REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY, THIRTEENTH SESSION

THE CHIEF JUSTICE OF THE REPUBLIC OF KENYA

THE OFFICE OF THE PRESIDENT OF THE REPUBLIC OF KENYA

THE CABINET SECRETARY FOR INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

THE CABINET SECRETARY FOR LABOUR AND SOCIAL PROTECTION

THE CABINET SECRETARY FOR PUBLIC SERVICE, AFFIRMATIVE ACTION AND GENDER

THE CABINET SECRETARY FOR HEALTH

PUBLIC PETITION PURSUANT TO ARTICLE 37 OF THE CONSTITUTION OF KENYA.

REGARDING THE PROTECTION OF CHILDREN TO END CHILDHOOD SEXUAL VIOLENCE BY CONCERNED CITIZENS OF THE REPUBLIC OF KENYA, SURVIVORS OF SEXUAL VIOLENCE IN KENYA NETWORK AND ADVOCATES FOR PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE

WE, THE UNDERSIGNED, on behalf of our various organizations and the people of Kenya:

DRAW the attention of the Parliament of Kenya, the Chief Justice of the Republic of Kenya, the Office of the President, and the Cabinet Secretaries for Interior and Coordination of National Government and for Labor and Social Protection to the following:

AWARE THAT Article 20 of the Constitution guarantees that Every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom.

THAT Article 21 of the Constitution mandates that All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women and children;

THAT Article 29 of the Constitution acknowledges 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

PUBLIC PETITION BY THE SURVIVORS OF SEXUAL VIOLENCE IN KENYA NETWORK TO END SEXUAL VIOLENCE AGAINST CHILDREN

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THAT Article 37 of the Constitution of Kenya fortifies the right of every person to present petitions to public authorities

THAT pursuant to **Article 53** of the constitution of Kenya, every child has the right to be protected from abuse, all forms of violence, and inhuman treatment

THAT Kenya has a robust policy and legal framework to entrench the protection of children from sexual violence beyond the provisions of the Constitution

THAT at the global stage Kenya has ratified the UN Convention on the Rights of the Child, UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000), and The Optional Protocol on the Convention of the Rights of the Child on Child Trafficking, Child Prostitution, and Child Pornography.

THAT at the regional level the normative framework includes the African Charter on the Rights and Welfare of the Child.

THAT part of our local legal framework includes the Constitution of Kenya; the Sexual Offence Act (2006); the Penal Code and its various amendments; the Prohibition of Female Genital Mutilation Act (2011); the Children's Act (2022); the Counter Trafficking in Persons Act (2010) and the HIV Prevention and Control Act (2006)

THAT the UN Convention on the Rights of the Child requires States Parties to protect children from all forms of violence, maltreatment or exploitation, including sexual abuse.

THAT the Kenya Demographic Health Survey 2008/9 found that sexual violence against children remains the highest form of gender-based violence with an incidence of 32 percent for females and 18 percent for male children and an alarming increasing rate across the country especially in learning institutions

THAT evidence collected by we the Survivors of Sexual Violence in Kenya Network and The brave movement suggests that effects of COVID-19, effects election period, the current economic situations and mental health issues has changed patterns of sexual violence against children, with an immediate outcome being that child sexual violence victims are now age 12 on average, compared to 16 previously, an alarming statistic.

THAT Prevention and response measures remain inadequate, and survivors face increased harm due to lack of access to comprehensive care, including medical examinations and care, trauma informed care, psychological and financial support, protection, and access to legal services. Shelters, safe houses, trained social workers and staff are greatly limited.

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THAT law enforcement responses are weak resulting in low reporting of cases, high levels of impunity and a lack of accountability. The casualness and mishandling of cases by law enforcement often leads survivors to abandon pursuing medical care, counselling and legal redress.

THAT the significant time it takes to prosecute accused persons, coupled with the endless court attendances by victims of sexual violence against children, targeting of witnesses and disappearance of crucial evidence demoralizes victims and emboldens offenders, leading to diminished trust in the judicial system.

THAT in line with the National Children Policy 2010, all children, especially children with disabilities and those with special needs have a right to be protected from any harm that may interfere with their growth and development.

THAT Protection rights are realized through actions that ensure children are protected, as well as systematic measures to guard against substance abuse, physical abuse, child labor, trafficking, sexual abuse and exploitation, neglect, displacement, disasters, wars and conflicts among others.

THAT there is sufficient evidence to show that children continue to be victims of sexual abuse and exploitation at an alarming rate nationwide.

THAT there is need for additional measures to protect children from sexual violence and hold all offenders to account

AND THAT, matters in respect of which this petition is raised are not pending before any court of law, constitutional or legal body.

NOW THEREFORE the Petitioner prays for:

1. Prevention of sexual violence against children and adolescents.
2. Increase in budgetary allocations to child protection services in order to have a coherent child protection system and response services, including investment in full-scale prevention-healing-justice policies and programs
3. Provision of free government services, medical, counselling, and legal support to victims of sexual violence in pursuit of justice.
4. Coordination of child protection response services by the government and NGOs, CSOs to address issues around Sexual Violence Against Children.
5. Adequate social workforce to support Sexual Violence Against Children prevention and response including sufficient temporary safe houses or shelters for survivors of violence
6. A peaceful, credible and violence-free election with adequate state protection for children and vulnerable groups during the election period.

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7. Proper and conclusive police investigations into acts of sexual violence. An efficient legal process in the prosecution of cases of sexual offenders and predators including conclusion of cases within a year of the commission of acts of sexual violence.
8. The formation of Survivors Leadership Councils and the inclusion of Survivors on Governance and Decision-making bodies:
9. Modification of family laws and the justice systems.
10. To do anything within its powers and means in ensuring Kenya enacts a legislation and policy that reforms the child protection ecosystem, that takes into consideration the issues raised in this Petition.

PRESENTED BY

Brave movement Kenya.

On behalf of...
SURVIVORS OF SEXUAL VIOLENCE NETWORK KENYA AND ALL THE ALLIES PROTECTING CHILDREN AND ADOLESCENTS AGAINST SEXUAL VIOLENCE.

1. MAISHA GIRLS SAFE HOUSE.
2. WANGU KANJA FOUNDATION
3. SLUM CHILD FOUNDATION
4. REBIRTH OF A QUEEN
5. NAWEZA 254
6. MARY FAITH RESCUE CENTRE
7. SURVIVORS OF SEXUAL VIOLENCE NETWORK
8. TALITA
9. AZADI KENYA
10. CENTRE FOR RIGHTS EDUCATION AWARENESS.
11. COALITION OF GRASSROOTS WOMEN INITIATIVE
12. VIWANDI COMPREHENSIVE COMMUNITY ORGANIZATIONS.
13. KIKAKA CBO
14. SOLES FOR AFRICAN CHILDREN.