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COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

THIRD ASSEMBLY-SECOND SESSION

**A REPORT OF THE COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE STATUS OF GENDER -BASED VIOLENCE CASES IN BUNGOMA COUNTY**

*Clerk's Chambers*

**MARCH,2023**

*County Assembly of Bungoma*

*P.O BOX 1886-50200*

**BUNGOMA, KENYA**

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**Abbreviations**

GBV- Gender-Based Violence.

FGM -Female genital mutilation.

KDHS- Kenya Demographic Health Survey.

MDAs- Ministries Departments and Agencies.

SOA -Sexual Offences Act.

UNHCR- United Nations High Commissioner for Refugees.

## **CHAPTER ONE**

### **1.1 Preface**

**Mr. Speaker**, on behalf of the Members of the Committee on Gender, Culture and Social Welfare, it is my pleasure and duty to present to this House the Report of the Committee on the status of Gender Based Violence cases in Bungoma County.

### **1.2 Objectives of the report**

The report seeks to address a number of issues among them:

1. To identify the forms of GBV in Bungoma County
2. To identify the drivers of GBV in Bungoma County
3. To have policy and legislation recommendations for improving response and interventions to GBV issues.
4. To identify gaps in the department of Gender and Culture and make possible recommendations which would help curb GBV cases.

### **1.3 Committee's mandate**

**Mr. Speaker**, the sectoral Committee on Gender, Culture and Social Welfare is constituted pursuant to the provisions of standing order No. (217) (1) of the County Assembly of Bungoma Standing Orders. Its mandate pursuant to Standing Order 217(5) shall be to:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of the effectiveness of the implementation;
- d) Study and review all County legislation referred to it;



- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the Constitution or any law requires the House to approve, except those under Standing Order 209(Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of the proposed legislation.

#### **1.4 Committee membership**

**Mr. Speaker Sir**, the Committee on Gender, Culture and Social Welfare as currently constituted comprises the following Members:

1. Hon. Jack	Kawa	Chairperson
2. Hon. Joseph	Juma	Member
3. Hon. James	Mukhongo	Member
4. Hon. Sudi	Busolo	Member
5. Hon. Godfrey	Wanyama	Member
6. Hon. Alfred	Mukhanya	Member
7. Hon. Jeremiah	Kuloba	Member
8. Hon. George	Kwemoi	Member
9. Hon. Metrine	Nangalama	Member
10. Hon. Florence	Juma	Member
11. Hon. John	Wanyama	Member
12. Hon. Mourine	Wafula	Member
13. Hon. Mildred	Barasa	Member
14. Hon. Eunice	Yeko	Member

#### **1.5 Acknowledgement**

The Committee wishes to thank the offices of the Speaker and Clerk of the County Assembly of Bungoma for the support accorded to it that culminated into this report.

Further, I am grateful to the Members of the Committee for their commitment before and during the retreat which contributed immensely to the success of this report. The Committee also wishes to thank the secretariat for their utmost support extended to it.

On behalf of the Committee on Gender, Culture and Social Welfare, I now have the pleasure and honor to present this report on the status of Gender Based Violence cases in Bungoma County before this Honorable House.

Sign..........Date:.....*5<sup>th</sup> APRIL 2023*.....

**HON. JACK KAWA; MCA BOKOLI WARD**

**CHAIRPERSON, COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE**

## **CHAPTER TWO**

### **2.1 Background information**

#### **Mr. Speaker,**

Gender-based violence has been acknowledged worldwide as a violation of basic human rights. Research has highlighted the health burdens, intergenerational effects, and demographic consequences of such violence (United Nations, 2006). The UNHCR defines GBV as harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. Such acts may also include any act of violence that results in physical, sexual, economic, or psychological harm or suffering to either gender, as well as threats of such acts, coercion or the arbitrary deprivation of liberty.

The consequences of GBV are devastating and can have life-long repercussions for survivors and can also lead to death.

### **2.2 Legal framework addressing elements of GBV**

#### **The Constitution of Kenya, 2010**

The Constitution recognizes a number of important general principles that are of importance to gender equality and that have a general bearing on gender-based violence in the Country.

Article 10(2)(b) sets out the national values and principles of governance to include among others, human dignity, equal social justice, inclusivity, equality, human rights, non-discrimination and the protection of the marginalized.

Article 19(2) presupposes the importance of recognizing and protecting human rights and fundamental freedoms to preservation of the dignity of individuals and communities and the promotion of social justice and realization of the potential of all human beings.

Article 21 imposes an obligation on the State and every state organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

Further, Article 29 of the Constitution provides for freedom and security of the person which include but not limited to:

- a) The right not to be subjected to any form of violence from either public or private sources;
- b) The right not to be subjected to torture in any manner whether physical or psychological;
- c) The right not to be treated or punished in a cruel, inhuman or de-grading treatment;

### **The Sexual Offences Act (SOA), 2006**

The SOA is the law governing sexual offences in Kenya. It defines sexual offences; provides for the prevention and the protection of all persons from harmful sexual acts, and enhances access to justice and psychosocial support.

It prohibits different types of sexual violence committed against men, women and children, including attempted rape, sexual assault, indecent acts, defilement, gang rape, sexual harassment, child pornography, child prostitution, child sex tourism, exploitation of prostitution, incest, deliberate transmission of HIV including other life threatening sexually transmitted diseases and cultural and religious offences.

Additionally, it provides for hefty penalties for rape and other forms of sexual violations which should have a deterrent effect on perpetrators. It further provides that the high court shall maintain a register of convicted sexual offenders. (Sections 3, 5, 8, 10, 20, 21, 26, and 29).

### **Marriage Act, 2014.**

Section 87 of the Act prohibits marrying a person below 18 years of age. It sets a mandatory minimum marriage age of 18 years for both parties to a marriage and considers void any marriage contracted with a person below the minimum age. The Act guarantees equal right to parties to a marriage at the time of the marriage, during the marriage and at the dissolution of the marriage. It identifies offences related to marriage and sets penalties, prohibits inducing consent to marry by coercion or fraud. (Section 3, and 4).

### **The Protection against Domestic Violence (PADV) Act, 2015**

This Act recognizes domestic violence in all its forms as unlawful behavior. It makes provisions to ensure that where domestic violence occurs, there is effective legal protection for its victims. Section 6 of the Act empowers the police to take action against domestic violence. Further, Section 8 empowers the courts to make orders to protect

victims of domestic violence, empowers the survivors and other individuals and institutions to take action against domestic violence.

### **Kenya's Vision 2030**

The long-term development blueprint seeks to transform Kenya into providing high quality of life to all its citizens in a clean and secure environment. The plan is anchored on three pillars namely economic, social and political governance.

The social pillar prioritizes GBV prevention and response including: enhancing favourable social norms (at institutional, community and individual levels), enhancing utilization of quality essential GBV services, strengthening referral pathways and eradicating FGM. It further seeks to strengthen gender responsive budgeting in public finance management and participation of women in economic development towards realizing gender equality.

### **Police Service Standing Orders**

Chapter 67 of the Service Standing Orders states how the police will respond to 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.

### **3.4 Prevalence of sexual violence**

Sexual violence is any sexual act or attempt to obtain a sexual act by violence or coercion.

Nationally, thirteen percent of women reported that they had experienced sexual violence at some point in their lives. A slightly lower proportion of men had experienced sexual violence.

The percentage of women who experienced sexual violence increased with age being highest in those aged 40–49 years. The percentage of women who experienced violence is slightly higher among those who live in rural areas as compared to their counterparts in urban areas.

The percentage of women who experienced violence was highest among those who are divorced/separated/widowed followed by those who are married, ever had intimate partner, never married and never ever had intimate partner respectively. By County, the percentage of women who have experienced sexual violence was highest in Bungoma at (30%).

### **3.5 Perpetrators of sexual violence**

The most commonly reported perpetrators of sexual violence among married women or those who have ever had an intimate partner were current husbands or intimate partners and former husbands or intimate partners. Similarly, the most commonly reported perpetrators of sexual violence among married men or those who have had an intimate partner were current wives or intimate partners and former wives or intimate partners.

### **3.6 Enabling factors to GBV in Bungoma County**

**Mr. Speaker,**

The following are the drivers of GBV in Bungoma County:

#### **Weak enforcement of laws**

Non-compliance to National GBV laws, policies and frameworks by state duty bearers breeds a culture of impunity and creates lack of confidence in public service. This hinders reporting by survivors while at the same time, perpetrators get away with their crimes and most often they become repeat offenders.

#### **Poverty**

According to the Kenya Household Integrated Budget Survey (2016), the poverty index of Bungoma County stands at 8.8 per cent against a national average of 8.6 percent. Some of the factors that drive people to poverty in Bungoma include illiteracy, lack of jobs or livelihoods, inequality and marginalization. Poverty denies most young people an opportunity to education and economic independence keeping them vulnerable to abuse.

### **Cultural beliefs and practices**

Cultural beliefs sometimes perpetuate patriarchy and qualify gender inequalities where boys are mostly given priority in status and inheritance. Patriarchal and sexist views legitimize violence to ensure the dominance and superiority of men. Other cultural factors include FGM, gender stereotypes and prejudice, normative expectations of femininity and masculinity, the socialization of gender, an understanding of the family sphere as private and under male authority and a general acceptance of violence as part of the public sphere.

### **Low awareness on available GBV services and human rights**

Insufficient information at the community level on available GBV services and where to seek support limits reporting of GBV incidences. Similarly, there is lack of information and skills to prevent violence from happening mostly in rural areas. Women who have low education levels and are economically dependent on their male partners remain vulnerable to GBV with men being the most common perpetrators. Parents and guardians with low literacy levels are known to encourage their children to participate in child labour, whose terms and conditions are exploitative, risky and abusive.

Beyond formal schooling, many lay people are not familiar with Kenya's laws on human rights and are unable to recognize GBV as a legal problem and seek legal redress. Many people do not know where to find information about the law, how to protect themselves against violence and when to obtain suitable legal assistance. Parents with low education level may not understand the justice process clearly enough to have confidence that the legal system will provide a remedy.

## **CHAPTER FOUR**

### **4.1 Committee observations**

**Mr. Speaker,**

The committee made the following observations:

#### **i. Lack of a County GBV Policy**

Despite the existence of national policies and legal GBV frameworks, the coordinated implementation of the same has been lacking in Bungoma County. Despite the Committee on Gender, Culture and Social welfare in the second Assembly making recommendations on submission of Sex and Gender-Based Violence Bill, 2019 and Gender Mainstreaming Policy to the Assembly, this is yet to be realized.

#### **ii. Weak Coordination of GBV Services**

The weak coherence of mandate between the national and devolved government, and between different Ministries, Departments and Agencies (MDAs) at the County level affect the County's ability to mainstream GBV interventions, carry out planning, allocate resources, deliver and monitor services in a coordinated manner.

#### **iii. Inadequate funding**

Inadequate financial resources affect the ability to prevent and mitigate GBV across both state and non-state actors. Programmes cannot be well implemented where resources are either limited or are not there completely.

#### **iv. High cost of services**

GBV imposes tremendous costs on survivors and their families. Additional costs are incurred in reporting to the chief, and police. With a poverty rate of 32.4 percent, it becomes extremely costly and literally impossible for survivors of GBV in Bungoma County to seek help and services, especially if access to these services is at a cost solely to the survivor. The average cost of filling a p3 form is kshs. 1000 which most of the victims cannot afford.

#### **v. Weak referral processes**



The lack of information by rights holders and duty bearers on the GBV referral pathway inhibits the complete access of services by survivors. A clear referral pathway should be documented and disseminated to all duty bearers the community.

**vi. Mistrust in public services**

When issues of GBV are trivialized, or when cases of violence are tolerated either through action or non- action, or when customs and traditions are prioritized over the respect for fundamental freedoms and rights belonging to survivors, people lose trust that the system will enforce sexual abuse laws.

**vii. Low capacity of duty bearers**

The ability of the health sector in Bungoma to effectively respond to GBV is limited by the capacity of service providers to offer services, collect and document evidence; inadequate infrastructure and medical supplies, among others. The low capacity of the National Police Service (NPS) to conduct investigations, manage crime scenes and evidence is a major challenge to the successful prosecution of GBV cases. Further, few police stations have well-resourced and functional gender and child protection units, and the few that exist are limited in effectiveness and efficiency due to questionable ethics and integrity among the police officers.

**viii. Lack of safe shelters**

Persons experiencing violence and those fleeing violence or conflict may be at risk of experiencing further violence should they return to their places of residence, hence require safe protection. Despite the evident high prevalence of different forms of GBV in Bungoma County, not a single public safe shelter exists in the County. Shelter needs for residents include: adequate shelter space, food and clothing, psychosocial counseling, medical care, legal assistance, security from perpetrators, employment and education opportunities, and follow up services after leaving the shelter. The lack of awareness of the importance of safe shelters by duty bearers is a deterrent to investment in this critical life-saving crisis intervention.

**ix. Stigma**

The fear of stigma, threats and intimidation from perpetrators and family members reinforces GBV and is also a barrier to seeking help by survivors.

**x. Risk areas for GBV**

As per the department's data, the high risk vulnerability areas for GBV in the County include among others; South Kulisiru, Bumula, Kimaeti, Kabuchai /Chwele, Nalondo, Kimilili, Kamukuywa, Kaptama, Elgon, Kapkateny, Chepyuk, Chesikaki, Cheptais, Bukembe East, Bukembe West, Township, Khalaba, Musikoma, Sang'alo West, Tuuti Marakaru, Ndivisi and Misikhu wards.

**xi. Measures to curb GBV cases in the County**

The department in its response outlined the measures put in place to curb GBV cases (annexed) but much has not been realized due to failure by the department to recognize national legislation on GBV and lack of policy framework to address the issue.

**xii. Partners working with County Government on GBV**

According to the response received from the department, there were 11 partners dealing with GBV matters in Bungoma County (annexed) but the department failed to provide interventions the partners are putting in place and the areas they are operating in.

**4.2 Committee recommendations**

**Mr. Speaker,**

The Committee made the following recommendations:

- 1) **That**, the County government department of Gender to ensure adequate budgetary allocations in subsequent budget cycle FY 2023/24 for the implementation of GBV interventions. This will invest in leveraging partnerships with the private sector to enhance their corporate social responsibility, NGOs and CBOs to strengthen community-based prevention and response initiatives, and with development partners to seek out funding for GBV services. Further, there will be a deliberate effort to ensure annual allocations for GBV prevention and response from the County Government.
- 2) **That**, the department of Gender and Culture fast-tracks the submissions to the County Assembly within 90 days from the adoption of this report the following pieces of legislation:

- a) Sex and Gender-Based Violence Bill, 2019
  - b) Gender Mainstreaming Policy
- 3) **That**, to effectively address the multiple and cross-cutting issues related to GBV, it is important that all the relevant players participate fully in the process. There is need to strengthen collaboration and accountability within both state and non-state actors to enhance access to holistic survivor-centered response services and effective prevention programs.
  - 4) **That**, the department should create community awareness on FGM, early marriage, physical violence, sexual violence and other forms of GBV, the law etc.; promote critical reflection and dialogue on gender equality, engage in advocacy to address myths and misconceptions about GBV, report GBV incidents in a professional, ethical and survivor-centered manner that does not exaggerate the situation and cultivate safe spaces that encourage dialogue and do not condone any form of violence.
  - 5) **That**, the department of Gender and Culture in collaboration with the department of health should establish facilities and infrastructure to deliver GBV prevention and response services such as GBV recovery centers, forensic labs, one gender desk in every public hospital and safe shelters. The safe shelters should be built in high-risk areas where community members are highly prone to GBV.
  - 6) **That**, the County Government department to set up a toll-free number that would support calls and SMSs for the residents. This would enable anonymous reporting, assistance to survivors, tele-counselling and victim referrals for medical and legal services. Further, sensitization is required on the importance and proper usage of the line.
  - 7) **That**, the department of Gender and Culture should be involved in a series of sensitization activities and outreach within the 45 wards, using various platforms including; door to door sensitization, through gender sector working groups and use of local radio stations.
  - 8) **That**, duty bearers should be better resourced and frequently trained on GBV so that they can detect and handle both child and adult cases appropriately and effectively in their line of duty.

- 8) **That**, duty bearers should be better resourced and frequently trained on GBV so that they can detect and handle both child and adult cases appropriately and effectively in their line of duty.
- 9) **That**, clear referral pathway addressing how GBV cases should be reported should be documented and disseminated to all duty bearers and widely spread in the community.

#### **4.2 CONCLUSION**

##### **Hon. Speaker,**

Despite the above interventions, the County of Bungoma still has a long way to go. The Committee recognizes that the issue of GBV is complex, affects families and the County Government cannot win the fight single handedly. All sections of our society have an important role to play in preventing GBV and save the society. No one is safe until we are all safe.

It is therefore the responsibility of every person to stand against GBV before it becomes normal in violating human rights. This could be through: reporting incidences, supporting victims and speaking out against harmful and retrogressive cultural beliefs and practices.

## ADOPTION SCHEDULE

We the undersigned members of the committee on Gender, Culture and Social Welfare append our signatures adopting this report with the contents therein.

Name	Designation	signature
1. Hon. Jack Kawa	Chairperson	
2. Hon. Joseph Juma	Member	
3. Hon. James Mukhongo	Member	
4. Hon. Busolo Sudi	Member	
5. Hon. Godfrey Wanyama	Member	
6. Hon. Jeremiah Kuloba	Member	
7. Hon. Alfred Mukhanya	Member	
8. Hon. George Tendet	Member	
9. Hon. Metrine Nangalama	Member	
10. Hon. Eunice Kirui	Member	
11. Hon. John Wanyama	Member	
12. Hon. Florence Juma	Member	
13. Hon. Moureen Wafula	Member	
14. Hon. Mildred Barasa	Member	

**Table 28.4** shows ownership of nonagricultural land and documentation among men. Eight percent of men age 15–49 own non-agricultural land, including 6% who own non-agricultural land alone and 2% who own land jointly with others. Forty-six percent of men who own nonagricultural land have their name on the title deed, and 43% report that their non-agricultural land does not have a title deed.

**Table 28.4 Nonagricultural land ownership and documentation of ownership: Men**

Percent distribution of men age 15–49 by ownership of nonagricultural land, and among men who own nonagricultural land, percent distribution by whether the nonagricultural land owned has a title deed and whether or not the man's name appears on the title deed, according to background characteristics, Kenya DHS 2022

Background characteristic	Percentage who own land:				Total	Number of men	Land has a title deed: <sup>1</sup>				Total	Number of men who own land <sup>4</sup>
	Alone	Jointly <sup>2</sup>	Both alone and jointly	Percentage who do not own land			Man's name is on title/deed <sup>1</sup>	Man's name is not on title/deed <sup>1</sup>	Does not have a title/deed <sup>1</sup>	Don't know <sup>3</sup>		
<b>Age</b>												
15–19	0.5	0.4	0.0	99.1	100.0	3,175	(15.6)	(23.4)	(46.5)	(14.5)	100.0	28
20–24	2.3	1.1	0.1	96.5	100.0	2,404	24.4	23.4	50.6	1.5	100.0	83
25–29	4.4	1.3	0.0	94.2	100.0	2,268	30.1	15.1	54.7	0.0	100.0	131
30–34	8.8	1.9	0.0	89.2	100.0	1,787	54.2	11.7	34.1	0.0	100.0	193
35–39	12.6	2.4	0.0	85.0	100.0	1,577	53.9	7.1	38.8	0.1	100.0	237
40–44	12.9	3.3	0.3	83.6	100.0	1,332	46.5	9.2	44.1	0.2	100.0	218
45–49	15.0	3.2	0.0	81.8	100.0	1,109	49.6	7.7	42.8	0.0	100.0	202
<b>Residence</b>												
Urban	6.9	1.3	0.1	91.7	100.0	5,382	58.8	8.3	32.6	0.3	100.0	444
Rural	6.0	1.8	0.0	92.2	100.0	8,270	36.5	12.9	49.8	0.7	100.0	648
<b>Education<sup>5</sup></b>												
No education	6.4	2.3	0.0	91.3	100.0	369	(34.9)	(4.1)	(61.0)	(0.0)	100.0	32
Primary	5.5	1.5	0.0	92.9	100.0	4,894	29.9	12.5	57.2	0.4	100.0	345
Secondary	4.1	1.4	0.1	94.5	100.0	5,386	43.5	11.9	43.2	1.4	100.0	299
More than secondary	11.8	2.0	0.1	86.1	100.0	2,797	62.8	10.0	27.1	0.2	100.0	389
<b>Wealth quintile</b>												
Lowest	3.4	1.9	0.0	94.7	100.0	2,062	22.9	15.2	60.7	1.2	100.0	110
Second	5.1	1.1	0.0	93.8	100.0	2,584	25.1	11.9	62.2	0.7	100.0	161
Middle	6.0	2.0	0.0	92.0	100.0	2,754	32.0	14.7	52.4	0.8	100.0	221
Fourth	5.6	1.6	0.1	92.7	100.0	3,325	48.7	13.4	37.4	0.5	100.0	243
Highest	10.7	1.5	0.1	87.8	100.0	2,927	68.0	5.6	26.3	0.1	100.0	358
Total 15–49	6.4	1.6	0.0	92.0	100.0	13,652	45.6	11.1	42.8	0.6	100.0	1,093
50–54	18.3	3.5	0.8	77.4	100.0	801	61.8	9.2	29.0	0.0	100.0	181
Total 15–54	7.0	1.7	0.1	91.2	100.0	14,453	47.9	10.8	40.8	0.5	100.0	1,274

Note: Figures in parentheses are based on 25–49 unweighted cases.

<sup>1</sup> Title deed or other government-recognized document

<sup>2</sup> Jointly with wife, someone else, or both wife and someone else

<sup>3</sup> Includes men who have land with a title deed or other government-recognized document, but they do not know if their name is on it, and men who do not know if there is a title deed or other government-recognized document for the land

<sup>4</sup> Includes men who own land alone, jointly with their wife only, jointly with someone else only, jointly with their wife and someone else, or both alone and jointly

<sup>5</sup> No education includes informal education (Madrassa/Duksil/adult education), and more than secondary includes middle-level colleges and universities. Excludes people who reported vocational training as the highest education level attended.

### 3.19 GENDER-BASED VIOLENCE

Gender-based violence has been acknowledged worldwide as a violation of basic human rights. Research has highlighted the health burdens, intergenerational effects, and demographic consequences of such violence (United Nations 2006). Gender-based violence is defined as any act of violence that results in physical, sexual, economic, or psychological harm or suffering to women, girls, men, and boys, as well as threats of such acts, coercion, or the arbitrary deprivation of liberty. This definition covers violence by both current and former spouses and partners.

The module on violence against women and men was implemented in separate subsamples of households. In keeping with ethical requirements, only one woman or man per household was randomly selected for the module. As a result of these restrictions, a total of 16,926 women age 15–49 (unweighted) and 5,583 men age 15–54 (unweighted) were eligible for the module. About 5% of eligible women and 1% of eligible men could not be successfully interviewed because privacy could not be obtained or for other

reasons. Specially constructed weights were used to adjust for the selection of only one respondent per household and to ensure that the subsample was nationally representative.

### 3.19.1 Measurement of violence

#### Terminology for this section

**Husband:** a man with whom a woman is married or living with as if married.

**Wife:** a woman with whom a man is married or living with as if married.

**Intimate partner for women:** a man with whom a never-married woman is in a relationship that involves physical and/or emotional intimacy and for which the relationship is or has the expectation of being long lasting. As defined for the purposes of this chapter, an intimate partner is not a husband or a man a woman is living with and is also not a boyfriend with whom her relationship is casual or a man with whom she has a one-time encounter.

**Intimate partner for men:** a woman with whom a never-married man is in a relationship that involves physical and/or emotional intimacy and for which the relationship is or has the expectation of being long lasting. As defined for the purposes of this chapter, an intimate partner is not a wife or a woman a man is living with and is also not a girlfriend with whom his relationship is casual or a woman with whom he has a one-time encounter.

**Boyfriend:** a man with whom a woman has a casual relationship and who she did not mention as an intimate partner.

**Girlfriend:** a woman with whom a man has a casual relationship and who he did not mention as an intimate partner.

In the 2022 KDHS, information was obtained from women and men age 15–49 on their experience of violence committed by any perpetrator, including current and former husbands, wives, or other intimate partners. To capture intimate partner violence, ever-married respondents were asked about experiences of violence committed by their current and former husbands/wives, and, if applicable, never-married respondents were asked about experiences of violence committed by their current and former intimate partners. More specifically, intimate partner violence was measured by asking women and men if their current or former spouse/intimate partner ever did the following to them:

- **Physical violence:** push you, shake you, or throw something at you; slap you; twist your arm or pull your hair; punch you with his/her fist or with something that could hurt you; kick you, drag you, or beat you up; try to choke you or burn you on purpose; or attack you with a knife, gun, or other weapon
- **Sexual violence:** physically force you to have sexual intercourse with him/her when you did not want to, physically force you to perform any other sexual acts you did not want to, or force you with threats or in any other way to perform sexual acts you did not want to
- **Emotional violence:** say or do something to humiliate you in front of others, threaten to hurt or harm you or someone you care about, or insult you or make you feel bad about yourself

In addition to the questions on different forms of intimate partner violence, information was also obtained from respondents about physical violence committed by anyone (other than a spouse/intimate partner) since they were age 15 by asking if anyone had hit, slapped, kicked, or done something else to hurt them physically. Similarly, respondents were asked about experiences of sexual violence committed by anyone (other than a spouse/intimate partner) by asking if at any time in their life, as a child or as an adult, they were forced in any way to have sexual intercourse or to perform any other sexual acts when they did not want to.



**Table 29 Experience of physical violence**

Percentage of women and men age 15–49 who have experienced physical violence since age 15 and percentage who experienced physical violence in the 12 months preceding the survey, according to background characteristics, Kenya DHS 2022

Background characteristic	Women					Men				
	Percentage who have experienced physical violence since age 15 <sup>1</sup>	Percentage who experienced physical violence in the last 12 months			Number of women	Percentage who have experienced physical violence since age 15 <sup>3</sup>	Percentage who experienced physical violence in the last 12 months			Number of men
		Often	Some-times	Often or some-times <sup>2</sup>			Often	Some-times	Often or some-times <sup>4</sup>	
<b>Age</b>										
15–19	19.5	1.0	10.0	11.2	3,063	29.2	1.7	15.5	17.4	1,252
20–24	29.0	2.9	12.3	15.4	3,289	26.6	0.7	9.7	10.4	921
25–29	36.9	4.4	14.4	18.9	3,071	28.3	0.6	7.8	8.3	847
30–39	40.2	4.9	13.2	18.2	4,575	25.3	0.9	7.5	8.4	1,350
40–49	41.7	4.0	9.8	13.9	2,928	26.1	1.0	4.9	6.0	996
<b>Residence</b>										
Urban	31.6	3.3	10.0	13.4	6,742	29.1	0.7	11.9	12.7	1,992
Rural	35.5	3.7	13.5	17.3	10,184	25.8	1.2	7.8	9.1	3,373
<b>Marital status</b>										
Never married	19.8	0.9	8.0	9.0	5,465	28.1	1.2	12.0	13.4	2,524
Never ever had intimate partner	12.3	0.5	6.2	6.7	2,314	30.0	1.1	14.5	15.6	1,204
Ever had intimate partner	25.2	1.3	9.3	10.7	3,151	26.3	1.3	9.8	11.3	1,319
Ever married	40.7	4.8	14.0	19.0	11,461	26.1	0.9	6.9	7.8	2,842
Married/living together	37.0	4.1	14.7	18.9	9,492	23.5	0.6	5.9	6.5	2,510
Divorced/separated/widowed	58.4	8.1	10.8	19.3	1,969	45.5	2.6	14.3	17.1	332
<b>Education<sup>5</sup></b>										
No education	35.9	4.9	12.7	17.6	896	11.5	0.0	5.1	5.1	148
Primary	42.7	5.5	15.7	21.4	6,126	26.3	1.4	9.1	10.6	2,024
Secondary	30.9	2.9	11.6	14.7	6,469	29.5	0.9	11.1	12.1	2,063
More than secondary	23.3	0.9	5.8	6.8	3,253	25.9	0.8	6.8	7.6	1,047
<b>Wealth quintile</b>										
Lowest	36.9	5.3	15.8	21.2	2,716	23.0	1.1	8.1	9.2	828
Second	36.7	4.4	14.4	19.0	3,045	27.2	1.2	9.4	10.9	1,085
Middle	36.8	3.5	13.8	17.4	3,231	28.6	1.7	9.1	10.8	1,137
Fourth	33.6	2.8	11.0	14.1	3,775	27.4	0.3	8.5	8.8	1,230
Highest	28.1	2.4	7.6	10.0	4,159	27.9	0.9	11.3	12.2	1,085
Total 15–49	33.9	3.5	12.1	15.8	16,926	27.0	1.0	9.3	10.4	5,365
50–54	na	na	na	na	na	22.8	0.6	4.2	4.8	318
Total 15–54	na	na	na	na	na	26.8	1.0	9.0	10.1	5,683

<sup>1</sup> Includes physical violence in the last 12 months. For women who were married or living together with a partner before age 15 and reported violence only by their husband and for never-married women who had an intimate partner before age 15 and reported violence only by their intimate partner, the violence could have occurred before age 15.

<sup>2</sup> Includes women for whom frequency in the last 12 months is not known

<sup>3</sup> Includes physical violence in the last 12 months. For men who were married or living together with a partner before age 15 and reported violence only by their wife and for never-married men who had an intimate partner before age 15 and reported violence only by their intimate partner, the violence could have occurred before age 15.

<sup>4</sup> Includes men who reported physical violence in the last 12 months but for whom frequency is not known

<sup>5</sup> No education includes informal education (Madrassa/Duksi/adult education), and more than secondary includes middle-level colleges and universities. Excludes people who reported vocational training as the highest education level attended.



- The most common perpetrators of physical violence among men who have ever been married or ever had an intimate partner were teachers (28%), followed by current wives/intimate partners (20%) and former wives/intimate partners (19%). Twenty-three percent of men who have ever been married or had an intimate partner experienced physical violence at the hands of other persons.
- Teachers (33%) and mothers/stepmothers (25%) were the most common perpetrators of physical violence against women who have never been married or never had an intimate partner. Teachers (46%) and schoolmates/classmates (22%) were the most common perpetrators of physical violence against men who have never been married or had an intimate partner.

**Table 30 Persons committing physical violence**

Among women and men age 15–49 who have experienced physical violence since age 15, percentage who report specific persons who committed the violence, according to the respondent's partnership status, Kenya DHS 2022

Person	Partnership status		Total
	Ever married/ ever had intimate partner	Never married/ never had intimate partner	
<b>WOMEN</b>			
Current husband/intimate partner	53.9	na	51.2
Former husband/intimate partner	33.7	na	32.0
Current boyfriend	0.2	0.0	0.2
Former boyfriend	2.2	3.2	2.2
Father/stepfather	5.2	16.8	5.7
Mother/stepmother	8.1	24.8	8.9
Sister/brother	3.3	10.9	3.7
Daughter/son	0.1	0.0	0.1
Other relative	2.6	9.9	3.0
Mother-in-law	0.2	na	0.2
Father-in-law	0.1	na	0.1
Other in-law	1.0	na	0.9
Teacher	5.8	32.5	7.1
Schoolmate/classmate	1.8	14.3	2.4
Employer/someone at work	0.4	0.0	0.4
Police/soldier	0.3	0.9	0.3
Other	2.7	5.0	2.8
Number of women who have experienced physical violence since age 15	5,458	286	5,744
<b>MEN</b>			
Current wife/intimate partner	19.8	na	14.8
Former wife/intimate partner	19.3	na	14.5
Current girlfriend	0.3	0.0	0.2
Former girlfriend	1.5	0.0	1.2
Father/stepfather	13.1	13.5	13.2
Mother/stepmother	8.0	13.9	9.5
Sister/brother	3.4	7.3	4.4
Daughter/son	0.0	0.0	0.0
Other relative	5.7	7.9	6.2
Mother-in-law	0.1	na	0.1
Father-in-law	0.0	na	0.0
Other in-law	0.9	na	0.7
Teacher	27.9	46.2	32.5
Schoolmate/classmate	16.3	22.3	17.8
Employer/someone at work	5.4	0.5	4.2
Police/soldier	6.6	0.7	5.1
Other	22.5	18.9	21.6
Number of men who have experienced physical violence since age 15	1,089	362	1,451

Note: The term husband includes a partner with whom a woman is living as if married; the term wife includes a partner with whom a man is living as if married. Percentages may add to more than 100% since the respondent can report more than one perpetrator. na = not applicable

**Table 31 Experience of sexual violence**

Percentage of women and men age 15–49 who have ever experienced sexual violence and percentage who experienced sexual violence in the 12 months preceding the survey, according to background characteristics, Kenya DHS 2022

Background characteristic	Women			Men		
	Ever <sup>1</sup>	In the last 12 months	Number of women	Ever <sup>1</sup>	In the last 12 months	Number of men
<b>Age</b>						
15–19	7.2	3.3	3,063	4.8	2.9	1,252
20–24	11.3	6.3	3,289	8.1	5.5	921
25–29	13.1	7.6	3,071	7.6	5.1	847
30–39	15.2	7.9	4,575	8.0	3.7	1,350
40–49	17.5	7.0	2,928	6.7	2.9	996
<b>Residence</b>						
Urban	12.8	5.7	6,742	8.5	5.1	1,992
Rural	13.1	7.1	10,184	6.1	3.2	3,373
<b>Marital status</b>						
Never married	8.4	3.3	5,465	5.2	3.1	2,524
Never ever had intimate partner	3.0	0.5	2,314	1.7	0.2	1,204
Ever had intimate partner	12.3	5.3	3,151	8.4	5.7	1,319
Ever married	15.2	8.1	11,461	8.5	4.6	2,842
Married/living together	12.9	8.1	9,492	6.9	3.8	2,510
Divorced/separated/widowed	26.5	8.3	1,969	21.1	10.9	332
<b>Employment</b>						
Employed for cash	16.4	7.8	8,342	8.2	4.6	3,958
Employed not for cash	14.0	8.2	1,748	3.0	2.1	389
Not employed	8.6	4.6	6,836	3.9	1.8	1,018
<b>Education<sup>2</sup></b>						
No education	8.0	4.8	896	5.3	2.5	148
Primary	16.2	8.3	6,126	7.0	4.2	2,024
Secondary	11.7	6.3	6,469	7.0	4.2	2,063
More than secondary	11.2	4.3	3,253	6.6	3.0	1,047
<b>Wealth quintile</b>						
Lowest	12.7	7.2	2,716	5.6	3.8	828
Second	14.8	8.1	3,045	7.4	3.8	1,085
Middle	12.9	7.2	3,231	7.2	3.9	1,137
Fourth	13.7	6.2	3,775	7.2	4.6	1,230
Highest	11.3	4.8	4,159	7.1	3.3	1,085
Total 15–49	13.0	6.5	16,926	7.0	3.9	5,365
50–54	na	na	na	6.3	0.2	318
Total 15–54	na	na	na	6.9	3.7	5,683

<sup>1</sup> Includes experience of sexual violence in the last 12 months

<sup>2</sup> No education includes informal education (Madrassa/Duksi/adult education), and more than secondary includes middle-level colleges and universities. Excludes people who reported vocational training as the highest education level attended.

**Table 31C Experience of sexual violence by county**

Percentage of women age 15–49 who have ever experienced sexual violence and percentage who experienced sexual violence in the 12 months preceding the survey, according to county, Kenya DHS 2022

County	Ever <sup>1</sup>	In the last 12 months	Number of women
Mombasa	9.8	3.8	500
Kwale	4.3	3.3	264
Kilifi	12.2	6.5	491
Tana River	2.3	1.5	81
Lamu	14.5	6.3	51
Taita/Taveta	14.0	3.0	110
Garissa	5.8	3.5	148
Wajir	1.5	1.0	84
Mandera	0.8	0.8	104
Marsabit	1.0	1.0	68
Isiolo	9.2	5.3	69
Meru	16.0	8.2	547
Tharaka-Nithi	12.5	6.9	146
Embu	21.5	13.0	207
Kitui	0.9	0.4	391
Machakos	6.3	3.0	515
Makueni	4.7	3.2	362
Nyandarua	17.5	6.9	222
Nyeri	15.1	5.6	276
Kirinyaga	12.9	3.2	263
Murang'a	24.3	13.6	359
Kiambu	16.6	9.8	1,091
Turkana	10.8	6.7	176
West Pokot	7.5	6.3	205
Samburu	6.9	4.2	87
Trans Nzoia	13.1	5.6	351
Uasin Gishu	9.9	4.6	495
Elgeyo/Marakwet	6.9	4.0	119
Nandi	6.0	2.6	334
Baringo	8.4	5.7	207
Laikipia	10.9	3.1	175
Nakuru	13.8	3.6	898
Narok	17.5	8.7	376
Kajiado	16.9	8.6	471
Kericho	3.2	1.5	386
Bomet	12.9	7.4	369
Kakamega	16.8	8.9	707
Vihiga	11.9	5.6	195
Bungoma	30.3	16.6	623
Busia	14.7	8.9	309
Siaya	5.7	4.3	291
Kisumu	10.8	6.6	420
Homa Bay	23.1	10.8	352
Migori	16.7	7.4	364
Kisii	16.0	10.1	404
Nyamira	14.5	6.3	176
Nairobi City	12.2	5.8	2,088
Total	13.0	6.5	16,926

<sup>1</sup> Includes experience of sexual violence in the last 12 months

COUNTY GOVERNMENT OF BUNGOMA



DEPARTMENT OF GENDER, CULTURE, YOUTH AND SPORTS  
Telephone: 0725393939

County Executive Offices  
Opposite Governor's Office - 4<sup>th</sup> Flr  
P O BOX 437 -50200  
BUNGOMA.

Date: 10<sup>th</sup> March, 20223

*OLL*  
*7. NA*  
*14/8/23*

The Clerk,  
County Assembly of Bungoma,  
P. O Box 1886 - 50200,  
BUNGOMA.

COUNTY ASSEMBLY OF BUNGOMA  
**CLERK**  
13 MAR 2023  
**RECEIVED**

Through

The County Secretary,  
Bungoma County Government,  
P. O Box 437 - 50200,  
BUNGOMA.

COUNTY SECRETARY  
BUNGOMA COUNTY GOVERNMENT  
Forwarded On  
*[Signature]* 10/3/23.  
Tel: 055-2030144  
P. O. Box 437-50200, BUNGOMA

*PCT-CS*  
*Forward to CC*  
*header*  
*Dec 1*  
*15/3/23*

**RE: GENDER BASED VIOLENCE IN BUNGOMA**

We are in receipt of your communication vide **BCA/ADM/VOL. VIII (49)** dated **27<sup>th</sup> February, 2023**. The letter cites recent GBV reports based on KDHS 2022 indicating high rates of GBV in Bungoma County. The finer details of the same survey indicating numbers and regions are yet to be communicated.

I wish therefore to respond as hereunder;

**1. Forms of GBV in Bungoma**

The forms of GBV in Bungoma are not different from those reported in other counties. They include:

- Wife/Husband battering/physical violence
- Insults/verbal abuse
- Rape/sexual violence
- Intimate partner violence between couples, lovers
- Sexual Harassment in the workplace
- Emotional abuse

*cc header*  
*Bring to the attention*  
*of the committee*  
*[Signature]*  
*15/3/23*

- Female Genital Mutilation in some parts of Mt. Elgon
- Neglect/Absentee couples
- Economic violence
- Sexual deprivation

## **2. Possible Causes of GBV in Bungoma County**

The drivers of GBV include:

- High poverty rates
- Traditional beliefs/systems
- Unstable families/family breakdown, family squabbles
- Coffee/sugarcane booms
- Traditional rites and practices e.g. circumcision, burial rites (Disco Matanga), polygamy
- Poor deterrent measures aided by Kangaroo Courts and non-reporting of GBV cases
- Lack of sensitization in some remote areas
- Girls/Boys reporting to school early in the morning and leaving school late in the evening.
- Poor working environment in sugarcane plantations and fetching of firewood in the forests.
- Foster-care
- Emergencies e.g. Covid-19 and other family emergencies.
- Holidays e.g. Valentine days

## **3. Measures put in place by the Department to curb GBV cases**

The measures are drawn from the best practices in managing GBV. They include both preventive and responsive measures.

- ✓ Involvement of council of elders in GBV Management
- ✓ Engagement of male champions
- ✓ Multi-sectoral approach through Gender Technical Working Group
- ✓ Proposed draft Sex and Gender Based Violence Bill -2019 (The Bill is ready but not approved by the Cabinet to be put before the County Assembly)
- ✓ Draft Gender Mainstreaming Policy (to be subjected to public participation)
- ✓ Involvement, training, capacity building of first responders in the referral pathways (Police and Health Workers)
- ✓ Proposed establishment of safe houses in Bungoma County Referral Hospital and Webuye Referral Hospital
- ✓ Sensitization of community groups targeting PWDs, Youth, teachers, council of elders, boda boda operators e.t.c.

- ✓ Partnership engagements with several partners including physicians for Human Rights, Red Cross, Dumisha Afya, Rural Women Peace Link, FAWEK
- ✓ Grand Kenya – Finland GBV Bilateral Programme on GBV Prevention and Response
- ✓ Training of police gender officers and police gender Desks

#### **Gaps in the Department in GBV Management**

- (i) Insufficient budgetary allocation
- (ii) Limited staff in the wards to undertake community level response measures
- (iii) Political interference at the community level
- (iv) Inadequate sensitization programs
- (v) Cultural challenges
- (vi) Lack of training to members of staff on GBV management and mitigation
- (vii) Down playing GBV discourse in the county

#### **4. Working with the National Government on GBV**

- ✓ The County Government of Bungoma works with the national government guided by the inter-government consultation framework on Gender
- ✓ The national government provides national legislative agenda in the C.O.K (2010), policy frameworks, National Government Equality Commission (NGEC)
- ✓ The state Department for Gender and Affirmative Action programmes e.g. Affirmative funds
- ✓ The office of the Women Representative runs parallel GBV programmes at Ndengelwa GBV rescue Centre
- ✓ Through GTWG whose members include officials from NGAO e.g. Ministry of Education, Police, Probation, children Department, ODPP etc
- ✓ Kenya – Finland Bilateral programme on GBV Prevention and Response hosted in the State department for gender
- ✓ Involvement of the chiefs at local levels
- ✓ NGEC guidelines on policy development by providing policy templates, e.g. SGBV Bill (2019). (This Bill is ready but not yet forwarded to the assembly)
- ✓ Support from National Council of Persons with Disabilities on GBV affecting PWDs

#### **5. Partners working with County Government on GBV Matters**

- The following are partners working on matters GBV
- (i) The embassy of Finland (Bilateral Programme)
  - (ii) Rural Women Peace Link (RWPL)
  - (iii) The Kenya Red Cross
  - (iv) Dumisha Afya Programme

- (v) Physicians for Human Rights – PHR
- (vi) Council of elders
- (vii) Female Academicians for Women Empowerment –Kenya (FAWEK)
- (viii) Save the children
- (ix) Collaborative Centre for Gender and Development (CCGD)
- (x) Religions Organizationse.g. Catholic Church, Council of Imams
- (xi) Kareu Mpya

**6. The Kenya- Finland Bilateral Programme on GBV prevention and Response in Bungoma**

- ✓ This is an ambitious 3-Year Programme on strengthening prevention and Response to GBV in the Bungoma County
- ✓ It focuses on Key issues that increase GBV risks and vulnerabilities i.e. drivers of GBV in the communities
- ✓ The program has developed a matrix of GBV drivers and periods thereof.
- ✓ The program prioritizes collective leadership and actioning targeting cultural practices that increase risks and vulnerabilities to GBV, reporting and access to GBV services
- ✓ Focus on family stress and conflict
- ✓ Parental supervision and community watch to improve safety of women, men and children
- ✓ Investigating livelihood challenges and how GBV relates to the same and mitigation measures
- ✓ Assisting and protecting those at high risk to GBV
- ✓ Mapping and analyzing GBV Risks. T

The following matrix provides risks and vulnerability index **IN ALL THE 45 wards.**

SUB-COUNTY	WARD	RISK INDEX		
		High	Medium	Low
<b>Bumula</b>	1. South Kulisiru	✓		
	2. Bumula	✓		
	3. Khasoko		✓	
	4. Kabula		✓	
	5. Kimaeti	✓	✓	
	6. W. Bukusu		✓	
	7. Siboti			
<b>Kabuchai</b>	8. Kabuchai/Chwele	✓		
	9. W.Nalondo	✓		
	10. Bwake/Luuya		✓	
	11. Mukuyuni		✓	
<b>Kimilili</b>	12. Kibingei		✓	



SUB-COUNTY	WARD	RISK INDEX		
		High	Medium	Low
Mt. Elgon	13. Kimilili	✓		
	14. Maeni		✓	
	15. Kamukuywa	✓		
	16. Kaptama	✓		
	17. Elgon	✓		
	18. Kapkateny	✓		
	19. Chepyuk	✓		
Sirisia	20. Chesikaki	✓		
	21. Cheptais	✓		
	22. Namwela		✓	
Tongaren	23. Malakisi/S. kulisiru	✓		
	24. Lwandanyi		✓	
	25. Naitiri/Kabuyefwe		✓	
	26. Ndaluu		✓	
	27. Tongaren		✓	
	28. Soysambu		✓	
Kanduyi	29. Mlima		✓	
	30. Mbakalo		✓	
	31. Bukembe East	✓		
	32. Bukembe West	✓		
	33. Town ship	✓		
	34. Khalaba	✓		
	35. Musikoma	✓		
	36. Sang'alo E		✓	
Webuye East	37. Sang'alo W.	✓		
	38. TuutiMarakaru	✓		
	39. Maraka		✓	
Webuye West	40. Mihuu		✓	
	41. Ndivisi	✓		
	42. Matulo		✓	
	43. Sitikho		✓	
	44. Bokoli		✓	
	45. Misikhu	✓		

COUNTY GOVERNMENT OF BUNIA  
 CHIEF OFFICER  
 GENDER & CULTURE  
 (F.N)  
 14/01/2023  
 SaphiaAwili  
 CHIEF OFFICER GENDER AND CULTURE  
 P. O. BOX 4073 BUNIA