

REDUCING VULNERABILITY TO SEXUAL AND GENDER BASED VIOLENCE IN KENYA



A study Undertaken by the Collaborative Centre for Gender and Development (CCGD) in Partnership with CBOs and Selected Stakeholders Kisumu, Nakuru, Nairobi and Mombasa Counties(2013-2014) & Supported by International Development Research Centre (IDRC)

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LIST OF ABBREVIATIONS AND ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
AYF	Armed Youth Formation
CAR	Central African Republic
CBO	Community Based Organization
CCGD	Collaborative Centre for Gender and Development
CEDAW	Committee on the Elimination of Discrimination against Women
CGH	Coast General Hospital
CHW	Community Health Worker
CSO	Civil Society Organization
CWID	Coast Women in Development
DRC	Democratic Republic of Congo
FBO	Faith Based Organization
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GVRC	Gender Violence Recovery Centres
JOOTRH	Jaramogi Oginga Odinga Teaching and Referral Hospital
HIV	Human Immune Deficiency Virus
IPV	Intimate Partner Violence
IYF	Informal Youth Formations
KWFPP	Kibera Women for Peace and Fairness
MWF	Mtongwe Women Forum
NAPAC	Naivasha Partners for Change
NGO	Non-Governmental Organizations
PEV	Post-Election Violence
SGBV	Sexual and Gender Based Violence
SOA	Sexual Offences Act
SPSS	Statistical Packages for Social Sciences
SSR	Security Sector Reforms
STI	Sexually Transmitted Infections
PEV	Post-Election Violence
PIT	Project Implementation Team
STI	Sexually Transmitted Infections
TFR	Total Fertility Rate
TJRC	Truth Justice and Reconciliation Commission
QDA	Qualitative Data Analysis
WHO	World Health Organization

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EXECUTIVE SUMMARY

This research was framed within the context of political transitions in Kenya that mostly come after a General Election, specifically in the 2007/2008 elections that resulted in post-election violence (PEV) which left many women and girls grossly affected and the 2013 elections

The overall objective of the study is: To strengthen linkages between national policy framework and local interventions to help prevent and mitigate violence affecting women during political transitions. More specifically the study sought to: strengthen capacity of local women institutions, security and law enforcement agents to systematically document, monitor and act to prevent and mitigate effects of SGBV; analyse the extent that constitution and laws related to SGBV are being taken up and the resulting impact and analyse the evolving role of Informal Youth Formations (IYFs) in SGBV.

The research methodology was largely participatory, involving partnership with local women organizations and stakeholders (Police, chiefs, religious leaders, guidance and counselling teachers, children officers, village elders.in Kisumu, Mombasa, Nakuru and Nairobi counties as data collectors from February 2013-March 2014. The four sites were purposively selected because they were deemed to be hotspots in the 2007/08 PEV and further the local women organizations were already involved in issues of SGBV. Data was collected from walk in survivors reporting incidences of violence as well as from 6 months study with intimate partners who had reported repeated violence in their relationships, key informants and informal youth formations. Qualitative analysis was done using Ms Word and quantitative data was analysed using Statistical Packages for Social Sciences (SPSS).

Summary of Key Findings

- ✚ There was minimal increase in violence during the 2013 political transition.
- ✚ Nairobi reported most violence with majority of the cases (1555) from Nairobi Women's Gender Recovery Centre.
- ✚ SGBV incidence is affected by age (Peaks between 11-17, 24-29 years) and reduces after 36 years. It however, increases for men after 30 years.
- ✚ SGBV is common in *come-we-stay* marriages (50.8%).
- ✚ Most violence (44.19%) reported by casual workers.
- ✚ There seems to be an inverse relationship between violence and income (less income more violence)
- ✚ Most survivors (64%) are not household heads.
- ✚ Violence increases with more children in a household 50% (4-6 children)
- ✚ Most of the violence (46.2%) took place in the survivor's home. Equally, most intimate partners were violated in shared residences.
- ✚ SGBV is frequent (73.41%).

- ✚ Most survivors (29.7%) reported soon after violence.
- ✚ Most survivors (79.9%) were brought up in violent families.
- ✚ Perpetrators (92.04%) of violence are mostly known to the survivors.
- ✚ Most perpetrators (40.98%) know SGBV is illegal but still engage in it.
- ✚ Main cause of violence is unequal power relations with men violating women with impunity (33.65%).
- ✚ Sexual violence was the most highly reported SGBV (49.26%). Disaggregation of sexual violence by age showed that most of the cases were children' with more boys being affected between 0-11 years and more girls between 12-17 years (30.56%).

It was further revealed that most survivors in intimate partner relationships do not report SGBV to law enforcement state actors. Generally, factors that influence reporting of violence are accessibility/proximity of the reporting facility, the form of violence perpetrated and perception of how trustworthy a facility is. It was noted that psychological and financial forms of violence for intimate partners involved in a longitudinal study reduced during the research period.

The study showed that informal youth formations (IYFs) are evolving in tandem with socio-political changes and have dual identities as registered self- help groups with socially acceptable objectives but also as criminal gangs for hire. They did not show partiality or consistent commitment to any particular ideology or even politician. A new development is for IYFs to purposively recruit female youth to be part of the established hitherto male membership partly as a response to “market” demand to deal with SGBV cases involving women.

The key recommendation is that: Government takes the lead at utilizing existing evidence to understand the root causes of persistence of SGBV in Kenya as well as fill gaps in such evidence and use it to strengthen coordination, prevention and response mechanisms. More specifically: State and non- state stakeholders work collaboratively to streamline “GBV management system” at all levels through provision of resources, appropriate capacity building of actors to effect integrated teamwork across sectors; police be equipped with skills and better facilities (such as forensic laboratories) to be able to pursue justice; target men and in particular perpetrators of violence in SGBV prevention and mitigation programs and develop a national integrated data management system that accesses data from all SGBV stakeholders and actors.

1.0 INTRODUCTION

1.1: Introduction

Sexual and gender based violence refers to any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women (and men) including threats of such acts, coercion, or arbitrary deprivation of liberty whether occurring in public or private life¹. The overwhelming majority of victims and survivors of SGBV are women and girls. While recognizing that SGBV is an everyday occurrence in the lives of women and girls, CCGD framed this study within the context of political transitions in Kenya characterised by change of power from one political leader or party to another or even a different coalition arrangement in the event that there are disputes such as happened after the 2007/2008 general elections.

This report presents the findings of a study that investigated strengthening of interventions between national policy frameworks and local level interventions to prevent and mitigate violence. The study was conducted by CCGD in collaboration with local level women organizations and stakeholders over a period of 13 months, between February 2013 and March 2014.

The report is divided into five main sections: The introduction that provides the study background and objectives, the literature review, the methodology, the findings and discussion and finally the conclusions and recommendations.

¹ United Nations General Assembly (1993). UN Declaration on the Elimination of Violence against Women.

1.2: Background and Research Rationale

This study took off from emerging lessons from the Violence and Transition Project Phase 3 (VTP3) conducted in South Africa, Zimbabwe and Kenya that focused on Gender Based Violence during selected transitions and the role of (largely male informal youth formations) on the same. The findings leading to identification of the need for the research include: Transitional SGBV affecting women and girls comes from two immediate sources, informal youth formations such as militias associated with different political players and state security apparatus such as police and paramilitary.

Transition periods are marked by intense political competition between different usually political elite groups jostling for power and no effort is spared to secure votes. Communities are set against one another and thus stocking deep seated hatred and mistrust between and among them. This tends to compromise informal community security arrangements that complement state enforcement of law and order (in more ordinary times) and entrenches the kind of insecurity that facilitates SGBV. Negative ethnicity takes centre stage- on the surface, targeted at enemy communities perceived to belong to rival political parties but evidence abounds of a considerable number of women suffering horrendous violence from members of their own ethnic groups or even their families in such circumstances. Such political competition also intensifies family conflicts and opens avenues for new forms of violence among and between relatives.

There is also an increase in impunity as young men even without any discernible political persuasion engage in opportunistic violence such as rape of women in the face of weakened law enforcement or with the connivance of the same.

Socio-political forces of transitions create demand for “any means possible” to win which leads to resorting to using agents such as available informal youth formations² (IYFs). The latter’s often deprived social conditions of members’ draws attention to them during transitions as would be beneficiaries of change.

Government has been slow to respond in policy measures and actions to stem the rise in SGBV in particular affecting women. Among measures taken after the 2008 PEV was the (initially) UNFPA supported Interagency GBV Sub-cluster through the then National Commission for Gender and Development that is now housed by the new Gender Commission³. In 2011, the committee held provincial dissemination workshops on status and progress of GBV and worked on standard operating procedures for Gender Violence Recovery Centers (GVRCs) in Kenya. Regarding wider outreach and advocacy, the Inter-agency committee is in charge of national planning and coordination of the annual *16 days of activism on violence against women*

² Youth refers to those who are aged 35 and below but the age and membership of most AYFs is 30

³ The committee works under Division of Reproductive Health (DRH) and currently has secretariat at Liverpool VCT Care and Treatment (LVCT). The committee meets every last Thursday of the month. It works with all the stakeholders, legal, security, administration and medical.

including a budget and program⁴. So far the committee activities have been muted with little publicity on progress towards up-scaling pilots to national coverage.

In a properly functioning democratic electoral process it would be more prudent for political parties to do all it takes such as preventing SGBV to appeal to the “women constituency” because of their superior numbers, however within the violence prone historical trends of transition politics in Kenya IYFs as a “constituency” whose tactics promote SGBV have more to offer. Intimidation and general show of force are believed to assist in the advancement of a political agenda since a significant number of people are known to vote through coercion rather than subtle persuasion.

IYFs often come with an enviable grassroots presence that serves well purposes of intimidation and with it the ability to make most voters comply with political elite interest even against their wish or best interests. They use threat and actualization of SGBV to intimidate women and harness their numbers for candidates they are supporting. Further, they bring with them the advantage of official anonymity- since they operate as illegal organizations they do not exist in law and are therefore difficult to pin down. There is high tolerance on the part of the state and political elite of violent activities of “politically correct” to limit voters such as women to casting votes for

⁴ UNFPA, November 2010 External Evaluation Report: GBV Coordination Project

pre-determined powerful mainly male political elite.

Evidence from different commissions of inquiry into transition political violence abounds with reports of state security agents taking sides and either meting out violence directly or standing aside to allow IYFs to violate perceived enemies sometimes in their presence. The state law enforcement agents are often not neutral or professionally committed to prevent violence and punish perpetrators during heightened political transition periods. Police brutality is meted out at often defenceless people running away from them or caught up in the fighting between them and the more organized youth. In some incidences, women and girls seeking protection from the police end up being raped and violated in different ways by their would be protectors. It is also in such periods that police are overtly insensitive and inconsiderate of cases of SGBV.

Examination of the above has generated useful insights into how SGBV can be more effectively prevented in contexts of transition and may be used to enhance policies and laws affecting SGBV as well as strengthen on going government and CSO activities in particular towards transition related SGBV.

Research Approach

Rationale

Partnership with grassroots women organizations in targeted research areas involved close working relationships in field

work design, implementation and analysis, utilization and dissemination of the research findings. Further the organizations as corporate entities were subjects of the research as well as facilitating participation of other subjects such as local law enforcement and justice institutions, traditional/cultural justice/conflict resolution systems and respondents in their individual capacities.

The study provided individuals and organisations with platforms to meet each other and establish informal support networks. The steps helped empower women groups to solve problems of violence in their communities and enable them to participate and develop local level violence prevention strategies.

At the national level the study aims to inform on-going institutional reforms particularly in the law enforcement and justice sector and provide resources for policy-makers through national workshops and seminars with key individuals and organisations, and media coverage.

At the International level the study will feed into the growing international trend towards analysing and trying to understand violence in countries that are undergoing transitions. The research, and lessons learned will contribute to debates on how best to manage, mitigate and prevent violence.

1.3: Objectives of the Study

Overall objective:

To strengthen linkages between national policy framework and local interventions to help prevent and mitigate SGBV affecting women during political transitions

Specific objectives:

- ✚ To strengthen capacity of local women institutions, security and law enforcement agents to systematically document, monitor and act to prevent and mitigate effects of SGBV cases within their areas of operation
- ✚ To analyse the extent that current constitution and laws related to SGBV are being taken up and the resulting impact.
- ✚ To build sustainable dialogue mechanisms between women and Informal Youth Formations (YFs) and monitor their activities to prevent escalation of violence before, during and after General Elections.
- ✚ To promote the use of evidence based programming and activism to prevent and mitigate SGBV by documenting and monitoring SGBV trends in the media reports and other local reporting avenues such as CSOs that offer services to women as well as police and health Centre records.

2.0 LITERATURE REVIEW

2.12.1 Introduction

This section is divided into two parts. The first part reviews literature on SGBV in general and in the context of conflict, sources and effects of violence and the second part discusses the theoretical framework used in the study.

2.2: Overview of Sexual and Gender Based Violence (SGBV)⁵

Most humanitarian organizations recognize (SGBV) as a serious health, human rights, and a development issue. It is on the rise despite numerous efforts and interventions from international organizations and national non-governmental organizations to put a stop to it and promote women’s rights and gender equality (Freedman)⁶. There is a general consensus among key actors that efforts should be put in place to eliminate all forms of SGBV⁷.

SGBV affects both men and women with between 5 and 10 per cent reporting having

⁵1993’s UN general assembly definition:

Any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women including threats of such acts, coercion, or arbitrary deprivation of liberty whether occurring in public or private life

⁶Freedman,J. Explaining Sexual Violence and Gender Inequalities in the DRC. *A Journal of Social Justice*, 23:170–175

⁷ United Nations General Assembly (1993). UN Declaration on the Elimination of Violence against Women.

been sexually abused in their childhood⁸. Women and girls bear the heaviest brunt of the violations in African countries for example, 47 per cent of Zambian, 59 per cent of Ethiopian and 21 per cent of Kenyan women report ever experiencing physical violence⁹.

Gender inequality and resulting marginalization and discrimination are listed among the root causes of the Kenyan 2007/08 PEV. Further, non-advancement of the male person in a progressive economy within the Kenyan society is fast becoming a worrying factor because a significant number are idle and frustrated¹⁰. Christina Siebert¹¹ agrees with this contention that violence and inequalities which women face in crises do not exist in a vacuum, but are direct results and reflections of the violence, discrimination and marginalization that women face in times of relative peace.¹²

Women and girls suffer violence in their homes, public and work places, the violator's home or even health care settings. ACSGD¹³ and Freedman note that violence is a common occurrence in the lives of

women and girls to an extent that it is viewed as “normal” and a human right violation condoned¹⁴ by many societies.

2.3: Sexual and Gender Based Violence in Conflict

Civilians in Africa's conflict zones (particularly women and children) are often vulnerable to SGBV¹⁵. Some incidences appear to be opportunistic¹⁶. In other cases, violence has also been employed by combatant groups such as security forces, rebel movements, militias, or other informal groups as a strategic tool. SGBV may be more or less opportunistic and indiscriminate, as combatants experience a sense of impunity for their actions. Indeed, rape in African conflict settings has frequently been associated with combatant groups that lack discipline for example in Central African Republic, Chad, and DRC.¹⁷

In some cases, individuals at the highest levels of the state have been accused of ordering, condoning, or tolerating such violence. There have also been instances where humanitarian and peacekeeping

⁸ United Nations Division for the Advancement of Women (2006) *Ending Violence against Women: from words to action. Study by the Secretary-General* available at <http://www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm>

⁹ American Foundation for AIDS Research. “Gender-based violence and HIV among women: assessing the evidence,” *Issue Brief no.3* (2005).

¹⁰ Njoki Ndungu quoted from Phoebe Akinyi Nyawale et.al *The Invisible Violence in Kenya: A Case Study of Nyanza, Rift Valley and Western Regions* Page 63

¹¹ *Dimensions of sexual and Gender Based Violence in Kenya's Post-Election Crisis*, 2009, Heinrich Boll Foundation Nairobi

¹² *Dimensions of sexual and Gender Based Violence in Kenya's Post-Election Crisis*, 2009, 3.

¹³ Africa Centre for Gender and Social Development (ACGSD)

¹⁴ Mary Njeri, Director COVAW, key informant interview March 2010 in a study conducted by FEDERATION OF WOMEN LAWYERS fida-kenya

¹⁵ see CRS Report RL34438, *International Violence Against Women: U.S. Response and Policy Issues*, coordinated by Luisa Blanchfield; and CRS Report RL34518, *United Nations System Efforts to Address Violence Against Women*, by Luisa Blanchfield.

¹⁶ The product of a larger breakdown in the rule of law and social order that may occur amid conflict.

¹⁷ E.g., HRW, *Renewed Crisis in North Kivu*, October 2007; State Department, “2008 Human Rights Report: Chad”; HRW, *State of Anarchy: Rebellion and Abuses against Civilians [CAR]*, September 2007.

workers have been accused of sexual abuse and exploitation.¹⁸

The issue of sexual violence in conflict is found across the globe.¹⁹ SGBV by combatant groups in the former Yugoslavia in the 1990s, for example, drew widespread international attention. Sexual atrocities have been a feature of many African conflicts over the past two decades, including in active conflicts in Central African Republic (CAR), Chad, Democratic Republic of Congo (DRC), Ethiopia, Nigeria, Somalia, and Sudan; and in recent conflicts in Burundi, Congo-Brazzaville (Republic of Congo), Côte d'Ivoire, Liberia, Rwanda and Sierra Leone²⁰ Such acts were also reported in Kenya in the 2007/08 Post Election Violence (PEV)²¹

SGBV has also been used as a weapon of war deployed strategically by combatant groups as a “benefit” for victorious troops a means of initiation and social bonding between combatants; a punishment meted out to civilians associated with opposing

groups; a means of humiliating male opponents who were not able to protect “their” women; a method of destroying communities and cultures associated with conflict opponents; and a means of ethnic cleansing by impregnating women or forcing their displacement.²² In such cases, sexual violence is often portrayed as a “weapon” or “tool of war.”

SGBV in heightened circumstances such as happens in periods of political transition is framed as something that is more likely to go unreported²³. Barriers to report include: Shame, embarrassment, regarding the issue as a private matter- not a crime, lack of awareness on the law and understanding of human rights, self- blame or fearing blame by others and minimal confidence in the way police handle sexual violence cases, fear of the police, and / or the legal process as well as being afraid of no one believing them or thinking that nothing would be done (Wanyeki.L.M²⁴). He draws a parallel between general breakdown in law and order and an upsurge in SGBV as happened in the early stages of Kenyan PEV²⁵.

¹⁸ See U.N. Office for the Coordination of Humanitarian Affairs (OCHA), “Protection from Sexual Exploitation and Abuse,” at

<http://ochaonline.un.org/HumanitarianIssues/ProtectionfromSexualExploitationandAbuse/tabid/1204/language/en-US/Default.aspx>. For further background, see CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

¹⁹ See Elisabeth Jean Wood, “Variation in Sexual Violence During War,” *Politics & Society* 34, 3 (September 2006).

²⁰ See, World Health Organization (WHO), Summary Report, *WHO Multi-country Study on Women's Health and Domestic Violence against Women: Initial results on prevalence, health outcomes and women's responses*, 2005.

²¹ Murungi, Betty Kaari (July 2008), ‘Kenyan Women Speak on the Proposed Truth, Justice and Reconciliation Commission’, available at

http://www.urgentactionfund.org/new_site/assets/files/uaf-africapubs/KenyanWomenSpeak.pdf, accessed last on 25 December 2012.

²² Michael Peel, ed., *Rape as a Method of Torture*, Medical Foundation for the Care of Victims of Torture”, 2004; M.Richters, “Sexual Violence in Wartime,” in Patrick J. Bracken and Celia Petty, eds., *Rethinking the Trauma of War*, London: Save the Children Fund, 1998.

²³ 82% of survivors of sexual violence interviewed by the CREAM study did not formally report the incidents to the police (Center for Rights Education and Awareness (CREAW) (2008): *Women paid the price. Sexual and gender-based violence in the 2007 post-election conflict in Kenya*, CREAM 2008: 33)

²⁴ L.M. Wanyeki *Lessons from Kenya: Women and the Post- Election Violence* PDF www.feministafrica.org

²⁵ (L.M. Wanyeki *Lessons from Kenya: Women and the Post- Election Violence* PDF www.feministafrica.org).

The COVAW and Wanyeki findings on PEV corroborate as they show that violence grossly interfered with pre-existing mechanisms that protect women from violence or mitigate effects of violence²⁶. This notwithstanding Sierbert attributes such upsurge in SGBV to structural vulnerability of women because of their low status²⁷. Such low status of women placed them in the line of fire as they were often seen and targeted as appendages of their husband's within the wider socio-gender dynamics²⁸.

The Nairobi Women's Hospital Gender Violence Recovery Centre²⁹, attended to over 650 PEV related GBV cases. Between late December 2007 and end of February 2008, they treated a total of 443 survivors of (S)GBV of which 80% were rape/defilement cases, 9% were physical assault cases, 7 % were domestic violence cases and 4% were indecent assault (CREAW, 2008, p 5). Gang rape constituted about 90% of the rape cases the hospital faced during the political crisis. The CREAW study on PEV SGBV indicated indecent assault as the most prevalent form of sexual violation even if such cases were not reported as often as incidences of gang rape because women are not aware of it being a sexual offence and a crime (CREAW, 2008, P.23).

²⁶ Ibid 15

²⁷ Sierbert page 4

²⁸ The COVAW *Rapid Assessment of the Situation of Women and Girls in IDPs Camps in Western Kenya- Kisumu, Kakamega and Kisii*

²⁹ The Nairobi Women's Hospital Gender Violence Recovery Center, Kenya's pioneer health institution specialized in women's health issues

2.4: International and National Legal Frameworks on SGBV

This section seeks to analyse the extent to which the Constitution and laws related to SGBV have been taken up and the resulting impact. Its main focus is to assess some of the steps made as well as gaps/inadequacies related to implementation of the Constitution and laws related to SGBV with emphasis on institutions and implementing actors (both state and non-state actors)

International Legal Frameworks on SGBV

This study is guided by the context of international law on women and girls in general and on SGBV in particular that Kenya is a signatory to UN conventions and treaties including Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) that bind her to take corrective and prospective measures for the protection of women and girls against any form of human right violation. Kenya is also a party to UN resolution 1325 that called upon all countries to allow increased representation and participation for women at all levels but more critical, at decision making levels in conflict resolution and peace process and to expand their role in peacekeeping operations, particularly among military observers, police, human rights and humanitarian personnel. The resolution parties were also urged to take measures to protect women and girls from gender-based violence and prosecute those responsible for crimes against women and girls. These instruments together have been successful in

influencing country level advocacy leading to enactment of different legislations aimed at controlling the sequence of violence and mistreatment that women, go through.

The Constitution of Kenya

Implementation of Article 2(5)(6) of the Constitution of Kenya 2010 especially on international conventions and treaties related to gender violence has not been fruitful. Specifically government has not taken practical measures in ensuring that survivors of gender violence are compensated or receive any meaningful reparations as provided for in the constitution in part because specific legislation such as for the implementation of article 50(9) of the constitution has taken parliament four years. The Victim Protection Act signed into law in September 2014 is yet to be operationalized. This means that the survivors of SGBV will have to wait a little longer.

The enforcement of Article 22 is still a tall order for survivors as the legal proceedings are complex, expensive and technical. Most survivors cannot afford the fees therefore relying on the ineffective pauper brief schemes, the unreliable pro bono lawyers and the media to realize justice and reparations.

Other Legal Instruments

The establishment of the National Gender and Equality Commission through the National Gender and Equality Commission Act 2011 was a big step towards implementation of the Constitution (Article

59(4)) and specifically in the areas of gender violence. It has a broad mandate to monitor gender related concerns both in the public and private sector as well as carry out research and document cases of abuse and discrimination as well as launch investigations on cases of gender discrimination and violations. The Commission further made tremendous steps in combating gender violence when they formed the *Gender Violence Forum* and *National Gender Based Violence Working Group*. The Forum and the group are open to stakeholders working on prevention and response management to share contacts/helplines and share on various topical issues on GBV and/or opportunities for collaboration, upcoming events to promote partnerships and coordination nationally. The Commission has begun decentralizing to counties .

The Truth Justice and Reconciliation Commission's report placed the onus on NGEV to increase measures to raise awareness about harmful cultural practices that adversely affect the enjoyment of human rights by women. The commission is soon launching a three GBV campaign that target duty bearers and survivors of violence to ensure that prevalence is reduced to zero. Overall, there will be creation awareness to law enforcement agencies and members of the public including survivors of SGBV.

Sexual Offence Act 2006 is the most comprehensive legal instrument that covers SGBV in Kenya. The Act similarly proposes harsh penalties for offenders which range

from 3 years imprisonment (for sexual harassment) to life imprisonment (for defilement rape, attempted rape and gang rape). The Act proposes harsher penalties for offences involving children and the severity of punishment seems to increase with the decrease in age. Under section 35, there is a provision for the court to order free treatment for a survivor. Forensic facilities problems make prosecution of SGBV cases difficult.

Other legal instruments include Penal Code under which offences against morality which cover most of the sexual and gender based offences are covered under sections 139-169. Chapter 24 provides compensation as one of the forms of punishment that can be imposed by a court in crimes mentioned in the penal code. Section 31 further provides that any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence and the compensation may be either in addition to or in substitution for any other punishment.

Others are *Children's Act*, and the *Prohibition of FGM Act of 2011*, the *Matrimonial Property Act 2013*, *Marriage Act* and other initiatives which are yet to be finalized include *Protection Against Domestic Violence Bill*. Upon enactment into law, it is expected that Kenyan women will have elaborate legal instruments to safeguard them against SGBV and other forms of violations which have compromised their empowerment and rendered them as second class citizens.

Others are, Kenya's Children's Act of 2001 sections 13, 14 and 15 provides that children are entitled to protection from physical and psychological abuse, neglect and any other forms of exploitation. Further, it states that children should be protected from sexual exploitation and victims of abuse accorded appropriate treatment and rehabilitation. FGM Act 2011 prohibits FGM and calls for provision of support services to victims and public education and sensitisation of the people of Kenya on the dangers and adverse effects. Despite these relatively elaborate legal frameworks, the efforts by the Government of Kenya are yet to fully take care of the needs survivors of SGBV or even sustainable mitigation of SGBV.

2.5: Consequences of Violence on Women/ Girls and the Society

There is grief and pain at both the individual and the society level. World Health Organisation (WHO)³⁰ noted that individuals who are physically and sexually violated may not fully function in activities and may be less able to care for themselves and their families. Violence increases women's vulnerability and dependence thus preventing them from full participation in life³¹.

women also suffer from health problems such as depression, personality disorder, high anxiety levels and somatic disorders when subjected to violence (Mbote, 2001).

³⁰ World Health Organization (2002). World report on violence and health. Geneva: WHO.

³¹ Mbote 2001

A study by Heise et al (1994)³² established that domestic violence against women including spousal rape reduces the life expectancy for women by five per cent and has long-term psychological effects which can eventually lead to suicide attempts (Heise,1993)³³. Physical and sexual violence can also affect fertility. Research conducted in 2001 indicated that women who suffer physical or sexual abuse from intimate partners are likely to have many children (Ellsberg et al)³⁴. Women and girls who suffer SGBV are more likely to be infected sexually transmitted infections including HIV/AIDS.³⁵ Moreover, a woman's risk of intimate partner violence (IPV) is increased if she discloses her HIV status to a partner, particularly in a discordant relationship³⁶.

Psychological well-being of children within the household³⁷ is also affected. Other studies contend that children may show the same emotional and behavioural problems that physically abused children experience, some of which may include depression,

aggression, disobedience, physical health ailments, and poor school performance^{38/39}.

Overall, the society bears the heaviest burden of the effects of SGBV. Mbote 2001 noted that the financial implications of dealing with violence as well as time spent are costly. Intangible costs which relate the quality of life led by the victims/survivors of violence, suppression of human rights and the denial of women are potential to participate in their societies.

2.6: Statistics and Figures on Sexual Gender Based Violence

According to Kimuna and Djamba in their study based on the KDHS of 2003 indicated that out of a sample of 4,876 married women aged 15–49 years comprised 40 per cent reported at least one type of violence; 36 per cent were physical and 13 per cent were sexual.

A study conducted by (Heise et al⁴⁰) indicated that over a third of all women in Zambia and Tanzania have experienced physical and sexual violence by their partners at some point in their lives. According to UN Women estimates, 150 million girls under 18 suffered some form of sexual violence in 2002 alone. As many as 1 in 4 women experience physical and/or

³² Heise, L., Pitanguy, J., & Germain, A. (1994). Violence against women: The hidden health burden. World Bank Discussion paper, No.255. Washington, DC: World Bank.

³³ Heise, L. (1993). Violence against women: The missing agenda. In M.Koblinsky, J. Timyan & J. Gay (Eds.), *The health of women: A global perspective*. Boulder, CO: Westview Press.

³⁴ Ellsberg, M., Heise, L., Pena, R., Agurto, S., & Winkvist, A. (2001). Researching domestic violence against women: Methodological and ethical considerations. *Studies in Family Planning*, 32(1), 1–16.

³⁵ S. Kishor and K. Johnson. “*Profiling Domestic Violence—A Multi-Country Study*”. ORC Macro (2004).

³⁶ Fonck, K. et al. “Increased risk of women experiencing physical partner violence in Nairobi, Kenya.” *AIDS and Behaviour* 9(3): 335–339 (2005).

³⁷ Heise, L., Pitanguy, J., & Germain, A. (1994b). Violence against women: The hidden health burden. World Bank Discussion paper, No.255. Washington, DC: World Bank.

³⁸ World Health Organization (2002). *World report on violence and health*. Geneva: WHO.

³⁹ World Health Organization (2004). *Violence against women and HIV/ AIDS: Critical intersections—intimate partner violence and HIV/ AIDS*. Geneva: WHO.

⁴⁰ Heise, L., Ellsberg, M., & Gottemoeller, M. (1999). *Ending violence against Women*. Population Reports, 27(4), 5 Baltimore: Johns Hopkins University School of Public Health, Population Information Program.

sexual violence during pregnancy which increases the likelihood of having a miscarriage, stillbirth and abortion. Moreover, up to 53 per cent of women who are physically abused by their intimate partners are kicked or punched in the abdomen.

Violence against women in conflict situations was even more amplified with between 250,000 and 500,000 women raped during the 1994 genocide in Rwanda and 20,000 to 50,000 women raped during the conflict in Bosnia in the early 1990s.

In Malawi, 50 per cent of school girls reported violence within the school environment. Violence in the community as a whole is on the rise with 52,733 rapes and attempted rapes reported to law enforcement officers in a span of a year, between April 2003 and March 2004, in South Africa. Police records further reveal that 41 per cent rape victims in South Africa are under the age of 12. In the DRC, there were over 2,000 incidents of sexual violence reported within the months of October and November 2010.

Based on the foregoing many African countries in the past one decade, have begun to recognize the importance of both preventing and responding to the needs of SGBV survivors at a national level. However, these national programs have tended to adopt strategies that have proven successful in the high resource western countries. The feasibility and sustainability of such approaches has not been well-

established in countries where access to financial and human resources is limited.

2.7: Theoretical framework

The study was conducted within a transitional justice conceptual framework, with a violence prevention approach. Transitional justice is understood within the UN Secretary General's report on *the rule of law and transitional justice in conflict and post conflict societies*⁴¹ as "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms". It accrues from general consensus that addressing legacies of past violence is necessary for fostering sustainable peace. Transitional justice is therefore an embodiment of attempts to build sustainable peace after conflict⁴². It is thought to contribute to preventing recurrence of violence and fostering sustainable peace.

Transitional justice is framed within the wider human rights affirmation and realization as it involves retrospectively confronting past violations and prospectively preventing further abuse. It sets to re-establish trust between citizens and the state by demonstrating capacity of the

⁴¹S/2004/616, para 8

⁴²Paul Van Zyl, "Promoting Transitional Justice in Post-Conflict Societies," in *Security Governance in Post-Conflict Peacebuilding*, eds. Alan Bryden and Heiner Hanggi (Geneva: Geneva Center for the Democratic Control of Armed Forces, 2005), 205

state to seek justice and thus restore victims' confidence in the state playing its role as duty bearer in defines of rights⁴³. Closely related is the need to reform abusive security systems through security sector reforms (SSR) to prevent recurrence and provide accountable security to communities⁴⁴. SSR like transitional justice has common objectives namely: To hold actors in the security and justice sectors accountable for their present and future acts; to contribute to strengthening the rule of law; and to aim at non-reoccurrence, by focusing on establishing oversight and transparency in both sectors⁴⁵.

3.0 METHODOLOGY

3.1 The Research Design

The study utilized participatory action research perspective and methodologies involving women organizations and stakeholders already engaged in SGBV activities as data collectors and monitors in close supervision and direction from professional researchers from CCGD. The study employed a mixed method approach involving both qualitative and quantitative techniques. Qualitative techniques were captured through in depth interviews of intimate partners, key informant interviews with various stakeholders in the study,

⁴³48 .Van Zyl, "Promoting Transitional Justice in Post-Conflict Societies," 210.

⁴⁴ Agencies such as the [International Center for Transitional Justice](#) (ICTJ) exist to promote security sector reform.

⁴⁵Eirin Mobekk, *Transitional Justice and Security Sector Reform: Enabling Sustainable Peace* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, Occasional Paper No. 13, November 2006).

Focus group discussions with informal youth groups (IYFs) and case testimonies from survivors and individual IYFs. The research focused on documentation of the methodic behaviours and practices through which members of societies apprehend the world of transitional SGBV that is often an (escalation of violence during "normal" times) and tried to make sense of it.

3.2 Description of Study Areas

The study was conducted in selected areas in four counties namely Mombasa, Nairobi, Kisumu and Nakuru. The named counties were hotspots in the 2007/08 PEV and the local women organizations involved in the study as data collectors were already involved in issues of SGBV.

Interviews with survivors were conducted at the CBO or their homes whichever they found convenient and not a threat to their safety. Informal youth groups were interviewed at a place of their choice and convenience as they feared exposure. Key informants were interviewed in their offices.

3.3: Sample size and Sampling Procedure

3.3.1: In-depth intimate interviews

Thirty intimate partners (15 survivors and 15 perpetrators) in each study area were to be involved in each phase. Three hundred and three (303 intimate partners) were involved in a longitudinal in-depth interview for a period of six months each. This sample size was selected to allow for detailed analysis of the themes that emerged.

3.3.2: Key informants

Thirty key informant interviews were conducted in the study areas.

3.3.3: Focus group discussions

Twenty five groups were involved in FGDs.

3.4: Sampling Procedure

Purposive sampling procedure was used to select respondents involved as intimate partners and focus group discussants. The criteria for selection were based on the local women's partners' prior knowledge of these people and their willingness to participate in the study for a sustained period of time.

Key informants were selected from the stakeholders who also participated in data collection. They were selected from the police, chiefs, religious leaders, guidance and counselling teachers and nurses.

3.5: Recruitment Procedure

The intimate partners, IYFs groups and the stakeholders were recruited by the CBO members. The criteria for recruitment was based on their knowledge of the intimate partners past experiences with SGBV as they had engaged with them in one way or another. Using this strategy made it easy to bring intimate survivors and the IYFs on board. However, it was not easy to recruit perpetrators as they feared being charged or exposed as perpetrators. Snowballing was utilised to recruit part of the 64 perpetrators.

3.6: Data collection tools

3.6.1: CBO and Stakeholders tools

Two questionnaires were designed one administered by the CBOs and the other by

stakeholders who included the police, health personnel, chiefs, teachers, religious leaders and village elders. A total of 6239 survivors were interviewed in the 13 months study period.

3.6.2: Key informant interviews

One –on- one interview with 30 stakeholders who also doubled as data collectors was done with the aim of gaining insight into the violence situations in their areas of operation, their working with the government and the challenges they face. Interviews lasted 1hour. The responses from the interviews were noted down.

3.6.3: In depth interviews

Three hundred and three in depth interviews were conducted with survivors in intimate relationships which were further classified as *come we stay*, legally married, separated, widowed, divorced and *mpango wa kando*. The intimate partners recruited by the CBOs and involved in a longitudinal study for a period of six months. The criteria for recruitment was based on the CBOs members knowledge of the intimate partners and their past experiences with SGBV considering that they had in one way or the other engaged with them. Using this strategy made it easy to bring the survivors on board. However, it was not easy for them to recruit perpetrators.

Snowballing was utilised to recruit part of the 61 perpetrators who were involved in the study. The interviews focused on the survivors' profile, causes and forms of violence and actions taken on the same. The participants were interviewed one on one

using a tailored interview guide. The guide focused on form and cause of violence, action taken and effects of violence.

3.6.4: Focus group discussions

Focus group discussions were conducted among the youth groups in the five study sites. In situations of mixed gender within the group, they were interviewed separately. The FGD groups comprised 8-10 discussants. The discussions covered the following themes: Motivation/rationale for the group's formation, relationship of the group with political leaders, relationship of the group with the community, group's participation in violence, way forward. FGDs facilitated interaction within the group and the joint construction of meaning of their association with SGBV.

3.6.5: Telephone Interviews

Telephone interviews involved intimate partners who had relocated or travelled up country and therefore unavailable on the dates scheduled for the interviews. The researchers therefore relied on telephone numbers obtained from the respondents.

3.6.6: Review of Documents and Other Secondary Data

Literature review was done prior to field work and this provided the basis upon which interview guides were constructed. It involved review of published literature such as books, government articles and journals downloaded from various websites and unpublished literature such as policy statements, regulations and records and official reports/records relating to SGBV.

3.7: Data Management and analysis

3.7.1 Quantitative data

Quantitative data was entered by selected CBO members and stakeholders. They were then collected, checked for completeness and entered in Excel sheets by trained data entry clerks in each of the CBOs. The data sets were sent to the data analyst at the CCGD office. The analyst counter checked the data in the Excel sheets and transferred them into SPSS 17 the software which was used to analyse the data.

3.7.2: Qualitative data

Qualitative analysis was used for data obtained through key informant interviews, interviews of the intimate partners, focus group discussions and case testimonies. For this analysis, the researcher began by familiarising with the data and also making sense of the responses of each interview. The open ended questions were then coded. Coding was done based on the themes that emerged. Data was then sorted using MS word tables. The data bits that represented the themes were clustered together based on similarities and patterns that emerged.

3.8: Quality assurance

- ✚ The research assistants and the research partners were taken through an intensive training before data collection.
- ✚ The data collection team were regularly monitored and supervised by the research coordinator and the principal investigator.
- ✚ The study instruments were pretested to ensure that the responses elicited would lead to the fulfilment of the study objectives.

- ✚ Regular meetings were conducted with the research team to address any arising issues and the challenges they faced.
- ✚ Mid-term review was conducted to ensure that the study was in line to achieving the study objectives.

- ✚ Approval was received from the police headquarters to allow selected police stations provide data.
- ✚ Study participants were verbally assured of confidentiality before interviews began.

3.9: Ethical considerations

- ✚ The research received ethical clearance from KEMRI Ethics and review committee
- ✚ National Council for Science and Technology issued a research permit authorizing the research.

4.0 FINDINGS

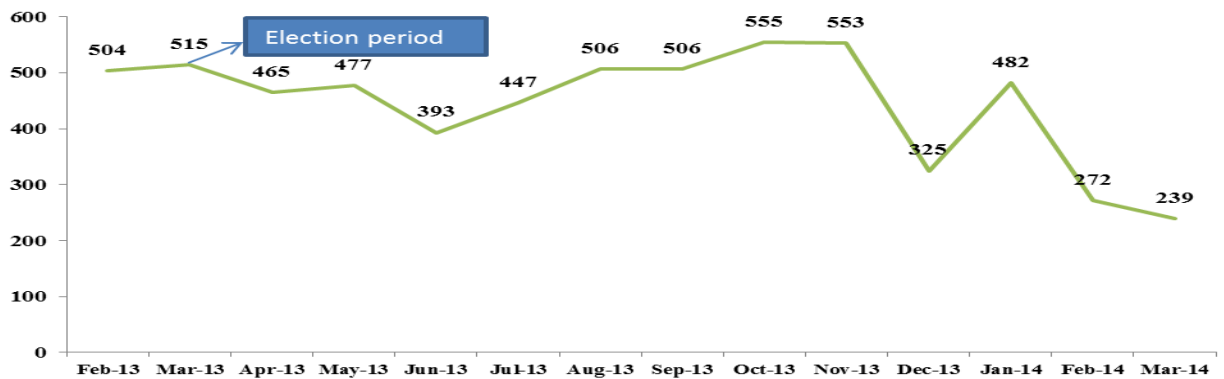
4.1: Introduction

The findings that follow entail analysis of socio-demographic information obtained from 6239 walk in survivors.

4.2 SGBV and Political Transition

There was minimal increase in violence during the 2013 transitional period. Most respondents did not relate SGBV to political transitions⁴⁶. They gave possible reasons for minimal escalation of violence during the 2013 political transition as having to do with: Advocacy against electoral violence by the media, CSOs and volunteers at the local community level, widespread fear-leading to people moving away from the perceived hotspots and the fact that, IYFs were not funded to instigate violence.

Chart 1: Monthly distribution of SGBV cases



Source: Field data 2013/2014

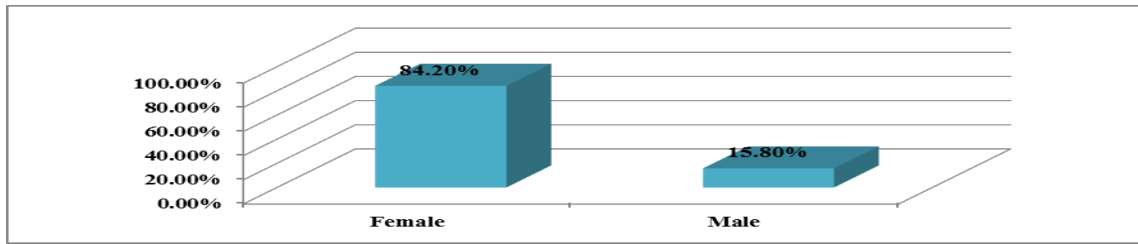
4.3: Survivors Socio-Demographic Information

4.3.1: Gender

There were more female survivor cases reported than male. At 84.2 per cent and 15.8 per cent respectively.

⁴⁶ except for 2007/2008 general elections which was marked with widespread SGBV.

Chart 2: Gender

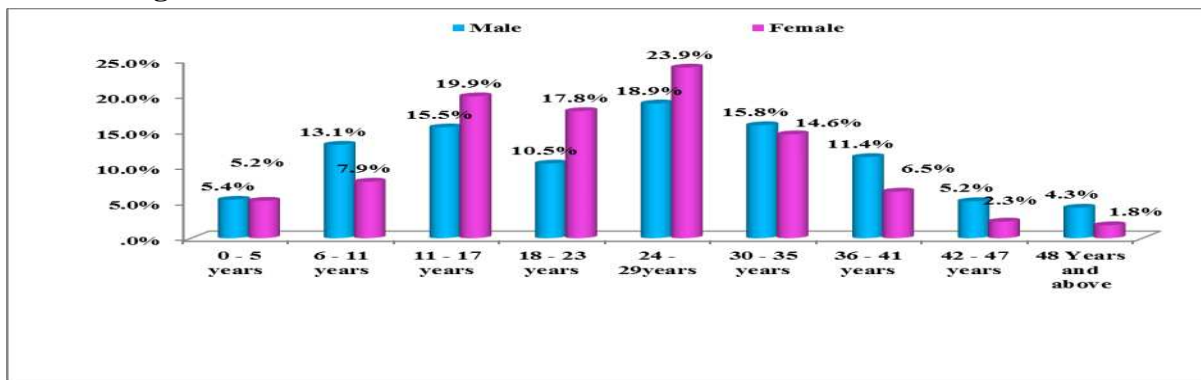


Source: Field data 2013/2014

4.3.2: Age

SGBV incidence is affected by age. It peaked in the 11-17 and 24-29 age categories and seemed to reduce in ages above 36. However, violence increased for men from 30 years and reduced for women.

Chart 3: Age

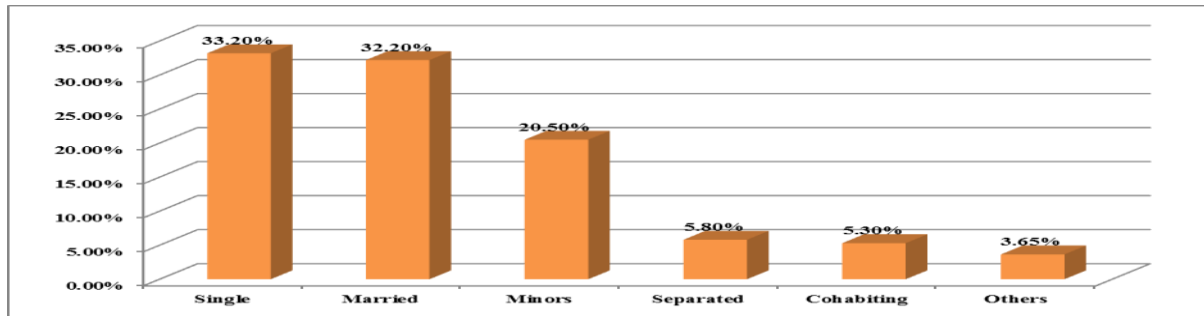


Source: Field data 2013/2014

4.3.3: Marital Status

Marital status was not a significant factor in SGBV- married and single people had an almost equal chance of facing violence.

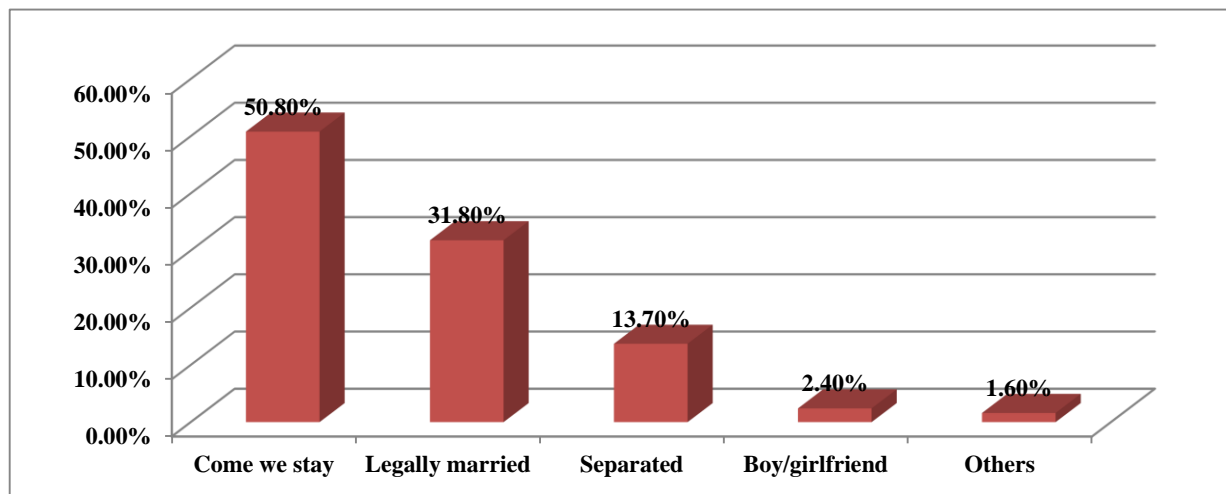
Chart 4: Marital Status



Source: Field data 2013/2014

4.3.4: Nature of intimate relationship

Chart 5: Nature of intimate relationship



Source: Field data 2013/2014

The following types of intimate relationships emerged: *Come we stay*⁴⁷ and legal marriage. *Mpango wa kando*⁴⁸, widowed, divorced and *threesome*⁴⁹ are in the others category. Violence was common (50.8) per cent in come we stay relationships. The high rate of violence can be attributed to: Lack of commitment to children and financial needs and insecurity by either of the intimate partners.

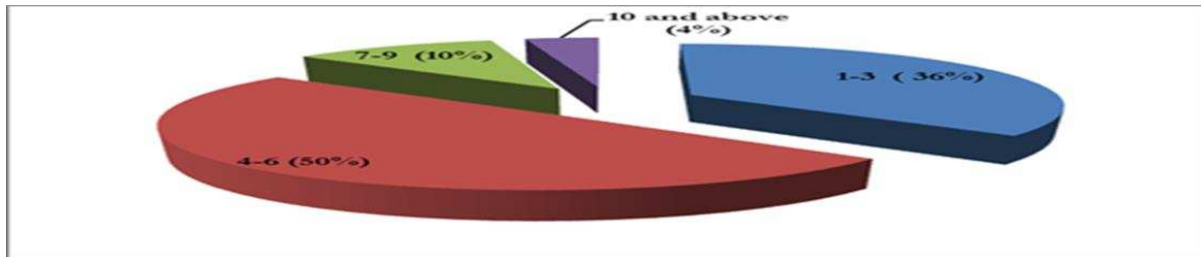
⁴⁷ In this type both partners believe they are married

⁴⁸ Refer to relationships where a man/woman stays with a woman/man yet still in a legal union with the wife/husband. It may be the case that the woman/man has no idea of the existence of the other woman/man and considers her/himself married yet to the man/woman the man/woman in her life has no intentions of being in a long term relationship “marriage” with this woman/man and never makes his/her intentions known].

⁴⁹ A married man/woman who brings a girl/woman or boy/man friend to his matrimonial home/bed in the full glare of the spouse (this act is in itself a form violence against the “regular/legal”

4.3.5: Number of children

Chart 6: Number of children



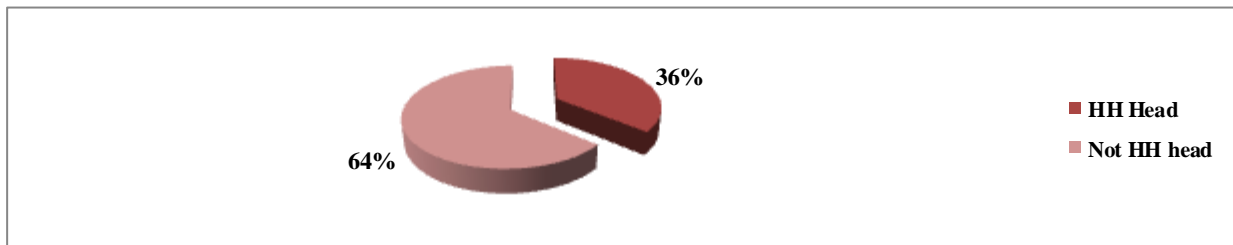
Source: Field data 2013/2014

Violence increases with more children, 50 per cent of the survivors had between 4-6 children. It can be summarised thus: the higher the number of children the more the violence.

4.3.6: Household head

Most survivors' (64) per cent reported that they were not household heads

Chart 7: Head of Household



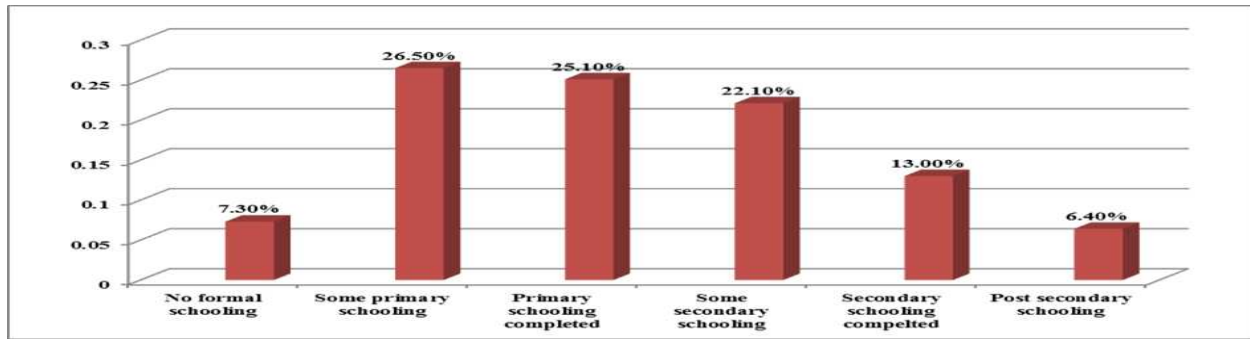
Source: Field data 2013/2014

4.3.7: Level of education

Majority of the survivors had low levels of education (26.5 and 25.1 per cent with some primary⁵⁰ and primary education respectively), 22.1 and 13 percent had some secondary and secondary education respectively). The levels of education reflect the geographical areas (informal urban settlements) where the study was conducted but do not show any link between the survivors levels of education and violence.

⁵⁰ Survivors dropped off before completing primary education

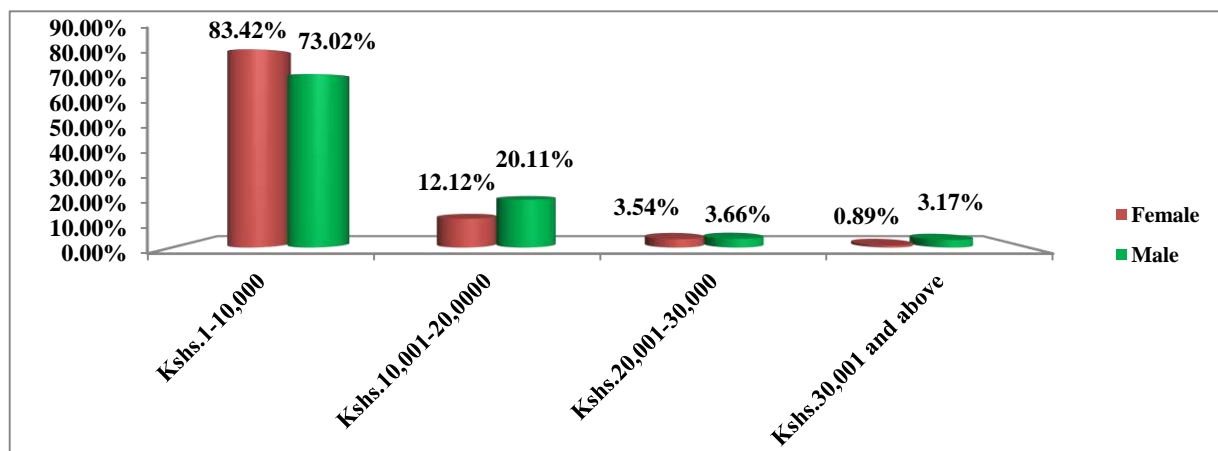
Chart 8: Level of Education



Source: Field data 2013/2014

4.3.8: Monthly income

Chart 9: Level of Education



Source: Field data 2013/2014

The findings show that most survivors both male (83.4) per cent and female (73) per cent had less income of between Kshs.1-10,000. By inference the less the income, the more the violence.

4.3.9: Occupation

Most of the survivors (44.2) per cent were casual workers⁵¹. Survivors reported that they could go for many days without getting any odd job to do.

⁵¹ Unreliable and odd jobs that enables one earn income

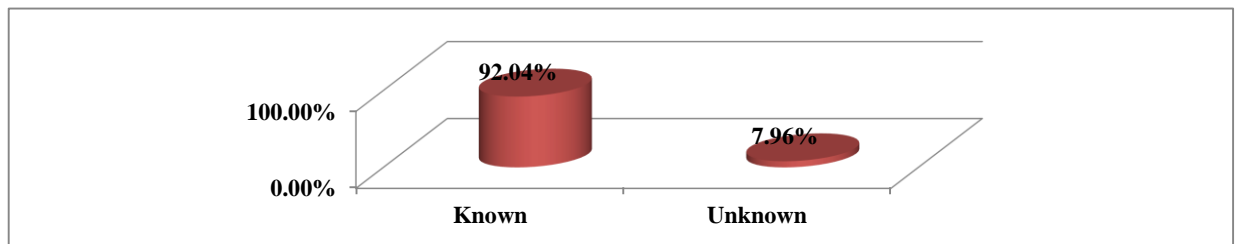
Chart 10: Occupation



Source: Field data 2013/2014

4.4: PERPETRATORS OF VIOLENCE

Chart 11: Perpetrators



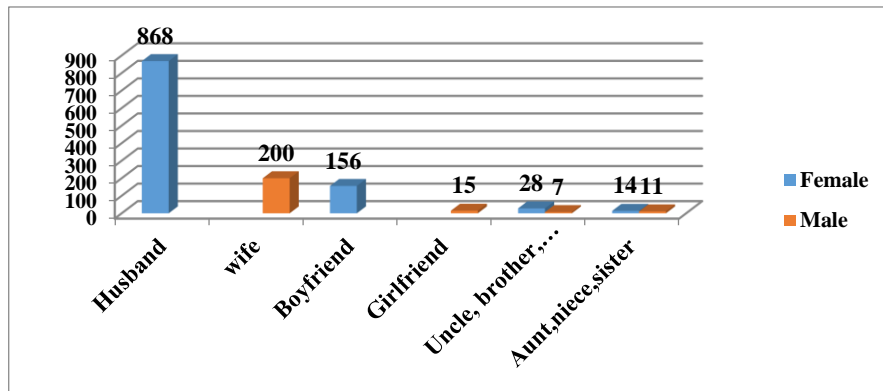
Source: Field data 2013/2014

Perpetrators of violence are mostly known to the survivors. They comprised close relatives and acquaintances.

4.4.1: Perpetrators by Count

Most perpetrators are men in their roles as husbands, boyfriends and relatives. There is also female on male violence in intimate relationships, 200 husbands and 15 boyfriends reported that their wives and girlfriends were the perpetrators.

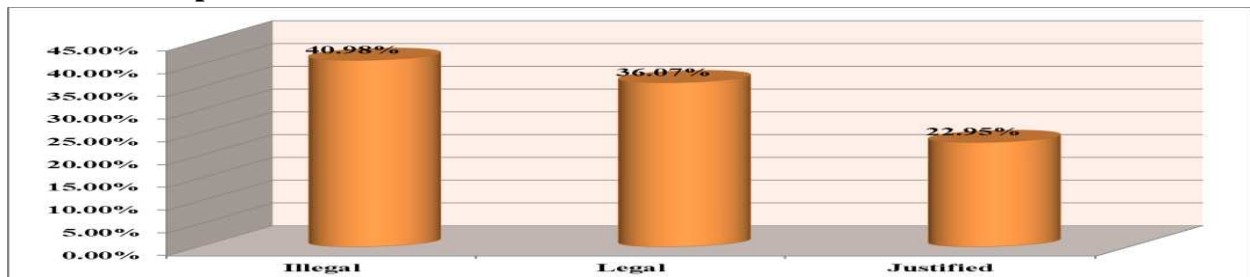
Chart 12: Relationship between survivor and perpetrator by gender



Source: Field data 2013/2014

4.4.2: Perpetrators views on violence

Chart 13: Perpetrators views on violence



Source: Field data 2013/2014

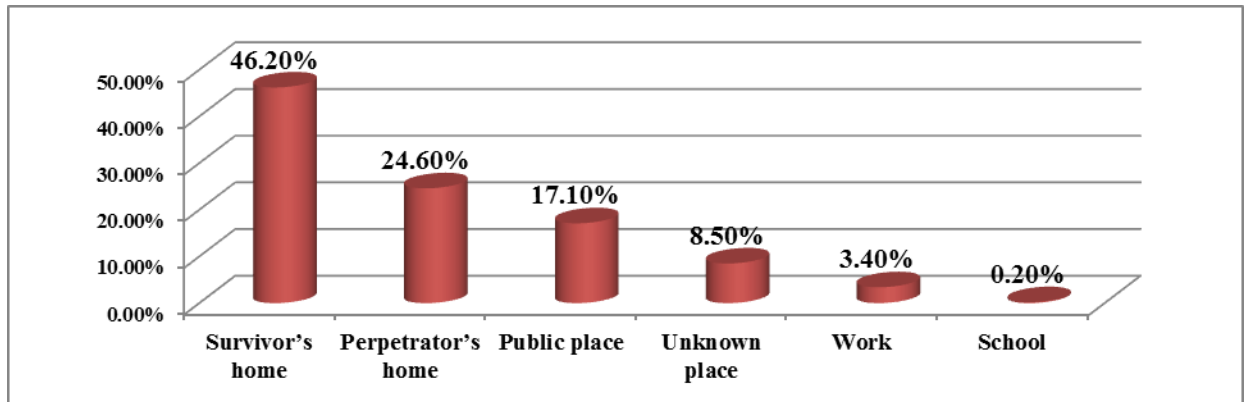
Most perpetrators (41) per cent know that violence is illegal yet do it with impunity, 36 per cent viewed it as legal⁵² and 23 per cent pointed out that violence was justified based on the survivors actions or reactions.

4.4.3: Place of violation

Most of the survivors (46) per cent were violated at their homes. Intimate partner survivors were also violated in their shared residences as shown in 4.4.3a.

⁵² Legality was interpreted in the cultural sense hence whatever, their culture allowed was legal.

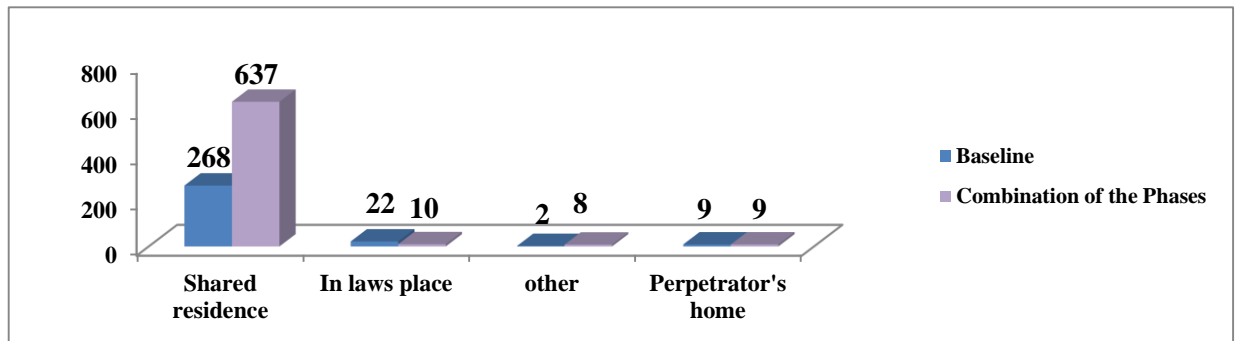
Chart 14: Place of violence



Source: Field data 2013/2014

4.4.3a: Intimate partners place of violence

Chart 14: Place of violence of intimate survivors



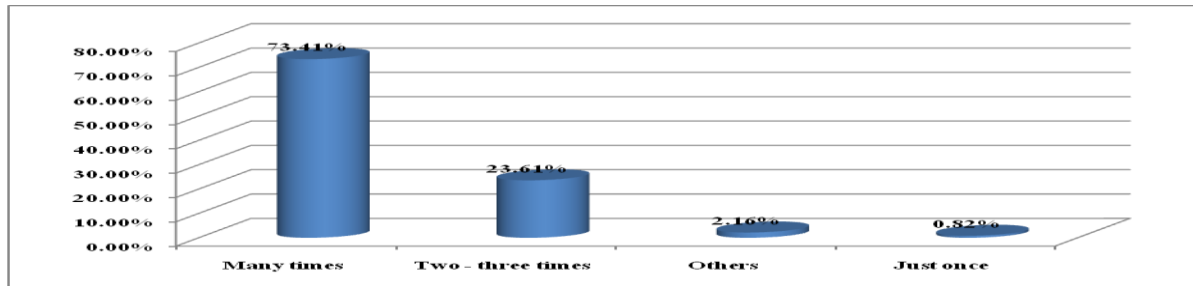
Source: Field data 2013/2014

At the baseline and the follow up phases herein referred to as combined phases, violence was, mainly meted in shared residences with 268 counts at the baseline and 637 counts in the four follow ups.

4.4.4: Frequency of violence

SGBV is frequent and repetitive as reported by 73.4 per cent survivors.

Chart 15: Place of violence

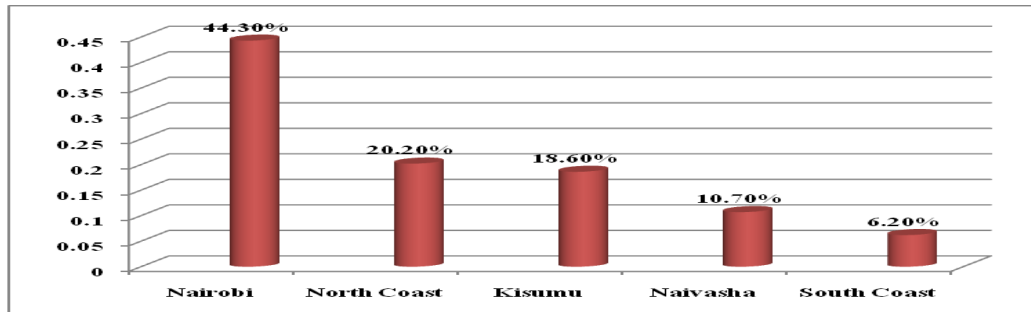


Source: Field data 2013/2014

4.4. 5: Prevalence of Violence

Most of the violence cases were reported in Nairobi (44.3) per cent specifically at the Nairobi Women’s GVRC. This can be due to the publicity of the facility. The national GVRCs should therefore publicise their services to increase the public’s access to them.

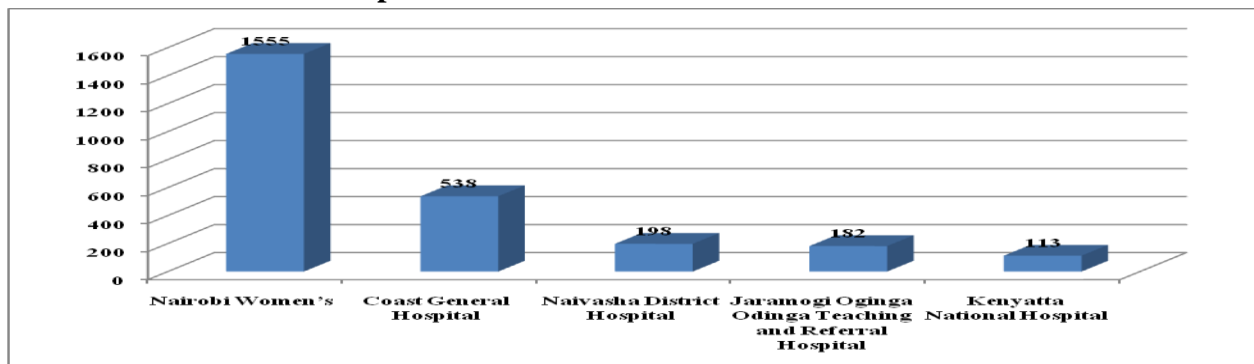
Chart 16: Prevalence of violence



Source: Field data 2013/2014

4.4.5a: Violence cases reported to GVRCs

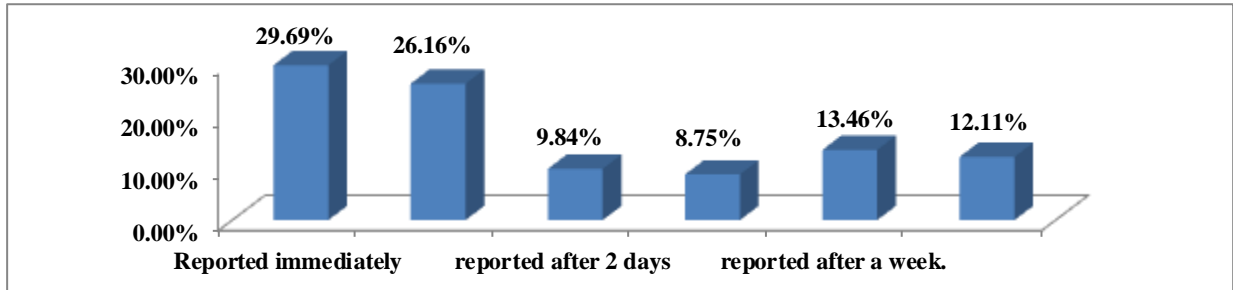
Chart 17: Violence cases reported to GVRCs



Source: Field data 2013/2014

4.4.6: Period Taken Before Reporting

Chart 18: Period Taken Before Reporting



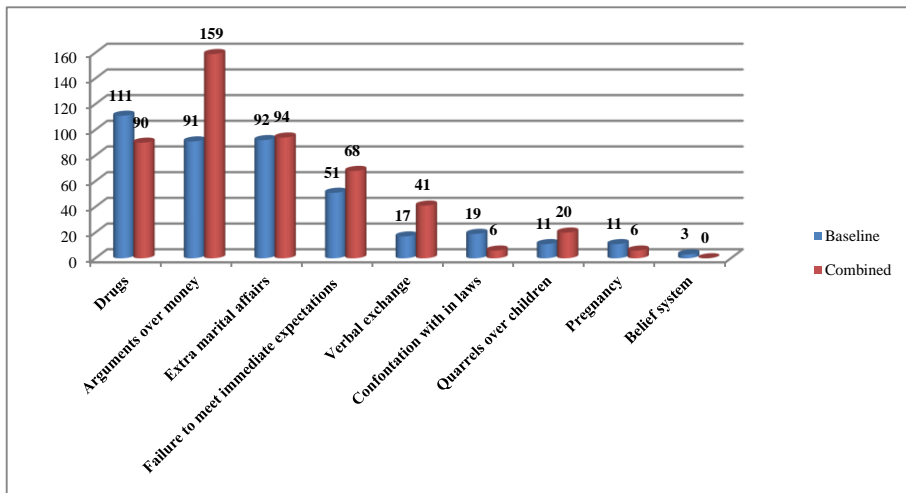
Source: Field data 2013/2014

Majority of the survivors reported immediately. This shows that the survivors seem to be aware of the prevailing legal requirements where cases of violence especially sexual should be reported within 72 hours.

4.5: TRIGGERS OF VIOLENCE

4.5.1: Survivors’ and Perpetrators Perspectives of Triggers of Violence

Chart 19: Survivors’ and Perpetrators Perspectives of Triggers of Violence



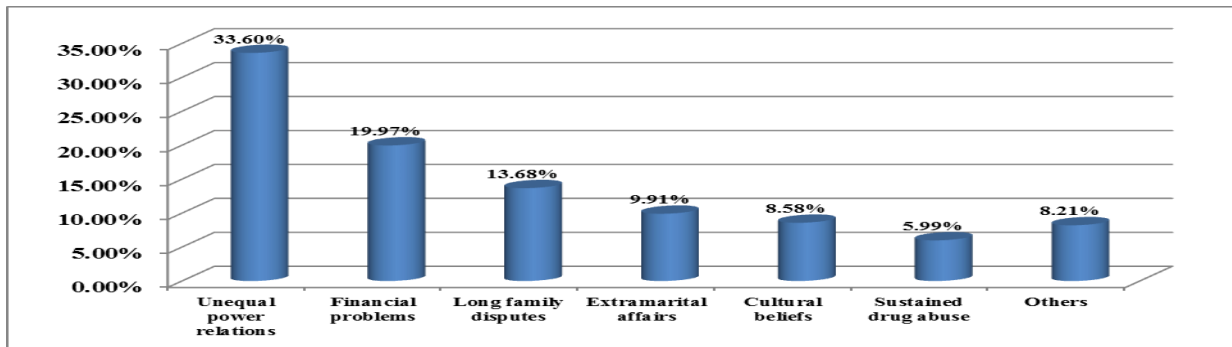
Source: Field data 2013

A trigger refers to a something that leads to a reaction or a development which is usually bad. In this case violence. The 303 intimate survivors and 64 perpetrators reported drugs which include alcohol, *muguka*, *veve*⁵³, and marijuana, extramarital affairs, arguments over money, confrontation with in laws, failure to meet expectations, verbal exchange, and quarrels over children as triggers of violence. They seemed to be similar safe for cultural beliefs and bad company which were mentioned by the perpetrators.

4.5.2: Causes of SGBV

Causes of violence were described based on the triggers earlier identified. Unequal power relations⁵⁴ emerged as main cause of violence reported by 33.65 per cent. Other causes were: Financial reasons (19.97) per cent, long family disputes (13.68) per cent, extramarital affairs (9.91) per cent, cultural beliefs (8.58) per cent and sustained drug and substance abuse (5.99) per cent.

Chart 20: Causes of SGBV



Source: Field data 2013/2014

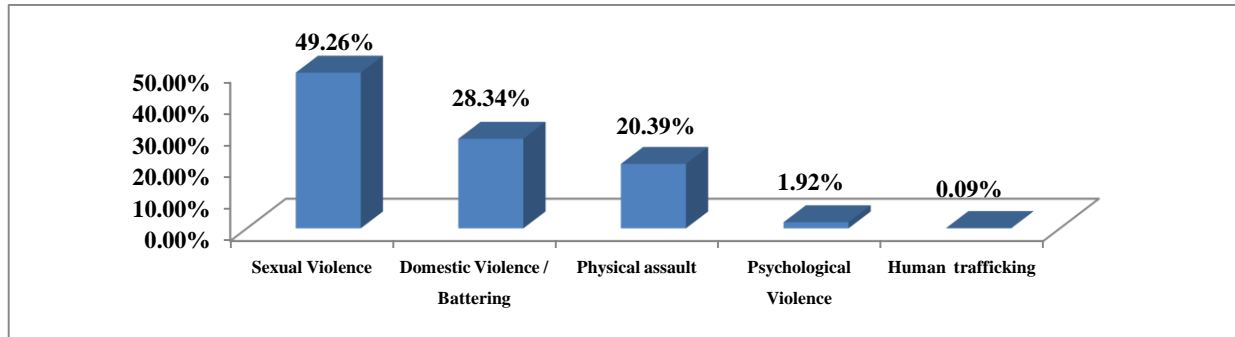
4.5.3: Forms of Violence

Majority, 49.26 per cent (n=3118) reported sexual violence. Domestic violence was reported by 27.89 per cent (n=1801) and physical violence by 20.37 per cent (n=1317). Psychological violence reported by 1.92 per cent (n=124) and 0.09 per cent (n=6) human trafficking. Disaggregated data between age and sexual violence showed that children’s (0-17 years) cases were highly reported and peaked between 12-17 years.

⁵³ Khat

⁵⁴ Refers to a situation where survivors attributed violence to the fact that the perpetrator had power over them as breadwinner, head of household/cultural head or physically stronger

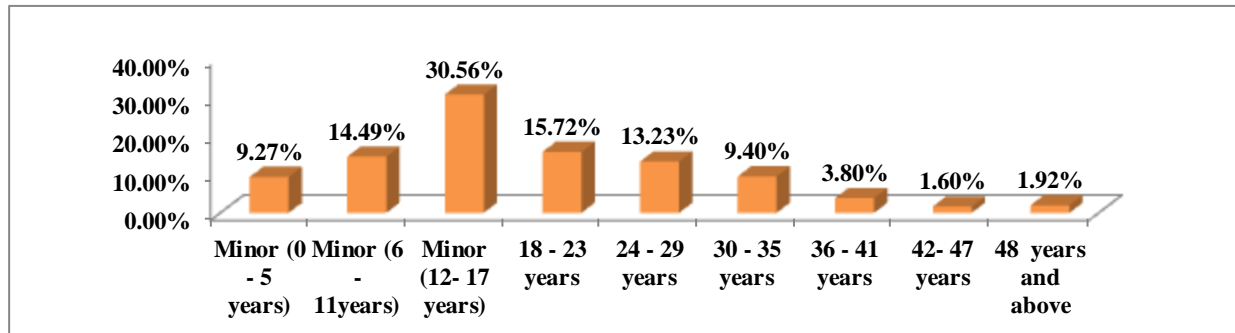
Chart 21: Forms of SGBV



Source: Field data 2013/2014

4.5.4: Sexual violence by Age

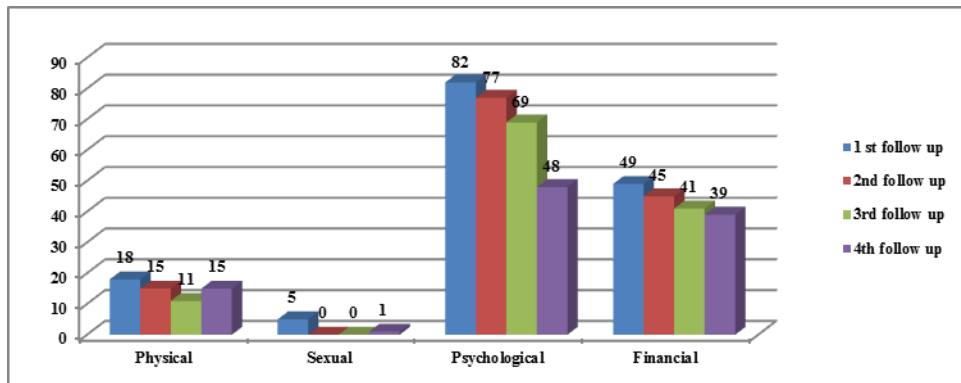
Chart 22: Sexual violence by Age



Source: Field data 2013/2014

4.5.5: Trends of Forms of Violence in Intimate Relationships

Chart 23: Trends of Forms of Violence in Intimate Relationships

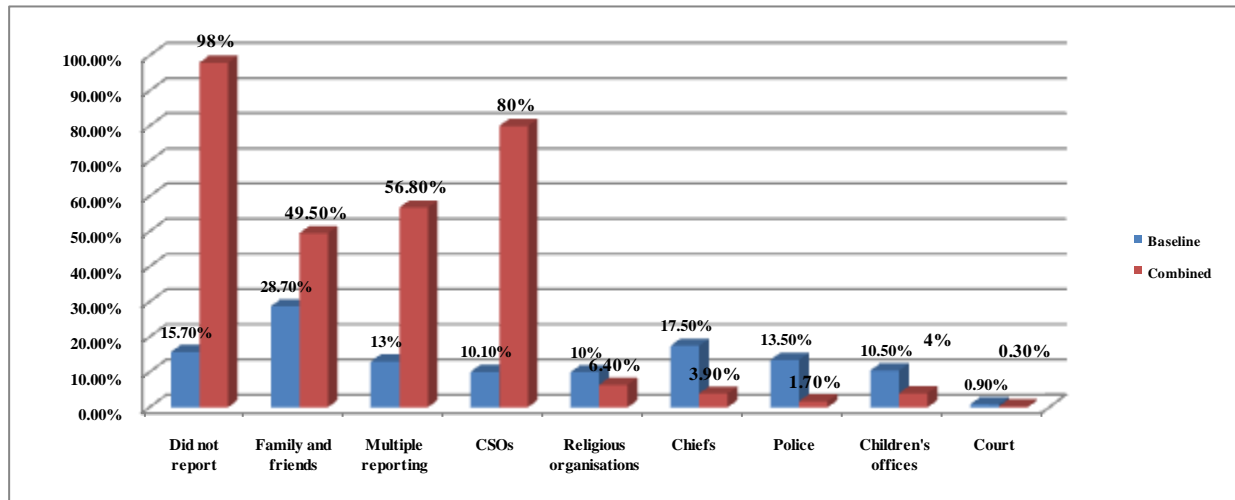


Source: Field data 2013/2014

The various forms of violence meted on the partners persisted throughout the follow ups. The chart indicates remarkable reduction in psychological and financial violence in the intimate partner relations (IPV). However, physical and sexual violence seemed to be constant throughout the follow up period. Reasons for the reduction as provided by the intimate partners included: Counselling of survivors and some perpetrators by CBO members: changed the survivors views to violence, fear the perpetrators had on learning that survivors had reported, sensitization of survivors on SGBV and their responsiveness and involvement of perpetrators changed their perception to violence.

4.5.6: Place of reporting

Chart 24: Place of reporting



Source: Field data 2013/2014

Most IPV's did not report to state actors. The IPV's mainly reported to family members, friends and relatives and other non-state actors. Others reported to more than one avenue (multiple reporting). Failure to report or minimal reporting to state actors was attributed to:

- ✚ Fear- the survivors feared as they are often threatened by the perpetrators
- ✚ Dependence- most survivors reported that they solely depended on their partners for their survival and that of their children.
- ✚ Relatives: avoid antagonising close relations.
- ✚ Crimes are bail able
- ✚ Cost of reporting: expensive / time consuming and some of the reporting avenues demanded for bribes
- ✚ Emotional attachments: intimate partners “love” - alternatively hoping that the situations would change at some point.

- ✚ Apathy: Many a time the reporting avenues do not act in any way to help the survivors - deemed as a waste of time and many choose to develop own mechanisms to avoid violence

4.5.6: Factors Influencing Reporting of SGBV

Accessibility

The survivors reported that state actors were not easily accessible with 58 percent reporting that the police were accessible and 32 percent reporting that courts were accessible. There were higher proportions who reported that the non- state actors were easily accessible (86 per cent reporting ease of access to relatives, 81 per cent to parents, 79 per cent to neighbours and another 79 per cent to village elders 73 per cent to religious leaders and 65 per cent to support groups).

ii) Form of Violence

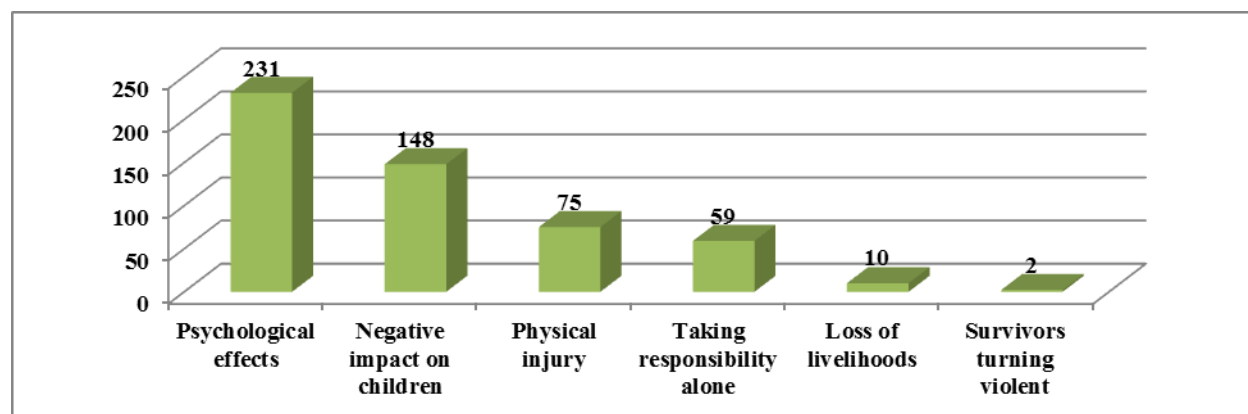
Form of violence influences place of reporting. Accordingly, there seems to be a higher reporting for crimes that have a physical impact (366) on the survivor than those with emotional or social implications to the police. Sexual violence was mainly reported to hospitals (2235).

iii) Other factors

It emerges from the findings that honesty, ability to get assistance (and proximity are key factors that determine reporting of violence cases.

4.5.8: Effects of violence

Chart 25: Effects of violence



Source: Field data 2013/2014

Most survivors (231 by count) were psychologically affected by violence. They suffered from low self-esteem, stress, felt withdrawn and some harboured suicidal and homicidal thoughts.

Children also were also affected by violence (148 by count)-they lacked respect for their parents, dropped out of school and did not have good environments for upbringing.

4.4: ROLE OF NON-STATE ACTORS IN SGBV



Source: Kibera Women for Peace and Fairness (2013)

The CBOs used a variety of awareness strategies including paralegals who advise the survivors on their legal rights and available options upon being violated and films, *barazas* and workshops. The study also noted that there was considerable networking among the actors⁵⁵. However, CBOs were faced with the following challenges:

- ✓ Handling perpetrators who were ‘prominent members of the community’. Such people defied summons and actually threatened the CBO members. This coupled with

bribery often meant that no action was taken against them.

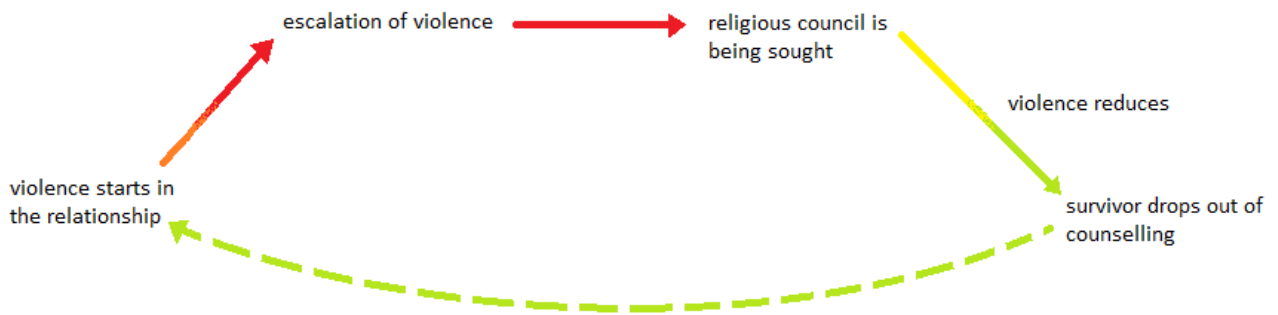
- ✓ Lack of safe houses to refer survivors. Though a number of safe houses are actually run by NGOs/CBOs, the study noted that the demand is overstretched and sometimes turn back survivors whose cases are thought to be “*not very serious*”.

Role of Religious Leaders

The study noted that both Imams and church leaders play an active role in counselling the mainly women survivors and sometimes perpetrators who respond to their summons. Generally religious

⁵⁵ For instance MSF Belgium cited cases in which they would refer cases to CREAM for legal services since they only did counselling and treatment.

leaders discourage survivors from taking legal action except in very few extreme cases of assault in preference for reconciliation.



It was also noted that in cases where both survivors and perpetrators believed that the violence was as a result of witchcraft or other superstitious beliefs, they were more likely to consult religious leaders and accept their verdict. They do not document issues of SGBV as such cases are seen as confidential or that documentation might compromise reconciliation. Religious institutions are also involved in rescue activities, creating the need for authorities to involve them in survivor rescue. Survivors are hosted within the church compound and or facilities or are in case of children are housed with the family of the religious leaders or place the survivors in the homestead of one of the trusted members an arrangement which is often done with regard to female survivors, who are often placed with female hosts. All these forms of arrangements are however temporary and their effectiveness depend on how fast the case is solved. There are also cases where the church rented houses for the survivors for some short term or gave them money to go back to their rural homes, especially in urban areas.

Apart from Imams, the other religious leaders condemned divorce and even cited the call for divorce by survivors as a challenge to their work. They see their roles as being solving the problem and holding the family together (in line with religious teachings) rather than justice for the survivors. At the same time, though imams were more tolerant to divorce, they equally did all they could to avoid it and prescribed it as a last option. Religious institutions were also involved in mitigating the impacts of SGBV on the children. In cases where violence results into separation or situations where children are starved of school fees, religious institutions often intervened to ensure that the children continue with school and doesn't drop out or engage in drugs/early marriage.

A number of the religious organization reported that they participate in discouraging gender based violence by teaching their faithful about peace and love, both at the family and community level. They also engage couples in marriage counselling and guidance. They similarly have youth forums targeting specific categories like men,

women, boys and girls where they teach them about peace/love. Such programs are

meant to particularly discourage men from violence.

Role of the Schools

The study noted that SGBV is very rampant in schools with a school in Mombasa reporting between 2 to three cases every week. The perpetrators include fellow children, relatives and the community members. Whereas most survivors are female lured by promises of money and small gifts, there are a number of cases where the survivors are male children. It was noted that teachers handle SGBV at two levels:

- ✚ When the perpetrators are fellow children in rape and sexual molestation, cases of anal sex, whether consensual or not.- they involve parents in punishing and counselling these children.
- ✚ When the perpetrator is a community member, or the family, children are often unwilling to speak out for fear

of victimization. In some cases where parents were the suspects they even transferred their children from the schools if they thought that the schools were considering action against them. Parents often collude with perpetrators and accept cash payment to ‘forgive. Teachers only fully handle cases in which both the survivor and perpetrator are pupils.

- ✚ Schools refer children to hospitals, the police and the chiefs. They also summon parents and warn them. However, a key challenge teachers experience is that some parents want cases settled out of court. They also intimidate their children against reporting

Box 1: Verbatim quotation from a survivor

“...child abuse by parents is very common here.... you find that the children are not provided for foods, chores are passed on to the young especially in cases where there is divorce. Rape of daughters by fathers, neighbours or even strangers is fairly common, in most cases the teachers are the once that note these changes, for instance the girls change in walking style and also behaviour. The sad part of these cases is that the girls report that their mothers often get to know but conceal the information in to protect their husbands. Boys also do not escape violence, you find that they are sodomised by fathers, classmates or community members outside or even at school, for example; there is a boy in class seven now who was found sodomising another in a different class. He said that he had watched a pornographic movie and was trying what he saw”.
Tr. Kamau Enock (not his real name)

The study noted that all the schools had guidance and counselling teachers who

sometimes discuss SGBV but the discussions are impersonal and involve a high number of students per sessions making

it difficult to attend to individual cases. Most students prefer the class teachers who are always in contact with them and with whom they have developed trust. Teachers play a huge role in mitigating and promoting

awareness on SGBV, the dangers of being perpetrators and the rights dimension of SGBV, with a focus on children's rights as well as on the necessary steps to take when violated.

5.0: INFORMAL YOUTH FORMATIONS (IYFs) AND SGBV

The major finding was that IYFs are evolving in response to changes in line with post 2007/8 PEV socio-political environment. The government crack-down on unregistered youth movements has led to a situation where most have registered and identify themselves – help youth groups with socially acceptable objectives. This serves as a smokescreen for their more sinister pursuits as criminal gangs for hire. It was also noted that IYFs did not show partiality or consistent commitment to any particular politician or cause- they are available to offer services for whoever pays them the most. They are contextually functional and “fill mostly security gaps” as community vigilantes and even cooperate with police in this role- with the latter’s full knowledge of their criminal face.

With regard to how they organize they still retain highly punitive internal mechanisms of upholding group discipline that include oaths’, torture/killing of errant members. They largely target male youth for recruitment and membership but are increasingly recruiting female youth. Women membership is in part a response for demand for their services when such IYFs are hired to deal with SGBV cases- when that happens women members tend to act where violators are fellow women. The youths are often approached by members of paying public to deliver “instant justice” on an “offender”, often through violence.

In Kisumu some groups were hired as “professional mourners” and the charges were negotiated with each mourner earning 3000 shillings per day. Mourning services are offered to anybody willing to pay. Mortuary attendants also help them to identify potential clients.

Politics remains a critical area of operation. The groups admitted to having fallen prey to political machinations during election periods. The description of their engagements and entanglement with politicians revealed dangerous, threatening, and frequently harmful activities done at the behest of some politicians. The occurrence of general violence was associated with other dividends and outcomes emanating from politicians, business people and individuals who were willing to pay for favours both big and small. This speaks to the fact that in situations of the socio-economic deprivation, politics occasionally interacted with poverty and community disorganization allowing them to engage in untoward behaviour that benefitted them and the politicians that engaged them.

Relationship with politicians was one sided, predatory and exploitative since it hardly translated into change of condition. The groups reiterated that the acts of violence they carried out in 2007 were of higher magnitude compared to the 2013 elections that witnessed low extent of violence. In the 2013 elections, the groups were hired to disrupt campaigns and rallies by throwing stones which saw many of them get hurt.

According to them, all they needed was money and therefore did not hesitate when an opportunity presented itself. A group in Kisumu reported that the politicians were charged at least 150,000 shillings and non-politicians 75,000 shillings. Group F averred that there were instances in which they took money offered by aspirants who wanted to take down their opponents as well as from the opponents themselves though they tried to ensure that none of them smelt any foul play.

IYFs were involved in violence at the family level where they would beat their spouses. This was fuelled by the high level of peer pressure in the groups and the struggle to conform to the norms. Others reported that they would beat up men whom they suspected of having affairs with their wives *“to teach them a lesson”*. The youths noted that because of their activities during election periods, they often stayed away for long from their families, an act that their spouses were uncomfortable with and considered as psychological violence because this equally came with neglect of economic roles to the family.

They are also involved in violating women in the streets/community mainly through rape. This form of violence takes place under the influence of drugs. A member in Naivasha notes: *“we take muguka and njugu that gives us sexual urge, we walk around and end up raping; ladies who are indecently dressed”*. They also noted that they often take advantage of the festivities and holidays periods to do all

manner of things such as responding more vigorously to cases that are reported to them because they need money. Ironically they use this money to cause SGBV by defiling young girls whom they lure with money. In most instances, they bought the girls cheap food and demanded to have unprotected sex with them.

The IYFs were hired by offended partners to ‘discipline’ offenders. They reported numerous cases where they had been hired by women to beat up their cheating husband or husbands who had physically violated them. In other instances; women hired them to beat up fellow women whom they suspected of having affairs with their husbands. Such roles were often delegated to female gang members who would only call up the men if the role overwhelmed them. In some instance, the groups reported that they could beat the perpetrators to death. However some of the groups reported that they had good working relationships with law enforcers in which case they would refer the cases to the police after some form of instant justice which was done more as a job rather than out of passion or concern for the survivor.

The female members of the IYFs readily accepted to be *mipango ya kando* for other married men and blamed the women ‘for not taking good care of their men’. Accordingly they noted that on several occasions, they had actually beaten women who confronted them to ask about their husbands. A number of them also acted as sex workers often carrying out their sexual activities in the

presence of other gang members to ensure that the 'service seeker' didn't default in payment. Anybody who refused to pay was often beaten by the women gang members. It was noted that women in the IYFs hide under the disguise of women being weak to perpetrate violence against men.

On a more positive side, IYFs were willing to participate in community efforts to prevent and mitigate SGBV in all the 5 research sites by working with the resident CBOs. Collaboration mechanisms would include IYFs:

- ✦ Acting as linkages between the community, police and chief
- ✦ Referring violence cases to the CBOs.
- ✦ Using their internal discipline mechanisms for errant members to ensure that their members do not engage in violence.
- ✦ Acting as security agents in the neighbourhood in collaboration with chiefs.
- ✦ Creating awareness and civic educators to children and youth in the community on their rights and how to uphold them.
- ✦ Availing perpetrators for rehabilitation and counselling and ensuring they complete agreed activities with them.

6.0: CONCLUSION AND RECOMMENDATIONS

From the foregoing rendition of findings, we may conclude that:

- SGBV is a continuum in the lives of mainly women and girls and not tied to erratic events or socio-historical circumstances - which makes it necessary to systematically tackle its structural nature and dimensions
- Trends show a rise in reported cases of SGBV for men and boys in particular at ages 0-11 and of men over 30 when more boys suffer violence than girls/women of the same ages and sharp increases of cases of girls between 11 and 17 compared to boys peaking for young women of 24 to 29. This calls for targeted measures in line with changing patterns of violence.
- Since overwhelming majority of SGBV happens at home/residences of survivors or/and of perpetrators related to survivors, and most perpetrators are known/related to survivor policy and actions need to focus more on the home and relationships between women and men/boys and girls
- That perpetrators of violence against girls, women and boys are mostly men who are aware that they are breaking the law but act with impunity in the exercise of their socio-economic and physical power over their victims necessitates stricter law enforcement and measures to increase access of survivors to justice.
- Persistent weak coordination of anti SGBV response and subsequently inadequate implementation of the law, policies and action plans/programs exacerbates SGBV
- Key players in prevention, mitigation and care and support of survivors such as CBOs and FBOs largely operate on the margins of official (government) policy legal mechanisms, unrecognized and unsupported.

In view of the above we recommend the following below:

General Recommendations

- ✚ Government takes the lead at utilizing existing evidence to understand the root causes of persistence of SGBV in Kenya as well as fill gaps in such evidence and use it to coordinate prevention and response mechanisms.
- ✚ Government leads in strengthening SGBV coordination and partnerships to implement SGBV laws, policies/action plans in place and enforce the law to protect in particular women and girls from SGBV

- ✚ Government unequivocally commits to addresses needs of 2008 PEV SGBV survivors in line with recommendations of the TJRC report.

Specific Recommendations

- ✚ State and non- state stakeholders work collaboratively to streamline “GBV management system” at all levels through provision of resources, appropriate capacity building of actors at different levels to effect integrated teamwork across sectors.
- ✚ Equip police with skills and better facilities (such as forensic laboratories) to be able to pursue justice for survivors and victims. Recognize and support community level institutions (such as CBOs and FBOs) that are currently involved in handling cases of SGBV
- ✚ Review policy and action plans to actively target the mainly male perpetrators of violence and those showing potential to be perpetrators such as members of Informal Youth Formations for sensitization and mobilization to become part of the prevention and mitigation programs.
- ✚ State and none- stake actors’ work collaboratively to provide safe houses for (in particular women and girls’) survivors of SGBV in all counties to act as transitional homes as their cases as still being handled.
- ✚ Develop a national integrated data management system that accesses data from all SGBV stakeholders and actors
- ✚ Incorporate knowledge on SGBV in the syllabus to create awareness on SGBV from early stages and enhance action on their part in case they fall victims.
- ✚ Increase availability and public awareness and knowledge of services for SGBV survivors such as government GVRC centres- every county (to begin with) needs to have a fully equipped GVRC with outreach and referral mechanisms with CBOs/NGOs, FBOs handling SGBV.

APPENDICES

Appendix 1: Socio-demographic characteristics

Variable	Number	Per cent
Sex		
Female	5254	82.5
Male	985	15.8
More female (82.5%) than male (15.8%) were affected or reported		
Age		
0-5	328	5.3
6-11	545	8.7
12-17	1198	19.2
18-23	1039	16.7
24-29	1443	23.1
30-35	921	14.8
36-41	455	7.3
42-47	173	2.8
>48	137	2.2
SGBV incidence is affected by age (Peaks 11-17, 24-29) <36 and men>30		
Marital status		
Single	2070	33.2
Married	2011	32.2
Children	1280	20.5
Separated	360	5.8
Cohabiting	328	5.3
Others	190	3.7
Marital status not significant		
Nature of intimate relationship		
Come we stay		50.8
Legally married		31.6
Separated		13.7
Boy/girl friend		2.4
Others		1.6
More violence in <i>come we stay</i> relationship		
Number of children		
1-3	429	36

4-6	595	50
7-9	127	10
>10	45	4
Violence increases with more children (the higher the number of children the more the violence)		
Household head?		
Head of household	430	36
Not a household head	765	64
Most survivors not Household heads		
Highest Level of education		
No formal schooling	388	7.3
Some secondary schooling	1651	26.5
Primary schooling completed	1564	25.1
Some secondary schooling	1347	22.1
Secondary schooling	811	13
Post -secondary schooling	404	6.4
Majority had low levels of education which reflected the education levels in informal urban settlements where the study was conducted but does not show any link between the survivors levels of education and violence		
Monthly income		
Kshs.1-10,000	978	81.8
Kshs.10,001-20,000	160	13.4
Kshs.20,001-30,000	43	3.6
Kshs>30,001	15	1.3
The less the income, the more the violence		
Occupation		
Casual workers	2070	44.2
Student	1381	29.5
Unemployed	584	12.5
Employed	382	8.2
Farmers	235	5.1
Sex workers	32	0.7
Most violence was reported by casual workers		

Source: Field data 2013/2014

Appendix 2

Number	Number	Percent
Perpetrator		
Known	1225	92
Unknown	106	8
Perpetrators of violence are mostly known to the survivors. They comprised husbands/wives relatives, neighbours, boy/girlfriends etc.		

Source: Field data 2013/2014

Appendix 3

Perpetrators views on violence		
Legal		36.1
Illegal		41
Justified		23
Most perpetrators know that violence is illegal		
Place of violation		
Survivor's home	2952	46.2
Perpetrator's home	1571	24.6
Public places	1092	17.1
Work	217	8.5
Schools	15	0.2
Most of the violence took place in the survivor's home		

Source: Field data 2013/2014

Appendix 4

How many times have been violated?	
Many times	73.4
Two to three times	23.6
Others	2.2
Just once	0.8
SGBV is frequent	

Source: Field data 2013/2014

Appendix 5

Region	Frequency	Per cent
Nairobi	2763	44.3
North Coast	1259	20.2
Kisumu	1160	18.6
Naivasha	669	10.7
South Coast	388	6.2
Total	6239	100

Appendix 6

Causes	Numbers	Per cent
Unequal power relations	455	33.65%
Financial problems	270	19.97%
Long Family disputes	194	13.68%
Extramarital affairs/ infidelity	134	9.91%
Sustained Drug abuse	81	5.99%
Verbal or psychological provocation	116	8.58%
Others	102	8.21%
Total	1352	100%

Appendix 7

Form of violence	Numbers	Per cent
Sexual violence	1381	49.26
Domestic violence	1830	28.34

Physical assault	1317	20.39
Psychological/emotional violence	124	1.92
Human trafficking	6	0.09
Total	6458	100

Source: Field data 2013/2014

Appendix 8

Place of reporting	Sexual violence	Domestic violence	Physical violence	Psychological violence
Hospital	2235	171	386	
Police	365	176	366	
Chief	115	281	166	
Children's office	57	96	68	
Schools	31	23	21	
Non-state actors	378	1083	310	124

Source: Field data 2013/2014

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