

COUNTY ASSEMBLY OF EMBU



2<sup>ND</sup> ASSEMBLY : FIRST SESSION

**REPORT OF SECTORAL COMMITTEE ON GENDER, CULTURE, CHILDREN  
AND SOCIAL SERVICES ON THE ISSUE OF RAPE AND SODOMY ALLEGATIONS  
IN MANYATTA, KITHIMU AND KIAMBERE AREAS OF  
EMBU COUNTY**

SUBMITTED FOR ADOPTION BY THE COUNTY ASSEMBLY

Clerk's Office  
County Assembly of Embu  
P. O. Box 140-60100  
EMBU

DECEMBER, 2018

## TABLE OF CONTENTS

ABBREVIATIONS .....	2
EXECUTIVE SUMMARY .....	3
1.0 BACKGROUND .....	4
1.1 MANDATE OF THE COMMITTEE .....	4
1.2 COMMITTEE MEMBERSHIP .....	5
1.3 PROBLEM STATEMENT .....	5
1.4 OBJECTIVES/TERMS OF REFERENCE .....	5
1.5 METHODOLOGY .....	6
1.6 TOOLS OF REFERENCE .....	6
1.7 ACKNOWLEDGEMENT .....	6
2.0 COMMITTEE FINDINGS AND OBSERVATIONS .....	7
3.0 COMMITTEE RECOMMENDATIONS .....	12

## ABBREVIATIONS

C.E.C.M	-	County Executive Committee Member
C.G	-	County Government
C.O.K	-	Constitution of Kenya, 2010
GBV	-	Gender Based Violence
H T	-	Head Teacher
K.C.P.E	-	Kenya Certificate of Primary Education
TSC	-	Teachers Service Commission

## **EXECUTIVE SUMMARY**

The committee on Gender Culture, Children and Social Services was formed through a resolution of County Assembly. The report on the rape and sodomy cases in Embu came as a result of an honorable member raising a statement regarding the issue. The committee also learnt that there were many cases of the cases being reported every day across all mainstream media both electronic and print whereby most of the victims were even killed after the ordeal.

The committee decided to investigate further into the issue and come up with a report to the assembly for adoption.

The report highlights each of the cases inquired into and committee's recommendations.

## 1.0 BACKGROUND

In a nutshell, this report arose from the need and desire by the committee on Gender, Culture, Children and Social Services to get to the root bottom of the cases whereby women and children were being raped, sodomized or killed by people who though meant to support them had turned against them. The report on the rape and sodomy cases in Embu was also necessitated by an honorable member raising a statement regarding the cases of rape and sodomy cases in areas of Kiambere, Kithimu and Manyatta areas of Embu County.

The committee also had the desire to ensure that the plight of women and children in the community was dealt with according to the COK and that justice to the victims was achieved/guaranteed.

This report endeavors to come up with specific recommendations to ensure the same don't happen again in the future.

## 1.1 MANDATE OF THE COMMITTEE

The mandate of the Committee is as outlined in Standing Order 191(5) of the County Assembly of Embu which states that, the functions of a sectoral committee shall be to –

- a) *Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) *Study the programme and policy objectives of the of departments and the effectiveness of the implementation;*
- c) *Study and review all County Legislation referred to it;*
- d) *Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;*
- e) *Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) *To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (committee on Appointments) and*
- g) *Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.*

## 1.2 COMMITTEE MEMBERSHIP

The Committee on Gender, Culture, Children and Social Services was formed pursuant to provisions of Standing Order No. 191 of the County Assembly of Embu as read with section 14 (7) of the County Governments Act, 2012 No 17. The committee comprises of the following members;

- |                                 |                  |
|---------------------------------|------------------|
| 1. Hon. Sicily Warue Mbugi      | Chairperson      |
| 2. Hon. Newton Kariuki Ndwiga   | Vice Chairperson |
| 3. Hon. Elizabeth Kibai Ndeleve | Member           |
| 4. Hon. Bernard Nyaga Kandia    | Member           |
| 5. Hon. Edith Wanjira Nyaga     | Member           |
| 6. Hon. Peter Muriithi          | Member           |
| 7. Hon. Steve Munene Simba      | Member           |

## 1.3 PROBLEM STATEMENT

The committee sought to establish whether it was true that the rape and sodomy cases allegations in Manyatta, Kiambere and Kithimu areas were true and what was the outcome.

## 1.4 OBJECTIVES/TERMS OF REFERENCE

1. To assess whether the issue of the alleged rape and sodomy cases in Kiambere, Kithimu and Manyatta area was true.
2. To establish the status/fate of the victims of rape and sodomy cases and whether justice was done.
3. To prepare a report for consideration by the County Assembly.
4. To come up with serious recommendations for adoption by the house to curb the issue from occurring again.

## 1.5 METHODOLOGY

In preparation of this report, the Committee used the following methods to gather information.

- Committee meetings.
- Visiting the affected area.
- Oral Interviews with relevant stakeholders in the affected area.

## 1.6 TOOLS OF REFERENCE

Reference to the following documents was made:

- (i) The Constitution of Kenya, C.O.K) 2010
- (ii) County Assembly of Embu, Standing Orders
- (iii) Correspondences

## 1.7 ACKNOWLEDGEMENT

The committee wishes to record its appreciation to the Speaker of the County Assembly for the invaluable assistance given in order to complete this task. The committee is further indebted to the Clerk of the County Assembly of Embu for facilitation and advice, committee members and the staff of the County Assembly for the services they rendered to the committee. It is their commitment and dedication to duty that made the work of the committee and production of this report possible.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**HON.SICILY WARUE MBUGI**

(Chairperson)

(Committee on Gender, Culture, Children and Social Services.)

## 2.0 COMMITTEE FINDINGS AND OBSERVATIONS

### 2:1 COMMITTEE FINDINGS AT KITHIMU SUB-LOCATION, KITHIMU WARD

#### 2.1.1. Case 1. A class 3 girl at Kithimu Primary School-Raped and killed

The committee was welcomed by the area Chief, Mr. Albert Njiru and the assistant chief Mr. Nyagah James who informed the members that they were ready to share with them any information the committee had requested for the sake of bringing back the rule of law in the area especially on the care and protection given to women, children and other vulnerable groups in the area.

The committee after introductions and through their Chairperson explained to the administrators that they were there to get necessary information on the various cases of rape and sodomy happenings in Kithimu ward of Embu County which had even resulted in deaths and to establish what action had been taken.

The committee in their inquiry found the following:

- The first victim was a young girl of class 3 at Kithimu primary school who got lost in the afternoon after school The girl was last seen alive playing with her little brother around their mother's small rented house at Itumbi village of Kithimu ward.
- The parents to the girl had separated and the mother to whom the children's care was bestowed wasn't at home at the time of occurrence as she was engaged in the Miraa trade and that she always came to the house late at night leaving the children alone and unsafe in the house.
- The case was only reported at night when the mother came home. The chief assisted by members of the Nyumba kumi initiative in the area immediately organized a search for the girl
- That the child was found raped and dumped in a maize plantation near their house and that there was no blood or signs of struggle on the ground where the body of the girl was found which shows that the child may have been killed elsewhere and dumped there but it wasn't confirmed.
- That it was likely the killer was well known to her and that is why she was killed after the heinous act.

- The investigating team had come up with a suspect (a university of Nairobi drop out) who was arrested and taken into custody awaiting trial for rape and murder of a minor. The suspect came from the area and was well known to the victim.
- That samples of Semen collected from the child were taken to government chemist in Nairobi for examinations and possible match.
- That the child was buried at her father's home in Siakago

In a nut shell, the chief informed the committee that emphasis was being put to enhance parental responsibility and care amongst the parents which was very necessary for the safety of the kids and other vulnerable members of the community.

### **2.1.2 Case 2. Grandmother -Raped and Killed at Itumbi Village in Kithimu Ward**

The chief informed the committee that the case happened in the same village of Itumbi in Kithimu.

The committee was able to get the following:

- The Grandmother (over 80 years) was of unsound mind and had been given a place to stay by her old time friend (age mates). The grandmother used to sleep in the kitchen in her friend's home.
- That the grandmother was found dead and lying naked on the kitchen floor. The case was reported to the village elders and later to the police. Investigations that commenced showed that she was raped and strangled thus resulting in her death.
- That the raping and killing happened on a rainy night hence no one around the home was able to hear anything. The crime scene had also been interfered with at the time the crime was committed hence hindering in the investigations.
- Post-mortem reports led to the fact that the grandmother may have been squeezed on the neck for a very long time before succumbing. However, it was sad that there was no suspect for the heinous act and hence no person was ever arrested or arraigned in court.
- That the over-increasing cases of drug abuse in the area was thought to have contributed to the increased crime and murder happenings being occasioned in Kithimu.

### **2.1.3. Case 3. Attempted Sodomy-Kithimu market**

In a shocking twist of events, members of the committee were informed of an attempted case of sodomy in the area involving a boy (minor) who was a pupil at Kithimu primary school. by a well-known shoe shiner in the area.

The committee was able to gather the following:

- That the boy was cheated by the shoe shiner to assist him carry a bag of shoes inside his shop and the moment he entered, the man pounced on him and tore the clothes off him and continued to attempt to do the deed.
- That it was by sheer chance the boy managed to slip away from the man and ran away to the nearby police station and reported the case. The police acted in haste and were able to apprehend the culprit and detain him in remand awaiting his arraignment in court for attempted sodomy.
- The boy was immediately taken to hospital for preliminary checkup which proofed that though no penetration had been made, there were clear signs like scratches and bruises on the boy which pointed to the fact that the deed almost happened.
- The matter was still under investigation and the suspect was still in remand awaiting trial for attempted sodomy on a minor.
- That many cases of the same nature were happening in the area but were mostly not being reported as some were on consent of the parties involved.

## **2.2. COMMITTEE FINDINGS AT KIRIGI SUB-LOCATION, KIBUGUA VILLAGE, MANYATTA.**

### **2.2.1. Case 4. Rape of a girl-a pupil at Nilo Maria private school in Mutunduri.**

The committee was welcomed by the area Chief and his assistant madam Consolata Njue who informed the members that they were ready to share with them any information the committee had requested for the sake of enhancing protection and care given to children and women in the area.

The committee after introductions and through their Chairperson explained to the administrators that they were there to get necessary information on the various cases of rape and sodomy happenings in Kirigi sub-location of Manyatta sub county.

The chief while acknowledging that there were rape cases in the area presented three witnesses to the case in question who included the parents to the girl and her grandmother and who were present to help give the required information to the committee.

The committee was able to learn of the following:

- That the young standard 6 girl of about 11 years had been involved in a slight argument with her mother over some little misunderstanding. This prompted the mother to beat her daughter slightly as a correction measure. The girl ran away from home but the mother was not worried as she thought her child had ran to her grandmother's place as they were very close.

- The distraught mother had to report the disappearance of her child that night to the police when the girl didn't come back and any efforts to trace her at her grandmother's house proved futile.
- That the search for the girl continued up to the next day prompting the parents to use the services of a local radio station, Wimwaro FM to help in the search.
- That the girl looking forlorn, unkempt and in a daze was found abandoned in Embu town near Naivas supermarket by a Good Samaritan who knew her.
- That the girl was rushed to Embu level five hospital where a medical checkup showed that she had been brutally and repeatedly raped and was in shock. The committee was informed that when she came over, she clearly explained on what had transpired.
- The young girl informed the investigating team that after the brief misunderstanding with her mother, she had ran away to a shopkeeper in the nearby shop who was well known to her and to her family. However, the shopkeeper had taken advantage of her innocence and in the guise of offering the well sought refuge, the man had cunningly tricked the young girl with a meal of Indomine noodles which happened to be the girl's favorite and had repeatedly and brutally defiled her while threatening her with death if she cried out or told any person of her ordeal.
- That the man was a well-known womanizer (married and divorced to four wives) and had well known cases of violence towards women in the area. The man was arrested and even taped by the mother on phone admitting and bragging that he had slept with the minor and that he was ready to pay Kshs. 200,000. for him to be absolved from the case.
- It was established that the man after the act had then given the girl Kshs. 220 and told her to go to town or she would be killed. He was immediately arrested and taken to court where the overwhelming evidence against him including the phone recording coupled with his arrogance (he continued referring to the young girl as "wewe mwanamke") saw him being jailed for 20 years.

The committee learnt that girl went in for counselling and was transferred to a new school where she continued with her studies.

### **2.2.2. Case 5. Defilement of a Class 8 Pupil by Former Head Teacher -Kigari Primary school, Manyatta**

The committee on arrival wasn't able to meet the sub-county director of education as earlier planned but was welcomed by Madam Lily Murugi who informed the committee that she was sent to represent him.

The committee after introductions stated the reason for their visit.

The officers acknowledged that the allegations of the defilement of a class 8 pupil by the former Head teacher -Kigari primary school in Manyatta was true and it happened as reported.

The committee learnt of the following:

- The alleged issue was first reported by the Parents to the girl who had noted some changes in behavior of their child. The girl also was found with lots of money in her possession.
- That prior questioning by the parents made the girl reveal that she was cohabiting with the head-teacher in exchange of small pleasantries including money. She was also operating under threats of dire consequences from the head teacher if she ever revealed.
- The committee was informed that preliminary investigations in the school involving Pupils, TSC Officials and teachers revealed that it was true the Head teacher was cohabiting with the girl who in many instances used to even run away from home.
- That the alleged issues were reported to Ngimari police post and that a speedy investigation on the issue was promised.
- The committee was informed that just before the report of the promised investigation was out, the influential HT purportedly bribed his transfer To Meru County and that the investigations to the case mysteriously halted. The Head teacher wasn't suspended by the TSC and any efforts to follow up on the issue have since been met with resistance from the investigating agencies including TSC officials, Police and the said Teacher
- That at the time the committee was leaving the Sub-county TSC Offices in Manyatta, the young girl though frightened, ashamed and lost still continued with her studies in the institution while the parents searched for justice. The girl was scheduled to do her KCPE at the end of the year.

### 3.0 COMMITTEE RECOMMENDATIONS

1. THAT, the CECM, Gender, Culture, Children and Social services make necessary arrangements extensive empowerment and sensitization seminars at the community level to enlighten the community on the necessity to uphold morals, care and protection to both women and children including other vulnerable groups in the community.
2. THAT, the CECM, Gender, Culture, Children and Social do liaise with the relevant National government departments to establish and operationalize GBV and Rape cases reporting desk at the community level police stations with trained officers to effectively handle the over increasing cases being reported everywhere in the county. This would ensure justice to the victims of the ordeals.
3. THAT, the CECM, Gender, Culture, Children and Social services need to have dignity centers and rescue homes across the county to not only offer the much desired refuge for the affected but to also host the elderly in our society so as to ensure that they were cared for as stipulated in the constitution.
4. THAT, pursuant to article 57 of the COK, the County Government of Embu ensures that measures are taken to ensure the rights of older persons to fully participate in the affairs of society, to pursue their personal development, to live in dignity and respect and be free from abuse and to receive reasonable care and assistance from their family and the state is fully adhered to as stipulated in the COK.

#### 4.0 CONCLUSION

The recommendations herein were agreed upon by majority of the committee members. The Committee therefore urges this honorable house to adopt this report and the recommendations herein.

<b>NAME</b>	<b>POSITION</b>	<b>SIGN</b>
1. Hon. Newton Kariuki Ndwiga	Vice Chairperson -----	
2. Hon. Elizabeth Kibai Ndeleve	Member -----	
3. Hon. Bernard Nyaga Kandia	Member -----	
4. Hon. Edith Wanjira Nyaga	Member -----	
5. Hon. Peter Muriithi	Member -----	
6. Hon. Steve Munene Simba	Member-----	

SIGNED .....DATE.....

**HON. SICILY WARUE MBUGI,**

**CHAIRPERSON, GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES**