

and all witness (an in-depth interview may take place later, including a formal written statement).

- To arrange for any required follow-up/secondary investigation (e.g. forensics, medical examination).
- To document the investigation, evidence and statements in a formal report

When conducting an investigation, it is important that

- All forensic evidence be immediately marked for future identification in court, including:
 - (i) Time seized
 - (ii) From whom/by whom
 - (iii) Detailed description of the item(s)
 - (iv) Manner packaged
 - (v) Time tagged and where deposited for safe storage
 - (vi) Location deposited
- All evidence be separately packaged
- Steps taken to prevent contamination or damage of the evidence
- Continuity of possession be maintained and documented
- A full written report documenting all evidence be prepared, including what forensic analysis is required of each item.

Facts

A survivor service, and the protection of both survivors and witnesses, begins as the police investigation begins and continues through all stages of an investigation.

Survivors of GBV often face ongoing threats, intimidation and violence and so require protective measures from the criminal justice system to help

enhance their personal safety and that of their children.

Survivors of GBV may require assistance in seeking and filing court orders to restrain a perpetrator. As many may not fully know their legal rights, the presence of legal aid services can assist in enhancing their personal safety.

Perpetrators of GBV must be guaranteed certain rights. These include the right to be:

- Treated with respect and dignity by police
- Be told at once the reason for arrest/detention
- Presumed innocent until proven guilty
- Privacy and confidentiality
- Access to legal counsel
- Appeal any detention order
- A fair trial.
- Counseling

Legal instruments of GBV in Kenya

- The constitution of Kenya, 2010
- Sexual Offences Act (SOA) 2006
- Children's Act No.8, 2001
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).
- Universal Declaration of Human Rights (UDHR)
- National Guidelines on Management of Sexual Violence in Kenya, 2009
- Inheritance rights policies,
- Marriage and divorce laws,
- Female Genital Mutilation (FGM) Act (2012)
- Penal Code

Referral Contacts

National SGBV hotline **1195 (toll free)**

Child Help line **116 (toll free)**

**Any other police station or health facility
near your location**



Together Against Gender Based Violence (GBV)



Gender Violence is a global issue of pandemic proportions, which has an impact on all societies. It violates the rights and fundamental freedoms of victims. Such violence can have a devastating effect on the lives of victims, their families and communities.

At least one in every three women around the world has been beaten, coerced into sex or otherwise abused in her lifetime with the abuser usually someone known to her.

Kenya Women and Children's Wellness Centre aims at building capacity of the Police and Judiciary on responding to SGBV

Common themes emerge when GBV occurs

- a) Domestic violence and sexual offence are significantly under-reported to the criminal justice systems
- b) Cases reported to the justice system are not always treated with gender sensitivity.
- c) Inadequate access to legal aid and health care.
- d) Perpetrators of gender-based violence are often not reported to the authorities.

Duties of police in the management of GBV cases

- To effectively investigate all alleged incidents of violence against all incidences of GBV
- To conduct all investigations in a manner that respects the rights and needs of each survivor without needlessly adding to the existing burden experienced
- To take action to support and protect all survivors and perpetrators
- To prevent crime, maintain public order and enforce laws
- To ensure safety and medical assistance for both the perpetrator and survivor including children
- To ascertain if language is a barrier and arrange to provide a translator when necessary.

Children or family members should not be used as interpreters.

- To gather and preserve evidence in accordance with the police service's investigative procedures.
- To conduct detailed interviews and make detailed notes including the actions and utterances of all the parties involved.
- To complete a detailed occurrence report for every GBV related case, regardless of whether any charges are brought, and to enter that information on the police service's information system for future reference.
- To establish arrest and prosecution as a preferred means of police response to GBV

GBV investigation

An investigation is a methodological exercise in problem-solving that involves identifying the offence by examining facts or circumstances of an incident and identifying the enforcement option appropriate to the facts or circumstances.

The purpose of an investigation is:

- To determine whether an offence was committed or to disprove an allegation
- To identify victims and witnesses
- To gather and preserve evidence of any kind that may be relevant
- To discover the cause, manner and location of an offence
- To prove the identity of the suspect or person(s) responsible
- Where appropriate, to formulate the ground to bring a charge
- To document the investigation, and evidence, and to prepare to present evidence at trial
- To prevent further victimization (includes both the survivor and others who may be affected, such as children)

An effective police investigator

- Acts in a professional, impartial and objective manner
- Is diligent in the collection of physical evidence and statements
- At all times treats all parties involved with respect and dignity
- If there is an offence, identifies the person(s) responsible and collects sufficient evidence to prove the case in court
- Takes steps to address the safety needs of all involved
- Have a sense of process and understand its importance in an investigation
- Have respect for evidence (what it is, its value and how to collect, preserve and document it)
- Take an analytical and creative approach to problem-solving
- Effectively use all investigative tools and resources available

Initial Response by police includes

The first officers on the scene of an incident of GBV are advised:

- To immediately separate the victim from the perpetrator and to ensure the survivor's safety.
- To identify and secure any weapons that may be on hand, so as to protect all persons present.
- If present, to isolate, search and secure the perpetrator: have him removed from the scene.
- To arrange medical treatment for any injured persons.
- To ascertain the initial facts of what has happened and to identify the offence
- To begin to identify and collect all potential evidence of the offence
- To conduct an initial interview of the survivor