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EMERGING CRIMES:THE CASE OF KIDNAPPINGS IN KENYA REPORT

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Overview

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1.O Explanation of Terms

Kidnapping

- Kenya's Penal Code- any person who conveys any person beyond the limits of Kenya without the consent of that person, or of some person legally authorized to consent on behalf of that person is said to **kidnap** that person from Kenya.

Explanation Cont'

- Any person who takes or entices any minor under **14** years of age if a male, or under **16** years of age if a female, or any person of unsound mind, out of the keeping of a lawful guardian of the minor or person of unsound mind, without the consent of the guardian, is said to kidnap the minor or person.
  - Conviction-guilty of felony and **7years imprisonment.**

Explanation of terms Cont'

Abduction

- Kenya's Penal Code- any person who by force compels, or by any deceitful means induces, any person to go from any place is said to **abduct** that person from lawful guardianship.

- Conviction – guilty of misdemeanor, liable to **1year imprisonment** or **Ksh.14,000 fine**.

Explanation Cont'

Kidnapping and Abduction

- 'Kidnapping and abduction' are sometimes used interchangeably. In this study, kidnapping means the crime of unlawfully seizing and carrying away a person by force or fraud, or seizing and detaining a person against his or her will with intent to carry that person away at a later time.

2.O Introduction

- Crime of kidnapping is a major violent, vilest and foulest crime known to criminal law in many countries.
- It is a major security threat in developed & developing countries e.g Mexico, Venezuela, Peru, Brazil, Colombia, Argentina.
- Africa-Nigeria, Sudan, South Africa, South Sudan, Somalia, Eritrea, Djibouti, Ethiopia.

Introduction Cont'

The Problem

- Kidnappings & related threats high & real in Kenya- Current context of intense political competition/elections.
- Media highlights of increasing kidnapping cases.
- UNODC documented 1,249 cases 2004-2014.
- Prevalence & extent of kidnappings not clear.

Introduction Cont'

Specific objectives:

- 1. To establish the prevalence of the crime of kidnapping by type.
- 2. To ascertain the motives & factors encouraging kidnappings.
- 3. To identify the main victims & perpetrators of kidnappings.

Introduction Cont'

- 4. To establish the modes used in executing kidnappings.
- 5. To appraise the effects of the crime of kidnapping.
- 6. To assess the role of the community in kidnappings.
- 7. To identify existing interventions & effectiveness in addressing kidnappings.
- 8.To identify challenges faced in preventing & combating kidnappings & recommend possible solutions.

3.0 Methodology

Study in 20 randomly selected Counties with:

- 1. Members of Public: 1,326 (54.8% males & 45.2% females).
- 2. Key Informants: Ministry of Interior, NPS, ODPP, Prison Service, Probation& After care, Children's Department, Civil Society-Albinism society of Kenya.
- 3.Case Study: Victims, Kidnappers & Institutions addressing kidnappings.

Methodology Cont'

Sampling Procedures:

- 1. Counties: Simple random & purposive sampling.
- 2. Members of the Public: Convenient & snow ball sampling.
- 3. Key Informants: Purposive sampling.
- 4. Case Study: Availability & snow ball sampling.

Sampling of Counties

Region	Number of counties that have experienced kidnappings	Sample size (50% of (B) rounded to whole figure)	Selected counties
A	**B**	**C**	**D**
Nairobi	1	1	Nairobi
Central	5	3	Nyeri, Murang'a, Kirinyaga
Coast	4	2	Lamu, Kwale
North Eastern	3	2	Mandera, Wajir
Western	2	1	Bungoma
Nyanza	6	3	Migori, Kisii, Siaya
Eastern	6	3	Machakos, Embu, Meru
Rift Valley	9	5	Nakuru, Laikipia, Baringo, West Pokot and Turkana
Total	**36**	**20**	

County samples Cont'

County	Male	Female	Total Frequency and Percentage of the total Sample
1. Nairobi	54 (60.0%)	36 (40.0%)	90 (6.8%)
2. Nyeri	38 (56.7%)	29 (43.3%)	67 (5.1%)
3. Murang'a	36 (60.0%)	24 (40.0%)	60 (4.5%)
4. Kirinyaga	42 (55.3%)	34 (44.7%)	76 (5.7%)
5. Mandera	44 (52.4%)	40 (47.6%)	84 (6.3%)
6. Wajir	41 (51.3%)	39 (48.8%)	80 (6.0%)
7. Bungoma	32 (59.3%)	22 (40.7%)	54 (4.1%)
8. Kisii	33 (55.9%)	26 (44.1%)	59 (4.4%)
9. Siaya	33 (60.0%)	22 (40.0%)	55 (4.1%)
10. Machakos	41 (51.3%)	39 (48.8%)	80 (6.0%)
11. Embu	32 (59.3%)	22 (40.7%)	54 (4.1%)
12. Meru	27 (47.4%)	30 (52.6%)	57 (4.3%)
13. Nakuru	27 (45.8%)	32 (54.2%)	59 (4.4%)
14. Migori	32 (60.4%)	21 (39.6%)	53 (4.0%)
15. Laikipia	31 (52.5%)	28 (47.5%)	59 (4.4%)
16. Baringo	32 (60.4%)	21 (39.6%)	53 (4.0%)
17. West Pokot	35 (48.6%)	37 (51.4%)	72 (5.4%)
18. Turkana	43 (50.6%)	42 (49.4%)	85 (6.4%)
19. Kwale	41 (55.4%)	33 (44.6%)	74 (5.6%)
20. Lamu	33 (60.0%)	22 (40.0%)	55 (4.1%)
Total	**727 (54.8%)**	**599 (45.2%)**	**1326 (100.0%)**

Methodology Cont'

- **Data Collection Methods & Tools**:
- 1.**Primary Data:** from the public, Key informants, case study respondents via face-face interviews using open and closed ended Interview Schedule, Key Informant Guides & Case Study Guides.
- 2. **Secondary data**: via data mining, analyzing, review, collation of information from Govt agencies records, media, journals, books, articles, & online sources.

Methodology Cont'

Data Analysis & Ethics

- Quantitative data analysed using Statistical Package for Social Sciences (SPSS).
- Qualitative data analysed by interpretation thematically along research objectives.
- Study adhered to Ethical Considerations in research.

4.0 Findings

Socio-demographic characteristics of Respondents

- 1,326 sample respondents:

54.8% (727) Males and 45.2% (599) Females.

- This is generally within the context of Kenya National Bureau of Statistics 2009 Census ranges.

Findings Cont'

- Majority of respondents 65.7% aged between 18-49 years; 66.7% married; 35.3% Secondary level Education; 82.0% Christians; and 99.5% Kenyans.

Findings Cont'

Prevalence and Types of Kidnappings

Perceptions of kidnapping as a major security problem

- -88.2% of respondents indicated Kidnapping was a major security problem in Kenya; 10.8% did not.
- 60.7% of respondents pointed out Kidnapping was a major security problem in respective counties, 37.2% was not.
- Finding show kidnapping as a major security problem in Kenya in general and in majority of the counties studied.

Findings Cont'

Occurrence of the crime of kidnapping

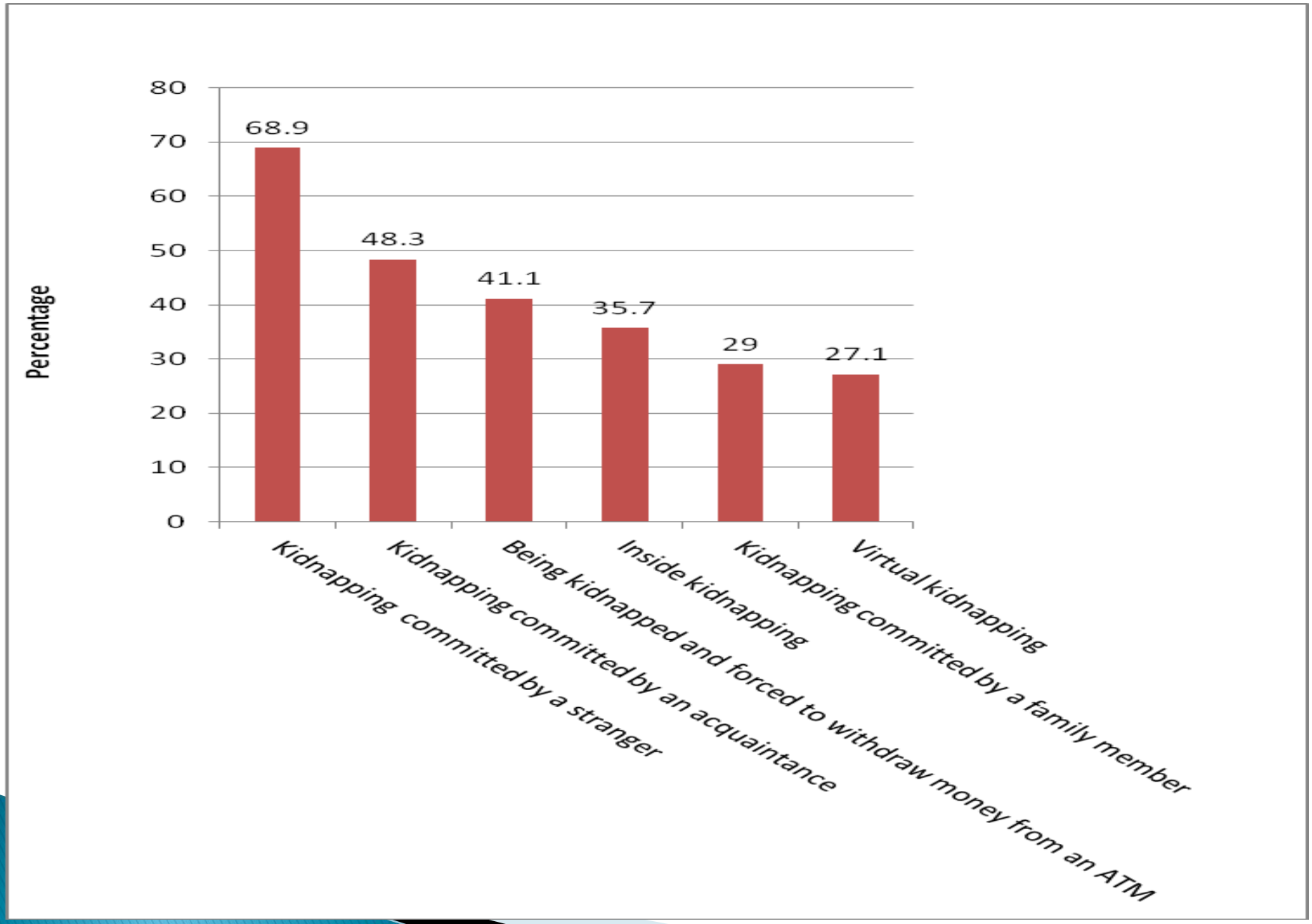
- Majority (**98.9%**) of respondents had heard of persons who had been kidnapped in other areas of Kenya; (**76.8%**) had heard of persons who had been kidnapped in their counties.

- Finding established kidnappings were/are common occurrences in Kenya.

Cross-tab of county and occurrence of kidnappings

County	Responses			
	Ever heard of persons kidnapped in other areas of Kenya		Ever heard of persons kidnapped in this county	
	Yes	No	Yes	No
Nairobi	89 (98.9%)	1 (1.1%)	86 (95.6%)	4 (4.4%)
Nyeri	67 (100.0%)	0 (0.0%)	58 (86.6%)	9 (13.4%)
Murang'a	60 (100.0%)	0 (0.0%)	60 (100.0%)	0 (0.0%)
Kirinyaga	76 (100.0%)	0 (0.0%)	76 (100.0%)	0 (0.0%)
Mandera	82 (97. %)	2 (2.4%)	72 (85.7%)	12 (14.3%)
Wajir	78 (97.5%)	2 (2.5%)	51 (63.8%)	29 (36.3%)
Bungoma	54 (100.0%)	0 (0.0%)	22 (40.7%)	32 (59.3%)
Kisii	57 (96.6%)	2 (3.4%)	41 (69.5%)	18 (30.5%)
Siaya	54 (98.2%)	1 (1.8%)	34 (61.8%)	21 (38.2%)
Machakos	80 (100.0%)	0 (0.0%)	69 (86.3%)	11 (13.8%)
Embu	54 (100.0%)	0 (0.0%)	38 (70.4%)	16 (29.6%)
Meru	57 (100.0%)	0 (0.0%)	36 (63.2%)	21 (36.8%)
Nakuru	59 (100.0%)	0 (0.0%)	50 (84.7%)	9 (15.3%)
Migori	53 (100.0%)	0 (0.0%)	48 (90.6%)	5 (9.4%)
Laikipia	59 (100.0%)	0 (0.0%)	32 (54.2%)	27 (45.8%)
Baringo	53 (100.0%)	0 (0.0%)	21 (39.6%)	32 (60.4%)
West Pokot	71 (98.6%)	1 (1.4%)	58 (80.6%)	14 (19.4%)
Turkana	82 (96.5%)	3 (3.5%)	78 (91.8%)	7 (8.2%)
Kwale	74 (100.0%)	0 (0.0%)	39 (52.7%)	35 (47.3%)
Lamu	53 (96.4%)	2 (3.6%)	49 (89.1%)	6 (10.9%)
Total	**1312 (98.9%)**	**14 (1.1%)**	**1018 (76.8%)**	**308 (23.2%)**

Types of kidnappings



Types of kidnappings by sampled counties

- Kidnapping by **stranger** more prevalent in Murang'a County (**96.7%**), Kirinyaga (**92.1%**) & Migori (**88.7%**) but least in Baringo (**34.0%**).

- Kidnapping by **acquaintance** more prevalent in Kirinyaga (**89.5%**), Murang'a (**88.3%**) & Nyeri (**82.1%**) but least in Wajir (**15.0%**).

- Being kidnapped & **forced to withdraw money from ATM** more prevalent in Nyeri (**92.5%**), Nairobi (**88.9%**) & Murang'a (**78.3%**) but least in Migori (**1.9%**).

- Nairobi leading in **inside kidnapping** (**86.7%**), Nyeri (**80.6%**) & Nakuru (**74.6%**) least in Migori (**3.8%**).

Findings Cont'

- Kidnapping committed by a **family member** more prevalent in Nyeri (**65.7%**), Kirinyaga (**61.8%**) & Nairobi (**58.9%**) but least in Bungoma (**5.6%**).

- **Virtual** kidnapping more prevalent in Nairobi (**72.2%**), Nyeri (**68.7%**) & Kirinyaga (**56.6%**). But least in Laikipia County (**3.4%**). Migori & Baringo did not experience virtual kidnappings.

Findings Cont'

Socio-economic characteristics of victims

Variable	Category	Frequency	Percentage
Age	Children and juveniles aged below 18 years	1035	**78.1%**
	Youth of 18-35 years	928	**70.0%**
	Persons aged above 35 years	789	**59.5%**
Gender	Female	730	**55.1%**
	Male	596	**44.9%**
Nationality	Kenyans	1140	**86.0%**
	Non-Kenyans	186	**14.0%**
Economic Stability	Majority of victims and/or their families are averagely stable economically	1095	**82.6%**
	Majority of victims and/or their families are not averagely stable economically	199	**15.0%**
	I don't know	32	**2.4%**

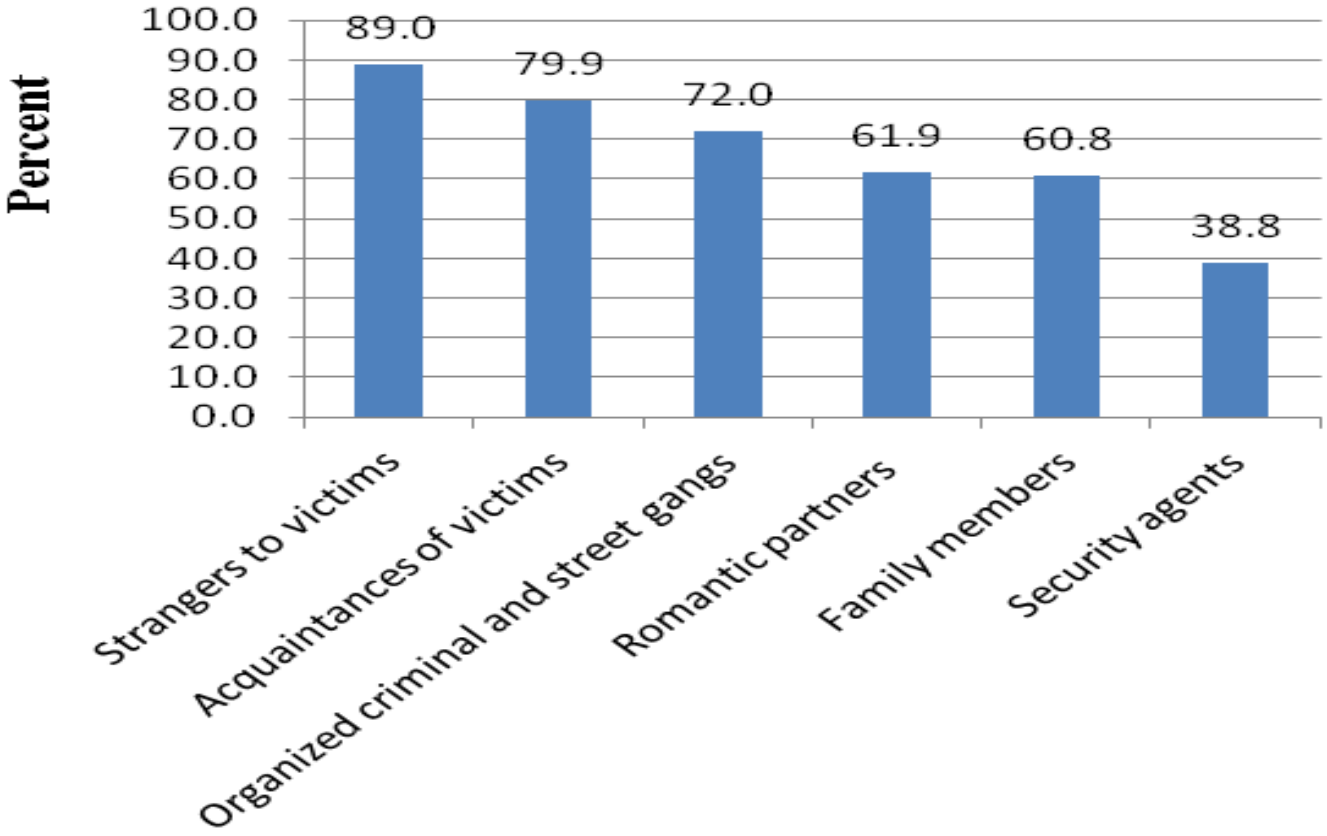
Findings Cont'

- Socio-economic characteristics of Kidnappers

Variable	Category	Frequency	Percentage
Age	Youth (that is, 18-35 years)	1154	**87.0%**
	Persons aged above 35 years	856	**64.6%**
	Children and juveniles aged below 18 years	157	**11.8%**
Gender	Male	941	**71.0%**
	Female	385	**29.0%**
Nationality	Kenyans	1073	**80.9%**
	Non-Kenyans	253	**19.1%**
Economic Stability	Majority of kidnappers are not averagely stable economically	713	**53.8%**
	Majority of kidnappers are averagely stable economically	556	**41.9%**
	I don't know	57	**4.3%**

Findings Cont'

- 4.3 Categories of Kidnappers



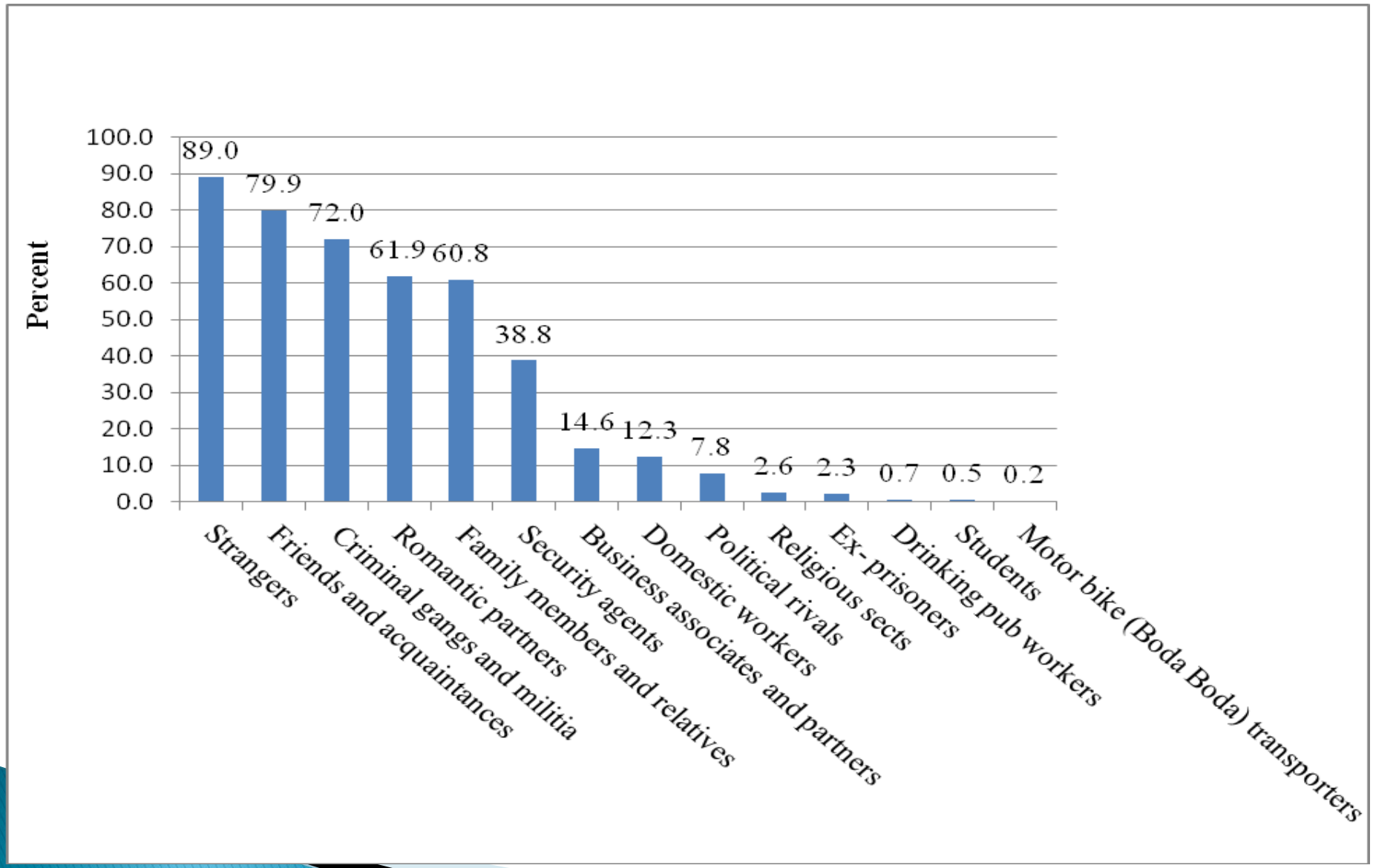
Findings Cont'

- Acquaintances: domestic workers-house helps, gardeners, herds boys kidnap children, masters to extort, ransom & revenge employment-related conflicts.

- Others: hired by businessmen, politicians kidnap to instill fear on rivals & dealing with business & political competition.

- Alarming **38.8%** respondents reported security agents complicity in kidnappings (rogue serving police officers & rogue private security officers)

Perpetrators of Kidnappings



Modes of Executing Kidnappings

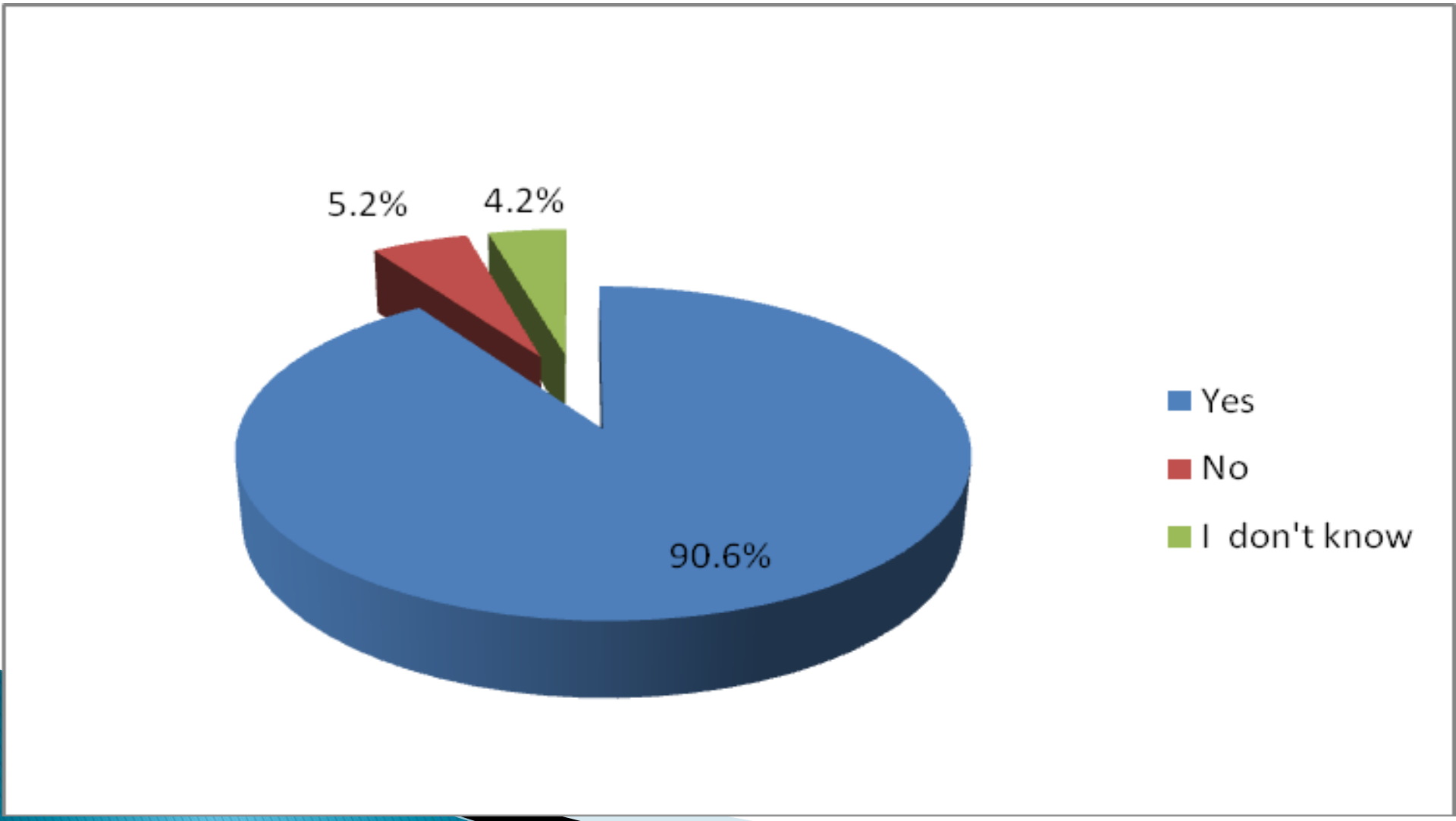
Single and Group execution of kidnappings

- **95.0%** of respondents indicated most kidnappings executed by kidnappers working in group(s) compared to individual or single-person kidnappings (**44.2%**).

- Finding indicative of kidnappings as 'organized criminal gang activity'. Needing unique approaches to deal with organized criminal gang complexities.

Findings Cont'

Use of illegal arms and weapons in kidnappings



Ways used to kidnap victims

Ways used to kidnap victims	Frequency	Percentage
Through use of force	580	**43.7%**
Through enticing and luring	355	**26.8%**
Trailed and monitored before being kidnapped	101	**7.6%**
Through drugging of victims	82	**6.2%**
Through carjacking	58	**4.4%**
Through Domestic workers	52	**3.9%**
Self kidnapping (victims hide themselves)	5	**0.4%**

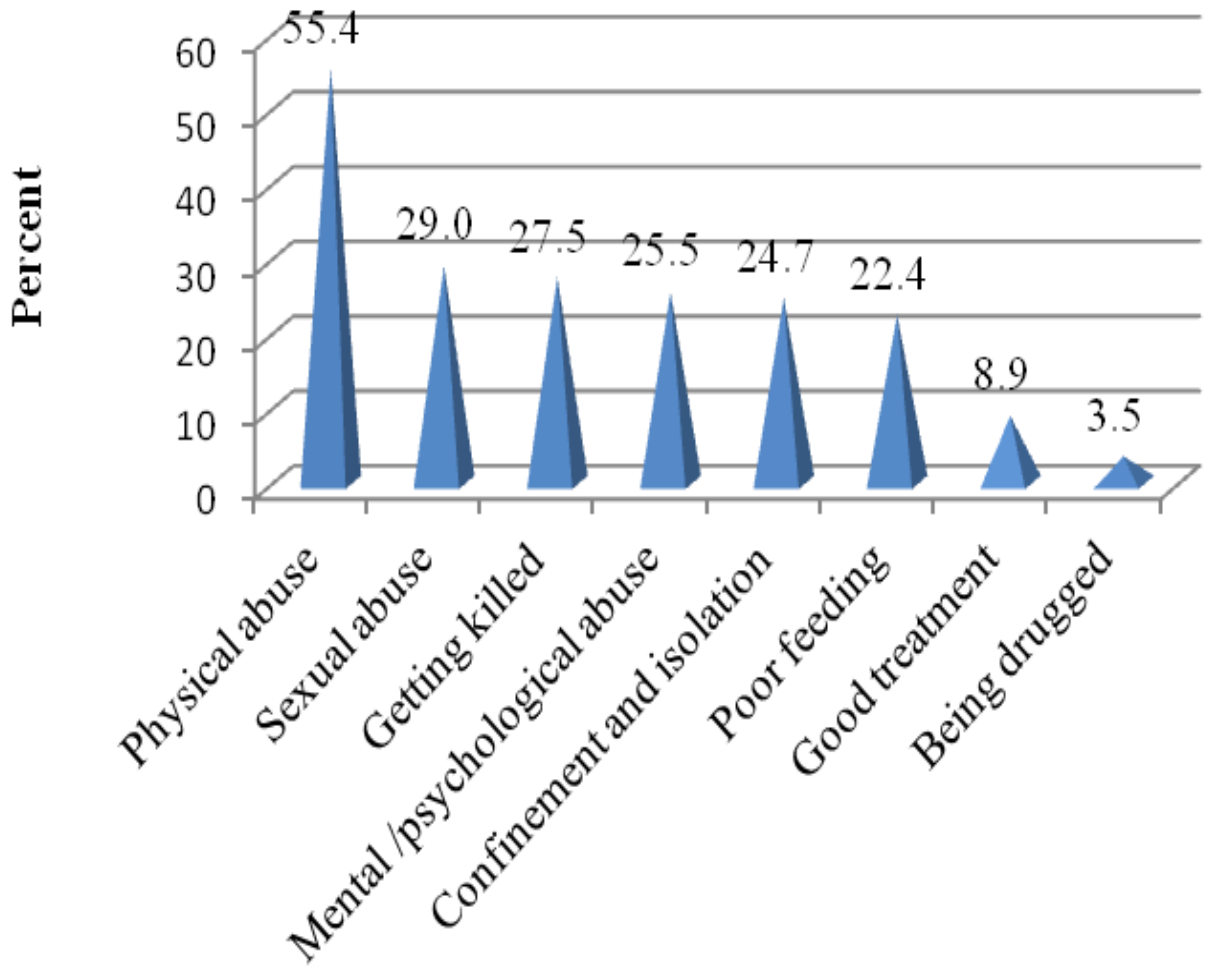
Motives for kidnappings

Motives	Category	Frequency	Percentage
Socio-cultural	Revenge	895	**67.5%**
	Sexual gratification	654	**49.3%**
	Punishment	529	**39.9%**
	Child custody issues	304	**22.9%**
	Cultural purposes (religious/cultic)	161	**12.1%**
Economic	Ransom payment	1162	**87.6%**
	Extortion	681	**51.4%**
	Overcoming and/or reducing business rivalry	391	**29.5%**
	Protest against economic policies and programs deemed oppressive	56	**4.2%**
	Competition for resources	49	**3.7%**
Political	Overcoming and/or reducing political rivalry	840	**63.3%**
	Protest against political policies and programs deemed oppressive	194	**14.6%**

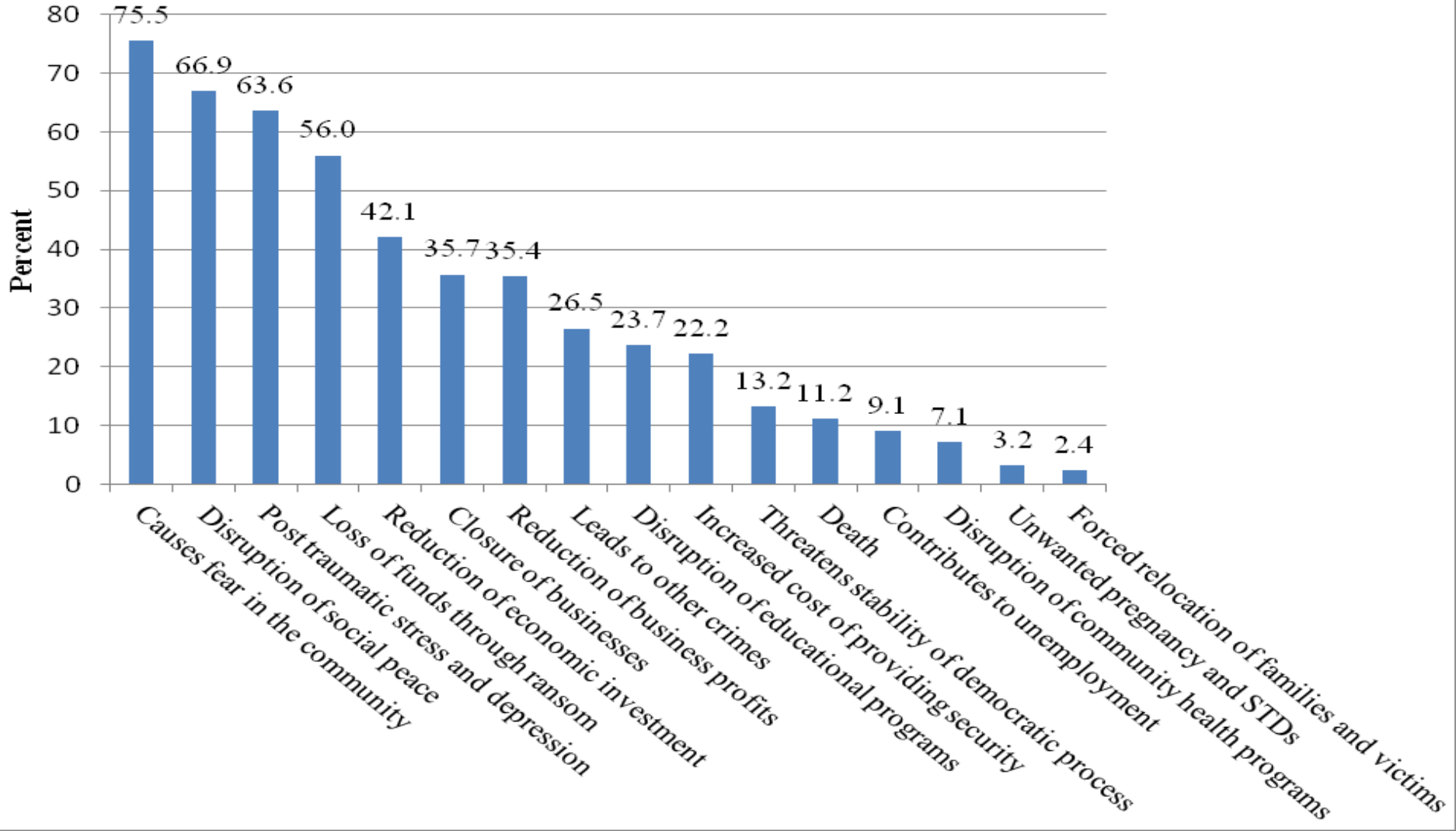
Factors encouraging kidnappings

Factors	Frequency	Percentage
Unemployment	1076	**81.1%**
High incidence of poverty	956	**72.1%**
Existence of criminal gangs and militia	511	**38.5%**
Retrogressive cultural practices	394	**29.7%**
Instability and conflicts in some regions	386	**29.1%**
Inefficiency and/or corruption among some members of the security system	380	**28.7%**
Political competition and rivalry	376	**28.4%**
Marginalization of some areas	353	**26.6%**
Proliferation of illegal small arms and light weapons	337	**25.4%**
Competition for control of resources	266	**20.1%**
Monetary gain from kidnapping	112	**8.4%**
Repressive/oppressive institutions	81	**6.1%**
Drug abuse	68	**5.1%**
Business rivalry	56	**4.2%**
Family rivalry	26	**2.0%**
Public ignorance on anti-kidnapping measures	22	**1.7%**
Terrorism	10	**0.8%**

Treatment and conditions victims encounter



Effects of the Crime of Kidnapping



Challenges faced in preventing and combating kidnappings

Challenges	Frequency	Percentage
Inadequate resources within security agencies	870	**65.6%**
Corruption	658	**49.6%**
Community reluctance to volunteer information due to fear of attack	396	**29.9%**
Inadequate awareness and sensitization on kidnappings	342	**25.8%**
Inadequate cooperation among stakeholders	320	**24.1%**
High levels of youth unemployment	302	**22.8%**
Use of modern technology by kidnappers	190	**14.3%**
Poor transport infrastructure and communication in some parts of the country	174	**13.1%**
High level of insecurity in some parts of the country	136	**10.3%**
Lack of stiff penalties for kidnappers	116	**8.7%**
Existence of organized criminal gangs	114	**8.6%**
Collusion between some police officers and kidnappers	72	**5.4%**
Proliferation of illegal arms	56	**4.2%**
Slow adoption of Nyumba Kumi Initiative	54	**4.1%**
Willingness to pay ransom	14	**1.1%**
Infrequent transfer of some security officers	14	**1.1%**
Use of unregistered mobile phone SIM cards	10	**0.85**

5.0 Conclusions

- 1. Cases of kidnappings are increasingly being witnessed in many parts of Kenya.
- 2. Socio-cultural (including religious and moral), economic and political motives/factors behind kidnappings.
- 3. Kidnapping exposes victims to serious negative treatments and conditions.
- 4. Varied modes of executing kidnappings.
- 5. The community played both contributory role in increased cases of kidnapping & addressing kidnappings in Kenya.

Conclusions Cont'

- 6.The existing interventions are largely ineffective in addressing kidnappings.
- 7. There are best practices which could be adopted or enhanced for a successful war against kidnappings.
- 8. There are challenges faced in preventing and combating kidnappings in Kenya that need redress.

6.0 Key Policy Recommendations

- 1. Increase opportunities for job creation and other meaningful economic activities for youths' engagement in particular and the general public good.
- 2. National Police Service & other stakeholders improve intelligence gathering, sharing, detection & investigative capacities.
- 3. Map out criminal gangs and militia-prone rural, urban and trans-border areas and deploy security appropriately.
- 4. Strengthen Child Protection Units in National Police Service – focus on detection & prevention of kidnap against vulnerable children.
- 5. Improve terms and conditions of service of security personnel to motivate them.

Recommendations Cont'

- 6. Continuously train of all public security agents on crime intelligence and the modus operandi of modern organized criminal gangs.
- 7. Equip security agencies with modern equipment & technology such as modern firearms, armored vehicles, use of Geographical Positioning System (GPS) and forensic laboratories in crime management, explosives detectors and closed circuit television (CCTV).
- 8. Vet public security officers by relevant agencies e.g Public Service Commission, EACC, National Intelligence Service & the National Police Service Commission.

Recommendations Cont'

- 9. Create a database of ex-public and private security officers and monitor their activities after exiting service.
- 10. Undertake targeted community awareness creation and sensitization through public forums and media platforms such as the radio, television and newspapers on the various aspects of the crime of kidnapping.
- 11. Targeted awareness creation and sensitization specifically for vulnerable groups: children, women, members of wealthy families, businesspersons, government officers and tourists on security precautions.
- 12. Ensure 100% compliance on registration of all mobile phone SIM cards to facilitate ease of detection, apprehension and prosecution of kidnappers and accomplices.

Recommendations Cont'

- 13. Improve community-police relations in information sharing (Nyumba Kumi).
- 14. Directorate of Public Prosecutions (ODPP) ensure water-tight prosecution & conviction of kidnapping cases.
- 15. Provide witness protection to whistle blowers, witnesses, & informants in kidnapping cases.
- 16. Address the proliferation of illegal small arms and light weapons (SALWs) used in kidnappings & other violent crimes.

The End

THANK YOU