



PARLIAMENT
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OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE

VICTIM PROTECTION BOARD


ANNUAL REPORT

Financial Year 2023/2024

PREPARED AND ISSUED PURSUANT TO
SECTION 33 OF THE VICTIM PROTECTION ACT, CAP 79A

SEPTEMBER 2024



 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 NOV 2024	DAY: Tuesday
TABLED BY:	Hon. Owen Baya, MP Dep. leader, Majority Party
PREPARED BY:	Moses Lomale

MISSION

To protect, rehabilitate and compensate victims of offences through formulation and implementation of comprehensive and integrated programmes.



VISION

To be the lead institution in the protection of rights and welfare of victims of crimes in Kenya.



VALUES

- Victim centred
- Confidentiality
- Collaboration
- Professionalism and Integrity
- Teamwork and Courtesy
- Equity and Fairness/ Social justice
- Efficiency and Effectiveness

FOREWORD BY THE SOLICITOR GENERAL & VPB CHAIRPERSON



It is with great honor that I present the Annual Report for the Victim Protection Board (VPB) for the financial year 2023-2024. This year has been marked by significant strides in enhancing the protection and support of victims across Kenya. The Board has continued to work diligently to fulfil its mandate of ensuring that victims of crime receive the necessary support and are treated with dignity and respect throughout the justice process.

This report highlights the progress we have made, the challenges we have encountered, and the strategic steps we plan to undertake in the coming years to further strengthen our efforts. The Financial Year 2023-2024 has been a transformative period for the Victim Protection Board (VPB). Our commitment to safeguarding the rights and welfare of victims has driven significant progress across our core mandates. This report outlines our key achievements, challenges faced, and strategic priorities for the future.

The Victim Protection Act, CAP 79A (herein after the Act) establishes the Victim Protection Board, mandated to advise the Cabinet Secretary responsible for matters relating to Justice (The Attorney General) on inter agency activities aimed at protecting victims of crime. The Act further provides for a suitable platform to facilitate the protection of victims of crime and abuse of power.

In Africa, Kenya has made significant strides in policy, legislative and administrative framework in the protection of Victims of crimes and abuse of power. I am delighted to acknowledge the strides made by the Victim Protection Board (VPB) during the period under review towards the implementation of the Article 50(9) of the Constitution of Kenya and provisions of the Act. Kenya being a party to international instruments has complied with the international principles on victim protection, the 1985 Declaration of Basic Principles for Justice for Victims of Crime and Abuse of Power and the 2006 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law by enacting the Victim Protection Act No. CAP 79A and based on the recommendations of the Universal Periodic Review 2020, is committed operationalize the Victim Protection Act.

The Victim Protection Board and the Secretariat in conjunction with key stakeholders have been working tirelessly to set up the requisite structures and legal frameworks that will operationalise the Act, which will enhance proper promotion and protection of the victims of crime. This will see Kenya take a new route in upholding best practices in protecting human rights and fundamental freedoms.

During the year 2023/2024, the Board finalized the development the Victim Protection (Amendment) Bill, 2024, the Public Finance Management (Victim Protection Fund) Regulations, 2024 and Victim Protection General Regulations, 2024 as a step towards the operationalization of CAP 79A. The next steps would be public participation for the two sets of legislation which will be conducted in the next financial year. This move will consequently bring the Board a step closer towards achieving a remarkable milestone of protecting victims of crime during pre-trial, trial and post-trial stages, with the aim of minimizing revictimization and victimhood by providing an environment that empowers the victim in the criminal justice system.

As the chair of the Victim Protection Board, I am committed to ensuring that the objectives of the board are fully achieved. I commend the will and determination of the Board and the Secretariat on the remarkable progress made so far. For this reason, I thank the team for always looking beyond the challenges and offering their unwavering support and expertise. I urge the Board and the various stakeholders to work in the same spirit to ensure that the rights of the victims of crime are fully realised.



Hon. Shadrack J. Mose

Solicitor General & Chairperson
Victim Protection Board

MESSAGE FROM THE SECRETARY, VICTIM PROTECTION BOARD



The Financial Year 2023-2024 has been a pivotal period for the Victim Protection Board. During this year, we have focused on enhancing our legal and policy frameworks, building capacity among stakeholders, improving victim support services, and increasing public awareness about victims' rights. Despite facing several challenges, including limited resources and operational constraints, the Board has successfully managed to make significant

progress in its mission.

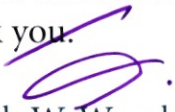
I am delighted to present the report on the performance of the Victim Protection Board during the Financial Year 2023/2024. Despite the challenges, the Board achieved the set-out targets as projected in the financial year under review.

The Victim Protection Board is established under section 31 of the Victim Protection Act CAP 79A with a composition of actors in the criminal justice sector. The Board is the only government agency mandated by law to coordinate the victim services, and has made considerable milestones in developing legal instruments to see the operationalization the Act.

In accomplishing this, the Board has collaborated with key partners both state and non-state in the furtherance of the objects of the Act including; the National Treasury, Judiciary, State Department for Correctional Services, Office of the Director of Public Prosecutions, National Police Service, Witness Protection Agency, National Gender and Equality Commission, Kenya Law Reform Commission, Kenya National Human Rights Commission, Commission on Administrative Justice, Law Society of Kenya, Independent Medico Legal Unit, FIDA Kenya, and International Justice Mission (IJM).

The Board continued to sensitize the members of the public on Victim Protection Act CAP 79A and Victim rights. We are happy to announce that during the period under review, the Board conducted civic education in 12 counties namely; Isiolo, Meru, Embu, Laikipia, Vihiga, Bungoma, Kakamega, Trans- Nzoia, Muranga, Makueni, Kitui and Machakos. During this civic education programmes, the Board was able to reach out to 1200 members of the public and 1200 members of the National Government Administrative officers who are cut across different ranks. Finally, I would like to appreciate the Acting CEO and the Secretariat for their dedication, invaluable support, and zeal during the year under review in driving the mandate of the Board towards its success.

Thank you.


Jedidah W. Waruhiu
Director-WPA, Secretary
Victim Protection Board

LIST OF ACRONYMS AND ABBREVIATIONS

AG	Attorney General
FIDA	Federation of Women Lawyers (Kenya)
CAP	Chapter
CEO	Chief Executive Officer
CPD	Continuous Professional Development
IJM	International Justice Mission
IMLU	Independent Medico-Legal Unit
NCAJ	National Council on the Administration of Justice
NCCJR	Committee on Criminal Justice Reforms
NGEC	National Gender and Equality Commission
NPS	National Police Service
OAG&DOJ	Office of the Attorney General and Department of Justice
ODPP	Office of the Director of Public Prosecutions
PFM	Public Finance Management Act, CAP 412A
SCAC	State Corporation Advisory Committee
SDGs	Sustainable Development Goals
SG	Solicitor General
SGBV	Sexual Gender Based Violence
VPA	Victim Protection Act, CAP 79A
VPB	Victim Protection Board
VRC	Victim Rights Charter
WPA	Witness Protection Agency

TABLE OF CONTENTS

FOREWORD BY THE SOLICITOR GENERAL & VPB CHAIRPERSON	2
MESSAGE FROM THE SECRETARY, VICTIM PROTECTION BOARD.....	4
LIST OF ACRONYMS AND ABBREVIATIONS.....	6
TABLE OF CONTENTS	7
ACKNOWLEDGEMENT.....	9
VICTIM PROTECTION BOARD COMPOSITION.....	10
VICTIM PROTECTION SECRETARIAT COMPOSITION.....	11
CHAPTER 1.....	12
1.0 INTRODUCTION.....	12
1.1 Victim Protection Act CAP 79A.....	13
1.2 The Victim Protection Board.....	13
1.3 Mandate and Functions of the Victim Protection Board	13
1.4 Functions of the Victim Protection Board.....	14
1.5 Reporting Obligations.....	14
CHAPTER 2	15
2.0 ACHIEVEMENTS OF VICTIM PROTECTION BOARD.....	15
2.1 PROGRAMMES AND ACTIVITIES	15
2.1.1. Progress of the National Treasury Inter-Agency Taskforce15	
2.1.1.1. Review of the Victim Protection Act CAP 79A	15
2.1.1.2. Review of the Victim Protection Act (General) Regulations, 2024 and Public Finance Management (Victim Protection Fund) Regulations, 2024	16
2.2 ACTIVITIES OF THE VPB	16
2.2.1 Civic education and Public Awareness.....	16
2.3 INCLUSION OF VPB TO THE NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE (NCAJ) AND OTHER STAKEHOLDER COMMITTEES.....	17
2.3.1. NCAJ Committees.....	17
2.3.2. Witness and Victims Network of Care Committee	18
2.4 Development of the Board plans	18
CHAPTER 3	19
3.0 FINANCIAL RESOURCES AND UTILIZATION	19
3.1 FUNDING SOURCES:.....	19
3.2 ALLOCATION AND UTILIZATION OF THE VPB FUNDS.....	19
3.2.1 Utilization of Funds:.....	20

3.3 FINANCIAL NEEDS FOR VICTIM PROTECTION BOARD AND BOARD OF TRUSTEES ..	20
3.3.1 Victim Protection Board	20
CHAPTER 4	21
4.0 CHALLENGES, RECOMMENDATIONS AND WAY FORWARD	21
4.1 CHALLENGES	21
4.1.1 Ambiguities in the Victim Protection Act CAP 79A.	21
4.1.2 Draft Victim Protection (General) and PFM (Victim Protection Fund) Regulations 2024	22
4.1.3 Cross cutting mandate of Victim Protection	22
4.1.4 Inadequate finances	22
4.1.5 Inadequate Human Capacity.....	22
4.1.6 Inadequate tools and equipment	22
4.1.7 Inadequate Public awareness about the Victim Protection Act.....	22
4.1.8 Lack of a consolidated database for victims of crime	22
4.1.9 Cyber crime and related technology challenges	22
4.2 RECOMMENDATIONS AND WAY FORWARD	22
4.2.1 Amendments of the Victim Protection Act	23
4.2.2 Approval of the Victim Protection (General) and PFM (Fund) Regulations, 2024	23
4.2.3 Cross-Cutting Issues	23
4.2.4 Adequate Resource allocation.....	23
4.2.5 Victim Rights Charter.....	23
4.2.6 Human Resource	23
4.2.7 Acquisition of tools and equipments.....	23
4.2.8 Strengthening Partnerships and Collaboration	23
4.2.9 Awareness and Education.....	23
4.2.10 Victim Centric Services	23
4.2.11 Data Collection and Research	23
4.2.12 Capacity Building and Training.....	23
CHAPTER 5	25
5.0 CONCLUSION	25
Board Activity and Pictorials.....	27



ACKNOWLEDGEMENT

The VPB has made significant strides in enhancing the protection and support services available to victims of crime. This year, we focused on expanding access to our services, improving the quality of victim support, and fostering partnerships with relevant stakeholders. Our efforts have resulted in increased victim satisfaction, greater awareness of victims' rights, and strengthened institutional capacity.

This report captures the overall performance of the Victim Protection Board and the progress made in the execution of its statutory mandate during the financial year 2023/2024. The report was prepared in observance and compliance with Article 1, Article 3(1) Article 28, Article 47, Article 50(7) and Article 50(9) of the Constitution and Section 33 of the Victim Protection Act CAP 79A. The Act prescribes the Board to submit to the Cabinet Secretary and the National Assembly every financial year, an Annual Report of the policies, programmes and activities relating to the implementation of the Act.

The annual report is also based on the OAGDOJ Strategic Plan (2023-2027) which highlights the Board's implementation plan. The Plan is set out to achieve a number of remarkable milestones aimed at realizing the Board's Vision. These include; (i) developing and implementing guidelines and toolkits on victim protection, victim rights enforcement; (ii) compliance with the Constitution, and the Victim Protection Act; and (iii) building internal staff capacity. This Plan is anchored on Kenya's development blueprints; the Constitution of Kenya, Bottom-Up Economic Agenda (BETA), MTP IV, Kenya Vision 2030 and the Sustainable Development Goals (SDGs). The Annual Report was prepared by the Victim Protection Board (VPB) under the leadership of the Honourable Attorney-General and Solicitor General, the Chairperson of VPB. The Office of the Attorney General & Department of Justice (OAG & DOJ) would like to express its sincere appreciation to the Board Members and the Secretariat seconded to the Board from the OAG-&DOJ and Witness Protection Agency (WPA) whose unwavering efforts and long hours led to the development of this Annual Report.

Finally, we are grateful to all the stakeholders who participated in the preparation of the report in various stages and their invaluable input received to enrich it.

Mary M. Wairagu
Chief State Counsel & Ag. C.E.O
Victim Protection Board

VICTIM PROTECTION BOARD COMPOSITION



Hon. Shadrack Mose
Solicitor General & Chairperson VPB



Jedidah W. Waruhiu
Director WPA, Secretary VPB



Joseph Riungu
ODPP



Judy Ndung'u
Children's Services



Desire Njamwea
NGEC



Catherine Mugwe
NPS



Hitler Ogenche
Correctional Services



Geoffrey Momanyi
National Treasury



Anne Ireri
Director, FIDA



Peter Kiama
IMLU

VICTIM PROTECTION SECRETARIAT COMPOSITION



Ms. Mary Wairagu
CSC-OAG&DOJ/Ag. CEO VPB



Ms. Nancy Chepkwony
SSC-OAG&DOJ/VPB



Mr. Kennedy Mutiso
SSC-OAG&DOJ/VPB



Ms. Beatrice Kosgei
SSC-OAG&DOJ/VPB



Ms. Mary Mghanga
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Mr. Bildad Keke
SSC-OAG&DOJ/VPB



Ms. Julie Wahonya
PLO WPA/VPB



Ms. Aidah Kigoro
SSC-OAG&DOJ/VPB



Ms. Abijah Kabura
SAOA-OAG&DOJ/VPB

1.0 INTRODUCTION

In *Joseph Lendrix Waswa v Republic* [2020] eKLR, the Supreme Court of Kenya affirmed that criminal justice processes should empower victims, recognizing their right to be heard not merely as witnesses for the prosecution but as rights holders with a legitimate interest in both the proceedings and the outcome.

Before the 2010 Constitution was enacted, crime victims were often marginalized and given minimal attention in the criminal justice process, which primarily focused on the rights of the accused. As a result, victims endured ongoing physical, emotional, psychological, economic, and social harm from both the crime itself and the procedural aspects of the justice system.

In recent decades, there has been a growing recognition of the rights of victims. The United Nations adopted two General Assembly resolutions dealing with the right to victims:

- i. The 1985 Declaration of Basic Principles for justice for Victims of Crime and Abuse of Power; and
- ii. The 2006 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law.

These developments prompted the incorporation of victim rights into legal systems and laws globally, reflecting a broad movement towards their recognition. In Kenya, this recognition is formally enshrined in the Constitution .

1.1 The Victim Protection Act, CAP 79A

The Victim Protection Act No. CAP 79A is aimed at safeguarding the rights and welfare of victims of crime. The Act establishes a framework for:

1. **Victim Protection Board:** Created under section 31, and is responsible for coordinating efforts to protect victims and implementing preventive, protective, and rehabilitative programs.
2. **Rights and Welfare:** Ensures that victims receive adequate protection, support, and services to address their physical, emotional, and psychological needs.
3. **Inter-Agency Coordination:** Facilitates collaboration among various agencies to enhance the effectiveness of victim support and protection measures.
4. **Preventive and Rehabilitative Programs:** Develops and oversees programs designed to prevent revictimization and aid in the recovery and rehabilitation of crime victims.

The Act further makes provision for reparation, compensation, development of mechanism for dissemination of information and provision of victim support services. It reflects Kenya's commitment to integrating victim rights into the criminal justice system and ensuring that victims are afforded the support and justice they deserve.

1.2 The Victim Protection Board

The Victim Protection Board (herein the board), established under section 31 of the Victim Protection Act CAP 79A, is responsible for implementing the Act. The Board is tasked with coordinating inter-agency efforts to protect crime victims and executing preventive, protective, and rehabilitative programs.

The Board was officially established by Gazette Notice No. 2487 on April 10, 2015. Board members are appointed for a three-year term, which may be renewed once for an additional three years. The Board is composed of the following:

- a. **Chairperson** appointed by the Cabinet Secretary from among the members. Currently the **Solicitor General is the chairperson**;
- b. The **Director of the Witness Protection Agency** who shall be the **Secretary**;
- c. The **Principal Secretary** of the Ministry for the time being responsible for matters **relating to justice**;
- d. The **Principal Secretary** of the Ministry for the time being responsible for **correctional services**;
- e. The **Principal Secretary** of the Ministry for the time being responsible for matters relating to **children affairs**;
- f. The **Director of Public Prosecutions**;
- g. The **Inspector-General of Police** or his or her representative;
- h. One person nominated by the **National Gender and Equality Commission**; and
- i. Two representatives from civil society dealing with issues relating to **children and women victim's protection**.

1.3 Mandate of the Victim Protection Board

The Board's primary mandate is to provide guidance to the Cabinet Secretary responsible for Justice (Attorney General) on inter-agency efforts focused on protecting crime victims. Specifically, the Board is responsible for implementing programs designed to prevent, protect, and rehabilitate victims of crime.

- The Victim Protection Board of Kenya is further mandated to:
- Ensure the protection and support of victims of crime;
- Oversee the implementation of the Victim Protection Act;
- Facilitate access to justice for victims;
- Provide policy guidance on matters related to victim protection; and
- Collaborate with government agencies, NGOs, and other stakeholders in the field of victim support.

1.4 Functions of the Victim Protection Board

Section 32 of the Victim Protection Act outlines the functions of the Victim Protection Board, which include advising the Cabinet Secretary on inter-agency activities designed to protect crime victims, as well as overseeing the implementation of preventive, protective, and rehabilitative programs for victims. The Board is also expected to advise the Cabinet Secretary on:

- a. Formulation of a comprehensive and integrated program to protect victims of crime;
- b. Coordination of activities relating to the protection of victims of crime;
- c. Dissemination of information relating to the victim of crime to concerned agencies and organizations;
- d. Development of a charter for victims of crime;
- e. Formulating and coordinating training programs for law enforcement agents on victim protection;
- f. Monitoring and evaluation of the progress of Kenya concerning the protection of victims of crime;
- g. Consultation and advocacy with government departments and agencies and non-governmental organizations, to advance the purposes of the act;
- h. Compilation and documentation of desegregated data annually, by age, county and gender of victims of crime for purposes of policy formulation and program direction;
- i. Development of mechanisms to ensure the timely, coordinated, and effective response to cases of victim protection; and
- j. Undertake measures necessary to rehabilitate victims of crime and in particular -
 - i. Implementation of rehabilitative programmes including education and protective programmes for victims of crime;
 - ii. The provision of shelter and psychosocial support to vulnerable victims.
 - iii. Measures to reduce re-victimization in the justice system.

1.5 Reporting Obligations

The Victim Protection Board is required to submit an annual report that details its policies, programs, activities, achievements, and challenges in implementing the Victim Protection Act. This report provides transparency and insight into the Board's efforts to safeguard and support crime victims through various preventive, protective, and rehabilitative programs. The Board is expected to submit the report to the National Assembly every year and has complied consistently.

CHAPTER 2

2.0 ACHIEVEMENTS OF VICTIM PROTECTION BOARD

During the review period, the Victim Protection Board engaged in numerous activities aimed at implementing the Act. These efforts led to several significant achievements.

2.1 PROGRAMMES AND ACTIVITIES

The programmes and activities realised were as follows: -

2.1.1. Progress of the National Treasury Inter-agency taskforce

The Cabinet Secretary (CS) National Treasury in consultation with the Attorney General formulated an inter-agency taskforce with the mandate to ensure draft trust fund regulations comply with the requirements of section 24 of Public Finance Management (PFM) Act, CAP 412A in creation of funds. Also, the taskforce is to identify any consequential amendments of any laws required as a result of establishing the fund and finally engage key stakeholders during development of regulations in line with the provisions of the PFM Act, CAP 412A and the Statutory instruments Act, CAP 2A and thereafter incorporate the views of the stakeholders in so far as possible. The inter-agency taskforce retreated and analysed the various victim funds created in Kenya and did a comparative study of the victim protection services across commonwealth countries and borrowed best practices to incorporate to the proposed legislative amendments and reforms on victims of crime. This will facilitate the operationalisation of the victim protection agency and its support services to victims of crime in Kenya.

2.1.1.1. Review of the Victim Protection Act CAP 79A

The Victim Protection Act CAP 79A, is yet to be fully operationalized. This is due to following enumerated reasons that include:

1. Contradicting jurisprudence by the courts of law on the interpretation of who is a victim? And, the role and participation of counsel representing victims during the criminal trial process.
2. The Victim Protection Board is unincorporated in law and lacks legal powers and lacks autonomy to deliver on its mandate.
3. Subsidiary legislations that are to operationalise the Act are still pending public participation and legislative approvals.
4. Insufficient budgetary allocation by the National Treasury to the VPB to optimally perform its functions.

The Victim Protection Board together with the Inter-agency and other key stakeholders identified key amendments in the Victim Protection Act CAP 79A, which require priority amendment to ensure smooth operations of the Act. These amendments were incorporated into the Amendment Bill with the assistance of the Legislative Department at OAG&DOJ to which the Key amendments proposed formed the Victim Protection (Amendment) Bill, 2024.

2.1.1.2. Review of the Victim Protection Act (General) Regulations, 2024 and Public Finance Management (Victim Protection Fund) Regulations, 2024

Section 34 of the Victim Protection Act provides that the Cabinet Secretary for matters relating to justice shall make regulations regarding procedures to be put in place to monitor and assess the proper application and compliance with the Act. The Provisions in the regulations are aimed at bringing into effect the provisions of the Victim Protection Act and for the fulfilment of the objectives of the Act. As such, the Victim Protection Board together with the Inter-agency taskforce appointed by the National Treasury has developed draft Victim Protection (General) Regulations, 2024 in accordance with the provisions of the Act.

Section 27 of the Victim Protection Act establishes the Victim Protection Trust fund which consists of as per Section 28 of the Act– monies appropriated by the National Assembly; monies received by the Fund as grants, donations or gifts from non-governmental or non-public sources; the victim surcharge levy; income generated by investments made by the Board of Trustees; and interest accruing from the fund. The Board of Trustees is may make payments out of the Fund for-the expenses arising out of assistance to victims of crime; balances that may accrue to the Fund; expenses arising out of administering the fund; and such other purposes as the Board may recommend. The Interagency Taskforce together with the Victim Protection Board developed a draft PFM (Victim Protection Fund) Regulations, 2024. The taskforce reviewed the Regulations and aligned them with provisions of Public Finance Management Act 2012. The inter-agency taskforce is expected to submit its recommendations to the Principal Secretary for National Treasury. Upon which the Regulations are to be subjected to public participation and then forwarded to the Honourable Attorney General for onward submission to the National Assembly.

2.2 ACTIVITIES OF THE VICTIM PROTECTION BOARD

2.2.1 Civic education and Public Awareness

The Constitution of Kenya, under Article 35 requires that the public be provided with information on the working of Government agencies and their input be considered where appropriate for reforms or change.

The Board and the Secretariat in their annual work plan undertook the following activities in line with the performance contract in the year under review:

a. Civic Education in Counties

The Victim Protection Board complied with the provisions of Article 3, 10, and 35 of the Constitution to involve the members of the public in the dissemination of information and ensuring access to justice. The Constitutional obligation placed on the Victim Protection Act CAP 79A and by extension to the Victim Protection Board to eliminate victimization in the country through sensitization to the Kenyan citizenry.

As per the performance targets for the year under review, the Board conducted the civic education in the Counties of Isiolo, Laikipia, Meru, Embu, Trans-Nzoia, Bungoma, Kakamega, Vihiga, Muranga Kitui, Makueni and Machakos. As a result, the Board in the year under review sensitized 2,400 citizens who were drawn from a selected target group namely; National Government Administration Officers (NGAO's), Religious Leaders, Opinion Leaders, "Nyumba Kumi" leaders and the Youth.

The exercise covered the constitutional provisions that provide for the enactment of the Victim Protection Act, as outlined in the Constitution of Kenya and also educated the public on the contents of the Victim Protection Act, CAP 79A. In Particular, the areas of the Act that were given prominence were:

- i. Provisions relating to victims of crimes covered under the Victim Protection Act, CAP 79A;
- ii. Provisions relating to the guiding principles on protection of victims under the Act;
- iii. Provisions on the rights of victims; and
- iv. Provisions on the victim services;

2.3 INCLUSION OF VPB TO THE NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE (NCAJ) AND OTHER STAKEHOLDER COMMITTEES

The Victim Protection Board is a co-opted as a member of the National Council on the Administration of Justice (NCAJ) and has since then been participating in various committees as indicated below:

2.3.1. NCAJ Committees

The Victim Protection Board attends the NCAJ Council meetings and is represented in the following Committees:

a. National Committee Criminal Justice Reform

VPB was co-opted to the NCAJ National Committee on Criminal Justice Reforms (NCCJR). Being a crucial actor, the board joined the NCCJR and NCAJ in meeting with Justice and Legal Affairs (JLAC) of the National assembly, to highlight the general provisions of the proposed amendments to the Penal Code CAP 63 and Criminal Procedure Code, CAP 75 both laws that govern the criminal process in Kenya.

b. NCAJ Committee on the Review of the Laws on Sexual and Gender Based Violence.

The VPB in conjunction with NCAJ Committee on SGBV is developing the Sexual Offences Bill, 2024 and the attendant Regulations. The Bill seeks to cure the inconsistencies in the areas of minimum sentence and mandatory sentence in emerging crimes in the area of technological facilitated gender-based violence.

c. NCAJ Standing Committee on Administration of Justice for Children

The VPB is a member of the Standing Committee on Administration of and Access to Justice for Children. In the period under review, the Standing committee with the input of the VPB launched the National Strategy on Justice for children.

The Board's participation in the Standing Committee on Access to Justice for Children strengthened collaborations between the Board and stakeholders in the child justice system.

2.3.2. Witness and Victims Network of Care Committee

The VPB through the Network of care were facilitated to amend the Victim Protection Act to bring it in conformity with the Public Finance Management Act, CAP 412A and international best practices on victim protection.

2.4 DEVELOPMENT OF THE BOARD PLANS

The Board developed key plans that provided a road map for implementation of the Boards' activities for the year under review, as indicated below;

- a. VPB work plan;
- b. VPB Procurement plan; and
- c. VPB budget.

Accordingly, the Board embarked on planning its second Strategic plan 2024 - 2028 where it has highlighted the need for development of various policy manuals touching on finances, human resource and other operational areas that speak to support victim protection services.

CHAPTER 3

3.0 FINANCIAL RESOURCES AND UTILIZATION

The Victim Protection Board is required to ensure protection, support, and assistance to the victims of crime. These services are funds-consuming and require sufficient financial allocation. Adequate financial resources are a prerequisite to attaining a high-efficiency level in administering justice and service delivery in any institution.

The sources of funds include monies appropriated by the National Assembly, monies received by the Fund as grants, donations or gifts from non-governmental or non-public sources; the victim surcharge levy; income generated by investments made by the Board of Trustees and Interest accruing from the fund. In this chapter, the Board will report on its financial status by examining its funding sources, budget allocation, and the utilization of these funds in safeguarding the rights and interests of victims of crime in Kenya.

3.1 FUNDING SOURCES:

Section 28 of the Act provides that the sources of funds shall consist of the following-Government Allocations: The Victim Protection Board receives a majority of allocation from the National Assembly.

- i. Donor Funds: The Board has received donations from international organizations, and non-governmental organizations. These funds were earmarked for specific programs and projects aimed at victim protection.
- ii. Grants: The VPB is yet to unlock any grants.
- iii. Partnerships: The Board has entered into partnerships with like-minded persons in the area of Victim Protection and Victim support.

3.2 ALLOCATION AND UTILIZATION OF THE VPB FUNDS

Table 1: Budget absorption trend for the VPB

FY	Vote Heads	Approved Budget (Kshs M)	Expenditure (Kshs M)	Absorption
2020/21	VPB Operations	22,795,065	21,244,922	93 %
	VPB Compensation fund	54,708,157	0	0 %
2021/22	VPB Operations	32,340,000	32,310,006	100%
	VPB Compensation fund	53,610,000	0	0%
2022/23	VPB Operations	32,340,000	32,300,785	100%
	VPB Compensation fund	500,000	0	0%
2023/24	VPB Operations	32,340,000	32,340,000	100%
	VPB Compensation fund	0	0	0%

The funds indicated in Table 1 show the approved operations budget of the Board as being Kshs. 32.34 million for the financial year under review.

3.2.1 Utilization of Funds:

Effective financial resource management is crucial for the VPB to fulfil its mandate efficiently. The funds were heavily utilized for Civic sensitization on the Victim Protection Act, Cap 79A. However, there is still insufficient awareness of the Act.

Victim support services, protection Services and capacity building are the most priority services needed by the citizens based on the study taken by the Board.

In conclusion, adequate funding and the proper utilization of funds are essential to ensure that the VPB fulfill its constitutional and statutory mandate of safeguarding the rights and interests of victims across the country.

3.3 FINANCIAL NEEDS FOR VICTIM PROTECTION BOARD AND BOARD OF TRUSTEES

The financial needs of the Victim Protection Board are based on several factors that guide its operations and activities, ensuring effective and efficient service delivery to victims of crime in Kenya.

The key needs of the Victim Protection Board are influenced by various factors, including but not limited to operational costs, victim support services, awareness and advocacy initiatives, research and data collection, capacity building, administrative and overhead expenses, emergency and contingency funds, partnerships and collaboration efforts, evaluation and impact assessment, as well as legal and regulatory compliance. The elements highlighted above work together to bring about improvements in victim care and judicial systems ability to adapt to changing circumstances. These will be put in practice as soon as the board is fully operationalized to carry out the tasks as outlined in the Act.

3.3.1 Victim Protection Board

For any institution to fully meet its objectives, it has to be adequately funded. To implement the programmes of VPB, the Board requires a budget allocation of approximately Kshs. 450M, however the Board was only allocated Kshs.32M giving a resource gap of Kshs.418M. The funding gap has adversely affected the realisation of the envisaged engagements of the Board with the Victims of Crime.

The financial needs of the Board are growing daily and are further projected to keep growing dependant of the crime trend in the Country. This is attributed to projected activities of the Board.

In conclusion, adequate funding and the proper utilization of funds are essential to ensure that the VPB can fulfill its mission of safeguarding the rights and interests of victims across the country.

CHAPTER 4

4.0 CHALLENGES, RECOMMENDATIONS AND WAY FORWARD

4.1 CHALLENGES

In the financial year 2023/24, the Victim Protection Board continued to implement its mandate and activities in line with the Bottom-up Economic Transformation Agenda. However, the following challenges were encountered; -

4.1.1 Ambiguities in the Victim Protection Act CAP 79A.

The Victim Protection Act was enacted in September, 2014 with several contradictions and ambiguities that are set for amendments to bring about its conformity in the provision of victim protection services. These include but are not limited to the Victim Protection Board as an unincorporated Board without an Agency, therefore, the Board cannot sue or be sued. Further in the Act, there is no distinct role between the Board of Trustees of the Victim Protection Trust Fund and the Board members of the Victim Protection Board. A draft Victim Protection (Amendment) Bill, 2024 has been developed awaiting public participation.

4.1.2 Draft Victim Protection (General) and PFM (Fund) Regulations, 2024.

This set of Regulations have been developed and are awaiting public participation as the Victim Protection Act cannot be implemented in its current form. The Trust Fund Regulations should comply with Section 24 of the Public Finance Management Act, CAP 412A.

4.1.3 Cross-cutting Mandate of Victim Protection.

The Parliament of Kenya enacted various legislation on creation of victim funds to support victim protection services in Kenya. It is difficult to coordinate the process of implementing victim protection services in the country as various delegated ministries have different planning and budgeting priorities based on the Acts of Parliament they are overseeing. This has proved a challenge on the resource mobilization for provision of victim support services.

4.1.4 Inadequate Financial Resources.

The Financial allocation to the Board has been dwindling every financial year crippling the operationalization of the Victim Protection Board. Victims of crime continue to suffer as they cannot access the services. This has led to overreliance on donor support that is inconsistency hence proves a challenge in implementation of victim programs.

4.1.5 Inadequate human capacity

The Victim Protection Board, has no mandate to recruit its own staff by virtue of its unincorporated status as provided by the Act. OAG&DOJ has therefore seconded staff to the VPB who are also engaged in other additional duties within the OAG&DOJ besides the VPB activities. This has been a challenge to the extent that the Board has not fully realized its core mandate.

4.1.6 Inadequate tools and equipment

The current ratio of equipment to personnel is 1:7, meaning that the basic equipment available in the office are utilized by several officers in carrying out their mandate. This has really hindered the performance and delivery of services to the public by the VPB secretariat.

4.1.7 Inadequate Public awareness about the Victim Protection Act

The lack of public awareness is a significant challenge in the implementation of victim services. There is a general lack of awareness of the Victim Protection Act within the justice sector, public and other critical stakeholders. Without knowledge, there's hindrance in access to services including compensation, legal aid, counselling and protection as victims navigate the justice system.

4.1.8 Lack of a consolidated database for victims of crime

The criminal justice system provides for state and non-state actors to have data on victims of crime. However, the Victim Protection Board is not fully operationalized to coordinate the state and non-state actors in consolidating the data on victims. Consequently, this has led to fragmented data on victims which is inaccurate and unverifiable.

4.1.9 Cyber-crime and technology related challenges

The rise of cyber-crime globally has led to Technology Facilitated Gender Based Violence which includes; Cyber bullying, Sextortion, Online Sexual exploitation, online harassment, identity theft resulting to new and emerging Victims of crime in the society.

4.2 RECOMMENDATIONS AND WAY FORWARD

From the challenges encountered, the Victim Protection Board recommends the following approaches: -

4.2.1 Amendment of the Victim Protection Act, CAP 79A

In line with the Interagency Task force terms of reference, the members are to review and propose subsequent amendments to fully operationalize the Act, rectify inconsistencies and ambiguities, and ensure full alignment with the Constitution of Kenya and other relevant laws. One of the proposed Amendments is that making the Board a body corporate in order to allow it operational independence to meet its objectives. This should be fast-tracked to enable the implementation of the spirit of the constitution to provide better services to crime victims.

4.2.2 Approval of the Victim Protection (General) and PFM (Victim Protection Fund) Regulations, 2024

The Victim Protection Board to prioritize undertaking of public participation of the developed Victim Protection (General) and PFM (Victim Protection Fund) Regulations, 2024 with the aim of expediting the process and promptly submit the same to Parliament for approval.

4.2.3 Cross-Cutting Issues

To ensure the effective implementation of laws that protect victims of crime in Kenya, the Victim Protection Board should establish and strengthen multi-agency partnerships, clear protocols and referral mechanisms for victim identification, assessment and follow-up, as well as creating joint platforms for information sharing, advocacy, and monitoring appropriate services. This approach will foster cooperation and coordination among different government sectors, such as law enforcement, health, social welfare, education, and civil society that provide holistic and integrated support to victims. Accordingly, developing and overseeing implementation of a national victim policy that defines the roles and responsibility of different actors, sets standards and guidelines for victim services, allocates resources and funding for victim assistance.

4.2.4 Adequate Resource allocation

The Victim Protection Board should pursue resource mobilisation of adequate resources from the National Treasury, National Assembly and The Office of the Attorney General, through effective strategies to enhance resource availability and to enable the VPB to operationalize its mandate and functions under the Act. To implement the objectives of the Victims Protection Act CAP 79A in accordance with Article 50 (9) of the Constitution, the Board requires a base and progressive budget allocation of at least 450M.

4.2.5 Victim Rights Charter

The Board in conjunction with the relevant stakeholders developed a draft Victim Rights' Charter. Section 19(4) of the Victim Protection Act requires the Board within six months of the commencement of the Act, in consultation with the Director of Public Prosecution to develop a Victims' Rights Charter, the same should be launched to enhance awareness on service delivery to crime victims.

4.2.6 Human Resource

The Office of the Attorney General and Department of Justice, as a matter of urgency, **should deploy adequate technical officers and other staff** to run the secretariat and help the Board implement its activities. The VPB Strategic plan outlines a proposed organizational structure, staff establishment and attendant human resource strategy geared towards the efficient service delivery of the VPB mandate.

4.2.7 Acquisition of Tools and Equipment

There is a need to enhance the budget for Victim Protection Board to enable procurement of office equipment in order to enhance effective and efficient service delivery to the public.

4.2.8 Strengthening partnership and collaboration

There is utmost need to foster collaboration and coordination among various stakeholders, including government agencies, NGO's and community-based organizations for purposes of ensuring a coordinated approach to victim protection in Kenya. This will help streamline efforts and avoid duplication of services. The Act gives sole function of coordination of victim services in Kenya to the Board which is key in the implementation of the Victim Protection Act, CAP 79A.

4.2.9 Awareness and Education

The Board should continue conducting more public awareness workshops, sensitization and campaigns in more counties countrywide by educating the public about victim rights, available support services, and the importance of reporting crimes. In addition, the Board aims at organizing more workshops, seminars, and training programs for stakeholders to enhance their understanding of victim needs and how to effectively support them.

4.2.10 Victim Centric Services

The Board should develop victim-centric services that prioritize the well-being, safety, and dignity of the victims. This includes an analytical plan for the Provision of trauma-informed care, counselling, medical support, and other necessary services to help victims recover and rebuild their lives. There will be need to establish in future a network of crisis helplines and counselling centers accessible to victims 24/7 once the Victim Protection Act, CAP 79A is fully operationalized.

4.2.11 Data Collection and Research

The Board is recommended to establish a robust data collection system in line with the approval of the Commissioner of Data Protection, this will facilitate into gathering information on victims, separate the types of crimes, and the respective support services that can be provided. Subsequently, it will conduct regular research and analysis to identify trends, gaps in services, and areas for improvement. Such data will also be used to inform policy recommendations.

4.2.12 Capacity Building and Training

The Board should provide training programs for victim officers and all professionals who are involved in victim protection with the aim of enhancing their skills on victim handling and care.

CHAPTER 5

5.0 CONCLUSION

The participation of victims of crime in the criminal justice process has from time immemorial been one of watching from the side lines. Victims typically used to attend court sessions only when summoned to testify, and some choose to stay away due to fear of intimidation and revictimization. Meanwhile, victim advocates often had a limited role, primarily serving as observers. As a result, victims continued to endure physical, emotional, and economic harm from both the crime itself and the slow process of the justice system.

The implementation of the Victim Protection Act has elevated the status of crime victims within the criminal justice process. The Act assigns significant responsibilities to judicial and administrative bodies to safeguard victims' rights by ensuring strict adherence to Articles 10, 21(3), 27(4), 48, 49, and 50 of the Constitution of Kenya. However, this paradigm shift brings various challenges in its implementation, as discussed.

The Victim Protection Board values the judicial rulings on victim protection, which have helped establish guiding principles and jurisprudence for victims of crime while strengthening the legal framework. When properly implemented, the Victim Protection Act will lead to a more accessible and responsive justice system that goes beyond merely punishing and reforming offenders. It will incorporate innovative concepts such as restorative justice, restitution, compensation, and ultimately providing the Kenyan society with genuine justice.

In Vision 2030, and the Fourth Medium Term Plan 2023-2027, highlights the role of VPB to ensure that formal collaboration mechanism exists amongst the relevant institutions through the protection of rights and welfare of victims of offences in Kenya by implementing programmes as a means of strengthening Kenya's Criminal Justice System.

Through the Social Pillar that seeks to create a just and cohesive society, the Victim Protection Board promotes access to justice by protection the rights and welfare of victims of offences while the Political Pillar seeks to create an issue-based people-centred, result-oriented, and accountable democratic political system. The Board upholds the rule of law by promoting the protection of rights and welfare of victims of offences.

The Board cannot achieve its mandate in isolation. It requires constant collaboration and coordination among its stakeholders to ensure the mandate is fully realized. Establishing the database for victims is one critical step to ensure that the Board, at any given point, is aware of the number of victims in Kenya, and the resource allocation required to offer the services among others. To achieve these concerted efforts and collaboration by all such institutions is required to ensure that the rights of the victims of crime and abuse of power are upheld as enshrined in the Constitution, the Victim Protection Act and all other enabling statutes.

ANNEXURES

Board Activity Pictorials



Victim Protection Board Secretariat paid a courtesy call at the County Commissioner office in Muranga County and presented a Copy of the FAQs to County Commissioner Muranga County



Victim Protection Secretariat paid a courtesy call to the County Commissioners office in Vihiga County.



Mr. Kennedy Mutiso giving a presentation on the Victim Protection Act in Laikipia County.



State Counsel Ms. Beatrice Kosgei deployed under the Victim Protection Board Secretariat taking through the NGAO in Meru County on the objectives of the Victim Protection Act No. 17 of 2014



Group photo with the opinion leaders in Muranga County, coming from the religious leaders, Nyumba Kumi leaders, Village elders, CSO, Women leaders, Matatu operators, HRA, Peace partners and Youth leaders.



Victim Protection Board Secretariat and Witness Protection Agency paid a courtesy call to the County commissioners office in Machakos County



The Victim Protection Board Secretariat paid a courtesy call at the County Commissioners office in Makueni County



Group photo with the opinion leaders in Muranga County, coming from the Religious leaders, Nyumba Kumi leaders, Village elders, CSO, Women leaders, Matatu operators, HRA, Peace partners and Youth leaders



Team members from the secretariat of Victim Protection Board and Witness Protection Agency paid a courtesy call to the County Commissioners Office in Kitui County



Group Photo with the National Government Administration Officer (NGAO) during the sensitization workshop in Machakos County



State Counsel from the Office of Attorney General and Department of Justice sensitizing the NGAO in Machakos County on the Victim Protection Act



Ms. Lorna, a sign language interpreter during the sensitization while interpreting in sign language the lessons to the PWDs, deaf community In Machakos County



Mr. Peter Njagi of the Witness Protection Agency, taking members through the mandate of the Witness Protection Agency and its programmes



Victim Protection Secretariat paid a courtesy call to the County Commissioners office in Vihiga County.



The Victim Protection Board Secretariat paid a courtesy call at the County Commissioners office in Makueni County



Group Photo with the NGAO in Makueni County after the sensitization forum



Group Photo with the Opinion leaders in Makueni County after the sensitization formu held at Wote

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OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE

VICTIM PROTECTION BOARD

ANNUAL REPORT

Financial Year 2023/2024

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COMPILED BY THE
VICTIM PROTECTION BOARD

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