



THE NATIONAL ASSEMBLY

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HON OWEN BANYI, MP  
Deputy Leader, majority  
inlawr musuk

CLERK-AT

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE

## VICTIM PROTECTION BOARD

# ANNUAL REPORT FOR THE FINANCIAL YEAR

## 2022/ 2023

*Prepared and issued pursuant to Section 33 of the Victim Protection Act, 2014*

September 2023



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## LIST OF ACRONYMS AND ABBREVIATIONS

AG	Attorney General
FIDA	Federation of Women Lawyers (Kenya)
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	NCAJ 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
SCAC	State Corporation Advisory Committee
SG	Solicitor General
SGBV	Sexual Gender Based Violence
TV	Television
VPA	Victim Protection Act, 2014
VPB	Victim Protection Board
VRC	Victim Rights Charter
WPA	Witness Protection Agency

## ACKNOWLEDGEMENT



The report highlights the overall performance of the Victim Protection

Board and the progress made in the execution of its statutory mandate during the financial year 2022/2023. 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 No. 17 of 2014.

The Victim Protection Act, 2014 requires 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.

This annual report is also based on the 2018 – 2023 Strategic Plan which lays down the Board`s four-year 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 2010, Bottom-Up Economic Agenda (BETA), MTP IV, Kenya Vision 2030 and the Sustainable Development Goals. These blueprints were taken into account in designing the Strategic plan.

The Victim Protection Board Annual Report is a result of a conceptualization and collaborative effort involving key stakeholders drawn from the various State and Non-State Actors in the administration and criminal justice system, with each reporting area providing timely information.

The Annual Report was prepared by the Victim Protection Board (VPB) under the leadership of the Honourable Attorney-General and Solicitor General who is 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 fruition of this Annual Report 2022/2023.

We also would want to thank our outgoing members, Ms. Hannah Maingi - Correctional Services and Ms. Jostine Barmao – NPS, for their unwavering support and acumen of leadership in driving the Victim Protection Board agenda towards remarkable achievements that were reported in previous and current 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 this report.



Mary M. Wairagu  
Chief State Counsel & Ag. CEO  
VICTIM PROTECTION BOARD

## FOREWORD BY THE SOLICITOR GENERAL



The Victim Protection Act, 2014 establishes the Victim Protection Board, which is 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 Victim Protection Act No. 17 of 2014 provides for a suitable platform to facilitate the protection of victims of crime and abuse of power who have for the longest time been overlooked by the criminal justice system and in the administration of justice.

Kenya has been one of the first countries spearheading the protection of Victims of crimes and abuse of power in Africa. 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 Victim Protection Act, 2014.

Kenya, having 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. 17 in 2014 and based on the recommendations of the Universal Periodic Review 2020, is committed to operationalizing the Victim Protection Act.

The operationalization of this Act, which is on course, will see Kenya take a new route in promoting, protecting and upholding the rights of victims in accordance with international best practices and the responsibility of the State to recognise and protect human rights and fundamental freedoms.

It is for this reason that stakeholders have been working tirelessly to support the Board as it sets up the requisite structures and legal frameworks that will enhance proper promotion and protection of the victims of crime.

During the year 2022/2023, the Board endeavoured to finalize the Victim Protection (Trust Fund) Regulations and Victim Protection General Regulations, 2022 as a step towards the operationalization of the Victim Protection Act. 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, as a step towards minimizing victimization and victimhood by providing them with an environment that empowers the victim in the criminal justice system.

As the chair of the Victim Protection Board, I am committed to ensure that the objectives of the board are achieved. I commend the Board that has been resilient in seeing to it that an inter-agency taskforce was put in place to operationalize the Victim Protection (Trust Fund) Regulations. The will and determination of the Board and Secretariat has been evidenced in the progress made to date.

For this reason, I thank the team for always looking beyond the challenges and offering their unwavering support and expertise. The achievements of the Board so far have been remarkable. 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. I am confident that the Board will achieve the desired status for victims of crime in the criminal justice system.

  
Hon. Shadrack J. Mose

**Solicitor General & Chairperson**  
**VICTIM PROTECTION BOARD**

## MESSAGE BY THE SECRETARY, VICTIM PROTECTION BOARD



I am delighted to present the report on the performance of the Victim Protection Board during the Financial Year 2022/2023. The Board carried out its targeted activities successfully and achieved a score of 100% despite the challenging environment.

The Victim Protection Board is established under section 31 of the Victim Protection Act No. 17 of 2014 with a Multi-agency membership. Section 31(2) (b) thereof provides for the Secretary of the Board as the Director of Witness Protection Agency who shall be responsible for the facilitation of the functions of the Board in implementing the Act. The Board is the only government agency mandated by law to coordinate the victim services. The victims' rights and their participation in judicial proceedings has seen the development of guiding principles and jurisprudence on victims' rights in Kenya.

I am glad that since the enactment of the Act, the Board has made considerable milestones. The Board has developed legal instruments to operationalize the Act including the Victim Rights Charter, the Victim Protection (Trust Fund) Regulations, 2022, the Victim Protection (General) Regulations, 2022 and the Victim Protection (Amendment) Bill, 2022.

The Board has been collaborating with key partners both state and non-state actors in the furtherance of the objects of the Act including but not limited to 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, International Justice Mission, FIDA Kenya, among others.

The Board continued to sensitize the members of the public on Victim Protection Act No. 17 of 2014 and Victim rights. We are happy to announce that during the period under review, the Board conducted civic education in 12 counties namely: Kisumu, Homabay, Kisii, Nyamira, Nandi, Kericho, Bomet, Nakuru, Kilifi, Taita-Taveta,

Mombasa and Kwale. 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 cut across different ranks.

I take this opportunity to thank the Acting CEO and the Secretariat for their invaluable support, commitment and zeal during the year under review in driving the mandate of the Board towards its success.

Thank you and God bless Kenya.



Jedidah W. Waruhiu

Secretary

VICTIM PROTECTION BOARD

## VICTIM PROTECTION BOARD COMPOSITION



Hon. Shadrack Mose  
Solicitor General/Chair VPB



Jedidah Wakonyo  
Director-WPA/Secretary VPB



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



Joseph Riungu  
ODPP/Member



Anne Ileri  
Director-FIDA/Member



Desire Njamwea  
NGEC/Member



Peter Kiama  
IMLU/Member



Catherine Mugwe  
NPS/Member



Hitler Ongenche  
Correctional Services/Member



Judy Ndungu  
Children Services/Member



Geoffrey Momanyi  
National Treasury/Alternate Member

VICTIM PROTECTION SECRETARIAT COMPOSITION



Ms. Mary N. 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. Julie Wahonya  
PLO WPA/VPB



Mr. Bildad Keke  
SSC-OAG&DOJ/VPB



Ms. Mary Mghanga  
SSC-OAG&DOJ/VPB



Ms. Aidah Kigoro  
SSC-OAG&DOJ/VPB



Ms. Abijah Kabura  
SAOA- OAG&DOJ/VPB

## 1.0 INTRODUCTION

The Supreme Court of Kenya in *Joseph Lendrix Waswa v Republic [2020] eKLR* held that, “the criminal justice processes should empower victims and that their voices should be heard –not only as witnesses for the prosecution but as rights holders with a valid interest in the proceedings and the outcome of the cause.”

Prior to the promulgation of the 2010 Constitution, victims of crime were marginalized and situated on the periphery of the criminal justice process with little focus on their rights. The criminal justice process focused more on addressing the rights of an accused person, while victims of crime continued to suffer physical, emotional, psychological, economic and social harm caused both by the crime and by the technical processes of the criminal justice system.

The recognition of the rights of victims has increased in the past few decades. The United Nations adopted two General Assembly resolutions dealing with the right to victims: 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.

The above developments led to subsequent domestication of rights of victim of crime in legal systems and laws around the world that evidenced a wide movement towards the recognition of such rights. Locally, Kenya has recognised the rights of victims as enshrined in the Constitution.<sup>1</sup>

### 1.1 The Victim Protection Act, No. 17 of 2014

The Constitution of Kenya under Article 50(9), stipulates that Parliament shall enact legislation providing for the protection, rights and welfare of victims of offences.

Subsequently, the Victim Protection Act No. 17 was enacted on 4<sup>th</sup> September 2014, to give effect to the above article and to provide for the protection of victims of crime. The Act further makes provision for reparation, compensation, development of mechanism for dissemination of information and provision of victim support services.

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<sup>1</sup> Article.50 Constitution of Kenya 2010.  
pg. 13

## 1.2 The Victim Protection Board

The implementation of the Victim Protection Act No. 17 of 2014 is bestowed upon the Victim Protection Board (*the Board*), which is established under section 31 of the Act. The Board is mandated to undertake inter-agency activities aimed at protecting victims of crime and the implementation of preventive, protective and rehabilitative programmes for victims of crime.

The Victim Protection Board was gazetted vide gazette notice number 2487 of 10<sup>th</sup> April 2015. The members are appointed on a three-year term renewable once for another three years. The Composition of the Board is as follows:

- 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

The general mandate of the Board is to advise the Cabinet Secretary responsible for matters relating to Justice (Attorney General) on inter Agency activities aimed at protecting victims of crime. The Board is specifically tasked with the implementation of preventive, protective and rehabilitative programmes for victims of crime.

## Vision

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

## Mission

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

### 1.4 Functions

Section 32 of the Victim Protection Act set out the functions of the Victim Protection Board which includes advising the Cabinet Secretary on inter-agency activities aimed at protecting victims of crime and the implementation of preventive, protective and rehabilitative programmes for victims of crime. 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;

- (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.
- (k) Measures to reduce re-victimization in the justice system.

### 1.5 Reporting Obligations

Under Section 33 of the Victim Protection Act, the Board is required to submit an annual report of the policies, programs and activities relating to the implementation of the Act to the Cabinet Secretary Justice and to the National Assembly every year. The Board has consistently submitted its annual reports.