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23/9/25

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

PUBLIC PETITIONS COMMITTEE

REPORT ON-

**CONSIDERATION OF PUBLIC PETITION NO. 8 OF 2024 BY HON. ESTHER
PASSARIS, MP, ON BEHALF OF CONCERNED CITIZENS OF KENYA,
REGARDING AN AMENDMENT TO THE PENAL CODE TO PROVIDE FOR THE
OFFENCE OF SEXTORTION**

SEPTEMBER, 2025

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 SEP 2025	DAY: <i>Wednesday</i>
TABLED BY:	<i>Hon. Muchang's Karemba/MP chairperson</i>
CLERK-AT THE-TABLE:	<i>A. Shibusko</i>

Directorate of Audit, Appropriations and General Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

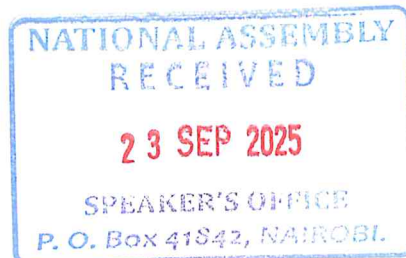


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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasure and honour to present to this House the Report of the Committee on the consideration of Public Petition No. 8 of 2024 regarding an amendment to the Penal Code to provide for the offence of sextortion. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member of Parliament for Nairobi County, Hon. Esther Passaris, M.P., on behalf of concerned citizens of Kenya.

The petitioners prayed that the Committee propose amendments to the Sexual Offences Act, and other relevant criminal laws to explicitly define sextortion as an offence, make clear provisions on penalties, support for victims and for connected purposes and takes any other measures necessary and appropriate in the circumstances of this Petition to address the menace of sextortion to protect the rights and dignity of all citizens.

In consideration of the Petition, the Committee collected the views from the petitioners, the Kenya Law Reform Commission (KLRC), the Office of the Attorney General and Department of Justice, and the Ethics and Anti-Corruption Commission (EACC).

The Committee observed that since sextortion, as defined by the petitioners, is the abuse of a person's power to give or withhold goods, services, or any other thing of value in exchange for sexual intercourse or other sexual activities, the aspects are adequately provided for in Section 43 of the Sexual Offences Act.

Further, the elements of sextortion can be construed with other offences, such as sexual harassment (Section 23), abuse of authority (Section 24), and coercion (Section 43) under the Sexual Offences Act. Therefore, enacting such legislation would duplicate the Sexual Offences Act and the Computer Misuse and Cybercrimes Act, 2018.

Therefore, the Committee rejected the proposal to amend the Sexual Offences Act (Cap. 63A) and other relevant criminal laws to explicitly define sextortion as an offence, make clear provisions on penalties, support for victims and for connected purposes;

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I wish to lay the Report on the consideration of Public Petition No. 8 of 2024 by Hon. Esther Passaris, M.P., on behalf of concerned citizens of Kenya, regarding an amendment to the Penal Code to provide for the offence of sextortion to the House.

Signed: _____


HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date: _____

23/09/25

PART ONE

I PREFACE

I.1 Establishment and Mandate of the Committee

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

I.2 Committee Membership

The Public Petitions Committee was first constituted in October 2022 and reconstituted in March 2025 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Bidu Mohamed Tubi, M.P.
Isiolo South

Jubilee Party (JP)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. John Bwire Okano, M.P.
Taveta Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoreti North Constituency

**Orange Democratic Movement
(ODM)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Suzanne Ndunge Kiamba, MP
Makueni Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

I.3 Committee Secretariat

The secretariat comprises the following:

Mr. Leonard Machira
Principal Clerk Assistant II

Ms. Anne Shibuko
First Clerk Assistant

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Mr. Bernard Kipchumba
Clerk Assistant III

Ms. Patricia Gichane
Legal Counsel II

Ms. Nancy Ouma
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Calvin Karungo
Media Relations Officer III

Mr. Peter Mutethia
Audio Officer

PART TWO

2 BACKGROUND OF THE PETITION

2.1 Introduction

1. Public Petition No. 8 of 2024 regarding amendment to the Penal Code to provide for the offence of sextortion was presented to the House on 17th April, 2024, by the Member of Parliament for Nairobi County, Hon. Esther Passaris, M.P., on behalf of concerned citizens of Kenya.
2. The petitioners defined sextortion as the abuse of power to coerce individuals into providing sexual favours. They averred that the phenomenon has become a pressing issue in the country, causing immense harm to victims and eroding trust in public and private institutions.
3. They stated that the demand for sex in exchange for essential resources, services and opportunities is both an infringement of human rights and a significant obstacle to achieving development goals predicated on gender equality, transparent and accountable governance.
4. The petitioners submitted that the law does not specifically recognise or define sextortion as a form of sexual exploitation, harassment and corruption, thus hindering effective prosecution and victim protection.
5. Further, the petitioners noted that although Section 37 of the Computer Misuse and Cybercrime Act, 2018, addresses certain aspects related to sextortion, there remains a critical need to address these issues within the broader legal context comprehensively.
6. They also submitted that sextortion disproportionately affects vulnerable women and girls due to poverty, lack of education, political disenfranchisement and various forms of disability. However, men and boys are also susceptible.
7. The Petitioners stated that the unchecked prevalence of sextortion not only inflicts immediate harm upon individuals but also undermines efforts to empower women and ensure their full and equal participation in society, thus impeding sustainable development.

2.2 Petitioners Prayers

8. The Petitioners prayed that the National Assembly, through the Public Petitions Committee—
 - a) Proposes amendments to the Penal Code, Sexual Offences Act, and other relevant criminal laws to explicitly define sextortion as an offence, make clear provisions on penalties, support for victims and for connected purposes; and
 - b) Takes any other measures necessary and appropriate in the circumstances of this Petition to address the menace of sextortion to protect the rights and dignity of all citizens.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioners

The petitioners, led by the Member of Parliament for Nairobi County, Hon. Esther Passaris, M.P., appeared before the Committee on Tuesday, 10th September 2024, and submitted as follows—

9. They submitted that sextortion was a silent corruption with immense effects on girls and women, but it has not been criminalized. It involves coercion and not consent. For instance, sex for access to water, which is common in informal settlements, sex for fish, sex for jobs, sex for grades, sex for police protection, among others.
10. The petitioners further argued that the law did not recognise sextortion as a distinct entity within sexual exploitation and corruption, hence hindering effective prosecution and victim protection. Therefore, there was a need to amend the penal code that defines sextortion and make it an offence.
11. They also stated that many perpetrators of sextortion were not prosecuted, as there was no structure to deal with it, hence the need for the proposed law to protect the victims. However, there is a thin line between gender abuse and sextortion.
12. In addition, they argued that studies within informal settlements revealed that 41 per cent of women were victims of sextortion. Further, the rural areas in western Kenya have also experienced cases of sex for water. Various Community-Based Organisations raise awareness on the matter through psycho social centres.
13. The petitioners also stated that the proposed law on sextortion would protect men from women offering themselves for sex by emphasizing that, in cases where a man is approached, he has the choice to refuse. Seduction cannot occur without mutual consent, and therefore, sextortion is not a matter of seduction but rather extortion, where one is forced to offer their body in exchange for a service.
14. They proposed a sentence of 15 years imprisonment and a fine of Kshs. 5 million shillings, or both, is proposed to serve as a deterrent for the offence.

3.2 Kenya Law Reform Commission

The Acting Secretary, Kenya Law Reform Commission (KLRC), Mr. Peter Musyimi, vide a letter dated 20th May 2025, submitted as follows—

15. He defined Sextortion as a blended word derived from the words "sex" and "extortion". The International Association of Women Judges defines sextortion as the abuse of power to obtain

a sexual benefit or advantage. He explained that for sexual extortion, there has to be abuse of authority in the exchange of sex for a service. Sextortion also covers instances where someone makes demands with the threat of publishing another person's sexually embarrassing photos or videos. Sextortion is more psychological than physical coercion.

16. He also stated that sextortion affects vulnerable girls and women who seek various services, including national identity cards, sanitary pad supplies, education, training, and job placements. He gave the example of sex for fish along the coastlines and shores, where female fishmongers give in to the sexual demands of fishermen so that they can attain the first pick from the boats. He also cited cases in which women and girls are pressured into sex in exchange for water, especially in the slums. As well as cases of female traders being sexually exploited by brokers and market officials.
17. He informed the Committee that a report by the Kenya ICT Action Network on the challenges faced by women in Kenya on the internet listed non-consensual distribution of intimate images and sexual harassment as some of the most prominent violations of their rights across digital platforms. The report further noted that professional and distinguished women, including women human rights defenders, women in politics, journalists, women with disabilities and women from marginalised groups, are frequent targets of online gender-based violence.
18. He added that female politicians in Kenya have been vulnerable to image-based disinformation campaigns that manipulate media to sexualize them. This made them fodder for extortion. While this is common against women, men have also been victims of this form of sextortion. The Acting Chief Executive Officer argued that these cases set out the need for urgent legislative intervention to include the offence of sextortion in the Statute Book.
19. The Committee was also informed that sextortion was difficult to prosecute since, as stated in the petition, existing legislation does not define it or recognize it as a form of sexual offence. The closest offence to sextortion in the Statute Book is sexual harassment created under section 23 of the Sexual Offences Act, Cap. 63A. However, the offence of sexual harassment is limited to instances of employment, education and services offered by public officials. Thus, it leaves victims of other types of predators vulnerable.
20. Further, Section 37 of the Computer Misuse and Cybercrimes Act, Cap. 79 C criminalizes the publishing or distribution of intimate or obscene images of other people without consent. However, the section does not provide the extortion and blackmail that may be employed with the threat of publishing such images. While the actual publishing is an offence, victims may not wish to have such images published in the first place, hence they give in to the extortionists' demands. i
21. In conclusion, the Acting Secretary supported the proposal to amend the law to create an offence that covers all forms of sextortion. KLRC considers the Sexual Offences Act the most appropriate law to amend to provide for the offence of sextortion. In addition, KLRC recommended that the proposed new provision should follow Section 23 of the Sexual Offences Act, which covers sexual harassment and numbered section 23A.

22. In relation to the proposal to provide support to victims of sextortion, KLRC recommended that it was not necessary to make any further changes to the law to facilitate support for the victims, as the Victim Protection Act, Cap. 79A comprehensively addresses this issue.

3.3 Office of the Attorney General and Department of Justice

The Attorney General, vide a letter dated 21st May 2025, submitted as follows—

23. The Attorney General submitted that the Sexual Offences Act (Cap. 63A) provides for sexual offences, their definition, prevention, and the protection of all persons from harm from unlawful sexual acts. Sextortion is a sexual offence which amounts to intentionally demanding sexual intercourse or other sexual activities in exchange for goods, services, or any other thing of value in the demanding person's power to give or withhold.
24. He further stated that the Sexual Offences Act provides for sexual offences that relate to abuse of a position of power or authority. Section 23 of the Sexual Offences Act provides that any person who, being in a position of authority or holding a public office, persistently makes any sexual advances or requests which he or she knows, or has reasonable grounds to know, are unwelcome, is guilty of the offence of sexual harassment.
25. Further, Section 24 of the Sexual Offences Act provides that any person who, being in a position of authority or trust, takes advantage of his or her position and induces or seduces a person in their care or under their authority to have sexual intercourse commits an offence.
26. In addition, he submitted that the provision applies to people in positions of authority or trust including the superintendent or manager of a jail, remand home or children's or any institution or any other place of custody, law enforcement officer, manager of any hospital or staff of a hospital, head teacher, teacher or employee in a primary or secondary school or special institution of learning and other persons in position of trust.
27. Section 43(1)(a) of the Sexual Offences Act provides that an act is intentional and unlawful if it is committed in any coercive circumstance. Section 43(2) (c) provides that the coercive circumstances referred to in subsection (1)(a) include any circumstances where there is abuse of power or authority to the extent that the person in respect of whom an act is committed is inhibited from indicating his or her resistance to such an act, or his or her unwillingness to participate in such an act. Since sextortion is the abuse of a person's power to give or withhold goods, services, or any other thing of value in exchange for sexual intercourse or other sexual activities, it amounts to an intentional and unlawful Act under Section 43 of the Sexual Offences Act.
28. In light of the foregoing, the Office of the Attorney General and Department of Justice submitted that the proposed offence of extortion had similar elements to the offence of sexual harassment and the offence of sexual offences relating to the position of authority and persons in a position of trust provided for under Sections 23 and 24 of the Sexual Offences Act. Further, the offence can be construed as an intentional and unlawful Act under Section 43 of the Sexual Offences Act.

29. In conclusion, the Attorney General submitted that the amendment of the Penal Code and the Sexual Offences Act to provide for the offence of sextortion was not necessary because sexual offences relating to the abuse of a position of power or authority are provided for under Sections 23 and 24 of the Sexual Offences Act.

3.4 Ethics and Anti-Corruption Commission

The Deputy Director, Asset Tracing, Ethics and Anti-Corruption Commission vide a letter dated 17th October 2024, submitted as follows—

30. The EACC supported the proposal to amend the Penal Code and Sexual Offences Act and other relevant criminal laws to define sextortion as a criminal offence explicitly. The justification for the proposal is the fact that there is a gap in the criminal law as sextortion is not expressly criminalised as a form of sexual exploitation, harassment and corruption.
31. The Commission proposed incorporating the offence of sextortion into the Penal Code, the Sexual Offences Act, and other relevant Criminal laws, including the Anti-Corruption Laws such as the Leadership and Integrity Act, the Bribery Act, and the Anti-Corruption and Economic Crimes Act. The Commission noted that in other jurisdictions, sextortion is criminalized through the anti-corruption legal framework, such as Section 25 of the United Republic of Tanzania's Prevention and Combating of Corruption Act, Cap 329.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon consideration of the Petition, submissions from the Petitioners, the Kenya Law Reform Commission (KLRC), the Office of the Attorney General and Department of Justice, and Ethics and Anti-Corruption Commission (EACC), the Committee observed as follows —

32. The Petitioners defined sextortion as the abuse of power to coerce individuals into providing sexual favours.
33. While sextortion is not expressly defined in the existing laws, the abuse of power to coerce individuals into providing sexual favours as defined by the petitioners, is provided for in the Sexual Offences Act and the Computer Misuse and Cybercrimes Act.
34. Section 43(1)(a) of the Sexual Offences Act provides that an act is intentional and unlawful if it is committed in any coercive circumstance. Section 43(2) (c) provides that the coercive circumstances referred to in subsection (1)(a) include any circumstances where there is abuse of power or authority to the extent that the person in respect of whom an act is committed is inhibited from indicating his or her resistance to such an act, or his or her unwillingness to participate in such an act.
35. Since sextortion, as defined by the petitioners, is the abuse of a person's power to give or withhold goods, services, or any other thing of value in exchange for sexual intercourse or other sexual activities, the aspects are adequately provided for in Section 43 of the Sexual Offences Act.
36. Further, the elements of sextortion can be construed with other offences, such as sexual harassment (Section 23), abuse of authority (Section 24), and coercion (Section 43) under the Sexual Offences Act. Therefore, enacting such legislation would duplicate the Sexual Offences Act and the Computer Misuse and Cybercrimes Act.
37. The Petitioners did not disclose the specific aspects of sextortion that the Sexual Offences Act and Section 37 of the Computer Misuse and Cybercrime Act, 2018 did not cover. Therefore, the Committee did not identify a gap in the existing law to necessitate the enactment of the proposed Bill.

PART FIVE

5 COMMITTEE RECOMMENDATION

38. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—


On the prayer that the Committee proposes amendments to the Sexual Offences Act, and other relevant criminal laws to define sextortion as an offence, make clear provision on penalties, support for victims and for connected purposes, the Committee notes that Sections 23,24 and 43 of the Sexual offences Act and Section 37 of the Computer Misuse and Cybercrime Act, 2018 provide for elements of the proposed offence of sextortion. The enactment of the Bill would duplicate the existing laws.

Therefore, the Committee rejects the proposal to amend the Sexual Offences Act (Cap. 63A) and other relevant criminal laws to explicitly define sextortion as an offence, make clear provisions on penalties, support for victims and for connected purposes;

Signed: _____

Date: 23/09/25

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 SEP 2025	DAY: Tuesday
TABLED BY:	Hon. Muchangi Karemba Chairperson
CLERK-AT-THE-TABLE:	A. Shibusko

ANNEXURES



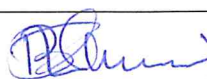


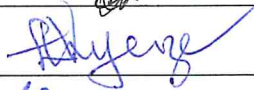


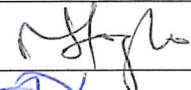


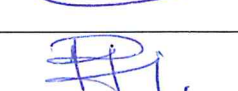
- Annex 1: The Adoption List
- Annex 2: Public Petition No. 8 of 2024 regarding amendment to the Penal Code to provide for the offence of sextortion
- Annex 3: Minutes of the 50th Sitting of the Public Petitions Committee held on 10th September, 2024

PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) **Consideration and adoption of the Report on Public Petition No.8 of 2024 by Hon. Esther Passaris, MP, regarding amendment to the Penal Code to provide for the offence of sextortion**
We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 16/9/2025

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Bidu Mohamed Tubi, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	