

Policy Brief
April 2025

Neglected and Forgotten: Failing Survivors of Electoral-Related Sexual Violence in Kenya



BACKGROUND

Electoral-related sexual violence (ERSV) refers to acts of sexual violence committed in connection with electoral processes, with the aim of influencing or achieving political objectives. In Kenya, ERSV has been a recurring feature of elections since the 1990s. Following the 2007/08 post-election violence, the Commission of Inquiry into the Post-Election Violence (CIPEV)¹ documented over 900 cases of sexual violence perpetrated against men, boys, women and girls by state security agents, militia groups and civilians.

During the 2017 General elections, the Kenya National Commission on Human Rights (KNCHR) documented 201 cases of electoral-related sexual violence in eleven counties². In addition, the Kenya Human Rights Commission (KHRC) and the International Federation on Human Rights (FIDH) published a report on the 2017 elections in Kenya, titled: “Sexual Violence as a Political Tool During Elections in Kenya: State Actions Needed Ahead of the 2022 Polls³.” Based on interviews with 79 women survivors of electoral-related sexual violence in Kisumu, Migori, and Vihiga Counties, the report revealed a harrowing pattern of abuses - including rape, gang rape, and sexual assault - perpetrated primarily by members of state security forces during the 2017 General elections and repeat Presidential elections.

While no major cases of electoral-related sexual violence were reported during the 2022 elections, politically motivated sexual violence remains prevalent in Kenya. During the Gen Z anti-government protests in 2024 and 2025, cases of sexual violence against women protesters were recorded, including incidences of rape and gang rape. A Nairobi-based centre for survivors documented over 20 such cases on a single night of protests⁴.

The 2027 elections are scheduled to take place in less than two years. Given Kenya's history of highly contested elections - particularly when the incumbent regime seeks a second term, as was the case in 2007 and 2017 - the upcoming polls are likely to be bitterly contested. In light of the political context since the 2024 uprising, the risk of violence, including politically motivated sexual violence, is high.

It is against this background that this policy brief seeks to assess the status of implementation of the recommendations made by the KHRC/FIDH report. In doing so, the policy brief also examines the situation of survivors of the 2017 electoral-related sexual violence in Migori, Kisumu and Vihiga counties, and identifies what further actions remain necessary.

¹ <https://libraryir.parliament.go.ke/bitstreams/98cf8fd1-7135-41f9-9c49-1b38c3a7e07e/download>

² https://www.knchr.org/Portals/0/KNCHR_Silhouettes_of_Brutality.pdf

³ <https://www.fidh.org/IMG/pdf/554039952-rapkenya-sgbv778a-2.pdf>

⁴ <https://www.youtube.com/watch?v=PhbG5-J4nSA>

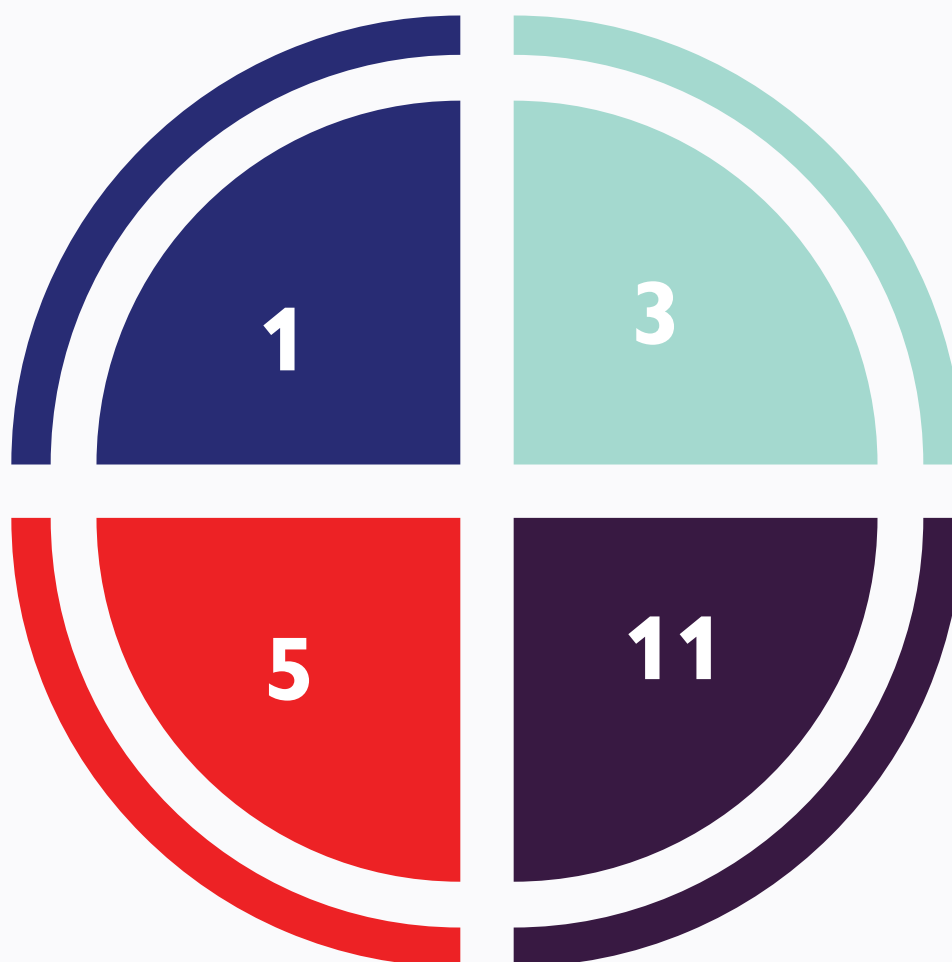
METHODOLOGY

This brief presents a desktop review, key informant’s interviews and focus group discussions (FGDs) on the status of implementation of the recommendations contained in the KHRC/FIDH report of 2017 general elections in Kenya. In May 2025, KHRC conducted three in-person FGDs with a total of 54 women survivors, drawn from Migori, Kisumu and Vihiga counties, to assess the situation after the recommendations were published.

Recognising that research on sexual violence can pose short and long-term risks to survivors and their families, KHRC adopted a “Do No Harm” approach during the FGDs, using a survivor-centred methodology. This included obtaining informed written and verbal consent, ensuring confidentiality, and protecting the identities of survivors. No children participated in the FGDs.

FINDINGS AND ANALYSIS

Summary status of the implementation of the KHRC/FIDH report recommendations



The KHRC/FIDH report contains recommendations that the government of Kenya needs to implement, not only to address the root causes of politically motivated sexual violence, but also to ensure justice and accountability for survivors.

Our analysis on implementation reveals a raft of challenges that span from lack of political goodwill, lack of urgency and lack of comprehensive legal remedies that comprehensively dignify survivors of SGBV in crisis and conflict situations.

Prevention

- On the recommendation to have a comprehensive law that covers ESRV, the Sexual Offences Act (SOA) of 2006 is currently under review, however, the review process have taken longer than it should be. From 2016, it remains a law that is still under review with no indication of finalization. As we draw near to the 2027 elections, it is not clear whether an updated SOA will have been adopted. The National Council on the Administration of Justice (NCAJ) should speed up reviewing the ACT ahead of 2027 elections.
- Several counties have developed and adopted sexual offences related policies, these policies reflect a direct responsibility at the local level to address sexual and gender-based violence (SGBV) within Kenya's devolved function. It is however imperative to emphasize on more coordination between the national and county levels of government in the elimination of SGBV. Counties should be very deliberate in resourcing the implementation of these policies which has been the main deterrent in combating SGBV
- Take appropriate measures to address the root causes of election-related SGBV, tackling the prevalence of misogyny and patriarchy within the political sphere The County governments are yet to initiate any form of investigations towards electoral related sexual offenses that took place in their counties. After the documentation that we undertook, the county government of Migori embarked on developing an SGBV policy which is yet to be fully implemented due to lack of resources. This kind of lethargy to address ERSV impedes on an end to the violence in electoral situations.
- KNCHR, IPOA and NGEC, in collaboration with civil society, should raise public awareness on election related SGBV with a view to establishing local-level systems for early-warning as well as monitoring and documentation of incidents when they occur. **KNCHR and civil society organizations like KHRC, Physicians for Human Rights, Usikimye and others have continually raised public awareness on electoral related SGBV as well as monitoring and documentation of incidents when they occur. However, there is no evidence that any local-level early-warning systems have been established at either the national or county levels.**

Protection

- Guarantee the working capacities of KNCHR, NGEC, IPOA, the IAU of the NPS and the ODPP, and ensure they have adequate resources, as critical institutions in providing effective remedies to survivors of SGBV. **These institutions, especially KNCHR, have faced persistent underfunding. For 2024/2025 fiscal year, KNCHR required Ksh 992.82 million but was only allocated Ksh 523.46 million. This underfunding greatly hampers the work of the institutions.**

- In collaboration with Civil society, establish an Independent Multi-Stakeholders Monitoring and Reporting Mechanism on election-related SGBV with a view to coordinating effective responses that ensure survivors receive immediate assistance and holistic redress, including psychosocial support, legal aid. **While some civil society organizations like Usikimye⁵ respond and ensure survivors receive immediate assistance and redress, there is no formalised multi-stakeholder coordination with government agencies to ensure investigations, justice and accountability.**
- The Kenyan government should ensure a human rights-based approach to law enforcement during elections and issue guidelines on the protection of women and girls during elections. **The National Police Service (NPS) highlighted several efforts in this regard, including: Specialized gender training for law enforcement officers, the establishment of gender desks in approximately 70% of police stations, and development of standardized Standard Operating Procedures (SOPs) on SGBV prevention and response. These measures aim to professionalize police conduct, streamline survivor reporting, and ensure a survivor-centered approach. Despite these measures, the Kenya Police is far from being a rights-based law enforcement agency going by the number of human rights violations they have committed in 2024 and 2025 during antigovernment protests.**
- The Kenyan government should guarantee its national, regional and international obligations to protect and promote women's political rights, including by ratifying the Optional Protocol to CEDAW. **Kenya has not taken any steps to ratify the Optional Protocol to CEDAW.**
- The Kenyan government should share the deployment plan/operational order of security and defence forces and services (including the chain of command) with KNCHR and other relevant actors in advance to ensure transparency and accountability. **The Kenyan Government does not share the deployment plan/operational order of security and defence forces and services with KNCHR. During the Gen-Z protests in 2024 and 2025, security agents deployed hooded agents in unmarked vehicles despite a court order prohibiting their use. The government subsequently denied that these individuals were security agents, even after violations including extra-judicial killings were committed.**
- The Kenyan government should sustain a periodic vetting process of law enforcement agents and other security forces and services with a view to ensuring that those found culpable of sexual violence and other human rights violations are prosecuted and removed from service. **The government has not conducted any vetting of law enforcement agents since 2019.**
- The Kenyan government should develop a national database on sex offenders (including within the security and defence forces) to ensure that they are not deployed in emergency response situations. **In 2023, Kenya launched the Convicted Sexual Offenders Register as required by section 39(13) of the Sexual Offences Act to maintain a register for convicted sexual offenders. However, there is no evidence to show that security and defence forces who have perpetrated sexual violence have been listed to ensure that they are not deployed in emergency response situations.**

⁵ <https://www.usikimye.org/>

- The Kenyan government should provide support to police officers deployed on the ground during election times (psychosocial, but also adequate allowance and rations). **During the June 25 and July 7, 2025, anti-government protests, the Independent Policing Oversight Authority (IPOA) reported that police deployed to manage the protests were denied food, water and allowances. There is no evidence to suggest that the same has happened during elections.**

Investigation and Prosecution

- The Kenyan government should enhance resourcing and upgrading of gender violence recovery centres (GVRs) at the national and county levels as well as properly instituting gender desks at all police stations in the country. **Gender violence recovery centres in Kenya are non-government and privately funded and ran. The police indicated that they have established gender desks in about 70% of police stations. It is however not factual considering most of the police stations do not have fully functioning gender desks.**
- Repeal rules and abolish practices providing for mandatory medical examinations in cases of sexual violence committed during conflict and crisis situations. **Since sexual violence committed during conflict and crisis situations is rarely reported, investigated and prosecuted, there is no evidence to show that such practices have been abolished.**
- The Kenyan government should, without further delay, ensure that investigations are carried out into the 2017 sexual violence cases, to bring the alleged perpetrators to justice and guarantee victims' right to reparation. **No investigations have been carried out into the 2017 sexual violence cases.**
- The Kenyan government should conduct an independent inquiry into the issue of election-related SGBV, Revisit the CIPEV findings and ascertain the level of progress, or lack thereof, in relation to the recommendations aimed at addressing election-related SGBV and consolidate existing reports and invite submissions on incidents of SGBV in the 2017 election period. **The government of Kenya has not conducted any independent inquiry into election-related SGBV cases reported during the 2007/8 and 2017 elections. Even when sued and damages offered, the government took five years to pay the compensation to survivors after the court judgment.**

Remedy and Reparation

- Prioritise and fully implement the decision in COVAW and others v. A.G. and others, HC Petition 122 of 2013, without further delay and commit to a broader reparations programme for victims of sexual violence in the context of elections. **In July 2025, the Government of Kenya paid Kenyan shillings 16 million (approx. USD \$124,000) in compensation to four survivors of electoral-related sexual violence following the High Court judgment in Petition 122 of 2013. However, the government has not shown any commitment to a broader reparations programme for victims of sexual violence in the context of elections.**

Plight of survivors of the ERSV in Migori, Kisumu and Vihiga counties

This policy brief finds that the conditions facing the survivors of the 2017 electoral-related sexual violence in Migori, Kisumu and Vihiga counties is dire. The profound and compounding nature of trauma from electoral-related sexual violence extends far beyond individual physical and psychological injury to encompass entire family systems and community structures.

All the survivors interviewed for this policy brief recounted how the violations they encountered permanently shattered not only their lives but also their livelihoods. Survivors highlighted the physical health and medical consequences of the violations, the mental health and psychological trauma, the breakdown of family ties and relations, economic devastation and loss of livelihoods and the lack of justice and accountability for the violations they suffered.

The persistence of these harms is directly linked to the government's failure to implement specific recommendations from the KHRC/FIDH report. Survivors' continued lack of justice reflects the absence of investigations into previous cases and the government's refusal to establish an independent inquiry into election-related SGBV. Their ongoing economic and psychosocial suffering is compounded by the lack of a comprehensive rehabilitation and reparations programme, despite court rulings such as Petition 122 of 2013. The broader climate of fear and insecurity endures because the state has not undertaken systemic reforms, including vetting of security officers implicated in violations or ensuring adequate funding for oversight institutions like KNCHR. These gaps in implementation have entrenched survivors' marginalization and prolonged the cycle of trauma within affected communities.

Physical health and medical consequences

Many survivors continue to suffer from chronic physical injuries and are denied medical care due to prohibitive costs and heavy localized stigma. Furthermore, numerous victims were infected with life-threatening diseases, including HIV.

“This leg has never healed properly from when they hit me with that baton during the assault, and I limp through each day selling groundnuts on the street corner. The surgery I need costs more money than I'll see in five years, so I just wrap it tight each morning and pray it will carry me through another day of trying to survive

~SURVIVOR TESTIMONY , VIHIGA COUNTY~

“The HIV test came back positive, and that's when my husband packed his bags and never looked back, taking nothing but his clothes and leaving me with our children and this invisible burden

~SURVIVOR TESTIMONY , MIGORI COUNTY~

Mental health and psychological trauma

While most of the survivors received psychosocial support from non-governmental entities after the ordeal, most still suffer from mental health and psychological trauma and deal with suicidal ideation. They require continuous physiological support.

“I stood at the edge of that well for what felt like hours, staring down into the darkness and thinking how peaceful it would be to just let go. The pain from what they did to me hurts me every single day. I can't be intimate with anyone, can't trust anyone, can't even afford the medication that might help ease the physical agony. There are mornings when I don't want to open my eyes, but something keeps pulling me back from that edge...”

~SURVIVOR TESTIMONY , MIGORI COUNTY~

The breakdown of family ties and relations

Some survivors interviewed were abandoned by their husbands, leaving them as single mothers with no economic support. Social stigma, isolation and trauma have led to long-term inability to engage in income-generating activities. They are unable to support their children's education and most live in squalid conditions with substandard housing and inadequate facilities lacking access to clean water and sanitation facilities.

“When I told my husband what happened, he looked at me like I was a stranger, like twenty years of marriage meant nothing compared to what those officers did to me in twenty minutes. Now I sit in my empty shop with goods that won't sell, watching other women with their husbands, wondering if I'll ever feel whole again. My children ask why daddy doesn't visit anymore, and I don't have the heart to tell them it's because of what was done to their mother...”

~SURVIVOR TESTIMONY , MIGORI COUNTY~

Economic devastation and loss of livelihoods

All the survivors experienced economic devastation and lost their livelihoods during the violence and subsequently due to the violence they endured. Survivors have been forced into deeper poverty because of their trauma, unable to engage in productive economic activities due to untreated physical and psychological injuries, social ostracism, and the breakdown of traditional support systems. The compound nature of this crisis is further exacerbated by the gendered dimensions of poverty and marginalization in Kenya, where women's economic opportunities are already constrained by structural inequalities that are then magnified for survivors of sexual violence.

“After they destroyed my life, my husband walked away, leaving me to pick up the pieces alone with our children to feed and educate. I work whatever jobs I can find - washing clothes, selling vegetables by the roadside; but it's never enough, especially with my older children in college. The nights are the hardest, when I lie awake wondering how I'll pay their school fees, knowing that their futures hang in the balance because of what those officers did to me...”

~SURVIVOR TESTIMONY , MIGORI COUNTY~

Lack of justice and accountability

2013

Constitutional Petition No. 122 of 2013 filed: Eight survivors and civil society organizations sue the state for failing to prevent, protect against, investigate, or provide reparations for sexual violence during the 2007/08 post-election crisis.

2020
(Dec)

High Court Judgment: The court rules in favor of only four out of the eight petitioners, establishing state liability strictly where state security agents were explicit perpetrators or where direct police reports were ignored. It awards KSh 4 million each but completely *declines* to issue broader structural orders for thousands of other survivors.

2021
(Nov)

Partial Appeal Filed: Civil Appeal No. E645 of 2021 is launched at the Court of Appeal to pursue accountability for the remaining four survivors, seek state accountability for failing to protect citizens from non-state militia violence, and mandate a nationwide reparations scheme.

2025
(July)

Belated Compensation Paid: It takes the Kenyan government a full five years after the court judgment to finally disburse the combined KSh 16 million (approx. USD \$124,000) to the four recognized survivors.

2025
(Sept)

Ongoing Judicial Delay: Nearly 18 years after the initial violations occurred, the critical partial appeal on broader systemic reparations remains completely unresolved and undetermined.

In July 2025, the Government of Kenya for the first time ever paid Kenyan shillings 16 million (approx. USD \$124,000) in compensation to four survivors of electoral-related sexual violence that occurred during the 2007/08 post election violence. The compensation followed a landmark judgment delivered by the Kenya High Court in December 2020 following a petition filed by eight survivors in 2013.

In Constitutional Petition No. 122 of 2013, the eight petitioners sought to hold the government of Kenya accountable for several failures. Failure to prevent the violence, resulting in sexual and gender-based violence, failure to protect survivors from sexual assault, failure to investigate and prosecute perpetrators of electoral-related sexual violence and failure to provide prompt, adequate, appropriate and effective reparations to survivors.⁶

The High Court however ruled in favour of only four out of the eight petitioners. The Court found that in instances where state security agents were the perpetrators or where a survivor

⁶ <https://phr.org/issues/sexual-violence/program-on-sexual-violence-in-conflict-zones/advocacy/public-interest-litigation/>

reported their assault to the police, but the police failed to act, the government was responsible. Consequently, the court awarded compensation of KES 4 million (approx. USD 35,000) each to four out of the eight petitioners who either were sexually assaulted by state security forces or had reported to the police, and the police had failed to investigate.

The petitioners had also petitioned the High Court to order structural measures that would lead to broader reparations and compensation for the thousands of other survivors of the 2007/08 post-election violence. The High Court's however declined to issue structural orders that would require the state to establish mechanisms for documentation and reparation for all other victims of sexual violence committed during post election violence.

In November 2021, the eight survivors alongside four civil society organisations filed a partial appeal at the Court of Appeal in Nairobi. The appeal sought to pursue justice and accountability for the four survivors whose violations had not been recognized by the High Court.

The appeal also sought to hold the Kenyan government accountable for failing to prevent or respond to post- electoral-related sexual violence perpetrated by militias and civilians and recognize the state's responsibility to protect citizens from sexual violence perpetrated by non-state actors. Finally, the appeal sought the court's intervention to ensure that the state institutes mechanisms for reparation for all the victims beyond the eight survivors. The appeal was yet to be determined by September 2025, close to 18 years since the violations happened.

Just like in 2007/08, the Kenyan government has completely ignored survivors of refused to acknowledge electoral-related sexual violence after the 2017 elections. There is consistent lack of political will to ensure prompt and impartial investigations, prosecutions and punishment of electoral-related sexual violence committed by both state and non-state actors. There is even less political will to provide adequate compensation to survivors even when it has been ordered by courts.

Survivors of electoral-related sexual violence interviewed for this policy brief in Migori, Kisumu and Vihiga have not received any form of redress from the government. Because the perpetrators of the violence were state security agents or allied militias, most survivors faced challenges reporting to police.

“When I tried to report what happened at the police station, they laughed in my face and told me I was making malicious accusations against their fellow police officers. I live in Obunga slums where they threw teargas into our homes and raped women. The scars on my body have healed, but the scars on my soul bleed fresh every single day, especially when I see police officers walking through our community...”

~SURVIVOR TESTIMONY , KISUMU COUNTY~

CONCLUSION

The systematic abandonment of survivors of electoral-related sexual violence in Kenya exposes the inadequacy of Kenya's transitional justice mechanisms and the hollowness of its commitment to gender-responsive governance and human rights. Despite even court orders, the Kenyan government has abandoned survivors to their fate.

This neglect manifests through the failure to establish comprehensive reparations programs, the absence of specialized healthcare services for trauma survivors, the lack of economic empowerment initiatives targeting affected communities, and the persistent impunity that characterizes the criminal justice system's response to sexual violence crimes.

The conditions facing the survivors demonstrate the profound and compounding nature of trauma that extends far beyond individual psychological injury to encompass entire family systems and community structures.

RECOMMENDATIONS

1. The Court of Appeal should fast-track judgment in Civil Appeal No. E645 of 2021 on determining Kenyan government's accountability for failing to prevent or respond to post-electoral-related sexual violence perpetrated by non-state actors or cases not reported to the police.
2. The Government of Kenya should fully implement the Victim Protection Act (2014) and the Restorative Justice Fund to provide sufficient protection and resources for reparations for all survivors of gross human rights violations.
3. The government should collaborate with other non-governmental actors to provide effective frameworks to ensure survivor-centred response in comprehensive healthcare services, psycho-social support, economic and livelihood support and restoration of social/communal ties.
4. Urgently, put in the necessary measures to ensure adherence to its state obligations to prevent, protect and punish ERSV. More specifically:
5. Set up an effective referral mechanism/pathway that incorporates the legal, medical and security aspects, through one-stop centres. At a minimum these should be put in place for the hotspot areas identified in relation to the upcoming 2027 elections. This will ensure that the survivors know who exactly to reach out to in cases of violence (e.g. a prosecutor, a police officer, a health officer).
6. Ensure that state agencies such as the ODPP and the judiciary hold to account political actors instigating violence during the campaign period as a deterrence measure, including the speedy adjudication of election related offences.
7. Ensure that there are functional safe spaces and shelters/ gender centers at the county level for the potential survivors of ERSV.
8. Initiate immediately an independent inquiry into ERSV committed during the 2017 elections and the 2024–2025 protests.

8. Initiate immediately an independent inquiry into ERSV committed during the 2022 elections and the 2024–2025 protests
9. Prioritise the Court of Appeal (Civil Appeal No. E645 of 2021) and commit to a comprehensive reparations programme for all survivors of electoral and protest-related sexual violence;
10. Finalise the review of the Sexual Offences Act ahead of the 2027 elections, incorporating provisions specific to sexual violence committed in crisis and conflict situations;
11. Conduct periodic and meaningful vetting of law enforcement personnel, and ensure that convicted offenders are not deployed in emergency response situations;
12. Ensure that KNCHR, the National Gender and Equality Commission (NGEC), IPOA, and the ODPP are adequately funded and guarantee of their independence.

REFERENCES

- i. <https://www.youtube.com/watch?v=PhbG5-J4nSA>
- ii. <https://www.usikimye.org/>
- iii. <https://www.imlu.org/>
- iv. <https://phr.org/issues/sexual-violence/program-on-sexual-violence-in-conflict-zones/advocacy/public-interest-litigation/>
- v. Testimony from survivors in Vihiga, Migori and Kisumu Counties

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