defenders is in form of psychosocial support, followed by protection and redress. The civil society also played a part in logistical support to pursue screening, medical or clinical procedures.

3.14.2 Health Workers

KNCHR reached out and interviewed people working in the health sector to understand their level of preparedness including contingency, whether they have specialized medication for sexual violence, the kind of care offered by the health facilities. In addition, KNCHR purposed to know challenges related to sexual violence, impediments to addressing it, and recommendations about the violations. The following were their views and their recommendations:

Actors in the health sector indicated that they offer specialized services to almost all survivors. They responded that cases of sexual violence indeed occurred and that they attended to the cases during the period under review (April 2017-March 2018). In terms of preparedness, health facilities recorded having contingency

services at 66%. During the period, no health facility made a referral, therefore most patients were assisted at each facility. Admission rates were at 37%. Perpetrators were predominantly men. While there is no clear pointer to the Sexual Violence cases being linked to political activity, there was a spike in the cases during the period of general election.

Health practitioners mentioned that challenges affecting access to justice for victims are majorly due to actions or inactions by family members and economic and social cultural reasons. Others include lack of expediting Sexual Violence case determination in court, lack of forensic-supported evidence and costs associated with P3 forms where families of survivors do not have ability to pay such charges as much as 1,000 shillings. The health sector workers also gave examples of incidences on the ways in which victims, families and witnesses contributed to challenges facing efforts against sexual violence. For instance, failure to follow up on treatment despite calls to return, concealment of cases especially where the perpetrator is a family member, lack of disclosure to spouses, late reporting to authorities and interference of vital evidence by the survivors by way of bathing and washing undergarments hence erasing important evidence.

KNCHR found out that in some areas, perpetrators were police deployed to provide security and restore order during times of political unrest. As a result, and in many places, the victims did not report to police while others were turned away at the police station when they did attempt to report.

The officers in the health sector gave their views on how structural challenges affected access to justice for Sexual Violence survivors. For instance, existing discrepancy between P3 form and PRC results in delays of cases and sometime use of unreliable evidence. They also stated that when a perpetrator is a civilian and he manages to get bail and bond, it makes the victim feel discouraged and live in fear and in some cases such rape and defilement cases usually collapse. Sometime the perpetrators manage to get bond and this ends up discouraging the survivor, creating a feeling that nothing is being done. Lack of logistical finances to take doctors to courts of law to present evidence, delayed forensic report by the police were other challenges to access to justice. Lack of feedback by police after medical staff fill the P3 forms as well as lack of paralegal officers to help with

the legal follow up and sensitization of victims on judicial avenues to seek justice.

In one of the sub-county hospitals in Bungoma County, medical staff said facility has a gender-based violence desk and not a fully-fledged gender recovery. The medical heavily relies on donor support. At the time of the KNCHR visit, the hospital could not administer hepatitis treatment because it had run out of drugs. Alongside these challenges, the officers mentioned other critical aspects affecting pursuit for justice for Sexual Violence cases in some parts of Bungoma County. For instance, doctors are not currently well trained on how to fill P3 forms. At the same time, there is limited time for filling of P3 forms. The facility fills the forms only on Tuesday and Thursday. KNCHR was also informed that there exists a discrepancy between P3 and PRC forms. Furthermore, the medical staff added that the lack of medical equipment such as forensic analysis affects the ability of hospitals in the county to maintain critical evidence for purposes of justice for Sexual Violence survivors.

From the facilities visited by KNCHR, the Commission noted that many victims were not aware of the importance of seeking treatment immediately following the violation. This was coupled with ignorance among young victims and survivors on how to report incidents of Sexual Violence. Workers in health facilities mentioned that where an act of defilement is committed by guardians, reports tend to contradict due to fear, hence difficulty in giving necessary assistance and seeking justice. Furthermore, some survivors did not report immediately after the ordeal and they ended up being infected with HIV/AIDs and STIs.

KNCHR noted that that many of the violations occurred in places inhabited by low income earners who are mostly poor and vulnerable. As a result, families downplayed the violation and often do not support victims to carry on with treatment. Survivors from poor backgrounds tend to suffer most when their families deny their affected ones justice in exchange for money. According to the Commission's findings, a majority of the survivors were from poor families and they could not afford medical services due to lack of finances to seek medical care. After reporting Sexual Violence cases, some survivors do not complete the cases due to lack of transport and other fees that may be associated with such cases. Such families do not have resources to pursue justice for survivors conclusively

hence referral cases are often terminated. Many survivors are too poor to sustain the redress processes. In addition, poverty on the side of survivor's families makes them to settle for small payments from perpetrators rather than pursue justice.

3.14.3 Security Officers

KNCHR conducted interviews for both national and county security personnel officials in the Counties. The officers acted as points for reference and also as Officers affirmatively reported that there was prevalence of SV cases during the period under review. Many cases take the form of rape and defilement. In general officers demonstrated good understanding of the sexual violence in their areas. The officers and administrators responded that they had contingency in terms of preparedness for SV. Similar to the CSOs and the health sector workers, the officials stated that perpetrators are men while key victims are women and children. Key to note, however, is that many officers were newly deployed to the stations by the time KNCHR visited.

KNCHR noted that access to justice for survivors of sexual violence was of great concern to the authorities. From their point view, many factors exacerbate situations that already lack sufficient infrastructure to deal with SV. According to the officers spoken to, late reporting, intimidation by spouses or parents leading to cover up, victims withdrawing cases, perpetrators disappearing and families resolving cases at home are some of the realities facing redress of SV cases. They also mentioned health facilities charging survivors money to fill P3 forms, discrepancies between PRCs and P3 Forms, failure by health workers to give professional views in Court and ignorance and illiteracy on the part of survivors.

CHAPTER 4

STRATEGIC INTERVENTIONS

During the entire monitoring exercise, the Commission set to undertake remedial, protection and prevention mechanism targeted at various actors. These measures included early warning mechanisms, advisories with key recommendations, capacity building and awareness creation. The following are some of the strategic interventions that the Commission undertook in relation to sexual violence during the 2017 electioneering period.

4.1 Early Warning Mechanisms

During the 2017 General Election monitoring processes, the Commission endeavored to incorporate early warning mechanisms in its systems and operations by continuously monitoring the trends and patterns of compliance to human rights principles. Through its staff and monitors deployed to the field, the Commission was able to gather information from all the 47 counties across the country. The Commission also utilized mainstream media and social media platforms to gather information. All the information reaching the Commission was then synthesized and analyzed in the Election Monitoring System (EMS). The tools used by the Commission had been carefully developed to capture issues of special interest groups including children and women. During the monitoring exercise of the Political Parties Primaries that were held in April 2017, all through upto the campaign period that ended in August 2017, there were trends and patterns on gender-based violence targeting female candidates. The Commission continuously highlighted this trend and called out on various key actors including the police and political actors to ensure security of vulnerable groups in the electioneering cycle.



Figure 14: The KNCHR EMS dashboard highlighting the trends and patterns of the human rights violations with a parameter on SV.

The high cases of violence fueled by the politicized environment throughout the extremely contested campaigns saw the trend escalate even after the General Election. Vulnerable groups including children, women, person with disabilities and the elderly were not spared.

On August 12, 2017 the Commission raised a red flag on the continued cases of human rights violations and called on the duty bearers and political actors to undertake remedial protection and prevention action. Following the August polls, its annulment and call for boycott that was accompanied by violent protests and demonstrations in some counties, the Commission noted that cases of sexual violence were on the rise.

These early warning mechanisms and timely update to the duty bearers and members of the public served as guidance on the response and protection measures to be undertaken. The timely advisories and press releases also served as a deterrent to the perpetrators. This is illustrated by the press brief released on August 12, 2017 that led to a substantial reduction in the violations. The KNCHR early warning alerts also served as a notice to service providers and humanitarian workers in their response and rescue missions.

4.2 Partnership building

At the onset of the project, KNCHR acknowledged the magnitude and effort that would be required during the monitoring exercise hence, there was a need for close collaboration and partnerships with key actors that work on Sexual Violence Prevention and Response in Kenya. In the early phases of the documentation process, the Commission mapped out these key actors and subsequently held a consultative meeting on the March 9, 2018. OHCHR and other key agencies such as UN Women, National Gender and Equality Commission and various CSOs participated in the meeting. During the meeting, it was clear that important interventions were being undertaken by the key actors and there was need to have a more in-depth interaction to harness and strategize on the next steps towards addressing electoral-related sexual violence.

The KNCHR formed a coalition with key State and non-State actors including CSOs that work in the area of SGBV, networks of survivors, State actors including the National Gender and Equality Commission (NGEC) and health workers under the umbrella of the Kenya Medical Women's Association. The KNCHR held two meetings including a two-day retreat with 26 key stakeholders where strategies for prevention and protection of SV were agreed upon. Through this network, which provided critical information and knowledge on SV prevention and protection, strategies were discussed, adopted and shared among the partners for implementation.

The KNCHR has continued to rely on its partners both at the national and county levels to reach out to victims and survivors and provide psychosocial support. Some actors have taken up some of the evidence collected by the KNCHR for purposes

of redress and accountability. In addition, the close partnership with the OHCHR has escalated the advocacy efforts at the international level.

4.3 Sensitization forums and advertorials on peaceful assemblies

At the onset of the 2017 election cycle, the Commission undertook to build the capacity of both the security agents policing assemblies from a human rights perspective as well as members of the public on their roles and responsibility when exercising this right. This intervention was informed by the KNCHR early warning mechanisms that indicated a high likelihood of violent demonstrations prevailing from the vastly polarized political environment.

KNCHR held six regional⁵⁴ consultative dialogue workshops in the month of July 2017, where 450 senior security actors were empowered on how to uphold human rights and specifically the right to assembly and crowd management. These dialogues focused on senior police officers to empower them with the necessary understanding on theory of human rights based approach to mainstream human rights in their work during elections and further disseminating this knowledge and skills to other officers under their command. The forums focused on the human rights principles standards on the use of force and firearms and handbooks on the same was disseminated to the officers.

KNCHR further developed and disseminated an educational video and 250 IEC materials for sensitization of both the public and the security actors on the role and obligations when exercising the right to assembly and undertaking public order management.

Through these dialogues, the Commission drafted an advisory that was issued to the Inspector General of Police and the Cabinet Secretary Ministry of Interior and Coordination of National Government. The advisory highlighted the findings of the KNCHR on security issues and underscored key recommendations of how to secure human rights while undertaking security operations.

Following the August 2017 polls and the violent demonstrations that engulfed certain parts of the country, the Commission aired a documentary on peaceful assemblies on prime time television in both Kiswahili and English languages. The

⁵⁴North Rift-Eldoret, Coast-Kwale, North Eastern-Garissa, Western-Bungoma, Eastern-Meru and Nyanza-Kisii

advertorials reached approximately 15 million Kenyans countrywide focusing on the rights and responsibilities of the right to assembly and police obligation to uphold the same. The Commission also contracted the services of two radio stations with countrywide reach to air advertorials that summarized key information on freedom of assembly and limitations of the same.

4.4 Advisories and Publications

Throughout the electioneering period the KNCHR appraised State and members of the public of the extent of human rights compliance. Bi-monthly media advisories were issued by the KNCHR Commissioners with key recommendations on the remedial actions to be undertaken with regard to pertains human rights. The findings from the monitoring exercise were subsequently published into three series of election reports namely *The Fallacious Vote*, *The Mirage at Dusk* and *Still A Mirage at Dusk* that provided a human rights account of the monitoring of the political party primaries, the campaigns, the August polls, the fresh Presidential election and the post elections situation. In each of the election cycles, the KNCHR raised a red flag on the increasing rate of gender based violence and called upon the relevant stakeholders to undertake remedial actions before it escalated.

4.4.1 Preliminary findings

This summary analysis of the findings was disseminated in the Daily Nation Newspaper of March 8, 2018 and it provided a quantitative and qualitative analysis as well as key recommendations following the trends and patterns of the SGBV propagated during the 2017 General Election. It also highlighted the next steps for the Commission in the SGBV documentation and further placed a call for survivors who had not been reached to approach the Commission with a view to record their petitions. This was done through publicizing the toll free telephone line, SMS line as well as the Commissions' online and social media platforms.

INTERNATIONAL WOMEN'S DAY

#PressforProgress

A big No to sexual and gender-based violence in electoral conflict situations

Introduction

The Kenya National Commission on Human Rights (KNCHR) is an independent National Human Rights Institution (NHRI) established under Article 104 of the Constitution of Kenya and Section 8 of the KNCHR Act No. 14 of 2011 (revised in 2012).

Its core mandate is to enhance the protection and promotion of human rights in Kenya. Further, it is mandated to monitor, investigate, research and report on the observance of human rights in all spheres of the republic. The Commission is also obligated under the Prevention of Torture Act of 2017 to investigate complaints on torture, cruel and inhuman degrading treatment or punishment.

Pursuant to the mandate above, the KNCHR rolled out an election monitoring project that sought to monitor all stages of the electoral cycle and undertake remedial actions and interventions geared towards safeguarding human rights in the 2017 General Election and beyond.

To lay ground for data collection, the Commission engaged election monitors in 47 counties and identified key parameters that would measure the extent of compliance with human rights standards in the electoral process. Fundamental to this was the employment of rights to special interest groups, among them, women and children.

Through the project, the Commission monitored public order campaigns, August 8th polls, October 26th repeat Presidential polls and post-election scenarios. These efforts culminated in the documentation of three election reports, namely *Violence Vets, Mings at Risk and Still a Mingo*. These reports various violations, including sexual and gender-based violence (SGBV).

As we commemorate the 2018 International Women's Day, the Kenya National Commission on Human Rights takes this opportunity to highlight a heinous form of electoral violence: Sexual and gender-based violence in electoral conflict situations.

SGBV is a violation of the right to human dignity and denial of freedom from torture, cruel, inhuman and degrading treatment. The ripple effect of this form of violation is that it not only affects women but also children, spouses, families and society as a whole.

When sexual and gender-based violence is used as a weapon in electoral conflict situations

Sexual and gender-based violence can be termed as any sexual act committed by or against a person – male or female – without their consent or any act that targets or violates a person's sexual integrity.

SGBV manifests itself in the form of rape, defilement, violent acts and sexual assault among others. It has been frequently used as a weapon of conflict or war across the world, with Kenya being no exception, having documented hundreds of women, men, boys and girls falling victims during the 2017 post-election violence.

Sexual and gender-based violence is a serious human rights violation. The State is mandated to take all measures to protect every person from falling victim.

The physical and mental consequences of sexual violence are extremely dire, not only to the survivors but also the family and society at large. In most instances, sexual violence has a direct effect on the protection of their sexual and reproductive health rights, including unwanted pregnancies, contracting sexually transmitted infections and HIV and AIDS, lack of access to medical services, including emergency abortions as prescribed by law, Post Exposure Prophylaxis (PEP), maternal health care and gynaecological complications, including mutilation.

The nature of this violation and the stigma that surrounds it makes it difficult for victims to come out and report. Also, as was evidenced by the KNCHR findings, accessing medical facilities within the prescribed 72 hours during the civil unrest and protests proved difficult, thereby most survivors resorted on essential medical services aimed at protecting their sexual and reproductive rights.

KNCHR Preliminary Findings on Cases of SGBV in the 2017 General Election

In the 2017 General Election, the Commission, working in partnership with a number of organizations and individuals, documented 123 cases of sexual and gender-based violence between April 2017 and March 2018, that occurred within a highly contested political environment, which saw increased acts of civil unrest and political protests. The alleged perpetrators were both the civilians and security agents.

The cases so far documented by KNCHR were reported in Nairobi City, Migori, Kisumu and Bungoma Counties.

The trends documented indicate that most of the violations occurred in informal settlements located in urban areas, though some cases were also reported from rural areas.

The following were the most affected areas:

- Nairobi City County: Uhuru, Kileleshwa, Dandora, Mathari, Ngara Ngara, Kileleshwa, Kawangware, Bata Daga, Mshauri Moyo.
- Migori County: Apiti, Othman.
- Kisumu County: Ngalandu, Maripiti, Sandika, Chumbe, Mandibao, Nyemuraria.
- Bungoma County: Kimili, Bumbala and Mt. Elgon (Kapokwang, Chetia, Chetia, Kapokwang).

The graphs below indicate the trends, patterns and extent to which sexual violations took place.

that some victims were not able to report the violations because of either one or a combination of the following factors:

1. Fear of victimization by alleged perpetrators, who were either community members or security agents.
2. As a 'taboo' subject in many Kenyan households, the fear of stigmatization prevents many victims and survivors from disclosing their experiences to family for fear that such disclosure might lead to the disintegration of the family unit.
3. At the time of the violations, victims and survivors experienced difficulties

hospitals and health centres.

4. Low levels of awareness on the importance of seeking immediate medical attention within 72 hours when violated and
5. Low levels of reporting to key duty bearers due to lack of confidence that the perpetrators will be held accountable.

Next steps

1. The Commission shall continue working in close collaboration with stakeholders to reach out to more victims and enhance the documentation process, and facilitate medical and psychosocial support to the survivors of sexual violence.
2. The Commission seeks to influence legal and policy reforms to reduce the prevalence of electoral related SGBV violations and enhance the protection of victims and survivors. The Commission takes this opportunity to urge the Government of Kenya to release its reservation on Article 14(2)(c) of the Magna Protocol.
3. Working together with stakeholders, the Commission will strive to identify appropriate redress for SGBV violations.

As we commemorate this day, the Commission takes this opportunity to acknowledge and appreciate organizations and individuals, especially those who work in the rural areas and informal settlements, who have taken it upon themselves to be the voice of the victims in reporting cases of sexual and gender-based violence. Let us all in one resolve raise our voices and say no to sexual and gender-based violence in electoral conflict situations.

HUMAN RIGHTS FOR ALL, BY ALL, ALL THE TIME

HAPPY WOMEN'S DAY.

If you are a victim or know of a victim of Sexual and Gender Based Violence during the 2017 election period, contact us on our toll-free line **8000 720 820**. The Commission provides confidentiality. You can also visit any of our regional offices near you in Nairobi, Athi, Kisumu, Mandera, Laikipia County and Wajir.

9875 22338 www.knchr.org www.knchr.org www.knchr.org www.knchr.org

Source. Nation media group

Figure 15: A newspaper pullout of the Preliminary KNCHR findings on SGBV and the 2017 Elections.

4.4.2 Submissions to the Africa Special Rapporteur on the Rights of Women

The submissions provided an analysis of the trends and patterns of the SGBV perpetuated during the 2017 General Election with key recommendations. The Special Rapporteur and the KNCHR noted a repeat of the worrying trends and patterns of SGBV propagated as a weapon of conflict during the electoral cycles in Kenya in 2007 and 2017. It further highlighted that up to date, the SGBV survivors of 2007/2008 are yet to receive justice. Notably, there is a high likelihood that if urgent action is not undertaken, the 2017 survivors risk a similar outcome.

KNCHR proposed the following recommendations to the Special Rapporteur on preventive and protection mechanisms in addressing electoral-related SGBV;

1. To urge the Kenya Government to remove its reservation on Article 14 (2) (c) of the Maputo Protocol as a key measure to enhance the protection mechanism of SGBV survivors during conflict situations;
2. To urge the Kenya Government to immediately commence investigations and prosecution of the 2017 electoral-related SGBV cases through an independent tribunal and
3. To urge the Kenya Government to immediately enact a framework for reparations of victims and survivors of historical injustices with a keen focus on the 2007/2008 SGBV survivors.

4.4.3 Submissions on Violence against Women in politics to the UN Special Rapporteur on Violence against Women

KNCHR made submissions to the United Nations Special Rapporteur on violence against women ahead of the upcoming General Assembly in the fall of 2018. The submission highlighted the magnitude of violence meted against women in the 2017 General Election including sexual violence with specific case studies, challenges and proposal on how to address the same. With regard to sexual violence, the Commission reiterated the need to raise awareness on the negative effects of violence against women in the society. In addition, the need to carry out public education and capacity building on measures to be undertaken, such as the 72-hour rule for victims of sexual violence to report such cases.

The number of gender-based violence recovery centers within the counties to be increased to provide access to emergency medical care for victims of violence. In line with emergency treatment, the Commission called upon the Rapporteur to urge the Kenya Government to remove its reservation on section 14(2) of the Maputo Protocol which provides for provision for emergency care services in the event of sexual violence.

CHAPTER 5

RECOMMENDATIONS AND CONCLUSION

5.0 Recommendations

Having documented the various interventions listed throughout this report and the gaps noted during the process of making sure that victims receive justice, KNCHR makes the following recommendations to different stakeholders.

5.1 His Excellency, The President

- 5.1.1 To acknowledge the violations of the 2017 electoral-related sexual violence and on behalf of the Government, issue an unreserved apology to the survivors and their families and publicly make a commitment to support the necessary reparations; and
- 5.1.2 With utmost urgency, establish a Commission of Inquiry to investigate and prosecute cases of the 2017 electoral sexual violence with a view of securing accountability and accord justice to the survivors and their families.

5.2 The Inspector General, National Police Service (NPS)

- 5.2.1 To design a specific complaint mechanism for sexual violence under the Internal Affairs Unit (IAU) to handle complaints of sexual violence levelled against members of the National Police Service;
- 5.2.2 To establish an independent special team to investigate complaints levelled against the National Police Service officers alleged to have perpetrated acts of sexual violence on members of the public during the electoral period and progress reports shared with the relevant

parliamentary committees;

- 5.2.3 To ensure the deployment mechanism of officers on rapid response and their subsequent actions abide by the do no harm principle and the Human Rights Based Approach. There must be a deliberate effort to ensure that all officers deployed are adequately appraised on the prevention and protection mechanisms as pertains to sexual violence.
- 5.2.4 There is need to enforce a zero tolerance to all forms of sexual and gender-based violence through a circular disseminated to all officers in the service. Appropriate action must be taken on any allegations of such violations;
- 5.2.5 To ensure rapid response and crowd control operations are gender mainstreamed so as to ensure gender sensitivity and parity during deployment;
- 5.2.6 Establish and implement emergency and contingency plans to prevent sexual violence during electoral processes and where sexual violence occurs there must be effective and efficient response. Complaints processing mechanisms that are survivor centered must be put in place during massive security operations.
- 5.2.7 All officers should undergo refresher courses on gender issues and formation commanders undertake specialized training on mitigation and prevention of sexual offences including early warning indicators and complaint processing;
- 5.2.8 The Inspector General should issue a circular reaffirming that P3 forms are to be issued at no cost and all police stations accord survivor-centred services at all police stations.
- 5.2.9 The Inspector General should ensure strict implementation and compliance of the Service Standing Orders of all officers to ensure accountability;
- 5.2.10 Establish and operationalize a specialized and operational Gender Based Violence Unit within the service.

5.3 National Police Service Commission

- 5. 3.1 The National Police Service Commission (NPSC) in conjunction with the Internal Affairs Unit must urgently investigate, remove and punish all police officers found culpable of acts of sexual violence in the line of duty during the elections;
- 5. 3.2 Similarly, the National Police Service Commission (NPSC) in conjunction with the Internal Affairs Unit must urgently investigate, manage-out and punish all commanding officers who by acts of omission or commission enabled the perpetration of acts of sexual violence during the electioneering cycle;
- 5. 3.3 Take disciplinary action against all security personnel who knowingly frustrated and/or refused to record statements from survivors who reached out to them in police stations;
- 5. 3.4 Review the curriculum in all security personnel training centers to ensure that they comply with human rights standards; and
- 5. 3.5 Ensure that transfers and redeployment of specialized officers like gender desk managers and those trained on human rights are replaced with equally competent officers.

5.4 Ministry of Interior and Coordination of National Government

- 5. 4.1 The Cabinet Secretary as a matter of the State's obligation, urgency and national interest, institute a multi-agency team to coordinate investigations, reporting and redress mechanisms on the issue of sexual violence as a weapon of conflict during the 2017 electioneering process; and
- 5. 4.2 Review recommendations given herein by other agencies, CSOs and human rights defenders in order to initiate a viable plan for coordination and implementation of the same.

5.5 The Independent Policing Oversight Authority (IPOA)

- 5. 5.1 Expedite further investigations on cases documented by KNCHR and other CSOs in respect to members of the National Police Service implicated in electoral-related sexual violence and ensure justice for the victims is realized;
- 5. 5.2 Obtain the original deployment plan by the NPS during the electioneering period in order to demand accountability from the service; and
- 5. 5.3 Put in place mechanisms to detect early warning indicators of conflict-related sexual violence and on its own initiative, embark on timely investigations where there are allegations of police involvement.

5.6 Office of the Director of Public Prosecutions (ODPP)

- 5. 6.1 Direct the Directorate of Criminal Investigations and the Independent Policing Oversight Authority to urgently undertake speedy investigations on the cases that have been documented by KNCHR and other institutions on sexual violence during the 2017 General Election;
- 5. 6.2 Allocate adequate personnel with specialized competences in prosecution of conflict-related sexual violence to ensure conviction of perpetrators; and
- 5. 6.3 Decentralize and equip the specialized unit on GBV to keenly focus on the complaints raised by the victims and survivors of sexual based violence.

5.7 Judiciary

- 5. 7.1 Implement the *Guidelines for Active Case Management of Criminal Cases in Magistrate Courts and High Courts of Kenya*, which will integrate human rights standards in dispensing sexual violence cases expeditiously and safeguard the rights of survivors during trial.
- 5. 7.2 Evolve jurisprudence for nullification of elections that have been marred by sexual violence; and

- 5. 7.3 Conduct continuous development and training of judicial officers on emerging issues and jurisprudence on conflict-related sexual violence.

5.8 Witness Protection Agency

- 5. 8.1 Provide protection to survivors and witnesses of electoral-related sexual violence on a priority basis in the nine identified counties documented in this report.

5.9 Independent Electoral and Boundaries Commission (IEBC)

- 5. 9.1 Sanction political parties and candidates accused of perpetuating, condoning and through acts of omission or commission allowed sexual violence as a weapon of electoral conflict in the contest; and
- 5. 9.2 As per the law, hold to account political parties and candidates who in one way or another supported acts of sexual violence.

5.10 Office of the Registrar of Political Parties(ORPP)

- 5. 10.1 As per the stipulated electoral laws, investigate and punish political parties adversely mentioned to have tolerated sexual violence as a weapon against opponents and their supporters. Any political party found to be culpable, automatic deregistration should take place; and
- 5. 10.2 Be vigilant and monitor political activities and support timely forestalling of serious crimes like sexual violence.

5.11 Parliament

- 5. 11.1 Allocate adequate resources for the establishment and operationalization of one-stop emergency centers at ward levels to facilitate survivors' access to free medical, legal and psychosocial support during emergencies; as a matter of urgency, priority should be given to the 9 counties documented in this report;
- 5. 11.2 Review the sexual offences related legislations to ensure conflict-related

sexual offences of high magnitude are categorized as crimes against humanity, and to take into consideration the evidentiary threshold of sexual violence during conflict situations to enhance access to justice;

- 5. 11.3 Review the Election Offences Act to incorporate sexual violence as an offence, and impose stringent sanctions;
- 5. 11.4 Table, discuss and implement recommendations in all reports on electoral-related sexual violence including: CEDAW concluding observations of 2017, TJRC report, CIPEV and operationalize reparations of victims; and
- 5. 11.5 Ensure that the parliamentary committees charged with matters of health, security, legal and labor review the relevant reports by stakeholders on sexual violence and elections and make the necessary recommendations for the implementation thereof with key emphasis on victims getting reparations.

5.12 The Office of the Attorney General (AG) and Department of Justice (DOJ)

- 5. 12.1 Provide the adequate support and advisory for redress on the cases that have been documented and offer guidance to ensure that survivors receive justice.
- 5. 12.2 As a matter of priority, operationalise the *Restorative Justice Fund* through the enactment of regulations
- 5. 12.3 Offer legal education, legal aid, advice and litigation services for the vulnerable survivors including children and persons from poor background;
- 5. 12.4 Fast-track the process of appointment for the Coroner General under the National Coroners Services, 2017 Act and ensure enough resources are allocated for the full implementation of the said act; and
- 5. 12.5 Advise and report on the State's compliance under international and regional treaty mechanisms for the prevention and response to electoral-

related violence.

5.13 State Department of Gender

- 5. 13.1 Collaborate with the National and County Governments to establish and operationalise gender recovery centers and safe houses in every County for ease of access by the survivors, responders and relatives of the survivors;
- 5. 13.2 Establish a standardised training manual for both state and non-state actors on the prevention, protection and response to sexual and gender-based violence and undertake countrywide dissemination;
- 5. 13.3 Collaborate with the National and County governments to raise awareness programmes on sexual and gender-based violence to reduce the stigma and build the capacity of the public on the referral pathways;
- 5. 13.4 Work in collaboration with other state and non-state actors to establish and operationalise programmes for the socio-economic empowerment of all survivors of sexual violence during the 2017 electioneering period; and
- 5. 13.5 Mainstream gender and advise on the response, prevention and protection of sexual and gender-based violence in all public institutions with specific attention to conflict-related sexual violence.

5.14 National Gender and Equality Commission (NGEC)

- 5. 14.1 Monitor and advice duty bearers in the discharge of their obligations under the national, regional and international framework on prevention, protection and response to conflict-related sexual violence;
- 5. 14.2 Conduct an audit on the status of the provision of medical, legal and psychosocial support services for survivors of conflict-related sexual violence in the County Governments and advise the two levels of governments appropriately;
- 5. 14.3 In collaboration with other institutions, coordinate and advise on

education programmes on the prevention, protection and response to conflict-related sexual violence;

- 5. 14.4 Establish a data base of all cases of sexual violence reported to various actors during the 2017 electioneering period; and
- 5. 14.5 Embark on interventions to secure appropriate redress for the survivors of the 2017 electoral-related sexual violence including public interest litigation.

5.15 Ministry of Health

- 5. 15.1 Raise awareness among members of the public on the management of sexual violence by health facilities in Kenya;
- 5. 15.2 Collaborate with the County Governments to enhance the provision of comprehensive health care services at ward level and address the management of medical and psychosocial support by health practitioners for conflict-related sexual violence survivors, and
- 5. 15.3 Issue a directive to all medical practitioners and health facilities to adhere to the national guidelines on the management of sexual violence in Kenya.

5.16 Professional Medical Bodies

- 5. 16.1 Offer *pro-bono* services where necessary since most of the survivors are either children or persons from poor backgrounds; and
- 5. 16.2 Offer continuous psychosocial services to the affected persons through empowerment forums such as medical camps.

5.17 Ministry of Education

- 5. 17.1 Ensure that children who were affected by violence during the General Election are accorded psychosocial support to continue with their education.

5.18 National Hospital Insurance Fund (NHIF)

- 5. 18.1 Help register and fast-track the clearing of bills for survivors who are unable to cater for their hospital bills; and
- 5. 18.2 Waive 100% bills for victims who suffered fistula as a result of sexual violence.

5.19 County Governments

- 5. 19.1 Facilitate survivors and their families who were affected to receive comprehensive essential medical care in the county health facilities at no cost;
- 5. 19.2 Special priority to be given to sexual violence survivors to access the development funds available to assist them and restore their livelihoods;
- 5. 19.3 Enact and operationalize policies that waive initial medical check up and examination fees for all victims of sexual gender based violence as majority come from poor backgrounds;
- 5. 19.4 Ensure establishment and operationalization of multi-sectoral county based GBV platforms;

5.20 Media

- 5. 20.1 Utilize their platform for sustained advocacy on combating impunity and attaining accountability for electoral-related sexual violence. Specifically, to highlight the magnitude and impact of the 2007 and 2017 electoral-related sexual violence cases;
- 5. 20.2 To robustly discharge its role as a public watchdog to highlight the State's compliance to set up contingency plans to prevent and mitigate sexual violence during elections and to provide comprehensive medical-legal assistance to survivors of electoral-related violence;
- 5. 20.3 Utilize their platform to educate members of the public on response

mechanisms available during elections;

- 5. 20.4 Document sexual violence occurrences during the electioneering period in order to publish and broadcast human interest stories in a bid to ensure that the voices of the survivors are heard and accountability is achieved. This will also serve as awareness creation mechanism on SGBV; and
- 5. 20.5 Build the capacity of media correspondents (both print and broadcast) and equip them with the necessary competencies and skills to ensure that they capture and give priority to investigating SV cases.

5.21 Development Partners

- 5. 21.1 Support institutions to carry out in-depth documentation, investigations, research and dissemination of information in relation to acts of sexual violence during the 2017 General Election and beyond;
- 5. 21.2 Design channels to support the escalation of the gravity of the matter to the international treaty body mechanisms related to sexual violence;
- 5. 21.3 Demand for accountability from the Kenya Government on matters of security personnel deployment;
- 5. 21.4 Support the Government health sector to elevate its health services and upgrade its capacity to deal with emergency cases of conflict-related sexual based violence; and
- 5. 21.5 Provide technical and financial support to the security sector to put in place programs aimed at ensuring that accountability and human rights are safeguarded.

5.22 Civil Society Organizations (CSOs)

- 5. 22.1 Ensure proper documentation and preservation of evidence for accountability of the violations;
- 5. 22.2 Coordinate and facilitate the establishment of survivor groups and networks and build their capacity on legal and rights awareness and

economic empowerment;

- 5. 22.3 Carry out deliberate and targeted lobbying and advocacy to sensitize the public on the impact of sexual violence, the stigma and the medical referral pathways;
- 5. 22.4 Support the demand for accountability for the survivors through the appropriate legal mechanisms including public interest litigation; and
- 5. 22.5 Lobby for the regional and international human rights mechanism including the relevant Special Rapporteurs to conduct country visit in Kenya.

5.23 Financial Institutions

- 5. 23.1 Review and re-negotiate terms of any loans for the victims and survivors who are unable to efficiently pay as a result of direct impact from the sexual violence during the General Election.

Conclusion

The Kenya National Commission on Human Rights is greatly concerned that sexual violence during the 2017 General Election was used by different actors as a weapon of conflict. The violence that took place across the country aimed at frightening opponents and supporters hence unnecessarily fueling the political contest.

It is also clearly demonstrated in this report that security personnel and specifically officers attached to the GSU, negated their professional conduct. The security officers used ethnic, political and immoral motivation to inflict severe pain to helpless men, women and children through sodomy, rape and defilement. This callous and uncalled use of State endowed power must never be used again on Kenyan people whether as suspects or otherwise. Equally, civilians who hide under the thin veil of political contest to sexually violate others must also be held to account.

KNCHR as noted earlier, the 201 cases documented in this report are just a

fraction and believes that many survivors are still hurting in silence and require medical care, counselling and restoration of their sources of livelihoods.

As noted in the recommendations section, KNCHR calls upon all actors mentioned herein to live up to their mandates and ensure that all victims receive justice.

Annex 1: Log Summary of Witness Statements

Disclaimer: Names, locations and other sensitive details have been withheld for safety and confidentiality purposes.

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	31	Dandora.	Police	<p>On August 8, 2017 at 10:00 pm while on her way home from work, three men in police uniform approached her. One slapped and blindfolded her, the other removed her clothes and raped her.</p> <p>She was rescued by a lady who was passing by. She went to Mama Lucy Hospital for treatment. She is now pregnant as a result and is having pregnancy related complications. She and her husband have agreed to keep the baby.</p>
	-	Ronald Ngala Primary Sch. Dandora Phase IV	Police	<p>On August 8, 2017 at 7:00 pm after she had voted at her polling station in Ronald Ngala Primary School, the voters started throwing stones at the GSU officers who had been deployed for security in the area. Upon seeing the commotion, she ran towards one of the open grounds and in the process fell down. A police officer got a hold of her and ordered her to lie down telling her that she was part of the group that had been causing chaos. He beat her in the presence of another officer, tore her trousers and as she tried to scream he shoved his fingers into her mouth. He raped her asking her if it was her first time to have sex. After about an hour he left.</p> <p>A gentleman who had also been beaten beside her helped her get home. She told her mother what had happened and she visited the nearby VCT but did not go to hospital. She was traumatized and stayed home for three months paranoid and fearing stigmatization.</p>
	24	Mathare	Police	<p>On the evening of August 10, 2017, she and her 18-year-old brother decided to go to her parents' house for safety. They heard people calling for men to go out and her brother thought it was other residents. When he opened the door, two uniformed police officers wearing masks entered the house. Her brother panicked and ran away leaving her alone. One of the officers threw her down and raped her while the other stood watch. When the officer was done they left. They did not beat her or take any items.</p>

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	30	Dandora Phase IV	Police	On August 11, 2017 at 8:00 pm she had gone to buy supper when she met with three police officers. One grabbed her and the other pulled her hair while strangling her. The first officer raped her while the other hit her on the legs, hands and head with an iron bar. She went to a chemist for medication because her private parts were itchy.
	-	Dandora	Police	After the announcement of the results on August 11, 2017, two men broke into her house while she was relaxing. They beat her and one of them raped her. She went to hospital and PEP was administered to her. However, she did not report the matter to the police station because she could not identify the perpetrators.
	38	Dandora Phase 2	Police	On August 11, 2017 at 8:00 pm following the announcement of the Presidential results, the police stormed into their plot looking for protesters. She was at home with her three children aged 18 years, 12 years and 1 year. Two police officers entered her house, slapped her and ordered her to undress. She showed the officers another room so that they would not rape her in front of the children. Her husband walked in and found her being raped and this has affected their relationship. He has since left the home.
	29	Dandora Phase 5	Police	On August 11, 2017 at 8:00 pm while on her way home from work, two police officers stopped her and inquired where she was coming from. She was asked to display all the goods she was selling as they claimed that she could be selling drugs. She was asked to go to one side of a thicket and informed that she was among those they were looking for. She was asked to remain silent and that whatever she had to say she would say it at the police station. They held her at gunpoint, tore her clothes and raped her. She lost consciousness and found herself in hospital when she regained it.
	28	Dandora Phase 4	Police	At 6:00 pm after the election results were announced, police officers chased away protesters from their plot and raped the women they found. She had run away to her neighbor's house where the police officers found her with two other women. They were threatened not to go out or report the incident to the Police Station. They were therefore not able to seek any assistance. The following day her two neighbors moved to an unknown place. She went to her home in Murang'a and returned when the environment calmed down.

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	23	Ngomongo	Police	On the day the results started streaming in, shouts of “ <i>Stolen votes</i> ” could be heard outside their house. The police officers who arrived in lorries beat up the boys and men and threatened saying that when it came to the women’s turn, they would ensure that every one of them conceived. A police officer broke into her house on August 9, 2017, gagged her mouth, threatened to shoot her if she screamed, tore her underwear and raped her. She went to Tumaini Hospital for treatment.
	22	Mathare, T-Area	Police	On August 12, 2017 at 10:00 am she was home with her mother and cousin when they heard noise outside. She decided to lock the door but the police officers brought it down. Three officers entered the house and beat them up. They made them lie down and then stripped them naked. They raped both her and her cousin. The officers left and Red Cross later arrived and gave them first aid. She went to the clinic and got medication. The following day the Red Cross took them to the Nairobi Women’s Hospital for further treatment.
	-	Mathare 4A	Police	On August 15, 2017 at around 4:00 pm she was at home with her family when they heard screams and the smell of teargas. Three police officers knocked at her door claiming that they were part of the protests. They took her husband outside to beat him and she decided to hide her children under the bed. One of the officers stripped and raped her. She kept screaming, attracting people who gathered outside her home. The officers further beat her up and then left.
	37	Dandora	Police	During the week of the general election in August, the police stormed into their plot. She was three months pregnant at the time. She was beaten and raped until she lost her pregnancy. Her cousin was also raped. They never reported to the police nor did they seek any medical treatment. She never shared this experience with any relative. She would like to be counseled and also join a support group.

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	19	Kibra	Police	In August 2017, 2 weeks after voting, while on her way home after a night out, in the company of her boyfriend and their friends, they were approached by police officers who referred to them as children and asked them where they were headed. They were then accused of being Jubilee sympathizers. The police officers began fighting with them before cornering her and her female friends and raping them at gun point. The officers then took away their male friends whom she learnt the following day had been shot dead by the police on allegations that they were carjackers. She and her other friends who had been raped by the officers, sought refuge at a friend's house. She later fell ill and went to see a doctor where she was treated for an STD which she had contracted.
	30	Daraja, Dagoretti	Police	On September 1, 2017 the day when the Supreme Court judgment on the Presidential petition was delivered, she was on her way home at around 8:30pm when she was attacked by six men at Daraja in Dagoretti. One of the men, 'Ochie' pulled her aside and raped her. They then took her phone and money. She went to her friend's house which was nearby and the following day went to SWOP Hospital in Dagoretti for treatment. She feared reporting the matter to the police despite the fact that she knew the perpetrator. The perpetrator belongs to a vigilante group in the community.
	22	Mathare 4A	Civilian	On October 2, 2017 at around 11:00 pm she alighted at Number 10 when she was attacked by a gang of about four to five men who had been walking in front of her. They dragged her to a kiosk in Gumba Market and asked her if she was a NASA or Jubilee member. She started screaming and they hit her with bottles and took her bag. The gang leader asked them to undress but she resisted saying that she was on her menses but her plea fell on deaf ears. They dragged her to a nearby unfinished building and raped her. Later some neighbors came to her rescue and took her home. Her mother later took her to MSF Hospital in Mathare and also reported the case at John Saga Police Station in Huruma. To date no action has been taken against the perpetrators.

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	-	Kawangware	Civilian	<p>On October 26, 2017 at around 11:00 pm she was in the company of her 14-years-old son, when she met four police officers who stopped them. They grabbed her son asking where the bhang was and then they grabbed and squeezed his genitals. She asked them to leave her son as he was just a child. The officers then asked for money before they could let them go.</p> <p>When they reached home, she left again and she met some people whom she knew. One of them raped her and when the next was about to rape her, someone whistled, they feared and fled when they saw it was a police officer. She managed to board a motorbike and went back home. She and her son went to Good Hope Clinic for treatment. Her son was experiencing pain while urinating and she contracted an STI.</p>
	26	City Stadium	Civilian	<p>On November 17, 2017 she was at work at the City stadium, along Jogoo Road. There was commotion in the area due to the return of Hon. Raila Odinga back to the country. She and two others decided to lock themselves in her Mpesa shop however, some youth armed with crude weapons broke down the door. They released the other two persons claiming that she was the one with the money and took the business phone, Ksh. 70,000/- in cash and other commodities amounting to Ksh. 25,000/.</p> <p>The last thing she recalls was being asked for the Mpesa PIN number before they hit her on the back of her head and lower abdomen. She woke up 4 days later at Nairobi Women's Hospital where the staff informed her that she had been brought in with a torn skirt, a blouse with missing buttons and without any underwear. She was visited by Police Officers from Shauri Moyo Police Station while in hospital and she recorded a statement. She is yet to follow up with the police.</p>
KISUMU	55	Obunga	Police	<p>On August 8, 2017 during the polls, there was tension in the area where she operated her hotel. A helicopter could be seen hovering and shortly after violence erupted with gunshots being fired. Dreadlocked men in police uniform, conversing in a language she could not understand entered her hotel and started beating her customers until they fled.</p>

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				<p>She was left behind with her 18-year-old granddaughter. One of the men went to the kitchen while the other asked her to choose between herself or her grandchild. He ordered her to pull down her skirt and then he proceeded to rape her. Her grandchild was hiding but witnessed what happened. They fondled her granddaughter's breasts saying she was too thin.</p> <p>Following the attack, she and her grandchild rushed to the house where her husband was. She was not able to disclose to him what had happened until three days later. Despite the pain in her back and injuries on her buttocks and vagina, she was too ashamed to report to the police. Also due to the ongoing violence she was unable to access a health facility. She treated herself at home with salt and water. She only reported the loss and destruction of her property at Obunga Police Station.</p>
	24	Obunga-Kasarani	Police	<p>On August 11, 2017 at about 10:00 pm she heard noise outside and the police were lobbying teargas in the area. At about 1:00 am she heard a knock on her door and voices demanding that they open the door. She inquired who it was and they said that they were police officers looking for something. She opened the door and found two police officers; one armed with a gun and the other a baton. The one holding a baton asked her where her husband was and they indicated that they were looking for him. She said that she did not know of his whereabouts. They accused him of being part of the group that was disturbing the officers outside.</p> <p>The officers entered the house and began searching for him. The officer with a gun guarded the door while the other told her to give him something. She asked what he wanted and he slapped her and then pushed her and she fell down. He then said, "<i>Toa suruali ni fanye kitu naweza fanya, niende</i>" (Remove your panty I do what I can do and then I go). She remained silent and he threatened to kill her if she did not undress. She removed her underwear, while thinking of her three children. She was home with her one-year old child at the time.</p>

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				He then proceeded to rape her. When he was done he spoke to his colleague in a language she could not understand. Later on, her husband came home and she informed him what had happened. She did not go to the hospital or report to the police until after three months, following a meeting organized within the community to discuss the violations that had occurred. She went to JOOTRH and reported to Central Police Station. She was also able to attend counseling sessions. She feels that her husband is still very disgusted by what happened.
	30	Obunga- Central 2	Police	<p>On August 11, 2017 following the release of the Presidential election results, youth from Obunga, Sega Sega and Kudho lit tyres on the road protesting the outcome of the results. They also engaged the police officers deployed in that area in running battles. The police stormed into people's homes and owing to its location, her house was one of the first they broke into. One police officer asked her where her husband was and she told him that he had gone to work. The officer then started touching her breasts and she attempted to push him away but he started hitting her with his baton. He ordered her to undress and she complied as he kept on beating her. The officer then raped her.</p> <p>Another officer then entered the house and destroyed her property before they both left. She traveled to her rural home the following day and only went to hospital when she returned two weeks later. She went to JOOTRH but felt she was not properly handled and she went to CDC Clinic where she was given medication due to the discomfort she had in her genitals. She reported the matter to Obunga Police Post but they refused to record her complaint. However, through the intervention of some civil society organizations she later was able to record her statement at Central Police station.</p>
	34	Obunga	Police	Following the announcement of results on August 11, 2017 chaos erupted in Obunga between the youth and police officers deployed in the area. At around midday, two police officers broke into her house where she was with her two children aged 12 years and 3 years. Her children ran out of the house and sought refuge at a neighbor's house. The officers told her that she had to give them what belonged to them and when she asked them what, they slapped her on her face.

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				They then forcefully proceeded to pull down her pants and raped her until she passed out. She now suffers from a condition that leaves her feeling weak. The officers were speaking amongst themselves in a language that she could not understand. She did not share her ordeal until an NGO visited the area later and that is when she was taken to JOOTRH where she received treatment. She reported the matter at Kondele Police Station.
	39	Obunga-Kasarani	Police	<p>On August 11, 2017 at around midnight following the announcement of the results of the Presidential election, she heard noises outside her house. She and her 19-years-old daughter decided to go and find out what was happening and they left her granddaughter sleeping. Outside people were running, shouting their displeasure with H.E. Uhuru Kenyatta being declared the winner. She could hear gun shots being fired from a distance. People started running back in the opposite direction saying that they were coming but did not say who. She ran back into her house and locked the door. Her daughter also went back to her single room which is within the compound. After some time, she heard people knocking on the door saying “<i>Fungua! Fungua!</i>” (Open, Open) She asked who it was and they responded that, “<i>Sisi ni maafisa wa polisi.</i>” (We are police officers). She was scared and she decided not to open the door until they started to bang the door forcefully.</p> <p>She feared that they would break it and so she opened. Three police officers entered, one armed with a gun and the other two with batons. They asked for her husband and she said that he was at work. One officer remained with her in the sitting room as the rest checked the other rooms in the house. They then asked her to surrender her weapon as residents of Obunga were the ones taking police arms. The officer who stayed behind with her started fondling her breasts and touching her private parts. She tried to stop him but he pushed her down and started tearing off her pants before proceeding to rape her. She tried to shout for help but he strangled her. Her daughter upon hearing her screams came towards her house but hid herself. The officer raped her until his colleague told him, “<i>Wachana na huyo mama, twende.</i>” (Leave the woman alone). That is when they left.</p>

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				Her daughter then entered the house and immediately prepared water for her to shower. Neither one of them spoke of what transpired that night. She did not go to hospital until a month later after she attended a community dialogue forum where she found out that she was supposed to have gone to the hospital immediately after the ordeal and that she ought not to have showered. She went to JOOTRH where she was treated and counseled. The counselor at the hospital is the one who broke the news to her husband of what had happened. She reported the matter at Central Police. She feels her husband is withdrawn since he learnt of what had happened her. Her daughter too has lost respect for her.
	-	Molem, Nyamasaria	Police	On Saturday, August 12, 2017 at about 11:00am police officers broke into her house. They ordered her to remove her clothes, lie down and one of them did things to her which she found difficult to talk about. The officer slightly penetrated her and then he left. She did not go to hospital because the security situation in the area was still bad. The police officers also stole her phone and Ksh. 1,000/-.
	30	Nyalenda	Police	On August 12, 2017 at around noon, after the announcement of the Presidential election results, three Administration Police officers broke into her house, slapped her and demanded for her phone. One officer went on to dismantle things in her bedroom while the other went to the kitchen and took her food. She was then taken to the bedroom, where she was raped and left on her own. They took away Ksh. 2,500/-, three packets of milk and her phone. She did not leave her house because she feared that she would be killed. She did not seek any medical attention.
	38	Obunga-Kasarani	Police/ NYS	On August 12, 2017 at about 10:00 pm she was going about her business when she heard noise from people shouting and complaining that H.E. Uhuru Kenyatta had won the elections. She immediately closed her business and went home. The noise increased and she could hear gun shots being fired and also feel the effects of the tear gas that was being lobbed outside. The men were running to hide from the police at a place near the railways. She was home with her children when she heard someone push the door to her house open. The door was closed but not locked and she first thought that it was her son who had come home.

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				<p>Two officers entered the house; one was tall with dreadlocks, in GSU uniform and armed with a gun. The other was short, in NYS uniform and armed with a baton.</p> <p>The short one asked her “<i>Mama utatoa ama hautoi?</i>” (Woman will you remove or not?) to which she responded, “<i>Nitoe nini?</i>” (What do I remove?). He asked her, “<i>Kwani haujui la kutoa?</i>” (You mean you don’t know what to remove?). She told them they could have food if they wanted. The officer in NYS uniform went and stood next to her and told her, “<i>Kama haujui ni nini ya kutoa, nitakuonyesha ya kutoa.</i>” (If you do not know what to remove, I will show you). He slapped her on her right cheek in front of her two sons which angered her and she stood up. The officer then asked her, “<i>Unataka kupigana na mimi.</i>” (You want to fight with me?). He then tripped her, she fell down and he lay on top of her. She asked him, “<i>Kwani wewe hauna aibu, unataka kunilaza mbele ya watoto?</i>” (You mean you have no shame? You want to rape me in front of the children?). He strangled her, pinned her to the floor and raped her.</p> <p>The other officer checked if there was someone in the bed before going to eat the food she had been preparing. He kept asking his colleague, “<i>Kwani hauja maliza?</i>” (You have not yet finished?). When the police officer was finished, they took the remaining food (chapati and beans) and left. She called her mother the following morning who advised her to clean herself and use some medicine before touching the children. She was bleeding occasionally and when it recurred over a 3 months period she decided to go to hospital.</p> <p>She informed her husband three days after the incident and he stayed silent for some time before he started accusing her of sleeping with the NYS whom she must have known as a friend. This was because the NYS had been implementing a Government project in Obunga area for some time and she had been selling food to them. She and her husband did not speak again until she informed him of her hospital results. One of her older sons asked her about the police raping women in their plot as their house was the first in the plot wondering how they could have passed it. She has disciplined her 5-year-old son not to talk about the incident. She reported the matter at Kisumu Police Station.</p>

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU	29	Kondele	Police	<p>On September 29, 2017 at about 2:30pm she was in one of the rooms at her workplace in Westgate, Kondele where she and her colleague were waiting for clients. About ten police officers forcefully entered by knocking down the door to their room. They lifted their beds dropping them down and began beating them. One of the officers hit her on her mouth, breaking two of her teeth. He told her, “<i>We! Kama una support Raila, msituongeshe. Mtoe suruali, mukeke chini, mlale hapa nyinyi wote wawili.</i>” (If you are supporting Raila, do not speak to us. Remove your panty, put it down and both of you lie down on the floor). They hit her on her back when she tried to tell them that she was hurt on the mouth. She and her colleague removed their pants and they were each raped by an officer. They asked the officers to use condoms but they refused. When they were done another officer entered the room and asked his colleagues to leave them alone as they had beaten them enough. The officers took her phone and Ksh. 1,000/- cash that she had hidden in her bra.</p> <p>The officers then arrested them and took them to Kondele Police Station where they were detained for three days without being booked in the OB. Upon release she went to Nyabondo Hospital for treatment as blood was still oozing from her mouth. She then went to a VCT where PEP was administered. She continues to go for counseling and medication.</p>
	42	Obunga-Kasarani	Police	<p>Following the announcement of the results for the fresh Presidential election, at about 1a.m. the police and residents of Obunga engaged each other in running battles. The police beat the residents and lobbed tear gas to disburse them. Her husband moved their children to safety and she remained home with their 14-year-old daughter. Two police officers knocked the door demanding them to open. They remained silent and her daughter hid under a chair.</p> <p>The police managed to break the door and found her seated on the bed. When asked about her husband's whereabouts, she told them that he was at work. One police officer walked to where she was and instructed her “<i>Toa!</i>” (Remove!). He said it twice but she made no move. The third time she stood up, he pushed her down and proceeded to rape her. When he was done, his colleague said, “<i>Twende!</i>” (Let us go!). They did not see her daughter.</p>

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				Her husband came home later after the police officers had left and she shared with him what had happened. He did not believe her claiming that police officers cannot touch someone without their consent. She asked him to take her to hospital but he refused claiming that he was angry and that he could not engage in such matters. She did not go to hospital until three weeks later when an organization which following up on the violations in Obunga encouraged her. She was examined at JOOTRH and she reported the matter at Central Police Station.
MIGORI	45	Nyatike	Civilian	<p>On the day the Presidential election were announced, she was operating her vegetable business as usual when two <i>boda boda</i> operators approached her and told her that she was disturbing them just as H.E. Uhuru Kenyatta was disturbing them. One grabbed her telling her that he wanted to kill her but she pleaded for her life and they told her they would do something else. One of the men grabbed her, dragged her to the roadside and raped her.</p> <p>She arrived home late and told her husband that she had been raped. He began calling her names telling her that she is a prostitute and refused her to go to hospital. He eventually left her and their four children, renouncing her as his wife. He continued to state that she was a prostitute. She later visited St. Camilla's and Sori Sub District Hospital for testing.</p>
	37	Nyatike	Civilian	On October 25, 2017, while on the way home from one of the polling centres where she was part of the preparations for the fresh Presidential election, as a Jubilee party agent, she and her colleagues met with a group of youth who were against the holding of the fresh elections. She lost her colleagues in the commotion and was accosted by two men who grabbed her and dragged her to a dark alley. One of them covered her mouth while the other raped her. She stayed in the alley until 5a.m. and then went to her friend's place. She did not disclose what had happened and only asked for a set of clean clothes before showering. She did not seek medical assistance and realized that she was pregnant a one month later. She secretly procured an abortion. She later started bleeding heavily and she sort treatment at a local clinic. She has not disclosed any of this to her husband.

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
HOMABAY	-	Sindo	Civilian	<p>On August 11, 2017 at around 9:30 pm when the final Presidential results were announced, she heard people outside her door, followed by a knock and calls for her to open. She obliged and opened. She saw a group of more than twenty people with the ones in front storming into her house. Those outside called for her to take them to her wholesale shop. She was dragged out of her house and marched towards her shop where they broke in before one of them hit her on the head and she fell down unconscious.</p> <p>She regained consciousness at 11:00 am and found herself in her house. She had a strange feeling of discharge in her private parts so she took a shower and did not tell anyone. Two days later on August 13, 2017 she visited a local hospital due to the pains she was having. She still did not report the rape to the medical personnel as she was afraid of the stigma owing to her political work and business. She later visited a public hospital for a HIV test which turned out negative. She has also not told her husband about the ordeal. She only reported the break in and theft two months later at a local police station.</p>
BUNGOMA	26	Kopsiro	Civilian (criminal gang)	<p>On Friday, January 13, 2018 at around 1:30am, she was at her home in Cheptais Sub-County when about 15 armed men attacked their home looking for her husband. They were armed with AK47 rifles and machetes. They demanded for her husband who was not home that day. They told her to open the door or they would break it down. She complied, opened the door and told them that her husband was away. They then asked for money and she gave them Ksh. 5,000/-.</p> <p>They asked her to get out of the house and when she did, three men went in and ransacked the house. Outside, she was ordered to lie down and instructed to cooperate or they would kill her. She did not resist. One of the men raped her. She could not recognize them as they were wearing masks. She went to Kimilili Sub-County Hospital for treatment. She has not gone back for follow up nor has she received any psychosocial support.</p>

RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
BUNGOMA	-	Mombasa Village, Masaek	Civilian (criminal gang)	<p>In January 2018, she was attacked by unknown assailants who came to their home where she was with her husband. Her husband managed to escape to try and get help. Once the assailants knew that the husband had fled, they kicked in the main house door and then the bedroom door. She screamed in terror. The four assailants demanded that she be quiet and started beating her. They hit her hard on the top left side of her head which caused a big wound and scar. One of the attackers raped her while others stood at the door to keep watch in case of any attempted rescue by her husband or neighbour.</p> <p>Once the perpetrators left, the family took her to Kopsiro Divisional Hospital where post-exposure prophylaxis (PEP) was administered.</p>
KAKAMEGA	35	Kivingo	Civilian	<p>Before the announcement of the election results, police officers threw teargas canisters to disperse youth who had gathered by the roadside. Some youth ran into her compound as her house was near the road.</p> <p>One of the young men entered her house and raped her. She had just delivered a baby and was home recovering. She went for treatment at Kakamega General Hospital a week later. She reported the matter to the police, was issued with an OB number and asked to avail witnesses to record statements. She occasionally bleeds even when she is not on her menses.</p>
VIHIGA	68	Mbale	Civilian	<p>On October 28, 2017 she had traveled to Mbale to pick groceries for her business when she met with two men who grabbed her and tore off her clothes. One of them raped her. She returned home the following day and told her children that her groceries had been stolen but did not mention that she had been raped.</p> <p>She went to Ebukhanga Dispensary where she was given painkillers to ease the pain. She has been living with HIV prior to the incident. She continues to experience pain in the hip joint as a result of being thrown on the floor.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	50	Dandora	Police	On August 8, 2017 she was at her bar when some youth engaged in running battles with the police ran through an opening in the bar. Two police officers came and asked why she had allowed them to hide there but she did not know where they were. They then proceeded to rape her. One in the vagina and the other had anal sex saying he could not use the same place as his colleague. She went to Ojwang's Clinic when they left and later Nairobi Women's Hospital. She was found to have contracted an STD.
	29	Dandora Roundabout	Civilian	On August 8, 2017 she went to stand in for her friend at the bar where they work. At about 10:00 pm there was tension and some unrest and the bartender advised them to lock up and go home. She was on board a motorbike when they were stopped by a group of youth who dragged her and the rider to a bridge. She was raped by 4 men and the rider was sodomised. One of the men had been drinking and used the bottle to cut her vagina. The perpetrators wanted to throw them into Nairobi River but a passing motorist flashed his lights at them scaring the perpetrators. The motorist took them both to a hospital along Jogoo Road as they were not in a position to walk. She has been attending counseling sessions.
	20	Kibra	Civilian	On August 8, 2017 at 7:00 pm a gang of men stormed into their house where she was with her 2 cousins aged 14 years and 9 years. They raped her and beat up her cousins. She did not seek medical attention until 3 weeks later when a friend advised her to do so. She was 4 months expectant at the time of recording the statement and she was fearful that those sponsoring her studies will pull out. She is an orphan staying with her uncle who advised her to abort so as to secure sponsorship.
	40	Mathare	Police	On August 8, 2017 at 1:00 pm she was at her salon with clients but they could hear confrontation increasing outside and youths were throwing stones at her salon. Two A.P officers appeared and lobbed teargas into the salon. The clients dispersed and she opted to stay behind and guard her properties. The 2 officers then entered her shop, locked the door and closed the window. They raped her (vaginal and anal sex). She developed pains and irritation around her genitals but she did not go to hospital due to the ongoing tension. This was the second time she was suffering this ordeal, the first being in 2007.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	38	Kariobangi	Civilian	On August 8, 2017 she arrived home at 1:00 am and as she opened her door, 3 men approached her and entered the house with her. They started raping her. She tried to scream but they held her throat. All 3 raped her and left. She went to a local clinic, Kariobangi the following morning. She states that the results show she had been infected with HIV.
	35	Huruma	Police	On August 9, 2017 as she was walking home from her nightshift, she met 3 AP officers who pulled her to the side and started beating her telling her that the Kikuyu community is used to stealing votes from them. They each took turns raping her and then left. She composed herself and went to the nearest police post, John Saga, to report. The officer at the post however refused to record her complaint in the O.B. She decided to go to her mother's house and passed by a chemist to get some preventive medicine. She went to Nairobi Women a month later.
	-	Korogocho	Civilian	On August 8, 2017 at 9:00 pm she was on her way home after having imbibed in alcohol when she met 3 young men who asked her why she was outside and whether she voted Jubilee or ODM. When she did not answer, one held her neck and the other two grabbed her on either side. They dragged her to some nearby mud houses, tore her skirt and biker tights and raped her in turns. They left her at about 11:00 pm. She went to a nearby house to seek assistance and she was given a /esso to cover herself as she was naked from the waist down and helped her get to the main road. She took a bath when she got home and went to a local health center in Kariobangi the following day.
	29	Kibra	Civilian	On August 9, 2017 at 8:00 pm she was heading home from the salon when she met a group of five men speaking in Luo. She had a head wrap on and they thought she was Muslim. They grabbed her, tore her clothes and two of them raped her. The other three did not manage as she was bleeding from her genitals. They ran away and left her helpless. She managed to get herself home and went to a chemist the following day for examination and medication. She has been counseled in church.
	-	Mathare 4A	Police	On August 10, 2017 at 5:00 pm she was coming from work when she met with police officers who were chasing a crowd. 2 officers grabbed her and raped her during the commotion. She was saved by people who threw stones at them. She went to a local clinic in Mathare for testing.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	47	Near Hamsa, Makadara	Civilian	On August 10, 2017 at 7:00 pm while on her way from work she was ambushed by a group of men who covered her eyes. She was semi-conscious and she found herself in a field near Hamsa, Makadara. She was in pain and she knew she had been raped from the way she felt. She managed to get herself home where she showered and went to hospital the following day. No PEP was administered as the tests indicated she was fine.
	38	Dandora Phase 4	Police	On August 10, 2017 at 8:00 am she was confronted by 3 men in police uniform and helmets. They pulled her as she was crossing the road at Posta near Catholic Church and took turns raping her. They left her there unconscious until a Good Samaritan found her almost 2 hours later. She was taken home where she stayed indoors for 4 days waiting for things to cool down. She visited a private hospital and she was devastated when she tested positive for HIV. She reached out to a friend who took her for further testing but the results remain unchanged. She was referred to a counselor and has been attending sessions.
	30	Dandora Phase 4	Police	On August 11, 2017 police officers were deployed in Dandora Phase IV, at around 11:00 pm, 4 police officers broke into their house where she was with her husband, 12 years, 9 years and 3-years-old daughters. They told her husband that they wanted to rape her eldest daughter or they would rape all three in front of them. She offered herself in place of her daughters. 2 officers tore her clothes while they pinned her on top of the table while 2 held her legs apart. She was raped by 2 officers who had both vaginal and anal sex with her. Her husband was crying and her children hid under the bed. They said that they were the Government and they could do anything they wanted. They finished and said they had to be quick as they had others to attend to. When they entered the house, they asked her husband who is Luhya, his tribe and spoke to him in Kikuyu. When he could not respond, they told him he was Luo and uncircumcised. She fell unconscious after the incident and woke up at 1p.m. and found her husband preparing to leave for their ancestral home. He returned 3 months later and sleeps on the sofa.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	34	Dandora Phase 4	Police	On August 11, 2017 at 11:00 am while on her way from work, she was called by three police officers who she believed wanted to help her due to the safety concerns at the time. They questioned her and asked if she was Jubilee checking her finger to see if she had voted. They assaulted her before two of them took turns in raping her. They urged each other on. She dragged herself until her neighbour's who advised her to wait till dawn to seek medical attention. She went to a local clinic in Dandora.
	39	Kibra	Police	On August 11, 2017 at 8:00 pm youth and police were engaged in running battles. The police lobbied teargas which permeated into my house where she was with my 17-years-old daughter and 15 years and 9-years-old sons and they began choking. She opened the door for ventilation and immediately, 3 officers entered and ordered them to sit down. Her older son was beaten and her daughter stripped in front of everyone and raped by one of the officers. The other 2 officers raped her in turns. She and her daughter went to a clinic the following day and she was given a clean bill of health but her daughter was diagnosed with Post Traumatic Disease (PTD).
	31	Dandora Phase 4	Civilian	On August 11, 2017 at 9:00 pm she was home alone with her 3-months-old baby as her husband had left an hour earlier. There was a power blackout and she heard her door being kicked open and two men entered. She lost consciousness almost immediately and cannot recall what transpired. When she came to she suspected she had been raped because she found semen on her. She went to hospital and they confirmed she had been raped.
	37	Dandora	Police and Civilians	On August 11, 2017 following the announcement of the Presidential election results, while within the estate she was approached by a policeman who accused her of plotting for violence. She was bungled up with others in a nearby kiosk for hours. They were a total of six- 3 women and 3 men, when the police ordered the men to have sex with her and the other two women. The police then raped them. In the company of another she reported the incident at Dandora Police Station the following day but the police dismissed them telling them that they enjoyed the sex. They were not issued with an OB number. She is a repeat survivor having also been raped in December 2007 and was infected with HIV.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	25	Dandora	Police	<p>On August 11, 2017 at 12:15 pm the residents took to the streets in protest. Police had already been deployed in the area and they started hurling teargas while entering plots. She heard them at the door asking for all men to come out. She told her husband to open as they would break in. Three officers entered and told her, "<i>We ni mali ya serikali!</i>" (You are the property of the Government). She was hit on the right knee and back. They tore her top and tights. One officer told her "<i>Nyinyi Wajaluo mnafikiria mtashinda mnatukula kichwa?</i>" (You Luos think you will continue disturbing us).</p> <p>She was raped by all three officers who kept telling each other, "<i>We umekaa sana. Ebu toka.</i>" (You have stayed to long. Come out) as they took turns raping her. When they left she changed her clothes. Her husband who had been taken to Kenyago Police Station with other men came back, she however did not disclose what had happened to her. She left home later in the day at 5:00 pm and went to report the incident at the A.P Camp Phase III, but the officer she found proposed to take her to his place instead. Since the ordeal she has become a heavy drinker and takes drugs just so she can sleep. She took a pregnancy test after two weeks which was positive and during that period she was not intimate with her husband. She aborted the pregnancy. She got medical assistance from an NGO. She was also beaten by police on November 19, 2017 when she was out buying vegetables. She was treated at a local clinic in Westlands. She has been seeing a counselor.</p>
	27	Dandora	Police	<p>On August 11, 2017 at 11:00 pm she stepped out of the house to find out what was going on as she heard noise. There was chaos outside but the police were present and four officers at a nearby kiosk called her and asked where she was coming from. One instructed her to remove her clothes and when she refused another pushed her against the wall, raised her dress and they took turns raping her after which they left. She reported the matter the following day at A.P Post Phase III but was told that such cases were not their problem. She called her mother who took her to hospital but it was closed.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	35	Dandora Phase 3	Civilian	On August 11, 2017 at 7:30pm she met two men near a parking lot on her way home from buying airtime. One went ahead of her and grabbed her. She tried to scream but he covered her mouth. They took her to an abandoned car and raped her, took her phone and the airtime and left. She managed to go home and then went to a local clinic in Dandora where she was given medication and asked to visit a better equipped hospital and so she went to Mama Lucy Hospital. She reported the matter at Dandora Police Station but they did not record her statement. She has also been seeing a counselor.
	26	Mathare Area 3	Civilian	On August 11, 2017 at 10:00 pm while coming from her sister's house, she was accosted by two men armed with knives. They dragged her to the nearby river and raped her (both vaginal and anal). She was taken to Nairobi Women Hospital for treatment.
	29	Ngomongo	Police	On August 11, 2017 she was home with her sister's children. There was a lot of noise coming from outside and they remained indoors with the children hiding under the bed. Her door was hit and it flung open. Police officers entered and started slapping me. They covered her mouth when she tried to scream. Two of them held her hands while the other tore her clothes and removed her pants. They tied one hand to the bed and the other to a chair using handcuffs. They proceeded to rape her in turns while the children watched in tears. One of them told the children to be quiet or they would rape them too. After they finished they unchained her and left her on the floor. She gathered enough strength to close the door as there were gunshots outside. They stayed indoors for three days because of the chaos outside with nothing to eat and survived on water.
	32	Dandora Phase 5	Police	On August 11, 2017 chaos broke out among the police, Kikuyu and Luos communities, amidst the celebrations following the announcement of the President elect. At 11:00 pm, 3 men entered her house and they kept saying Uhuru will not rule Kenya and if he did, they would kill them all. They asked for her husband and when she told them she was alone, one grabbed her neck and threw her on the floor. One held her legs apart while another held her neck telling her to cooperate as they could rape and kill her.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY				They removed her short and tore her t-shirt before taking turns to rape her. They finished and left. She called her mother and sister. Her sister came with A.P officers who told her to go and report the following day. She can identify her attackers. She went to Samaritan Hospital but said she was beaten rather than disclose she was raped.
	29	Dandora Phase 4	Police	On August 12, 2017, she could hear gunshots outside. She peeped through the window and saw police officers. They saw and demanded she open or they would break the door. She complied and they entered. She was slapped and insulted. She was dressed in a <i>leso</i> and a light t-shirt and they forced themselves on her and raped her. She didn't not disclose this to her husband but went to a chemist for medication. Her 5-year-old was home but asleep and fortunately did not witness what happened.
	24	Baba Dogo	Civilian	On August 12, 2017 she was home watching the announcement of the Presidential election with her husband. There was noise outside and she advised her husband that they stay indoors and switch of the lights so no one could realize they were home. The thugs however went breaking doors and entering each house. They came into their house and began insulting her husband threatening to rape her. She was carrying her baby. When her husband protested they cut her in the back of his neck and head. Her husband fell done and one of the men then grabbed her baby and threw him aside before proceeding to rip her dress top. The other man ripped her pants. They raped her repeatedly in turns. They left and took her husband with them, locking them in the house. They searched for her husband the following day and found him unattended to at the casualty in Kenyatta National Hospital. He was admitted to the ward but he had passed on.
	22	Mathare, T-Area	Police	On August 12, 2017 at 10:00 am she was home with her mother and cousin and noise could be heard outside so they decided to lock their house. Police officers brought down their door. Three officers entered and beat them up, made them lie down and then stripped them. They raped her and her cousin but only beat her mother. They left and Red Cross later came and took them for first aid. She went to the clinic and she was given medication. The following day Red Cross took them to Nairobi Women for further treatment.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	22	Mathare T-Area	Police	On August 12, 2017 at 10:00 am she was in the house with her aunt and cousin when they had their door being knocked. Three out of four police men entered while one remained at the door. They started beating them and told them to lie down. They stripped them and then raped them, including the officer who had initially been left to guard the door. Red Cross came to their assistance and took them to a local clinic in Mathare. They were also taken to a local clinic for PEP and later to Nairobi Women for treatment.
	25	Kariobangi North	Civilian	On August 12, 2017 there was exchange between youth and the police in the area. She, her mother and her two siblings were attacked by about seven men because they thought they were Kikuyu as they are light skinned. A neighbour was able to hide her mother. Two kept watch outside the house, while five entered inside where she was with her sister and brother. Her brother tried to defend them but was cut on his hand and head. One of them called out for the other two to join them. Two of their attackers stood at the door while two raped her sister and one tried to sodomize her brother. Their screams however attracted their neighbours who came and the thugs fled. Her brother was given first aid as white substance was oozing from his head. They all were taken to Huruma Nursing Home for treatment.
	27	Dandora Phase 2	Civilian	On August 12, 2017 at 9:00 am she had gone to the shop to buy milk and on her way back 3 men followed her back to her plot. She thought they were visiting a neighbour. As she entered the house, one grabbed her clothes from the back, she turned and he told her to be quiet and remove her clothes, one went to where her boyfriend and child were and the last one closed the door. She did not resist, she removed her clothes and he told her to bend before he pushed her onto the sofa. The child was thrown into the other room and the curtain separating the rooms drawn. One man sodomised her boyfriend but they all raped her. Her boyfriend accused her of bringing the men. He showered and left and has not returned since. She went to a local clinic after a week when she started feeling itchy.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	34	Dandora	Civilian	On August 13, 2017 at midday she was stopped by two men while walking home from work. They told her she would see as it was her people's fault Raila Odinga did not win the elections. They grabbed her and put her on the kiosks where women sell their vegetables and raped her while covering her mouth so she could not scream. They both raped her and ran away. She screamed to get the attention of a man passing by on a motorbike and he took her home. Her neighbour took her to a local clinic in Dandora the following day. She later went to Nairobi Women's Hospital.
	37	Dandora Phase 3	Police	On August 13, 2017 at 2:00 am as she was leaving the club where she works she saw 2 men in green uniform similar to that of Administration Police officers heading in her direction. They stopped her asking where she was coming from and then put their hands in her pocket, took her phone and Ksh. 8,000. Pointing a gun at her, they took her to a nearby <i>kibanda</i> where they both raped her while threatening to kill her if she screams. About an hour later a woman passed and saw her. She dressed her and took her to hospital. She received further treatment at Nairobi Women's Hospital.
	33	Dandori-Gitori Marigo	Police (Dreadlocked man)	On August 13, 2017 at 7:00 pm there was tension at Gitori Marigo. She was accosted by policemen while she was walking to her house. They threw tear gas in their direction and her and her sister sought refuge in a nearby <i>kibanda</i> . She heard a policeman saying " <i>Kikuyus think they are the only ones who can rule this country!</i> " Her sister coughed and five men in police uniform but who had dreadlocks, discovered where they were hiding, pulled them out and raped them. They tried to scream for help but they suppressed them by putting panties in their mouths. They took turns raping them and keeping watch. At some point, she was raped simultaneously by 2 of them, one penetrating her anus and the other her vagina. They were left for dead and they stayed in the <i>kibanda</i> until 7:00 am the following day. They self-medicated with painkillers and contraceptives.
	27	Dandora Phase 4	Police	On August 14, 2017 between 12:30 am and 1:00 am there was tension in the area which is predominantly inhabited by Luos. She locked her house as a precautionary measure as screams could be heard in the distance. She was home with her 17-years-old sister and her then 4-months-old daughter.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY				Three men dressed in police uniform but whose faces were covered in hooded caps, broke into their house and robbed them of various electronic devices and told them to lie down on the floor. As they were leaving one asked “ <i>Na tunaweza wawacha hivyo aje?</i> ” (How can we leave you like that?). The men were armed with guns and pangas, ripped their clothes and raped them. They went to hospital along Thika Road when tension in the area eased.
	25	Dandora Phase 4	Police	On August 14, 2017 at around midnight, she was home with her husband and 7-year-old daughter and there was a lot of noise outside. She could see from her window, two groups of youth hurling stones at each other and men in combat police uniform and face masks who had been called to restore order. Some youths ran into their plot which has four houses, two belonging to single ladies and the other two, to married couples. The police followed them in and the youths jumped over the fence. The officers went around banging on doors and took away her husband and the neighbour on grounds that they were part of the demonstrators. The power had gone off and a group of officers raped her in her house in front of her daughter. They kept slapping her daughter who kept calling out for her. Her friend came for her and took her to a hospital in Umoja before she was taken to Nairobi Women’s for treatment.
	38	Dandora Phase 4	Police	On August 14, 2017 at 11:00 pm there was violence within the area. She was home alone with her three children when policemen broke into her house. The officers ordered her to strip and then raped her in turns. She reported the matter three days later but the officers refused to record her complaint cautioning her against reporting police officers and that she did not know her perpetrators so no investigations could be undertaken. She bought medicine from a chemist and went to a hospital in Donholm for treatment as she was suffering from severe bleeding. She also went to Nairobi Hospital for further treatment. Her husband has since left her and she and the children have gone back to her parents. Her 17-years-old son, a form 3 student suffered psychological trauma and is undergoing counseling.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	37	Dandora Phase 4	Police	On August 14, 2017 at 10:00 pm she was on her way home from the Airport where she works and was heading home to Dandora Phase 4. Along the road, people were engaged in running battles with the police. She alighted from the <i>matatu</i> and joined the people scampering for safety when she was suddenly kicked on the back. She felt hands covering her eyes and face and she was dragged to an isolated building. She felt her skirt being pulled down and she was stripped naked. With the lighting that was there she could see it was a man dressed in police uniform. He stepped on her with his boots and then raped her. He called his colleagues who came and also raped her and left her for dead. She was bleeding and had very little energy which she used to drag herself to a nearby <i>kibanda</i> , spread the sacks she found and appears to have lost consciousness until the following morning at 5a.m. The owner of the <i>kibanda</i> found her there and she informed a neighbour who came for her. Most hospitals were closed and she had to plead with a doctor known to her to administer first aid. She suffered damage to her bladder and she involuntarily passes urine.
	-	Dandora	Police	On August 15, 2017 at 5:00 pm she was on her way from work when violence erupted. She met 5 policemen and she requested them to escort her home. After a short distance, they told her that she was their “vegetable today” and that they must rape her. She tried resisting but they all raped her. She reported the matter at Kenyago Police Station where she was instead arrested for reporting the Government. She was in custody for 2 days and upon her release she went to a local in Dandora for treatment.
	39	Dandora	Civilian	On August 16, 2017 she was at a client's place in Dandora and at about 3:00 am they heard knocks on the window and door. When her client went to open the door, two men shot on the air saying “ <i>Ndio huyu Okuyu!</i> ” (Here is a Kikuyu) before they entered and took turns raping her. The client, “Tom” sat there with his eyes closed all the while. Her attackers, smartly dressed middle aged men, who spoke in Luo and English kept referring to the political situation saying “ <i>Nyinyi. You cannot rule us. Kenya is not made up of two tribes, baba ndio alileta multi-party.</i> ” She kept apologizing telling them that she was not Kikuyu. She was then blindfolded and left at a roadside. She went to a local clinic in Dandora lied that the condom tore as she was not ready to share what had happened. This has been her line of work for a long time but has never been attacked.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	30	Mathare 4A	Civilian	On August 16, 2017 at 8:00 pm while at home with her three children, some men armed with <i>pangas</i> and <i>rungus</i> broke into her home demanding she produce her husband who was a targeted rebel. They ransacked the house and then raped her. While the second man was on top of her, her neighbour came to her rescue. Her children were being beaten all through the ordeal. She and one of her children went to the chemist for medication before she went to a medical center for treatment. She has received counseling.
	38	Dandora	Civilian	On August 26, 2017 at 10:00 pm she was attacked by four men while in the house with her 9-years-old daughter with a hearing impairment. Her husband was out showering. They asked for money and she gave them Ksh.500 and then two of them raped her in front of her daughter for close to 30 minutes. She sought treatment the following day at a local clinic in Dandora.
	23	Ngomongo	Civilian	On August 28, 2017 between 9:00 pm and 10:00 pm, she was alone at her uncle's house when the violence erupted. Three thugs came to the house and broke the door when she refused to open for them. They pulled her from under the bed where she was hiding and started touching her all over including her private parts. They inserted fingers in her private parts before one raped her while the others held her down. She screamed for help but no one came to her aid. They left her helpless and she stayed indoors until the following afternoon when she went back home but told nobody what had happened. She was expectant at the time and went for her clinic visit in September, not for treatment for rape. Her perpetrators had masks. The medical reports showed her baby was fine and she was 5 months pregnant at the time of recording her statement.
	29	Gikomba	Civilian	In August 2017, she met five men while on her way to the bus stop from work in Gikomba. They stole from her and checked if she had voted before two of them proceeded to rape her while the other three refused. She confided in her sister who took her to the hospital. She is receiving counseling at one of the counselling centers.
	40	Eastleigh	Civilian	On September 2, 2017 at around 10:30 pm while on her way from work in Eastleigh, she met with three men near her house who attacked her. They beat her until she fell unconscious. She woke up and found herself naked and realized she had been raped. She went home and cleaned up and sought medical treatment on September 4, 2017 at a local medical clinic in Majengo.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY				She did not report to the police as this was the second time she was a rape victim and they did not assist her.
	-	Dandora	Police	On October 16, 2017 she was grabbed by 4 people dressed in police uniform. They raped her and when she started screaming, they beat her up. She did not move from the scene and called some of her friends who took her the house. When her son asked what had happened to her she told him she was unwell. Her friends later took her to Kenyago Police Station but the officers refused them to report the matter. She received treatment at the nearby local clinic and was referred to Nairobi Women's Hospital, Adams Arcade where she was treated and discharged. She suffers from stomach pains in her lower abdomen.
	19	Kibra	Civilian	On October 26, 2017 at 6:30pm while coming from a friend's place at Kibra 42, she met with rioters. As she tried to run to safety, a crowd of youth came towards her and one held her down. She does not recall what transpired after as she found herself at a local clinic in Kibra. The doctor's spoke to her mother who has custody of her medical records and is not willing to share them
	20	Dandora Phase 4	Civilian	On October 28, 2017 at about 11:00 pm she was home alone waiting for her boyfriend. Some men knocked at her door and threatened to break the door if they did not open and so she did out of fear. 3 men entered the house claiming she was among those disturbing the peace in the country. They beat her up before proceeding to each rape her. She tried to scream for help but no one came to her aid. She took a shower and slept and told her boyfriend what had happened the following day but he dismissed her story.
KISUMU	55	Obunga	Police	On August 11, 2017 following the announcement of the Presidential results chaos erupted in Obunga. She was home with her three grandchildren when at about 2:00 pm her neighbour started screaming to alert neighbours to come of their houses as police were attacking residents in their homes. As she made her way out of the house she was met by a group of officers in jungle green uniform armed with guns and batons. Three officers pushed her back into the house where her grandchildren were now awake.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				The officers beat her up, pushed her on the bed and ordered her to remove her clothes and when she declined, they proceeded to undress her. The first officer raped her as the others looked on urging him to finish so they could have their turns. She tried to defend herself telling them she was HIV+ but they ignored her mocking her of being a Raila Odinga supporter. She was raped by all three officers. Her 16-year-old granddaughter hid under the bed in one of the rooms. She visited a nearby chemist for painkillers before going to a local hospital for treatment.
	46	Kondele	Police	On August 11, 2017 at around 8:00 pm, while on her way from her cousin's she met with a group demonstrating President Uhuru's lead citing irregularities. The police were lobbying tear gas to disperse the crowd. She tried to hide but the police caught up with her. One of them pushed her using his gun and she fell down. Another one used a bottle top to pierce her thighs before he and his colleague raped her despite her telling them that she was on ARVs. They left her after close to 2 hours and a <i>boda boda</i> rider who was passing came to her aid. She did not go to hospital fearing she would be stigmatized due to her age. She contracted an STI and only learnt of it a month later when she went for her ARVs. She disclosed what had happened to her neighbor who unfortunately shared the same with other neighbours who began ridiculing her.
	46	Nyalenda	Police	On August 11, 2017 after the announcement of the Presidential results, youth in Nyalenda started to protest against the results. Residents ran to their houses for safety, when the police started attacking them by forcefully trying to enter their houses. She was gang raped by three uniformed police officers in front of her children; two daughters and one son. She did not go to the hospital due to the volatile situation but visited a clinic where she was given tablets. She feels that since the ordeal her children have lost respect towards her. The children have not received any counseling. She developed abdominal pains and went to a local hospital for treatment. She did not report the incident to the police due to general inaction by the police.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU	46	Obunga-Kasarani	Police	<p>One afternoon in August 2017, she was going about her business at her stall outside her house when she saw people running towards Kasarani from Obunga. They were being chased by police officers armed with guns. She decided to run into the house. Her children were outside playing and two of them ran to the neighbours. Her 20-year-old daughter however, came home and as she entered the house, three officers entered behind her. They tried to touch her and they told her in swahili that they would either sleep with her or kill them both. One officer went out to man the door, while another began undressing her daughter.</p> <p>She started screaming and went to her daughter's aid. In the process her daughter managed to escape and the officers told her that since she had helped her escape they would take her instead. She tried to reason with them that she was elderly but they said they did not care. They tossed her onto her children's bed and threatened to kill her if she made a sound. Two of the officers raped her and only the one who had been manning the door did not touch her. She was treated at JOOTRH for pain in her neck but she did not disclose that she had been raped. After the ordeal, her husband asked her if she had slept with the police and she denied. She did not tell him as he is of the view that one cannot be raped and it is usually a choice and he would chase her away. She has been to counseling but is yet to come to terms with it.</p>
	40	Nyalenda	Police and NYS	<p>Following the announcement of the Presidential election results, protests started between 2:00 pm and 3:00 pm. Immediately, police trucks surrounded the area and police officers entered homes and started beating people. Four officers found her outside her door. Two of them had NYS shoes– black and green boots while the others had black shoes. Some had camouflage sweaters. Some wore black hats and others had red hats. One of them was tall, with a gap on the lower teeth, wore green pants and NYS boots. The second also had the same uniform and his lips were dry. A third one who was short and light skinned with visibly dry lips, had black shoes, green pants and camouflage and wore a red hat. They beat her telling her to enter inside the house. The officers forced her into the house and pushed her on the sofa. Two officers held her legs apart while the tall officer proceeded to rape her. When he was done, the second and the third raped her. They beat her up and stepped on her head, breaking her hand in the process. By the time the fourth one took his turn, she was too tired to comprehend.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				<p>They kept saying, “<i>Nyinyi Wajaluo mumetusumbua sana</i>” (You Luos have really disturbed us) as they raped her. When they left, she did not leave the house due to the ongoing violence. She opened the windows as the police were throwing teargas and she could not breathe. In the process, a bullet entered the house and exploded inside. It is still in her house. She did not leave the house and only showered after a week. The pain was too much so she went to her mother’s home and only disclosed that her hand had been broken by the police.</p> <p>She went for the medical camp which had been set up at the sports ground by the Governor for all those who had been injured. She did not have the courage to tell them she had been raped. She was referred to Russia (JOOTRH) but feels she was treated very badly. The staff asked her why she showered and never went to hospital. She reported the matter at Central Police Station where again she was treated harshly by the officers.</p>
	26	***** (location withheld)	Police	<p>On September 24, 2017 she was asleep in one of the rooms at her place of work where she is a sex worker. There had been demonstrations in *****. She had a bang and when she woke up, she noticed about six policemen had broken into her room. They began beating her on her back saying, “<i>Nyinyi Wajaluo mnasumbua. Tunataka kuwaua ndiyo muenede muambie Raila.</i>” (You Luos are disturbing. We want to kill you so that you can go and tell Raila). They then told her, “<i>toa suruali.</i>” (Remove your underwear). She complied and two officers proceeded to rape her. When they were done, she was taken in the company of the other girls to the police station. They were beaten all the way to the station. They were held in custody for three days before being released. She had pain in her back and knees and she went to seek treatment at a local clinic. During the attack, the police took her Nokia phone worth Ksh. 3,000 and her money (Ksh.1,000) which she had hidden under the mattress.</p>
	28	***** (location withheld)	Police	<p>On September 24, 2017 at about 2:30pm she was at her place of work when police officers in jungle green combat uniform, forcefully gained access to their rooms. The officers cut the metal and gained access to the rooms where they were. She was in the room with two of her colleagues but they were a total of fifteen girls at a lodging. About seven officers entered their room and upturned the bed under which the other two girls were hiding.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				<p>She was raped by three officers while on the floor. The officers took turns to rape them; when one was done, he would move on to the next girl until they had all taken turns.</p> <p>They asked the officers to use condoms but they refused saying, “<i>Kumbe hii kitu ndiyo mnauzia watu hapa?</i>” (This thing is what you sell to people here?). They used their batons to hit their private parts until they started bleeding. One of them said, “<i>wacha mtauwawa!</i>” (You will die). They then took them out and marched them to a local Police Station and told them to say, “<i>Sisi ni malaya wa ****!</i>” (We are prostitutes from ****!). They were detained for three days. While in custody, a female officer would assist them with oil used to lubricate guns to apply on the swellings on their bodies. Upon release she went to her ancestral home in Bondo where she went to Bondo District Hospital for treatment. She has undergone some counseling.</p>
	28	***** (location withheld)	Police	<p>On September 24, 2017 at noon, while she was resting in her room at the lodge where she works, she heard gunshots being fired outside. After a few minutes, she heard a group of people struggling with the gate outside. She peeped through the window and saw police officers headed in her direction. She hid under her bed but they found her there when they forced their way into her room. They beat her using their batons and then left. She then went outside and met with three other officers who dragged her into one of the rooms and ordered her to undress. They raped her until she fell unconscious. They dragged her outside the lodge where she waited as they rounded up others. They were ordered to march to the police station saying, “<i>Sisi ni malaya wa ****!</i>” (We are prostitutes from ****!). At the station they were placed in the cell where they were held for three days. She sought medical attention a few weeks later at a local but was only given pain killers.</p>
	67	Nyamasaria	Police	<p>A few days to the fresh Presidential election in 2017, at around 10:00 pm, three police officers wearing green uniform, red hats and black boots entered her house and started beating her saying, “<i>Hawa ndio watu wa Raila wanajiskia sana</i>” (These are Raila’s people boasting). They seriously beat her up on her whole body and ordered her to remove her phone, which they took. They asked for money and she gave them Ksh. 1,500. They then proceeded to rape her, one by one. Her ripped clothes are still in her house.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				<p>As one penetrated her, the other would tell him, "<i>Fanya haraka!</i>" (Hurry up!). After they were done, they poured water on her leaving her for dead. She could not even gather the strength to close the door. She lay on the floor in that condition for a whole month with nothing but water to drink. She could not call anyone for help as the officers had taken her phone. She had been home alone at the time having taken her children to her rural home.</p> <p>After a month, she heard someone at the door saying that they had noticed that the door had remained ajar for some time and wondered what could have happened. She was in the exact location that the officers had left her. He took her to JOOTRH in bad condition. She underwent tests and was treated. She was experiencing so much pain urinating and was given medicine to insert in her vagina and painkillers were also given to me.</p> <p>When she regained some strength and could walk, she reported the case at Kondele Police station and was issued with an OB number. The police had initially refused to attend to her asking her to prove that her perpetrators were officers. She pleaded with them to assist and they told her that the only way they could help was if she availed medical reports but the doctor however refused saying that the police would only tear the evidence and that it was the procedure for them to go directly to the hospital. She gave up on pursuing the matter. She underwent three HIV tests. The first two turned out negative but the third was positive.</p>
	29	***** (location withheld)	Police	<p>On October 24, 2017 at about 2:30 pm she was at her place of work when all of a sudden, the door to her room opened and three officers in jungle green trousers, combat jackets and helmets, entered. One of them asked her, "<i>Wewe unasupport nani, Raila ama Uhuru?</i>" (Who are you supporting, Raila or Uhuru?). They began beating her and she tried to shield herself with her hands. The more she tried the harder they hit her. One of the officers removed her trouser telling her, "<i>Leo utatambua sisi ni akina nani!</i>" (You will know who we are!). He then proceeded to rape her. She asked him why he would penetrate her and they do not know each other. She told him that if he must, he could at least wear a condom, to which he responded, "Who are you to tell me such!"</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				<p>Another officer slapped her mouth and then covered it while the other officer raped her. He then told his colleague, “<i>Niko karibu kumaliza, wewe kaa tayari.</i>” (I am about to finish, get ready). After about five minutes, the next officer who had been covering her mouth, raped her. They took turns raping her until all three of the officers were done. The last officer to rape her, had been manning the door and when the second one was almost done, he told him to get ready for his turn. When they were done, they took her outside where the other girls were and they were escorted to a local Police Station where they were placed in the cells for 3 days. They tried to plead with the officers that they were women with families but to no avail.</p> <p>Upon release, she went to a local clinic where she was tested and asked to go back after two weeks when she went back, she was informed that she had been infected with HIV and had contracted an STI (syphilis). She was immediately put on medication and referred to Comprehensive Care Center (CCC) for further treatment. She reported the matter at a local Police Station but it was not recorded in the OB. The officer at the station told her it was a case they could not deal with at the time. She since seen a counselor.</p>
MIGORI	42	Nyatike	Civilian	On August 10, 2017 at around 8:00 pm as she was heading home from work, she was stopped by a group of five men who asked her where she was going, in Swahili. She responded and they asked why she was happy when the country was burning. Before she could respond, one of the men grabbed her by the neck, dragged her to a nearby bush and when she started to scream, another man gagged her. They undressed her, tore her underwear and took turns raping her. When they finished, they took her belongings and day's earnings. She went home and showered but did not disclose to anyone what had happened as she was ashamed and blamed herself for the rape. She tested negative for HIV in March 2018 when an LVCT visited the town. She continues to live in fear.
	32	Near Onyalo	Police	On August 12, 2017, riots broke out in Onyalo not too far from where she resides. The residents engaged in running battles with the police. At about 2:00 pm, police threw teargas into their compound which has five houses. Two officers in jungle green uniform and armed with what looked like AK47 rifles, knocked on her door and asked for water to wash their faces. She gave them water and when they were done, they started commenting on her beauty.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
MIGORI				The officers forced themselves into her house and when she pleaded with them not to hurt her, one of them slapped her and she fell down. One of the officers unzipped his pants and raped her while his colleague was eating her food that was on the table. When the first one was done, he told his colleague to go ahead and help himself. The second officer raped her and then the two left. She stayed a while on the ground and then proceeded to shower. She went to a local clinic after two weeks for treatment.
	32	Sori	Civilian	On August 25, 2017, while in the company of her mother, on the way home from St. Camilla's Hospital, they met a group of youth at Sori who stopped the vehicle they were in. The driver tried to speed off but the youth started to stone the vehicle forcing him to stop. They poured petrol inside forcing the passengers to alight. She was picked by two youth who dragged her to a nearby bush. One covered her face to prevent her from screaming, while the other repeatedly raped her. When they were done, she dragged herself to the roadside and found some of the other passengers had assisted her mother who had suffered burns on her right hand and part of the head, to alight from the vehicle. Due to lack of finances, they treated themselves at home with herbs. Her mother has since passed on. She was able to get a well-wisher who took her to a local clinic in Eldoret for treatment as she sustained injuries in her urinary bladder.
	26	Suna East	Police	On October 26, 2017, she was with her 8-years-old sister when 2 police officers broke into their house and into the bedroom where they were hiding. They slapped her and hit both her and her sister with <i>rungus</i> before proceeding to rape her in front of her sister. They told her it was people like her who were sending men to the streets to create chaos. They ransacked the house and vandalized property. She went to a local hospital for checkup and medication.
	35	Nyatike	Civilian	On November 28, 2017 at around 10:00 pm, a member of "Waremba na Brian" while on the way home met with two men who tried to stop her. She kept walking and one of them hit her on the right leg and she fell down. They told her "Leo tumekupata... Wewe ndiye umekuwa ukitusumbua sana". (Today we have found you... You are the one who has been disturbing us). One of them took out a knife and threatened her telling her not to scream or they would kill her.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
MIGORI				They tore her clothes and one started to rape her until they saw a <i>boda boda</i> heading in their direction and they ran away. She walked home and took a shower. The following day, she disclosed what had happened to a friend who works at LVCT Health, who advised her to visit their facility for testing. She however did not do so because some of her friends work there. She did not tell her husband for fear he would chase her away.
HOMABAY	40	Podi	Civilian	On July 20, 2017 at around 10:00 am while campaigning for MCA position she was attacked by six men claiming she was a Jubilee supporter and they wanted the money Uhuru had given her. One of the men grabbed her and covered her eyes and mouth while the others took turns raping her until all six had done so. She was taken to a private clinic for treatment. She was admitted and underwent a minor surgery on her genitalia. She learnt that the youth had destroyed her property as well. She reported the matter at Homa Bay Police Station but no action was taken.
	41	Rangwe	Civilian	On August 11, 2017, at around 11:00 pm a known Uhuru supporter was attacked at her home by three people who claimed they wanted to help her. On opening the door, they grabbed her and raped her while telling her that she was a nuisance and they would do whatever they wanted to her. She lost consciousness until the following day at 2:00 pm. a well-wisher took her to a local clinic where she was cleaned and given medication but had to be taken to a bigger local hospital due to heavy bleeding and an operation performed to remove her uterus. She continues to suffer the effects of the ordeal.
	24	K'otieno	Civilian	On August 11, 2017 at around 11:00 pm she was at home with her two-year-old daughter, when she heard a knock on the door and she opened thinking it was one of her neighbours. Four men forced themselves into her house. One slapped her and she fell down, another covered her mouth, while another forcefully removed her clothes. The four men took turns to repeatedly rape her. Her daughter was asleep and they did not see her. The men also stole various household items. She called her uncle who came the following morning and took her to a local Community Health Center. She could barely remember what happened while in hospital but she received the necessary treatment. She then went to stay with her uncle for a week and did not report to the police fearing stigmatization if word spread.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
BUNGOMA	19	Kaptalelio	Civilian	On June 29, 2017 at about 11:00 pm, two men, one armed with a gun and the other a <i>panga</i> and <i>shoka</i> , came to their home where she was with her cousin. They forcefully entered the house. They were taken outside and ordered to follow the men. On the way they told them that they would take them to a place they had never been. They asked about the nearby police station and took them in the opposite direction. They started grabbing them and she tried to resist but one of the men hit her on the head with a hard object and she fell down. He tried to tear her clothes and when she resisted, he called the other one telling him " <i>afande huyu anakataa</i> ". The other man came and pointed a gun to her chest and threatened to kill her. She gave in and he tore her clothes and raped her. They then took them to the road, told them to do some exercise and that they would be police officers in future. They were then told to go home. They told her mother what happened and she called the police who came and recorded their statements before taking them to a local clinic. Some tests were carried out on them and then they were referred to a bigger local hospital for further tests.
	32	Kopsiro	Civilian	On December 15, 2017 at midnight she was home when she heard people saying, " <i>Fungua mlango. Fungua mlango tunataka mzee</i> ." They identified themselves as police officers and asked for her husband but she said he was not home and it was only her and her six children. They demanded she open so that they could confirm and so that she could give them money. She opened the window wanting to jump out but when she did, she saw one man standing at the window armed with a gun. He told her, " <i>Sisi ni akili kushinda wewe</i> ." Upon noticing the others were also armed she told them she would open for them. She opened the door and 3 men entered. She offered them goats and cows but they refused and she had to give them Ksh. 19,000. They were not satisfied with the amount and so they ordered her to get out and take them to her in-law's place. They closed the door behind them and when they reached the entrance to the compound they told her, " <i>Mama umewai jua jina jambazi? Leo ndiyo utajua</i> ." (Woman have you ever had the name jambazi? Today you will know). She could see torches illuminating her compound from different sides so she knew more of the men were hiding in the plantations. They then grabbed her and told her, " <i>Mama ukikimbia, tutakushika tu saa hizi tukuvunje</i> ." (Woman if you ran, we will catch you and break you).

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
BUNGOMA				<p>One of the men grabbed her shoulder and a knife dropped and she begged to know why they wanted to kill her. They ordered her to immediately remove her clothes (biker to be specific) or they would kill her. She hesitated and the other men put down their <i>pangas</i> and <i>rungus</i> and then forcefully removed her biker. They pushed her into the farm and gang raped her. When the first one was done, he asked another, “<i>Wewe pia unataka?</i>” (Do you also want to?) to which he replied, “<i>Ndiyo!</i>” (Yes!). The second one before raping her, told her, “<i>Mama kaa mzuri na utengeneze hiyo mgongo haraka.</i>” (Woman position yourself well and prepare your back quickly). The one with a gun placed it down and he too raped her.</p> <p>They had stripped her of all her clothes and when they were done they gave her back her blouse and petticoat but refused to give her back her biker and underwear saying they were not foolish to give her back the two so they could bewitch them. All the while she did not scream as they had warned her against it. They then escorted her back to the house and told her to remain silent or they would return to kill her. She stayed quiet until 1:30am as they did not leave her compound immediately. Her husband who had been outside and had seen the gang approaching had sneaked off to fetch the police. She believes the gang left on seeing the police flashlights. She was able to identify one of the perpetrators by name. The police arrived with her husband and questioned her on what had transpired. She disclosed that she knew one of the perpetrators. She went to a local hospital the following morning for treatment. She reported the matter at Kopsiro Police Station and was referred to Kipsigon Police Station.</p>
	30	Saria	Civilian	<p>On January 13, 2018 at around 1:00 am a gang alleging to be police officers raided their home where she was with her husband. They broke the back door of the house and entered. The gang stole Ksh. 42,000 from them. They were armed with a gun and were adorned in police uniform. She was removed from the house, her clothes were torn and they raped her. The gang warned them not to say anything or talk to anyone about the ordeal. They also raped 3 of their neighbours’ wives. She was given medication at a local hospital.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
BUNGOMA	36	Huruma Village, Korngotuny	Civilian	On January 13, 2018 at around midday, unknown robbers claiming to be police officers came to her house demanding to know which “robber” she was hiding. The men started slapping her and four of them forced themselves into her bedroom while others kept watch within the compound. They forced her to kneel down and demanded for money. She parted with Ksh. 350,000 proceeds from her businesses. They then forced her into her chemist where they took beverages, assorted stock and Ksh. 77,000. In order to conceal their faces, they made face masks by cutting her curtains. The robbers then took her two-month-old baby outside but she begged them not harm the child. They then beat her until she was unconscious and raped her. Her son, a class eight (8) candidate and her nephew are traumatized as they were home at the time and heard what was happening. She regained consciousness and went to a local hospital the next day for testing and treatment. A nurse gave her a brief counseling session. She has since relocated from her home and is forced to commute a distance daily to her place of business. She reported that five (5) other women were raped on that night and had all fled Huruma village.
	23	Cheptanda, Kopsiro	Civilian	<p>On January 13, 2018 at about 10:00 pm she was at home alone with her siblings as her parents were out. They heard a dog barking but paid no attention to it. They then heard a knock on the door but did not open and instead started screaming. The door was knocked down and four men dressed in police uniform with their faces covered, entered. They were all armed with guns and two of them were carrying axes. They demanded to know where their parents were and she told them she did not know. They took her siblings out of the house, then came back and locked her inside the house.</p> <p>They told her to remove their clothes and she started crying. One of them held her on the neck and another pointed a gun at her chest and asked her if she wanted to die. She had no choice but to let the four men rape her in turns. After that, two of the men went outside and returned with sticks which they wanted to push inside her. The other two instructed their colleagues to leave her to die. They warned her not to tell anyone or they would find her and kill her. Her parents returned the next morning but she did not disclose to them what had happened. She went to a VCT after 3 months for testing to know her status.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
BUNGOMA	-	Chebin, Kopsiro	Civilian	On the evening of January 27, 2018, she and her child were at her brother's house with his family, when a criminal gang attacked them. They had been forced into the bedroom, when one of the armed gang members (with a gun) came for her from the room and ordered her to go with him. She was gang raped and after some time she was returned to the house where the rest were. When the police arrived, they took them to Kimilili Hospital for treatment and PEP was administered. Her niece was also defiled by the gang.
KAKAMEGA	25	Likuyani	Civilian	On the June 18, 2017, she was part of the group campaigning for one of the candidates when she was attacked by three men. She was raped by two of them. Her aunt took her to a private hospital and was found to have contracted an STI. She was treated and is doing well but has since relocated to Kisumu.
	35	Malava (Al-Karim)	Civilian	On the August 8, 2017, at 4:00 am while on her way to the polling station to vote, she met with four men who she thought were also on their way to vote. One of them asked her for money but she told him she only had her National ID and voting card. The men then repeatedly slapped her until she fell down. One of them pulled up her dress and they all took turns to rape her. They each took two turns and once they were done they fled. It was about 5:30am when they left her, too weak to even get up. A passerby found her and took her home. He asked her to get medical attention but she never went to hospital because she had no money. She self-medicated with diclofenac tablets. She however tested negative for HIV. She is yet to fully recover.
	21	Lurambi	Civilian	A class 7 pupil at a local primary school was on holiday. On August 8, 2017 at about 4:00 pm, her mother sent her to the shop and on the way, she was abducted by two men. She had taken a shorter route which was not very busy. The two dragged her to a nearby bush and raped her, leaving her very confused. She gained courage and walked back home and told her mother what had transpired. Her mother took her to Vihiga Hospital where she was treated and discharged. After the incident she lost hope. Her step-father also started calling her names and ordered her to leave his house. She had no choice but to get married to a man she barely knew. She stated that she had contemplated suicide on a number of occasions. She never reported the matter to the police as her mother said the case was too shameful and nobody should know about it.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KAKAMEGA	42	Kabras	Civilian	On August 11, 2017 at about 10:00 pm she was at home with her daughter and two sons when eight men entered. They took her daughter to a different room and covered their eyes. They beat her on the ribs, legs and hands before four of them proceeded to rape her. Her daughter who was eight months pregnant at the time was also raped and had to be taken to hospital to deliver immediately after due to complications. She went to Malava Hospital for treatment. They both suffer stigma from the community and she was infected with HIV. Her husband left her to marry another woman after the ordeal.
	42	Mukumu Khaeka	Civilian	During the August 2017 election, she was attacked by two men who blindfolded her and threatened to kill her if screamed. They beat her on the back, ribs and hands before raping her. Her family members accused her of colluding with the people who raped her. Once they were done, they left her but she could not move. A good Samaritan found her and took her home. She continues to experience pain in the abdomen, ribs, legs and back.
VIHIGA	42	Majengo	Police	<p>In August 2017, after she had voted, she travelled to Luanda where her mother and children live. After the visit she decided to travel to Majengo. The <i>matatu</i> she boarded did not reach Majengo Center because there was chaos and she decided to walk since it was not far. On the way to Majengo she met three police officers who started harassing her and pulling her arm violently. They started making comments about her body and told her that she had to go with them. She begged them not to hurt her but they did not listen.</p> <p>They dragged her to a nearby bush where they took turns raping her until she lost consciousness. She was later assisted by a good Samaritan who took her to hospital and gave her clothes and fare. She told her mother about what happened. Since disclosing the same to her husband, he has changed a lot. She felt the officers targeted her because she was poor.</p>
	42	Majengo	Police	On the October 26, 2017 the day of the fresh Presidential election, at around 4:00 pm she was at her shop when chaos erupted. Some youth supporting a politician called Kobole were rioting alleging that his opponent had been distributing fake ballot papers. She felt relieved when she heard sirens believing the police would contain the situation. When she realized the situation was getting worse, she called her daughter to help her.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
VIHIGA				Police officers came to their kiosk and told them they were there to rape them. They dragged her and her daughter to a narrow alley behind the kiosk and pushed them into a shop that had been left open. The two officers raped them concurrently. She is HIV positive so she feared that the one who raped her first may have transmitted the HIV virus to her daughter. After the police left she called her mother who advised her to get medical assistance immediately. She gave her the cell phone number of a nurse known to her and explained what had happened. They were both given preventive medication. Her daughter was tested for HIV during the school holidays and her test was negative. However, she is extremely traumatized.
	64	Mazigulu	Civilian	During the August 2017 elections, she was on her way home and on reaching Mazigulu in Mbale she met with two men who attacked her. They lay on her telling her “ <i>Wewe ni wa Jubilee na hatutaki wafuasi wa Jubilee</i> ” (You belong to Jubilee and we don’t want Jubilee supporters). She started crying stating that it was her right to vote. Despite her pleading with them that she was an old woman, they went ahead to rape her. She suffered cuts on her vagina. The doctors were on strike so she could not go to hospital. She treated herself with salt and water. When she told her husband he just cried in disbelief. They are no longer intimate with each other. She suffered itchiness in the vagina but managed to receive treatment. She still experiences pain on the breast, legs and back due to the force used by the perpetrators.
	47	Majengo	Police	On October 28, 2017, while she was working with her cousin at their tailoring shop when they heard skirmishes outside. A lady came to warn them to close the shop but they were hesitant. Police officers threw a teargas canister inside their shop and this affected their eyes and they could not see clearly. Four police officers then gained forceful entry into the shop. The officers tore her clothes and raped her. They also raped her cousin. She went to hospital but could not seek the necessary medication and treatment due to financial constraints. She lost all her property and she had taken a bank loan which she is now unable to service. Her husband also left her and their children after the incident forcing them to drop out due to lack of school fees.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
VIHIGA	36	Majengo	Police	On October 28, 2017, she was at her shop in Majengo when skirmishes erupted. She continued with her duties, when she saw police approaching she ran. Three officers however caught up with her and raped her. One had dreadlocks. They beat her on the ribs, back and legs until she fell unconscious. She woke up and found herself at Maseno Hospital. She only shared what had happened with her parents.
	37	Majengo	Police	On October 28, 2017, while at the stage at Majengo skirmishes erupted and she ran and entered an Mpesa shop for cover. Some people followed her inside and she started screaming. Two men in GSU uniform and who had dreadlocks, blindfolded her and laid her down. They raped her and when they were done, they left her there unconscious. When regained consciousness, she found herself naked and dirty. She started crying, devastated and wondering how she would get home and if people had seen her. She dressed and boarded a <i>boda boda</i> home. She called her husband, who works in Nairobi and told him what had happened but he abused her telling her that he does not want her and he would marry another woman. She then went to a chemist where she was given medicine as the doctors were still on strike. She still experiences stomach and abdominal pains.
	54	Majengo	Police	On October 28, 2017, she was on her way to work when skirmishes erupted. She was with her son. Police hurled teargas, so they ran to hide inside her shop. Four policemen followed them inside and three of the officers hurriedly raped her while the fourth one took his time until he was done. They raped her in the presence of her son. They then stole cash totaling Ksh. 50,000 and a transaction phone worth Ksh. 30,000. They poured all the cereals on the floor and then left. She was helpless and could not go to hospital as police had surrounded the area. She stayed at the shop until 10:00 pm and used her son's phone to call a friend to assist her with medicines. She went to a hospital in Mbale and received PEP. She called her husband who works in Nairobi and when he went home she explained to him and her other children what had happened. She transferred her son to a boarding school since he had witnessed the incidence and she felt embarrassed every time she saw him. Her husband left her after the incident and has since remarried. She is financially distressed as her business was destroyed and she is servicing a bank loan.

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
VIHIGA	33	South Maragoli	Civilian	<p>On October 28, 2017, it was raining heavily and she was at her shop when four men dressed in NASA regalia and masks entered through the back door and attacked her. She fell down and two of the men started beating her up while the other two were raping her. They then stole Ksh. 180,000 from the safe.</p> <p>After the incident she just went home and told her two girls to go and close the shop. She told her husband who called a friend who brought her PEP and antibiotics, since the doctors were on strike. She was issued with a notice to vacate her business premises as she could no longer afford to rent it. She is also unable to service her bank loan because her business was destroyed. Her family members no longer want to be associated with her or her immediate family. She was a Jubilee party agent during the elections.</p>
	50	Majengo	Civilian	<p>On October 28, 2017, she was going to visit a client in Majengo, when skirmishes ensued. She ran to the forest to hide but unfortunately some men followed her. They stole from her and raped her until she fell unconscious. When she gained consciousness, she went home. She received medical care as usual for HIV but did not disclose that she had been raped. Her body is weak from time to time. She is a single mother of five children and suffers from depression as a result of the incidence. She still experiences pain on the leg which is swollen due to the beatings. She is living with HIV and is a peer educator</p>
	40	Majengo	Police	<p>On October 28, 2017 she was on her way to deliver groceries to a client when she found chaos had erupted in Majengo. She met with police officers who ordered her to enter the police lorry. Inside she found two other women and two police officers (in fake uniform and with dreadlocks). They were taken to a forest and told to alight from the lorry. She tried to run away but they caught up and tore her clothing. They raped her. The last officer to attack her tried to put his penis in her mouth and when she hesitated he put it on her eye and ejaculated. Her eye has been sick ever since. The officers stole her belongings and left. She went home and told her husband about the incident and they constantly argue. She now sleeps on the kitchen floor. She tested positive for HIV after the incident but had not disclosed this to anyone.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
VIHIGA	30	Majengo	Police	<p>On October 28, 2017 at about 11:00 am while at her salon, she heard gunshots and people screaming. Her two clients at the time immediately ran away. She locked herself in the salon but as the gunshots grew louder, she decided to run home since her house was not very far from the salon. On the way saw two police officers and she ran towards them for protection thinking they could escort her home.</p> <p>One officer shouted at her telling her that they were looking for women like her. The two officers dragged her to a nearby shop which had been deserted and raped her. She later went home and took painkillers but never went to hospital. Her husband deserted her and her two children when she told them that she had been raped.</p>
	48	Bukukha	Civilian	<p>On October 29, 2017, as she was travelling back from Kakamega where she had gone to visit her sick husband in hospital, the vehicle she was in stopped and she alighted. Police deployed in the area hurled teargas and she could not see clearly where she was. Seven men got hold of her and they slapped her and carried her off to a different location. They then removed her skirt and one man said “<i>huyu ndio mwanamke tulikua tunatafuta</i>”. They raped her while one was beating her. She lost one tooth the process. They then dumped her in the sewage. When I she regained consciousness, she dragged myself to the road and found her way home. She slept outside because she did not want my children to see her in her condition. She has not told her husband about the ordeal. She occasionally passes a liquid and bleeds from her the vagina. She also suffers from vaginal itchiness.</p>
	24	Majengo	Police	<p>On October 29, 2017, she was on her way to Majengo Market to look for food when she found the roads had been barricaded and people were running away. The police hurled teargas at them forcing them to run ahead. She followed the police thinking it was safe but three police officers raped her and left her once they were done. She went home and told her mother and together they went to hospital where she was given medication. Community members refer to her by indecent names and she stopped going to college due to fear of seeing many people especially men.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
VIHIGA	46	Majengo	Police	<p>On October 30, 2017 at about 6:00 pm after the release of the fresh Presidential election results, she was on her way home from her business in the company of two female friends, when they met two officers who ordered them to stop and kneel down. They obliged. One of them then asked them to choose between life and death to which they answered they had not committed any offense. One of the officers then pointed a gun to her head and ordered her to choose between life and death and she chose life. Her friends did the same.</p> <p>The two officers then told them they had to pay them for saving their lives. They ordered them to undress. They pleaded with them but the officers were arrogant and aggressive. They raped the three women and then left. She and her friends could not go to the hospital immediately. The following day she went to a private hospital where she received treatment. After a month she was tested for HIV and it was negative. She lives in fear as she is from a different ethnic tribe and the local residents are generally very hostile towards her. Her husband has also been very hostile towards her since the incident.</p>
	31	Majengo	Police	<p>One evening in October 2017 after the fresh Presidential election at about 7:00 pm she left her friend's house where she was attending a birthday party to go and buy some airtime. She met a group of rowdy youth at Majengo Center who were burning tyres and chanting political slogans in support of some politician. Police fired teargas in their direction to disperse them. She ran to the opposite side where the police were, thinking she would be safe. One police officer asked her to identify herself which she did. She told them that she was from Mbale and was only in Majengo for a friend's birthday party. They then accused her of being a prostitute and ordered her to accompany two of them to the police station. While on the way there, they took a different route which led to a narrow alley. They pushed her down, unzipped her trousers and took turns raping her. They then left her there. She later took a <i>matatu</i> home and narrated the ordeal to her husband. He too accused her of being a prostitute and deserted her. She never sought medical attention in a hospital but her friend who is a clinical officer gave her some emergency contraceptives. She used to teach in a boys' school but quit because she could not face the boys.</p>

GANG RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
VIHIGA	27	Majengo	Police	<p>In October 2017, after the fresh Presidential election but before the announcement of results, chaos erupted when some rowdy youth attempted to raid Kabole Supermarket which is owned by a man from the Kikuyu Ethnic Community, alleging that he had been buying IDs and fake ballot papers were found in his supermarket. She was in Majengo at the time at an <i>M-pesa</i> shop where she was working. She locked herself in the shop until about 8:00 pm when calm had been restored. She opened the door and peeped outside to see if there was anyone.</p> <p>Three police officers were passing by and when they saw her they forced their way into the shop. They took money from the cash box and then ordered her to lie down on the floor. She feared they would rape her so she told them that she was HIV positive. They said it did not matter. All three of them raped her repeatedly. After they had left she locked herself in the shop and waited till morning then she went home. She called her employer and told her that money had been stolen. She started threatening her and told her she would report to the police. She told her husband about the ordeal and their relationship has never been the same. He has become cruel and he keeps referring to her as a prostitute. He believes she invited those police officers to the shop and encouraged them to rape her. She went to Mbale Hospital but did not disclose that she had been raped.</p>
NANDI COUNTY	-	Kapkangani	Civilian	<p>On October 24, 2017 at around 2:00 am she was in her house when three men armed with guns and torches entered and immediately demanded for money. She told them she had no money and one of them covered her eyes with a scarf, tripped her down and began raping her. She was raped by two of them before they left. She was weak and did not move until morning. At about 5:00 am she went to her neighbour's house and told her what had happened. Her neighbour accompanied her to Kapsabet Hospital where she received treatment. She reported the matter at Kapsabet Police Station. She could not tell if they were police officers or civilians, as they had heavy jackets and caps. She however believes they were civilians.</p>

ATTEMPTED RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	27	Waithaka	Civilian	On August 8, 2017 at 11:00 pm a group of about six youths came to the club where she was working. She was alone as her colleagues had left. She went to take their orders when two of them attacked her. She was dressed in a pair of trousers but they were not able to take them off as she was screaming and passersby were able to come to her aid. She sustained injuries on her elbow, neck and back as she tried to fight them off. She lost her job after that night as a result of drinks and money being stolen from the bar. She is not sure who stole- whether it was her attackers or those who came to her aid.
	26	Uthiru	Civilian	On August 9, 2017 at 9:00 pm she heard a knock on her door and she opened. Three men entered and started taking her property. She was dressed in a short night gown and one of the men tried to lift it. She kicked him and he touched her on the thigh. They struggled for a bit as she screamed and this caught the watchman's attention since the door was opened. She was home with her 2-years-old baby at the time.
	19	Bahati	Civilian	On the afternoon of October 31, 2017, she was in Bahati where her business is situated, when she and her friends heard noises and decided to hide in one of the stalls. Five men broke the door and began touching their private parts. They were about to rape her when a stranger appeared and stopped them so they ran away. Upon leaving the stall, she found her business items had been stolen. Her friend was raped during the ordeal.
KISUMU	25	Nyalenda B	Police	On August 11, 2017, youths in the area were protesting against the results of the Presidential election. When the police started searching for them in the neighboring houses, she decided to go to a friend's house. Five police officers came and knocked on the door and told them to open or they would break it. She opened the door and they demanded that they each give Ksh. 2,000. She told them she only had Ksh. 500 at home. They hit her left thigh with a <i>rungu</i> and took her to her house so she could give them the money. At her house, one of the officers told his four colleagues to go outside and wait for him. He forced her to undress failure to which he would shoot so she cooperated. He started touching her body and ordered her to go to the bed if she did not have money. He took the Ksh.500 and told her that she was lucky because he would have taught her a lesson.

ATTEMPTED RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				She was taken to Russia Hospital (JOOTRH) by Red Cross where she received treatment, was given painkillers and an x-ray of her chest was done. She was yet to receive any counseling. She reported the matter at Joel Omino Police Station and was given an OB number.
	50	Obunga	Police	<p>On August 11, 2017, following the declaration of the Presidential election results, youths started protesting and engaged the police in running battles. She was home with her 18-years-old son and four grandchildren when they heard police officers moving from house to house breaking doors. When they heard their neighbour scream, “<i>mumenivunja mguu!</i>” (You have broken my leg) she told her son to hide under the bed.</p> <p>The officers kicked their door open and six of them entered the house and started beating the children. She cried, “<i>Kwa nini mnapiga watoto wadogo wenye hawana kura? Hawajui chochote. Afadhali mnipige</i>” (Why are you beating small children who do not have a vote? They do not know anything. You would rather beat me.) The police turned to her and said, “<i>Tumpige huyu mama tumue kabisa. Anatusumbua na Raila pia anatusumbua huko juu!</i>” (Let’s beat this woman and kill her. She is disturbing us and Raila is also disturbing us up there!). They started beating her all over her body and even broke her right thumb. She cried out, “<i>Mnaniua bure!</i>” (You are killing me for nothing.). They repeatedly told her, “<i>Wacha tufanyie huyu mama maajabu tumue. Toa nguo, toa suruali.</i>” (Let us do wonders to this woman and kill her. Remove your dress, remove your underwear). They lifted her dress and pulled down her petticoat. One pulled down her underwear and they grabbed both her legs while another fondled her breasts. She pleaded with them on the basis of her age telling them she had not been sexually active for over 20 years and it was taboo to sleep with her. They ignored her pleas and ordered her to lie down. Two of the officers told their colleagues to leave her alone as she was old and there were children present. They were speaking in English and her son later told her they had all been planning to sleep with her. The children also cried, “<i>Msiuwe nyanya yetu. Mkimua tutabaki bure. Yeye ni mama na baba yetu.</i>” (Do not kill our grandmother. If you kill her, we will remain with no one. She is our mother and father).</p>

ATTEMPTED RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				The officers ordered them to keep quiet. The officers ordered her to lie down on her stomach before they left. They were given medication the following day by Red Cross. She also went for the medical camp organized by the Governor at the Sports Ground from which she went to JOOTRH. She reported the matter at the police post at Obunga and was issued with an OB no. She has received counseling services.
	32	Nyalenda	Police	On August 12, 2017 at about 4:00 pm she left her house and went to relieve herself in the latrines situated within the compound. Upon returning to her house, she found two officers searching her house and when they spotted her, one asked her to choose between rape and death. She remained quiet and one of them pushed her down and started removing her clothes. He managed to remove her shorts and lay on top of her in an attempt to rape her. She was on her menses and he was disgusted by this so he made no further attempts. The officers then kicked her on the stomach and left. She sought treatment at JOOTRH for the pain and reported the matter at Central Police Station.
	20	Nyalenda	Police	On August 12, 2017, at around 11:00 am she was watching television with two of her neighbours. There was teargas in the air and gunshots could be heard in the distance. They heard a knock on the door and a voice telling them ' <i>fungueni ama tuvunje</i> ' (Open or we will break in.). Out of fear one of her friends opened the door and they saw five policemen, adorned in combat gear (riot uniform). Two officers pulled her friends telling them ' <i>twendeni</i> ' (let's go) and they took them next door. The other three officers were inside the house and one of the officers requested the other two to wait for him outside. The police officer who remained began demanding me for some money telling her " <i>tuma pesa</i> " (send money). She said she had none and he removed his pistol and pointed it at the side of his head asking her " <i>unatoa pesa ama hutoi</i> " (are you removing money or not). She said she had no money and he told her " <i>sawa naenda na narudi</i> " (Ok I am going; I will be back). In less than 3 minutes he returned with two other officers and he ordered them to wait for him outside again. This time he told her " <i>nimerudi unatoa pesa ama hutoi</i> " and then he grabbed her pink dress, tore it and pushed her onto the bed. He said, " <i>kama hutoi pesa, nitakufanya chenye nafikiria kukufanya.</i> " (If you are not removing money, I will do whatever I think of doing). He then went out.

ATTEMPTED RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				<p>She covered herself with a <i>leso</i> since she only had on a bra and panties. He came back with another officer who held her hands and threw her on the bed. The first officer grabbed her left leg and then asked his colleague to go outside. She grabbed a bottle of soda and tried to hit him but he removed his pistol. As he removed his pants, she kicked him and he swerved and began to remove his inner pants. When he removed his inner pants, she grabbed him by the penis and pushed him away. She seized the opportunity when he fell down to escape.</p> <p>She grabbed her <i>leso</i> and ran. She went to hide at her neighbour's and she was advised to stay until the human rights agencies came to her rescue. She decided to go back to her house after two hours. She found the officer seated naked on the sofa. He had removed his hat and he had dreadlocks. He was holding his pistol and warned her against trying to escape. He ordered her to go to the bed but she told him she would rather he killed her but he ought to know she had a hidden camera recording him. He wore his clothes and left. The following day human rights officers came and told them to go to Russia Hospital (JOOTRH). She was examined and confirmed to be fine. She does not know what happened to the neighbours she was with as they had moved.</p>
	24	Nyalenda	Police	<p>On August 12, 2017, three police officers gained forceful entry into her house where she was with her husband and child. One took her husband and two remained with her. One tried to undress her while the other searched for food. The officers who were armed with <i>rungus</i> beat her on her lower abdomen. The officers left when another one of their colleague entered and told them they needed to leave. The following day she was taken for treatment at Russia by Red Cross and human rights defenders. She reported the matter at Nyalenda Police Station and was issued with an OB number.</p>
	42	Obunga	Police	<p>On August 12, 2017 at 2:45am she was at home with her grandchild aged 24 years and 19-years-old male cousin, when two police officers entered their house. The officers assaulted her cousin using a <i>rungu</i>. One of them tried to undress her but she kept him off by firmly holding onto his penis. They took her cousin outside and beat him. They then forced him to have sex with her but she instructed him not to in Dholuo as she is HIV positive and they would rather kill him instead.</p>

ATTEMPTED RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				Due to the ongoing violence at the time, she reported the incident to the police 3 days later. She met a Red Cross team at the Sports Ground and was given painkillers and told to go to the hospital. She went to Russia hospital and explained to the doctor about the back pains but feared disclosing the rape. An x-ray revealed she had a crack in her back. She was advised to get a corset to support her back but she could not afford it. Her cousin moved to Kitale due to trauma and fear.
BUNGOMA	38	Cheromet	Civilian	<p>On Friday, March 30, 2018 at about midday a gang of three men attacked her in her house while she was asleep. She was home alone with three of her children and her sister in law when she heard knocks on the window and door. The voices demanded she open the door saying, “<i>Fungua sisi ni maaskari wa polisi! Fungua umeficha mzee kwa nyumba!</i>” (Open the door, we are police officers! Open, you are hiding your husband in the house). They knocked for a while and she awoke her children telling them they would die in the house. They knocked hard saying, “<i>Tunapita na mlango, tunapita na dirisha.</i>” (We will break the door and windows). Her children urged her to just open the door believing it was police officers. When she opened the door, one man entered and ordered them to sit down telling them that they were police officers. He said, “<i>Sisi tumebisha kwa muda mrefu, toa pesa.</i>” (We have been knocking for a long while, remove money).</p> <p>She had no money on her and he asked her, “<i>Unajua kwa Peter?</i>” (Do you know Peter’s place?) to which she answered she did. They asked that her sister in law take them to his place but she said she did not know where it was. They then ordered her to stand and take them. The man who entered the house was armed with a <i>panga</i> and was wearing a mask over his head. They walked a distance before telling her to stop. He added that Peter would bring problems once they got there and she said she did not know but he could proceed on since she had pointed out the house to him. He then asked her, “<i>Wewe umesema mzee ako Nairobi, unaishi kivipi?</i>” (You have said your husband is in Nairobi, how do you live?). She told him she travelled to see him and vice versa.</p>

ATTEMPTED RAPE				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
BUNGOMA				He then told her that he was now her husband. He ordered her to sit and remove all her clothes. When she refused, he started to force himself on her. He then cut her with a <i>panga</i> on her right thigh and hand. He proceeded to kick her and she fell down. As he attacked her she tried to shield herself by holding onto the <i>panga</i> and sustained cuts on the fingers on her right hand as a result. When she realized that he had stopped assaulting her, she seized the opportunity to escape. She went to her friend's house. She reported at Kipsigon Police Station the following morning. She went to Bungoma Referral Hospital where she was admitted.
HOMABAY	31	Homabay Town	Civilian	After the August 8 th 2017 election, riots broke out in Homa Bay town. She was at home with two of the children aged 13 years and 8 years, when six men forced their way into their <i>mabati</i> (iron sheet) house. Two went straight to the kitchen and four remained behind with her and her children. One of them attempted to push her through a small corridor and started unzipping his trousers. She started screaming and shouting and the other men in the house ran outside. The man who was attempting to rape her also ran away. Because she could not recall whether the man penetrated her, she went to Homa Bay District Hospital and was referred to MSF clinic for a test. She was already HIV positive and she was not issued with any medication but advised to continue with her ARVs. She did not report the matter to the police but talked to her husband about it. She had not received any psycho social support and stated that her children who witnessed the ordeal were not exhibiting any change of behavior.
VIHIGA	49	Majengo	Police	On October 28, 2017 at around midday, she was at her tailoring shop in Majengo, when chaos erupted. There were claims that a Jubilee supporter had been found with fake ballot papers and most people started closing their shops so she did the same. Before she firmly locked her door, a GSU police officer pulled it open and started hitting me. Two others walked in. Her shop is small so not all of them could get to her. The first one who walked in backed her into a corner, pulled up her dress and unzipped his trousers. Before he could rape her a mad man (Known as <i>Mudavadi</i>) who usually hangs around her shop started shouting and calling for help. This startled the officers who then hurriedly left. The officers destroyed her business that has a loan.

SEXUAL ASSAULT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	23	Ngomongo	Police	On August 8, 2017 at 11:00 pm while at her sister's place, they heard people hitting doors and directing that they either open or they will break down the doors. Four men dressed in police uniform entered and beat them up. She pretended to have lost consciousness and 2 of the men fell on her, removed her underwear and started inserting their fingers in her vagina. She could not see what they were doing to her sister and there was nothing she could do as they left her in pain.
	26	Mathare-Mradi	Police	On August 11, 2017 GSU officers deployed in the area came to her house and assaulted her husband in his private parts. Red Cross came to their assistance. On 10 th November 2017 they were again assaulted by GSU officers while at home. She had just come from the bathroom when 4 officers stormed into their house and one of them sexually assaulted her by inserting his finger in her anus while the other touched her breasts. They wanted to rape her but her screams attracted the neighbours. A scuffle ensued and the officers threw tear gas their houses and left.
KISUMU	37	**** Location withheld	Police	On Tuesday October 24, 2017 at 2:30 pm she was at a lodging where she is in charge of sex workers and keeping the rooms clean. There was commotion outside the lodge. She had finished her duties and decided to sleep in one of the rooms when she had a bang on the door and people saying, " <i>Fungua! Fungua!</i> " (Open! Open!). Her boss had locked the door with chains and when she peeped she saw policemen adorned in combat uniform (jungle green). When they refused to open, the officers cut one of the walls made of iron sheets. She was in the lodge with her boss and eleven other girls. The officers gained entry and asked, " <i>Mnafanya nini hapa?Nyinyi ndio mnaficha wezi hapa?</i> " (What are you doing here? You are the ones hiding thieves here?). They began beating them up while telling them, " <i>Toeni simu na pesa.</i> " They took her phone (Infinix Note 1 worth Ksh. 14,000) and her bosses 3 phones (Itel, Sony Erikson and Techno). They also took a pouch with money, Ksh. 4,500. They ordered the girls, " <i>Toeni suruali.</i> " (Remove your panties). They raped the girls but they did not rape her as she had told them she only cleaned clothes. They told her to run home and when she ran out, she met with other officers who beat her and told her to go back inside.

SEXUAL ASSAULT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				Her boss was the first to be taken to the police station. When the officers were done, they instructed them to run to the police station while lifting their hands shouting, “ <i>Sisi ni Malaya wa ****!</i> ” (We are prostitutes from ****!). At the station they were asked to face the wall. About eight officers beat them on their buttocks using batons. Some of the officers told their colleagues to leave them alone as they were now in custody. She and the other girls remained in custody for three days. While in the cells, a female officer gave them oil used to clean guns to apply on their hurting buttocks. Upon release she went to a local clinic for treatment and medication.
MIGORI	35	Saa Yote, Suna West	Police	On October 27, 2017 at around 12 midday, she was at her shop when four policemen in jungle green uniforms, helmets and armed with batons and rifles, one of who had dreadlocks, approached her. They were accompanied by two others in civilian clothes. One of the officers shouted that the men should leave and they beat them as they left. One of the officers ordered her to remove her apron and she pleaded with him stating that she is a woman who had nothing wrong, but he continued to insist. He then ordered her to remove her skirt and when she questioned him, he hit her with his baton on her left hand. One of the others in plain clothes told her, “ <i>Madam, you are wasting time.</i> ” When one of the uniformed officers moved to place his gun down, she managed to escape. The officers however managed to take her money Ksh. 45,000 and her property amounting to Ksh. 95,000 was destroyed in the chaos that ensued in the market. She was able to seek treatment at a private clinic.
INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	37	Mathare 4A	Police	On August 10, 2017 at 11:00 am chaos broke out as she was on her way to the grocery. 2 GSU officers caught up with her. One hit her with the butt of his gun while the other proceeded to touch her inappropriately as he made snide comments. Some of the locals around saw what was happening and started making noise prompting the police to leave her alone.

INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	23	Mathare	Police	On August 10, 2017, she was home with her one-year old baby when people were protesting against the electing of Uhuru Kenyatta as President. Police officers deployed in the area were taking away the men and leaving the women behind. They were also using teargas which was affecting her baby who was having difficulty breathing. She decided to open the door and take her baby out. 3 officers who were hiding, chased her and when they caught up they touched her all over her body. They took her back to the house and beat her up. Her baby developed breathing problems and she had to take him to hospital.
	26	Mathare 4A	Civilian	On August 10, 2017, she was at home with her husband when 3 men armed with guns and batons broke in. They beat up her husband and then one of the men got hold of her and started touching her indecently telling her “ <i>wewe umekauka, hata hauna nyama.</i> ” Her husband was able to come to her rescue and he was badly injured in the process.
	25	Dandora	Police	After the August General Election, two AP officers known to him by name, came to his house where he was with his wife. They broke the door and beat him up on his hand and private parts. One of the officers went to the bed where his wife was and raped her. As they left, they took his TV telling him that he was a thief. He and his wife both went to hospital for treatment. He reported the incident at a local police Station and he learnt that one of the officers had since been transferred.
	25	Dandora Phase 3	Police	On November 12, 2017 policemen stormed into the court named “Supreme” at around 9:00 pm and started beating people. One of the officers assaulted him in his private parts. He still feels pain in his lower abdomen but he did not seek medical attention.
	33	Dandora	Civilian	On November 17, 2017 she was at work when someone advised her to go and pick up her child from the box where she usually places her as demonstrators were approaching. She met with the demonstrators after picking her child. They touched her inappropriately all through her body looking for cash.

INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU	32	Manyatta	Police	<p>On August 9, 2017 at 11:00 am she was home having opted not to report to work due to the ongoing chaos. She heard commotion in the neighbouring houses but she assumed it was the usual domestic problems until she heard the next door neighbours (<i>who were men</i>) complaining. She heard the police, say “<i>Hapa tuwache mchezo, sasa twende door to door.</i>” She then heard a knock on her door and voices saying, “<i>Fungua ama tu fungue.</i>” (Open or we will open) She peed on herself out of fear and they began kicking the door. They kicked it and it broke open on the fourth kick. Five police officers dressed in jungle green camouflage riot gear entered. She was half naked in a bra and bottoms and when one of the officers noticed and he reacted, “<i>Eey!!</i>” and turned back. The other four officers came in and one began touching her breasts while telling her “<i>na uko smart sana.</i>” (You are very beautiful). The other three officers went through her stuff and asked her, “<i>mbona wewe uko ndani na watu wametoka nje?</i>” (Why are you inside while everyone else is outside?). She explained that they were the ones looking for those who were outside. One of the policemen ordered them to leave her telling them “<i>Apana bwana.</i>”</p> <p>That is when they left. She immediately took her top and wore it and hid under the bed. Another group of police officers entered the house, while shouting “<i>Nasa hawa! Nasa hawa!</i>” then one said “<i>Ako chini ya kitanda.</i>” (She is under the bed). They used their guns to point, aim and poke at her while she was under the bed. She pleaded with them telling them they had just been to her house and she was a young lady. They lifted the mattress and pulled the bed. She kept moving in the direction they pulled the bed and they used the butts of their guns to hit her in the back but she did not budge. There was a lot of commotion outside and the officers opted to leave and move towards the cries. They said, “<i>hapa tumeona warembo wengi. Tutawarudia usiku mtatuona!</i>” (Here there are a lot of beautiful ladies. We will come back for you at night, you will see). After they left, she showered and cleaned her house. She later went to the pharmacy for some medication. She also called a carpenter to repair the door. That day she stayed at a friend’s place in a different neighbourhood for fear that they would return at night. She did not report the matter to the police for fear of reprisals.</p>

INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU	36	Obunga	Police	On August 12, 2017 at around 8:00 pm President Uhuru Kenyatta was declared winner. She was at her friend's house and they heard people screaming outside. She decided to go home for her own safety and her boss had gone with her 10-years-old son to Nyamasaria in case of any eventualities. She was home alone until 10 p.m. when her boyfriend came home. They heard screams outside coming from Obunga Junction. At about 10:30pm she heard a knock on the door and someone shouting, " <i>Fungua, fungua!</i> " She inquired but the voice demanded that she opens. They then used force and managed to bring down the door. About six officers entered and one told her, " <i>Wewe mama mjinga. Kwa nini tunagonga na haufungui mlango.</i> " (You stupid woman! Why aren't you opening the door and we are knocking?) They asked the whereabouts of her husband and she said she did not know. They beat her and she fell before they proceeded to search her house. They found her boyfriend in bed. They beat him up and then threw him in a trench and repeatedly told him, " <i>tomba hii mtaro.</i> " Two officers remained with her in the house and one asked her, " <i>Mummy umetombwa?</i> " She did not respond. He tried to hold her and rape her, all the while beating her. One tried to remove her clothes and the buttons on her blouse popped and it ripped. She tried to scream and kick in resistance. They tried to pull down her skirt but it was too tight. Her persistent screams made them uncomfortable and one of them said, " <i>Twenden!</i> " (Let us go) and that point they all left. She came to learn that some of her neighbours managed to ran away to Obunga-Kasarani. A neighbor came to their assistance and the following day her boyfriend left never to return. She sought medical assistance three days later at a local clinic. She also suffered a dislocated wrist as a result of the beatings, her eyesight has deteriorated and she had to shave due to the swelling on her head.
	70	Yala	Police	On August 12, 2017 at around 7:30 am a policeman entered his house where he was watching TV and ordered him to follow him outside. He was taken to a place by the roadside that had been set on fire and was instructed to put off the fire. Having no means to put off the fire he was returned home by 5 officers who then beat him up targeting his genitals. He was treated at Yala Hospital before being referred to a private hospital in Khwisero for specialized treatment.

INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				He tried to report the matter at Yala Police Station where he was denied a P3 Form. His grandson who was also home at the time was also beaten up.
	-	Mowlem	Police	On August 13, 2017, she and her sister were subjected to sexual harassment by 5 police officers who forced their way into their house. She was repeatedly slapped and asked to sleep with one of the officers. She however refused. She was then dragged outside and ordered to crawl to the main road. As she was crawling she was ordered to roll in a pool of mud. As she rolled in the dirty pool, she was kicked and hit severally by the police officers.
	-	Mowlem	Police	On August 13, 2017, she and her sister were subjected to sexual harassment by 5 police officers who forced their way into their house. She was dragged towards the main road by one officer who ordered her to collect stones that were strewn on the road. As she collected the stones, the police officer kept pushing her buttocks with a baton and asking her whether her buttocks were real or fake. She was too terrified and distressed to speak. One of the officers then asked her to start singing and dancing. She could not as she was crying. He then repeatedly hit her buttocks with a baton. They then let her go. For a while she could not sit since she was in too much pain.
	23	Obunga	Police	<p>During the protests that erupted after the August polls, police stormed the area at around 3 p.m and started breaking into people's houses. She was alone in the house with her two children aged 9 years and 6 years when three police officers armed with guns and batons, dressed in camouflage uniform and black hooded caps, two of whom had dreadlocks, kicked the door open. When they entered they started asking the whereabouts of her husband and when she told them she did not have one, they beat her 9-years-old son saying that the youths are the ones that were throwing stones at them.</p> <p>When she tried protesting they beat her up and started groping her breasts while one tried to rip her clothes off. She started screaming loudly when one of the officers told his colleagues that they should leave. After they left, she waited till around 5 pm when it was calm and went to a nearby pharmacy called Koganga and she was given painkillers. The following day she reported the matter at Obunga Police Station and was given an OB number but no action was taken.</p>

INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU	32	Buoye	Police	On the day the Presidential election results were announced, there was a lot of noise outside. The police entered their plot and six of them came to her house. They stripped her naked and inserted a baton inside her vagina. One of the officers told her to lie down and slapped her severally. He wanted to rape her but she told him she was sick. They told her to bring the medicine she was taking and she did. They dragged her outside and beat her with their batons until she fell unconscious. A stranger came to her rescue once the police had left and advised her to report the incident to the police but she opted not to out of fear. Her neighbour also advised her to go to hospital but she did not. She bought medication at a local pharmacy.
	32	Nyalenda	Police	In August 2017, at around 11:00 am on the morning following the announcement of results, two police officers entered their plot while she was home having breakfast with her husband, two children a neighbour and her sister. The officers were dressed in brown shirts and trousers. They pulled her husband away and ordered him to lie down. They began beating him up. The other started beating her and her neighbours in the bedroom while touching them all over their bodies saying, “Sema Serikali yenye inafanya.” (Say a Government that is working). They stayed in the house for about 2 hours and then demanded Ksh. 5,000 before leaving.
	29	**** location withheld	Police	On October 24, 2017 at about 2:00 pm she was in the room at her place of work where she is a sex worker. She told her friend, that it would be better for them to wait for their clients inside as the police were lobbying teargas outside. They heard a knock on the main gate followed by another knock on the main door. They saw GSU officers who had been deployed in the area entering. The officers entered the room and pulled her and her friend from under the bed where they had been hiding and started beating them up. While some were beating them, others were telling them, “Toa suruali!” (Remove your underwear). They hit her with their batons and kicked her on the thighs and vagina while touching her private parts. (She still had the scars where she was hit). They made them sit down and then fetched water from the drums outside and poured it on them. They were made to carry the clothes they had in the room on their heads as the police continued to hit them. They marched them to a local Police Station and told them to say, “Sisi ni malaya wa ****” (We are prostitutes from ****).

INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
KISUMU				They were placed in the cells and were released on October 27, 2017, after the fresh Presidential election. They were not booked in the OB. She never went to hospital or reported to the authorities. She only told her friends.
MIGORI	25	Suna West	Police	On October 26, 2017, she locked herself in her house after she heard her neighbours being assaulted by police officers. Five officers entered her house and began fondling her breasts and slapping her. Shortly after they left, another group of officers came and she had to give them Ksh. 1,000 after which they proceeded to burn down her house.
	50	Ombo	Police	On October 27, 2017 at 9:00 am she was selling her goods at the market when violence broke out. She saw six police officers, two in civilian clothes and the other four uniformed approaching and she decided to enter her stall. They found her at the stall and asked her what she was doing there upon which she responded she was selling. They accused her of being part of the demonstrators and started beating her with their weapons. They first hit her on her left knee before proceeding to hit and kick her on the rest of her body. They tried to touch her inappropriately but she screamed out saying she was an elderly lady and one of the officers told the rest to leave her alone. They lobbed teargas before leaving. She inhaled the gas and continues to suffer the effects. The officers also took her Ksh. 6,000. She did not go to hospital and only applied a soothing balm on her joints. She did not report to the police as they were the perpetrators.
VIHIGA	45	Majengo	Civilian	On a day in August before the General Election at around 4:00 pm, she and her assistant were at her boutique when a group of young men armed with guns raided their shops. Three of the men entered her shop and ordered them to lie down and they complied. While two of the men were ransacking the shop, the other one approached her and started touching her inappropriately. Her assistant started screaming raising alarm and the men fled. They made away with Ksh. 30,000 and some clothes. She did not report the matter to the police.

INDECENT ACT				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
VIHIGA	28	Majengo	Police	Following the announcement of the October 2017 fresh Presidential election, she was working in an <i>Mpesa</i> shop when violence broke out. She was about to close the shop when three police officers forcefully gained entry and asked her to give them money. She remained silent and one of the officers repeatedly slapped her until she fell down. He kicked her all the while insulting her. Another officer inserted his hands into her blouse and started touching her breasts and private parts as he made demeaning comments. The officers left after stealing money from the shop. She has been undergoing counseling and has since stopped working at the shop.

SODOMY				
COUNTY	AGE	LOCATION	ALLEGED PERPETRATOR	DESCRIPTION
NAIROBI CITY	21	Dandora Phase 2		On August 11, 2017 at 10:00 pm violence erupted in the area. He and his brother hid in a kiosk. The police broke into the kiosk and found them and beat them up. The officers appeared to have been collaborating with the Luo speaking demonstrators as they allowed them to enter and they just stood and watched them undress and sodomize him. They went home to Uganda where they shared what had transpired with their father. He was taken to hospital and was treated.

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