



**EXPLORING THE INTERVENTION EFFORTS IN HELPING WOMEN  
SURVIVORS OF SEXUAL VIOLENCE IN THE AFTERMATH OF THE  
2007/2008 POST- ELECTION VIOLENCE IN KISUMU COUNTY,  
KENYA**

**Submitted by**

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## DECLARATION

I, Esther Mwangeli Makau, declare that this thesis is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. I confirm that an external editor was used and that my supervisor Dr. Janet Muthuki was informed of the identity and qualifications of my editor. The thesis is being submitted for the degree of Doctor of Philosophy in the Faculty of Humanities, School of Social Sciences, University of KwaZulu-Natal, South Africa. None of the present work has been submitted previously for any degree or examination in any other University.

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Date:

## **DEDICATION**

This thesis is dedicated to my daughters Eglah Shukrani and Josephine Achauni for their patience and sacrifice.

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## LIST OF ACRONYMS

CIPEV	Commission of Inquiry into the Post-Election Violence
CREAW	Centre for Rights Awareness and Education
UNHCR	United Nations Higher Commissioner for Refugees
IASC	Inter-Agency Standing Committee
UNFPA	United Nations Fund for Population Activities
UNESCO	United Nations Educational Scientific and Cultural Organization
PNU	Party of National Unity
ODM	Orange Democratic Movement
IDRC	International Development Research Centre
ECK	Electoral Commission of Kenya
UNIFEM	United Nations Development Fund for Women
DWELE	Development Work in Education, Livelihood and Environment
UNSC	United Nations Security Council
ICC	International Criminal Court
ACORD	Agency for Cooperation and Research in Development
PEP	Post-Exposure Prophylaxis
DFID	Department for International Development (UK)
CDC	Centre for Disease Control
UNICEF	United Nations Children's Fund

IRC	International Rescue Committee
USAID	United States Agency for International Development
GVRC	Gender Violence and Recovery Centre
MYWO	Maendeleo Ya Wanawake Organization
NCWK	National Council of Women of Kenya
GBM	Green Belt Movement
KPU	Kenya People's Union
NARC	National Rainbow Coalition
NAK	National Alliance Party of Kenya
LDP	Liberal Democratic party
NCCK	National Council of Churches of Kenya
KRCS	Kenya Red Cross Society
FIDA	Federation of Women Lawyers
WIFIP	Women in the Fishing Industry Programme
CSOs	Civil Society Organizations
ICAP	International Centre for AIDS, Care and Treatment
ROSCAS	Rotating Savings and Credit Associations
CEDAW	Convention for the Elimination of all Kinds of Violence against Women
COVAW	Coalition on Violence against Women

## **ABSTRACT**

During Kenya's 2007/08 post-election violence, sexual violence in form of single and gang rape was rampant with women bearing the brunt of it. The deteriorating levels of insecurity not only in Kisumu but in other parts of the country that witnessed intense violence and the inability to access support services worsened the experiences of the women who had suffered sexual violence. Many women endured immense pain as the physical, psycho-logical and socio-economic effects of the violence took a toll on them. As a result, the government and other stakeholders initiated several interventions with a view to alleviate the suffering that the female survivors of sexual violence had experienced. This study aims at exploring the intervention initiatives that were put in place to address the needs of the female survivors of sexual violence in Kisumu County. Even though research on intervention strategies for female survivors of sexual violence during and after conflict has been widely researched in countries that have experienced conflict, in Kenya, it remains under-researched. In this regard, the study utilized qualitative research methodology in order to explore the effectiveness of the intervention strategies by relying heavily on the perspectives of the female survivors of sexual violence as well as other key informants. Thirty-five women participants (survivors of sexual violence) were interviewed as well as nine key informants who were exclusive of the thirty primary participants.

The study examined how the women traversed through the various agencies in order to access the support services made to address their needs and the challenges they encountered during this process. It also examined the challenges faced by the various actors in offering support to the women, how they countered them as well as the inter-linkages that existed among them. Three theories were employed in this study: the feminist theory of rape, the conflict transformation approach and the socio-ecological model of intervention. Key study findings established are; as the women interacted with the formal support structures in finding help, in some instances, they experienced positive reactions while in other circumstances, it was adverse. However, despite the undesirable responses that they received, they were able to adopt various coping mechanisms that helped them to remain robust. In the course of the study, what was further established was that, sexual violence as was experienced by women

survivors in Kisumu County was rooted in inequality, discrimination and male domination that was rooted and engrained in indigenous Kenya, was solidified during the colonial period and transited through post-independent Kenya. Despite the intervention strategies initiated, the female survivors of sexual violence perceive themselves as a neglected category by the state whom they quantified should take the lead in addressing their plight.

**Key words:** sexual violence, rape, women survivors of sexual violence, intervention strategies, post-election violence, stakeholder linkages.

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## CHAPTER ONE

### 1. INTRODUCTION

#### 1.1 Preamble

The study's main aim is to explore the intervention efforts in helping women survivors of sexual violence in the after-math of the 2007/2008 post-election violence in Kenya with a focus on Kisumu County. Much on responding to the needs of survivors of sexual violence in armed conflict and emergencies has been documented (Dorris, 2014, Freccero, et al., 2011). However, interventions for female survivors post-conflict in the Kenyan context remain under-researched.

Following Kenya's post-election violence in 2007/08, there was an upsurge of sexual violence cases. A majority of those who had suffered were women (Masinjila, 2012). In a bid to respond to the violence, the Government of Kenya and other organizations (International and local Non-Governmental Organizations) emerged to intervene, offering support to the female victims who had suffered sexual violation in several parts of the country including Kisumu County (Commission of Inquiry into the Post-Election Violence, 2008).

My study is located in Kisumu County which is among the six counties that constitute the former Nyanza Province. Kisumu County is composed of six Sub-Counties: Kisumu East, Kisumu West, Kisumu Central, Nyando, Seme, Nyakatch and Muhoroni. My decision for choosing it is based on the fact that it is one of the Counties where women suffered gross sexual violations in the hands of state security agents, gangs, neighbors, supposed friends and even by individuals working in the Internally Displaced People's Camps (CIPEV 2008, Masinjila, 2012). In addition, with regard to sexual violence, the region (Nyanza region) of which Kisumu is part of, has the highest number of women aged fifteen to forty nine years who have experienced physical violence at fifty six percent, sexual

violence at 31.6% and emotional violence at 38.7% in the country ( Kenya Demographic and Health Survey, 2008-2009).

Despite efforts that have been put across in order to support the women who have suffered sexual violence after conflict especially in the African region, effective implementation of these interventions has been curtailed by such factors such as lack of commitment by governments in power, corruption and mismanagement of resources designed to assist the survivors ( Kristen, 2008).

This thesis explores the effectiveness of the intervention initiatives aimed at supporting the women who experienced sexual violence in the after-math of the election-related violence in Kisumu County. It also seeks to establish the survivors' levels of awareness in the existing interventions and the key stakeholders who have been involved in meeting the needs of the female survivors of sexual violence in the County. It further seeks to establish the challenges faced by the stakeholders in the implementation of these interventions.

The study advances that no single intervention is adequate in solving the concerns or needs that women who have suffered sexual violations exhibit in post-conflict. Instead, multiple interventions at various levels; that is, at individual, community, institutional, legal and policy are necessary (Andrew, et al., 2007). In other words, a multi- dimensional approach that incorporates medical, psychological, livelihoods, social, political and legal facilities have been recommended (Colombini, 2002). This approach encourages the working together of various actors, including grass root organizations and those involved in offering diverse formal support to the victims (ibid). Such an approach not only aims at bringing restoration to individuals but to the society at large. The study also recommends that re-construction programs be formulated explicitly to counter the entrenched male traditions that promote female segregation.

## **1.2 Background of the Study**

Sexual violence was significantly associated with the 2007/08 post-election violence that took place in Kenya (Wanyeki, 2008, Thomas, 2013). There was an indisputable increase in terms of the number of women who had been sexually violated. The number of women who sought services at Nairobi Women's Hospital is stated to have been three-fold compared to the normal intake (Centre for Rights Awareness and Education, 2008, Thomas, K. et.al. 2013). Majority of the women (ninety percent) who sought help from this facility are reported to have experienced gang rape.

Sexual violence during conflict has historically been perceived as inevitable and is nearly universal in all forms of conflict and civil strife (Leatherman, 2007 & Robinson, 1998, World Bank, 2011). It is among the five forms of gender-based violence which are: physical violence, emotional and psychological violence, harmful traditional practices and socio-economic violence (Leatherman, 2007). It is the greatest direct and precarious form of gender-based violence taking place in serious crises (Bastick, Grimm, and Kunz, 2007). It is defined as “any sexual act, attempt to obtain a sexual act, unwanted comments or advances, or acts to traffic a person's sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home or work” (Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance (IASC), 2005). The study has adopted this definition.

While both women and men are subjected to this form of abuse, the argument that women suffer more during times of conflict has been documented by several scholars (Colombini, 2002, Handrahan, 2004, Bastick, Karin & Kunz, 2007, Borer, 2009, Mukabi, 2015). The women are commonly subjected to domestic violence, mistreatment, sexual exploitation and suppression which occur at varied periods mainly from the onset of conflict to times of deportation (Garcia, 2002., Masinjila, 2008., United Nations Population Fund, 1998). This coincides with what was experienced by the women in Kisumu as highlighted in chapter five of this study.

Sexual violence in war is aimed at tormenting, shaming and punishing populations or disgracing the enemy. Sexual violence which encompasses exploitation, seizures and sexual slavery is a recognized problem and is mostly aimed at civilian women. It is estimated that during the later days of the Second World War, approximately between one hundred thousand and nine hundred thousand women were subjected to rape in Berlin (Seifert, 1994). Between twenty thousand and fifty thousand were raped in 1992 throughout the fighting in Bosnia and Herzegovina (Olujic, & Nikolic- Ristavonic, 2002, Wood, 2006).

According to the Centre for European Studies (2004), after the eruption of the war in Yugoslavia, there was massive population dislocation; the majority of whom were women and children. There were occurrences of mass rape and numerous incidences of massacres involving women and children during this war. It is estimated that close to twenty thousand women and girls were raped; there were over one million internally displaced people, majority being women (Walsh, 2000). Between fifty thousand and sixty four thousand women who lost their homes because of the conflict in Sierra Leone reported having been sexually violated by armed soldiers.

During the Rwandan genocide in 1994, two hundred and fifty thousand rapes are stated to have happened (Bijleveld et al., 2009). It is reported that approximately one million, eight hundred thousand women between ages fifteen to forty nine years old in the Democratic Republic of Congo were raped preceding the 2007 conflict (Peterman et al., 2011). In Liberia, girls as young as ten years old and elderly women were abused by soldiers and militia (United Nations Educational, Scientific and Cultural Organization (2006). The militia and the soldiers had women in diverse Internally Displaced Camps who they would abuse sexually. In exchange they would give the women money to buy food and other basic requirements. Girls and women from the marginal groups are at higher risk of being sexually abused in conflict.

According to Maja (2009), majority of women who were sexually abused during Kenya's 2008/08 post-election violence did not seek medical attention following the tension at the time.

This critically affected and added to the distress they suffered. My study focuses on rape that was experienced by women during Kenya's 2007/08 post election violence, with specific focus on Kisumu County.

Rape which is considered a central part of warfare, (Skjelsbaek, 1997) is the most widespread form of sexual violence during war/ conflict. Usually, it is not a secretive act; often, this act is committed in front of spectators and /or takes place within the public consciousness. It has been used as a way of extinguishing families and communities especially when soldiers openly rape, force members of families to witness one another's rape or compel people to rape their own next of kin. It can be used to terrify/ bring embarrassment to the entire group within a populace. This was the case in Bosnia where Serbian soldiers deliberately freed some women from the detention centers, also known as "rape camps" to promulgate fear and aggravate the flight of Bosnians from their homes (Folgegovic- Smalc 1994, Basic, Grimm, and Kunz, 2007).

There are several definitions of rape. The Unites States Common Law defined rape as "an act of enforced intercourse by a man of a woman without her consent" (Freda, et al., 2004). This study has however adopted a more inclusive definition of rape as it is given under the Kenyan Law, whereby "rape includes both the forceful and unlawful penetration of another person's genitals without consent as well as fraudulent acquisition of consent" (Government of Kenya, 2006).

Rape in war has been regarded as one of the plunders (Navarro, 1999), as a motivation for combatants to solicit, or a method to rejoice success in battle (Chesterman, 1997). Rape occurring during war time is targeted to persons not only based on their political affiliation but distinctively also because of their gender (Park, 2007). Women have been exposed to rape by men from all sides of the conflict-both adversary and friendly forces including their own neighbors. Even though men are also exposed to rape, it is predominantly targeted at women.

Feminist scholarship on war-time rape on which this study is grounded has however presented the issue of rape in the context of relations that exist between men and women. In this context, rape is viewed as driven by a common male predisposition to indiscriminately rape women as a way of asserting their maleness, “a conscious process of intimidation by which all men keep women in a state of fear” (Brownmiller, 1975). According to (Tompkins, 1995), rape is a phenomenon embedded in inequality, discrimination, male domination and aggression, misogyny and the entrenched socialization of sexual myths. Rape is intrinsically a patriarchal activity and is one of the most dangerous expressions of patriarchal motivation towards male dominance over women (Amadi, 2014). In these conflicts therefore, rape is a “site for performing masculinity” and “re-affirming heretnormality” (Parpat and Thompson, 2011). Recurrent rapes resulting in enforcing impregnation of seized women, literally converts into a means of conquering seized women’s wombs<sup>1</sup>.

While this study focuses on the 2007/2008 post- election period, Kenya had held several elections still marred with violence before this period (Harneit, *et al* 2008, Kagwanja *et al*, 2007, International Development Research Centre, 2008). Since the onset of plural politics in 1991, Kenya was in the process of conducting its fourth elections in 2007 (Gibson, 2009). This study focuses on the 2007/2008 elections because of the intensity of the violence that was experienced at that time. It has been acknowledged as the most emotionally charged high stakes political contest that has ever been witnessed in the country since Kenya’s attainment of independence. Gibson (2009) put it “During December 2007- February 2008, Kenya experienced shocking levels of post- election hostility: battles between government officers and the Orange Democratic Movement (ODM) supporters; between members of both main political coalitions, and between various ethnic communities, particularly over long- standing land disputes”.

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<sup>1</sup> Forced impregnation is an outcome of strategies such as making contraception unavailable for women being raped and is strengthened by the confinement of women beyond the period when they could securely have abortions.

The main actors in this political context were: The Party of National Unity (PNU) and Orange Democratic Movement (ODM). Hon. Mwai Kibaki was the PNU Presidential candidate while Hon. Raila Odinga was the Orange Democratic Movement (ODM) Presidential candidate. The two were the main contestants which the majority perceived could go either way (International Development Research Centre, 2008). Hon. Mwai Kibaki was declared the victor on 29<sup>th</sup> December, 2007 by the Chairman of the then electoral body; The Electoral Commission of Kenya. He had gathered four million, five hundred thousand votes against Hon. Raila Odinga who gathered four million and three hundred thousand votes. Many players who observed the results including the media, the Common Wealth, local and international observers quoted many irregularities in the voting exercise, hence disputing the results. This stirred up violence in various regions of the country especially in the key opposition zones (International Development Research Centre, 2008).

While most parts of towns in Kenya felt the impact of the violence, Kisumu in Nyanza province was among those that were largely affected (Lafargue, 2008). The situation in Kisumu was worsened by the fact that Raila Odinga (from Luo ethnic community) was the favored contender from the area and the voters believed that that he was rigged of his victory (CIPEV, 2008). As put by (Lafargue, 2008), “for forty years, the Luo people had nurtured a strong sense of frustration and discrimination”. They felt isolated from power but Odinga reawakened a divinatory hope that surpassed their sufferings. Harneit, *et al.*, (2008) notes that strong tensions between Kikuyu and the Luo date back to the 1960’s and that a strong sense of disloyalty still exists, mainly because the Luo perceive themselves as having been ignored in relation to progress. Kisumu is also stated to have witnessed the greatest casualties following police shootings (Lafargue, 2008, CIPEV, 2008). Lafargue (2008) points out that “during the first wave of violence, the police in Kisumu caused about hundred deaths; perhaps one of the biggest massacres of the crisis that followed the 2007 elections”.

Masinjila (2008) has argued that while women in Kisumu complained partially of police harassment during the post- election period, they agreed as an entirety that the local militia were

their worst night mare. The militia's latitude was aided by a complete lack of law enforcement by officers that were afraid of getting into the slums. Hence, focusing on female survivors by exploring the effectiveness of the intervention initiatives in addressing their needs in Kisumu County in the after- math of post-election violence was vital. Intervention strategies/ efforts in this study include the programmes that have been put in place to support women who suffered sexual violence. They include psychosocial support such as counseling, health care, micro-credit income generation, social re-integration and legal intervention.

Following the post- election violence (2007), President Mwai Kibaki nominated a Commission, known as "Commission of Inquiry into the Post-Election Violence or the 'Waki' Commission" (CIPEV, 2008). Its work was to carry out investigations and establish the facts that led to the violence as well as how the security forces had handled the violence (Government of Kenya, 2008). The Commission submitted its report in October 2008 highlighting that women had suffered gross sexual violations. The report suggested numerous recommendations (initiatives) that were to be commenced or adopted to address this issue that was stated to have characterized the violence.

The Commission's Report endorsed the establishment of gender units in the police stations, but specifically to go together with "a complete change of attitude within the security forces" concerning sexual and gender based-violence (Government of Kenya, 2008). The establishment of the gender desks was also supposed to be followed by the training of police on how to handle sexual and gender-based violence matters as well as the setting up of transparency measures and their enforcement.

The Report also recommended the establishment of an Office of Rapporteur on Sexual Violence with ample staff -required and consigned to work with the courts, police and the National Commission on Gender, and to give a yearly report to Parliament (Government of Kenya, 2008). Other approvals were that sexual violence criminalities should be handled with the severity they

deserve. It also recommended that criminal laws and procedures be reformed as far as bailable offences were concerned and stated that, “consideration should be given towards addressing the safety of the victim when assessing whether the accused person is released on bail/bond into the community pending the completion of the police/judicial processes”. In addition, it called for the implementation of the Sexual Offences Act, creation of additional guidelines and procedures in the execution practice, reparation to victims of sexual violence as well as psychological care. It proposed the creation of Gender Recovery Centers in each public hospital and the necessity for corporation between the health sector and other actors such as non-governmental organizations engaged in similar fields to achieve a hastier and better response to issues of sexual violence (Government of Kenya, 2008, Kisumu County Gender Mainstreaming Plan 2013-2018).

During the violence, various stakeholders joined together in order to offer support to the women who had suffered sexual violence (Government of Kenya, 2008). These included various United Nations agencies such the United Nations Development Fund for Women, (UNIFEM), United Nations Fund for Population Activities (UNFPA) and, local and international Non-Governmental Organizations (ibid). According to Masinjila (2008), some of the organizations in Kisumu County included the Kenya Red Cross (Kisumu Branch), Kisumu Peace Programmes, Anglican Church of Kenya (ACK- Kisumu) and Kisumu Urban Apostocate Programme (KWAP). While some organizations came to respond to the crisis in the moment, others like Development Work in Education, Livelihood and Environment (DWELE) continued to support the survivors of sexual violence way past the conflict period. This organization offers psycho-social health support to survivors of sexual violence from 2008 post- election violence and their host communities in Kisumu County. The researcher gained access to the primary participants through Development Work in Education, Livelihood and Environment (DWELE) organization as the point of contact.

Since the post -violence experienced in 2007, significant research has investigated the nature and scope of the violence, factors that perpetuate such violence and the impact it has on individuals and country at large (United Nations Population Fund, 2008). It has also

investigated the nature and the rationale for this violence (Masinjila & Bere, 2014) as well as the changing nature of conflict patterns with special reference to 2007/2008 elections (Nairobi Peace Initiative- Africa 2012). It has investigated the extent to which Kenyan authorities have attempted to identify and address sexual violence and pursue accountability with focus to the perpetrators of 2007/08 elections (International Center for Transitional Justice, 2008). Further research has been done on the sexual assault characteristics over time focused on the sexual assault survivors with reference to the 2007/08 violence (Barrick, 2014).

Research on how the 2007/2008 post- Election Violence impacted in Kakamega County (Kenya) has been conducted. It focused primarily on the role played by women in conflict management during this time (Mukabi, 2015). A study was done on the state of women and girls who were living in the camps during the 2007/08 post-election violence with a focus on Kisumu, Kisii and Kakamega (COVAW, 2008). A study has also been conducted regarding views of the victims as pertains to justice with reference to the 2007/08 post-election violence in Kenya (Amnesty International, 2014). This study however sought to explore the intervention initiatives that were implemented for women survivors of sexual violence in the after-math of the post-election violence in Kenya (2007/08) with reference to Kisumu County.

### **1.3 The significance of the study**

This study is significant in that it seeks to explore the intervention initiatives that were initiated with a view to addressing the needs of the female survivors of sexual violence following the violence that was experienced in Kisumu County during the electioneering period (2007/08). Many scholars writing on interventions for women who have been sexually violated have focused on other countries which have mainly been in conflict/ civil war over a period of time for instance in the Democratic Republic of Congo (World Bank, 2011), Sudan-Darfur (World Food Programme, 2014), Liberia, Sierra Leone (Anderline, 2010, Anderson, 2010, Contreras et al., 2010).

Whilst there has been a focus on interventions for women who have suffered sexual violations in countries that have experienced long-tracked spells of civil war, few studies have examined interventions for female victims of sexual violence in countries that seem to enjoy relative peace most of the time but only experience violence at certain times (for example Kenya's violence is usually experienced around times of elections period). Thus, there is need for a study that seeks to bring out Kenya's experience by examining the degree of involvement of various agencies' in providing services for women who experienced sexual violence during the period stated above.

By engaging female survivors and key informants in my research, the study helped me to highlight how various agencies were involved in the provision of services for the women who experienced sexual violence in Kisumu from a gender perspective. It also helped me to highlight their level of collaboration, the challenges they faced and how they countered the challenges.

This study is also significant in that it has enabled me to highlight how socio-cultural factors influence women's service-seeking behavior and hence contributed to existing knowledge on how agencies respond to counter existing beliefs and encourage consumption of the services provided.

Through highlighting how women navigated a hostile cultural environment by taking advantage of the interventions established in order to re-establish their lives, the study made a contribution to existing knowledge on how women adapt and challenge existing patriarchal structures in pursuit of gender equity.

#### **1.4 Key Questions Addressed in the study**

The study aimed at exploring the effectiveness of the intervention initiatives in addressing the needs of women survivors of sexual violence following the 2007/08 post-election violence in Kisumu County.

This study attempted to address this aim by answering the following key questions:

- a) What are the intervention strategies that were put in place to address the needs of the survivors of sexual violence in the aftermath of the post-election violence?
- b) How effective have these intervention initiatives been in addressing the needs of the survivors of sexual violence in the aftermath of the post-election violence?
- c) What are the linkages that exist between the various stakeholders at various levels in addressing the needs of the survivors of sexual violence in the aftermath of the post-election violence?
- d) What are some of the challenges associated with the implementation of intervention initiatives by various stakeholders in addressing the needs of the survivors of sexual violence in the aftermath of the post-election violence?
- e) What was the impact of sexual violence on the women survivors of sexual violence in Kisumu County in the aftermath of the post-election violence?
- f) What additional measures or change in strategy is needed in increasing the effectiveness of the intervention initiatives in addressing the needs of the survivors of sexual violence in the aftermath of the post-election violence?

### **1.5 Objectives of the Study**

The main purpose of this study was to explore the effectiveness of intervention initiatives in addressing the needs of the survivors of sexual violence in the aftermath of the post-election violence in Kisumu County.

Hence the specific study objectives were:

- (i) To establish the impact of sexual violence on the women survivors of sexual violence in Kisumu County in the aftermath of the post-election violence

(ii) To examine the intervention strategies that were established to address the needs of the female survivors of sexual violence in the aftermath of the post-election violence.

(iii) To find out the extent to which these intervention initiatives have been effective in addressing the needs of female survivors of sexual violence in the aftermath of the post-election violence.

(iv) To establish the linkages that exist between the various stakeholders at various levels in addressing the needs of the female survivors of sexual violence in the aftermath of the post-election violence.

(v) To establish the challenges faced by various stakeholders in implementing these intervention initiatives.

(vi) To establish the additional measures or change in strategy that is needed to effectively address the needs of the survivors of sexual violence in the aftermath of the post-election violence.

## **1.6 Plan and Structure of the Thesis**

### **Chapter 1: Introduction**

The introduction chapter gives an outline of the research problem on how female survivors of sexual violence post-conflict continue to face a myriad of problems despite interventions initiated to address the problems they face. It also presents the study background, the key questions to be asked, the broad issues to be investigated alongside and the study significance. Lastly, it gives a synopsis of the thesis structure.

### **Chapter 2: Literature review and theoretical framework**

The second chapter reviews studies in sexual violence during armed conflict and the interventions adopted in conflict situations. It highlights how existing studies on interventions for women post-conflict have focused primarily on other countries with very little having been

documented on the Kenyan context. I also positioned the literature in this chapter based on the research topic to ascertaining the gaps in research and utilized the relevant theoretical frameworks emerging from the literature.

### **Chapter 3: Research methodology and methods**

In this chapter, I present the methodology and methods utilized in this study. The study justifies the use of qualitative research methodology to produce data. It then discusses the data gathering procedure, the process of sampling used, and the ethical issues involved. The chapter gives a profile of the research participants in order to offer information on the people who took part in the study and get an understanding of their narratives. Lastly, the gender dynamics in the process of gathering data are discussed, as well as how the researcher reflected on the field work process.

### **Chapter 4: The historical context of politically instigated violence in Kisumu County**

This chapter gives a history of violence in Kisumu by examining how politics influenced the violence that was experienced in 2007/08. It examines the occurrence of violence throughout the pre-colonial, colonial and post-colonial periods. Key issues that were addressed under each of these periods included: the introduction of capitalism, historical marginalization and alienation and, consolidation of power and weakening of public institutions. Other issues that were also examined included: politicized violence and the impact of violence during these periods on gender relations. The implication of the violence during these periods for sexual violence as was experienced in Kisumu has also been discussed.

### **Chapter 5: The Impact of sexual violence on the women survivors and the community in Kisumu County**

In this chapter, I examine how sexual violence impacted on the women who experienced sexual violence and the community. The chapter foregrounds that sexual violence resulted to physical, psychological and devastating socio-economic effects on the women. It also had devastating effects on the community such as family disintegration, parenting challenges, rising incidences of HIV transmission and unresolved psycho-social needs for the abused children.

## **Chapter 6: Psychosocial and medical interventions of women survivors of sexual violence in Kisumu County**

In this chapter, I examined the medical and psychosocial interventions that were put in place in addressing the physical and psychological needs of the female survivors of sexual violence. I also examined the effectiveness of these interventions based on my participants' perceptions. The stakeholders involved in establishing and offering these interventions and the inter-linkages between them were highlighted as well.

## **Chapter 7: Livelihood interventions for the women survivors of sexual violence in Kisumu County**

This chapter critically looked at the livelihood interventions that were put in place in Kisumu with a view to meeting the livelihood necessities of the female survivors of sexual violence such as food, shelter, clothing and income. I also examine the key players that were involved in their implementation and the linkages that exist between them. Challenges involved in the implementation of the intervention initiatives are also highlighted as well as possible ways of increasing women's economic opportunities.

## **Chapter 8: Legal interventions for the women survivors of sexual violence in Kisumu County**

In this chapter, I critically examined the legal interventions that were initiated to aid access to justice for the women who had experienced sexual violence. I then examined the relationship between various stakeholders in relation to medico-legal aspects of gathering medical evidence; a crucial constituent in the criminal justice system. The various challenges experienced in the implementation of the various initiatives were highlighted. Furthermore, suggestions are given aimed at strengthening legal interventions.

## **Chapter 9: Education and sensitization of community members and service providers**

In this chapter, I interrogated the body of data on how education and sensitization of community members and service providers was initiated as an intervention strategy for the female survivors of sexual violence. The chapter foregrounded that the attitude and conduct of the people that the victim of sexual violence has contact with as well as the procedures she is exposed to has a direct impact on her recovery process and adjustment. The chapter also examined various sector engagements in playing the education and sensitization role. It also highlighted how the various sectors inter-related and the challenges faced in the implementation of the interventions. The chapter further gave suggestions that aim at advancing public education and campaign.

## **Chapter 10: Recommendations and Conclusions**

This chapter gave a summary of the results, the major contributions that the study has made and suggestions for further research. It ends by giving recommendations. For instance, the study recommended the need for institutionalization of a Special Fund by the state specifically for the reparation of survivors of sexual violence. It also recommended the need for adoption of prevention strategies to address causes and factors that contribute to sexual violence during conflict. These include intensification of sensitization and education campaigns not only to the survivors but to the community as whole. Further, the study recommended the need for various actors (government, non-governmental organizations, human rights organizations, religious organizations and the international community) to work together in consultation and co-ordination to effectively avert and respond to matters of sexual violence.

## CHAPTER TWO

### LITERATURE REVIEW AND THEORETICAL FRAMEWORK

#### 2.1 Introduction

According to Hart (1998), literature review entails selecting obtainable documents (both published and unpublished) on the subject, that hold information, ideas, data and evidence written from a particular standpoint to fulfill certain aims or express certain views on the nature of the topic and how it is being investigated. It also entails actual assessment of these materials relative to the research being anticipated. Literature review aims at sharing with the reader the results of other studies that are closely related to the one being carried out. It relates the study to the bigger, continuing discourse in the literature, filling in gaps and extending preceding studies (Cooper, 2010, Marshall and Rossman, 2011). It also offers a basis for founding the significance of the study as well as a bench mark for relating the findings with others.

A theoretical frame of reference is essentially the “researcher’s reading glasses.” It entails the use of intuitions and data emanating from the present literature as context knowledge. This means that the researcher uses it for interpretation of the data and for understanding a definite condition (Kirsti, 2001).

This chapter attempts to anchor the research topic in the existing body of knowledge by establishing the existing gaps in the current literature. The chapter extensively examines literature on sexual violence and its effects on women in conflict and post-conflict locales, the progression of the International Framework in addressing sexual violence during conflict and several interventions that have been adopted in response to sexual violence during conflict in various countries. I also explore the topic by applying the relevant theoretical frameworks

emerging from the literature. This chapter examines the feminist theory of rape, the conflict transformation approach and the socio-ecological model of intervention and their application in this study.

## **2.2. Factors leading to sexual violence against women in conflict situations**

There are many factors that act as a driving force of sexual violence against women during times of conflict. Firstly, during such times, there is the shifting of gender norms and burden to support the family for the women. This is mainly aggravated by a lack of economic openings in conflict-affected situations hence, increasing women's susceptibility to sexual violence. Secondly, women may not have property rights, inheritance rights and social security and this increases their fragility, making them more vulnerable. Without access to resources and alternate livelihood, women may resort to risky dealings in order to meet their own needs and those of their families. For example, women living in refugee/ displacement camps are often forced to engage in sexual relationships with fellow refugees, humanitarian workers and peacekeepers in exchange for protection, food, water and shelter (Women's Refugee Commission, 2009).

Lack of legal rights in host societies also restrict refugees to work in informal sectors, for example as house workers where the likelihood of sexual manipulation, extortion, abuse and rape is likely to happen (Ray and Heller, 2009). In addition, women and girls are prone to being traded for work and sexual abuse with the promise of a better paying job in either the city or overseas.

A breakdown of law and order and a culture of impunity are other driving factors that precipitate great levels of sexual violence in conflict-affected situations. Following the breakdown in law and order during conflict, mostly in judiciary and law enforcement systems, acts of sexual violence often go scot-free. A culture of impunity where acts of

sexual violence go without punishment combined with already subservient status of women and low interpersonal and institutional confidence has shaped conditions where sexual violence continues at a startling rate and becomes socially normalized (Bouta et al., 2005). This culture of impunity can increase opportunistic violence against women by citizens such as was witnessed in The Democratic Republic of Congo (Kelly, et al., 2009, Women for Women International, 2010). Research outcomes in The Democratic Republic of Congo illustrate that sexual violence has been spreading out of the battle zones into areas such as Equater, which is not in the Eastern conflict region, yet has one of the highest incidences of rape and intimate partner violence in the country (Peterman, et al., 2011).

In Burundi, victims of sexual violence reported that many of the violations are perpetrated by members of extended family, household domestic staff and teachers; insurgents and armed staffs are no longer the prime agents. This shows a breakdown of social norms constraining the use of violence (Zicherman, 2007). Hence, the persistence of insecurity continues to affect people's daily lives and social behaviors and wears down livelihoods.

Lack of security in military occupied villages and in displacement camps also appear to heighten the risk of sexual violence against women and children. This is further compounded by the culturally set gender roles assigned to women. Many times, women and girls are exposed to sexual abuse while they take part in errands that are culturally approved based on gender for instance; searching for firewood, fetching water or working in the fields (United Nations Security Council Report, 2015) as was in the case in Darfur, Democratic Republic of Congo and in Northern Nigeria.

Women in the Democratic Republic of Congo reported that most of the attacks were by armed assailants carrying guns and often wearing military uniforms (Harvard Humanitarian Initiative, 2009). Those who perpetrate sexual violence comprise members of public and international security personnel, rebel groups and militias as well as citizens, including

migrants and displaced persons. As displacement often contributes to the breakup of families, women and children without their male family members are more vulnerable to sexual abuse than those who have male protection. They are also susceptible to rape because of overcrowded living conditions and insufficient security in camps. For example, most camps lack sufficient protection for women's quarters or ample privacy in women's bathrooms and shower areas where women are most likely to be raped.

### **2.3 Sexual Violence and its Effects on Women**

The Rome Statute of the International Criminal Court (1998) defined sexual violence as “any contact, gesture or act of exploitation of a sexual nature that is unwanted or carried out without the consent of a person, which is imposed by physical force, threats, trickery, bullying or duress”. Sexual violence takes myriad forms such as assault, rape, forced marriage, genital mutilation as well as sexual trafficking (Seelinger et al., 2011, Agency for Co-operation and Research in Development, 2009). It can occur in a bedroom, pathway or battlefield (Seelinger et al., 2011).

The effects of sexual violence on women during spells of conflict have been documented (Ahuka et al., 2008, Cheri, A. 2004, United Nations Population Fund, 1998, Bastick, Karin & Kunz, 2007, C, Siebert 2009, Human Rights Watch 2005, Farr, 2002.). The women undergo physical, social, psychological and socio-economic suffering during these times.

Physically, women experience health problems ensuing from cruel rape such as chronic pelvic pain, pelvic inflammatory disease, vaginal bleeding and urinary tract infections. Majority of the women who endure gang rape subsequently discover that they have unintentional pregnancy or are ill with grave Sexually Transmitted Diseases (STDs) such as Syphilis, including HIV (Ahuka, et al., 2008). For instance, during the genocide in Rwanda, studies have revealed that HIV/ AIDS rates were high among survivors of gang rape (Maggie, et al., 2010). The HIV

occurrence amongst military personnel is alleged to be greater than in the general population (Ahuka, et al, 2008, 2002). Access to 'Post- Exposure Prophylaxis' (PEP) for HIV prevention is normally not accessible to most of the population resulting to them not being used within the recommended time limit.

Other female survivors suffer from harrowing gynecologic fistula<sup>2</sup>. Others suffer from sexual dysfunction and reproductive capability is also put at risk. Sometimes, the violence does cause fistula but in others, reproductive damages such as burns, or damage of the pelvis does occur. In most occurrences, the damages are grave and long-standing; altering the lives of the survivors and the community.

Most societies are not receptive to colostomy<sup>3</sup> or any operation for irreversible fistula which necessitates intestinal stoma<sup>4</sup> for ejection of waste on a more permanent or long lasting level (Ahuka, et al. 2008). In some cases, sexual violence may result to lasting damage to their reproductive system. The women who suffer these damages are at times abandoned by their relatives, renounced by acquaintances and excluded by society or rejected by their spouses.

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<sup>2</sup> Hinrichsen (2004) defines fistula as “an abnormal communication between the vagina and the alimentary tract (usually the rectum) or both”. It leads to uncontrollable leakage of urine/ feaces/ both through the vagina (Ahuka et al., 2008).

<sup>3</sup> A colostomy is a surgical procedure whereby part of the colon is left in the body (Relay Health, 2013) and the colon “is brought through the abdominal wall” (Irving & Hulme, 1992). A colostomy offers sure treatment for persons with fecal inconsistency (Colquhoun, et al., 2006).

<sup>4</sup> A stoma is a surgically created opening of the bowel or urinary tract on the body surface. The commonest procedures for producing intestinal stomas are ileostomy, colostomy and urostomy (Irving and Hulme, 1992).

These women agonize the disgrace of fistula and reek of urine not forgetting the additional shame of rape. More often, they are perceived equally as “damaged goods”.

To worsen their state, they might be branded ‘aiders’ or ‘acquaintances’ of those who abused them and can therefore be labeled as “conspirators.” In addition, there is the added disgrace of being perceived as one who has contracted HIV following the rape, particularly in the areas where facilities for testing HIV are lacking. The calamity is thornier for women in their child-bearing years; they have a stern craving to be well and to “get dry or die trying”. Reports from traumatic fistula cases are documented from recently war-ravaged nations, for instance Sierra Leone and Liberia.

Rape may result in unwanted pregnancy which could lead to abortion and this comes with carrying its own health risks. Other forms of cruelty agonized by women include shattered bones, disfigurement, or amputation of limbs which may be lethal. Depending on the level of injury, lasting infirmity can happen (Kim., Malele., Kaiser, et al., 2009, Spiegel., Bennedse, A., Claas, et al., 2007, Cossa., Gloyd., Vaz, et al., 1994, Ingeborg., 2005, Lehmann., 2002, John., 2007 & Sideris., 2003, Bastick, Karin & Kunz, 2007). Violence prior and after pregnancy can cause severe effects for mothers and the unborn child. Research has shown that women who are raped and get pregnant have a high probability of delaying anti-natal care, acquire inadequate weight while the babies may gain insufficient natal weight (Mary, 2006). In Nicaraguan, a research established that the danger of a child’s demise before the age of five was six times higher if the mother had been subjected to both physical and sexual violence at some point during her lifetime (Kasja, et al., 2003). Women who have been raped are also in danger for higher rates of maternal death (Lori, et al., 2002).

The psychological consequences are much more problematic to isolate since wartime rape is habitually accompanied by a series of other stressful events for example death of a next of kin, member, enforced displacement, or viewing of other mayhems. Psychologically, survivors of sexual violence often experience feelings of hopelessness, insignificance, self-disgust, low self-

worth, sleeplessness and nervousness, trauma and depression, sometimes leading to suicide. Occurrences of attempted suicide are reported to be higher in rape victims than in non-rape victims. Fifty to sixty percent of them experience sexual dysfunction, fear of sex and difficulties with stimulation (Colombini, 2002). They also suffer from social fear and repeated feelings of embarrassment. In addition, rape survivors are in the largest distinct category diagnosed with post-traumatic stress disorder. As stated by Ingeborg (2005), “rape possesses an emotive ‘doom’ quality to it - a sense that raped individuals cannot recover from due to the invasiveness of the event, and the psychological connotations it may carry in society”.

Additionally, Herman (1993) records, “being raped is a defining experience for women: It causes survivors’ communities to feel differently about them, and often causes the women to feel differently about themselves.” Jean, et al., (1992), points out that being raped is being dishonored in the highest intimate way possible. It causes women to go through great fear; fear of imminent harm, fear of vengeance from the perpetrator, and fear of being exposed as a victim. Further, she points out that “victims of attempted / completed rape [have] serious mental health problems more frequently than victims of attempted or completed robbery, or aggravated assault”. The recovery process from this form of violence has been well-known to be diverse, enduring and it depends significantly on the person’s experience of the rape itself.

To the casualty, rape entails the serious loss of valued and important parts of herself and her safety in addition to severe disturbances in emotions, relationships and events (Burgess & Homstrom, 1974). She is terrified by her inability to control herself. Rape itself is an attack to her honor, sense of security and individual uniqueness. Rape leads to serious and lasting psychological distress and social interruption in her life, including that of her family (Gail, 1976).

Viewing the crime of rape can similarly be as traumatizing as the experience of rape itself, predominantly if the “indirect victims” are made to spectate the rape of a family member.

Witnesses of wartime rape may also mute themselves or are forced to stay silent for the sake of the family's ability to function and take part in the community. While the long-term repercussions of the quiet may be unknown, it seems that silence preserves, if not reinforces the taboo of wartime rape and averts the development of the right to sexual autonomy. Moreover, when individuals, families and communities cannot handle their shock, there is a high probability that they transfer it to the next generation and carry on with the sequence of sexual violence. All this impact on the survivors and families damage confidence within and between communities and intensely shake social solidity. This results to additional interruption of community's social bonds and indigenous support systems such as extended families, associates, neighbors, churches and community hubs. (Andrienne, et al, 1991, World Bank, 1993, Swiss & Giller, 1993, Bastick, Karin & Kunz., 2007, Ingeborg., 2005., John., 2007). Herman (1993) argues that the most shattering psychological damage of trauma such as rape is because it reaps "away a person's sense that life has meaning". He reiterates that,

Traumatic events call into question basic human relationships. They breach the attachments of family, friendship, love and community. They shatter the construction of the self that is formed and sustained in relation to others. They undermine the belief systems that give meaning to human experience. They violate the victim's faith in a natural or divine order and cast the victim into a state of existential crisis.

Socio-economic effects of sexual violence on women have been documented (Marsh, Purdin and Navani 2006, NPI- Africa 2011- 2012, Ni Aolain & Turner, 2007.) The interruption of family and community relations is in some instances traditionally or directly associated with the occurrence of wartime rape. Access to vital amenities such as medical, learning opportunities and justice is harshly reduced (Ahuka, et al., 2008). Wartime rape has been recognized to accelerate relocation leading to economic and social challenges. Unlike rape in peace time, wartime rape is often wide-spread and its features become, ultimately, well known to the far-reaching population.

In numerous cases, persons other than those raped are alert for what has ensued, to whom, by whom and recognize several of the specifics of the occurrence itself. This sheer fact may aid to disgrace the persons raped, and or their families to the extent that they are incapable of attaining occupations and function in civilian society like the individuals who were not raped during the war. In addition, the loss of social standing (since rape is regarded as a direct attack on the masculinity of the current/ future husband) and for the single women, the humiliation that accompanies it may lessen her opportunities of being married (Meredith, 2000, Elvan & Ananda, 2010). In several circumstances, the injuries that result from rape may make it difficult for her to work for her own upkeep or that of her children (ibid).

Children ensuing from rape can also suffer from the penalties of rape by being ostracized and or may be left at orphanages and hence display all the difficulties encountered by an orphan. They get minimal care as they are labeled as “taboo” children (Ahukua et al. 2008). The mothers of these children are habitually abandoned by their spouses and their families and thus suffer lasting communal isolation and desertion (Bouta et al., 2005). Consequently, they look for job openings and are likely to find opportunities in the lesser paying sectors such as working as house servants, hence becoming disposed to the threat of additional work and abuse. The absence of revenue openings and the decline in adherence to the existing regulations make females mainly susceptible to sexual manipulation and increase the likelihood of them being trafficked. Settlement at the community level may be largely hindered because one group was responsible for raping the other, leading to deep and ostensibly irrevocable scars that impede steady socio-cultural practices (Ahuka et al., 2008, Elvan & Ananda, 2009 & 2010).

In relation to pursuing justice, victims of sexual abuse often face innumerable hindrances such as repeated abuse, exclusion, segregation and having to circumvent the corrupt legal system if they seek help. This is particularly so because during times of conflict, many of the social arrangements and systems that protect them are strained or no longer function, and the justice and policing mechanisms are incapable of filling the gaps or are conspiring with the violence (Mazurana, 2006). In Somalia for instance, victims are regularly compelled to get married to the

perpetrator as a method of “restitution” stipulated by traditional law courts. Further, in some instances where the victim decided to report the crime, she may be obligated to pay money to initiate her proceedings and meet the maintenance expenses of the suspect while in custody (United Nations Security Council Report, 2015).

A woman may also lose her social standing because of the embarrassment that accompanies reporting. At times, the relationship that exists between the victim and the rapist may deter her from disclosing the rape (Collean et al., 2008). Perpetrators may corrupt the officers in a bid to thwart efforts of the case reaching the courts or the officers may force the complainant to give them money in order to have their cases advanced (Lauren and Camille, 2010). The unreceptive attitude by law officials may prevent a victim from reporting.

The psychological, physical and socio- economic effects suffered by women who were sexually abused following Kenya’s post-election violence were well depicted in some of the testimonies/ narratives given to the Commission. Many women suffered extreme violations. For instance, sticks and bottles were inserted into their private parts (Government of Kenya, 2008. P.263). Perpetrators comprised of state security forces, gangs (such as the Mungiki<sup>5</sup>, Kalenjin warriors<sup>6</sup> and the local citizens (p.263).

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<sup>5</sup> According to Wamue (1999), Mungiki is a Kikuyu word that is coiled from the word “Muingi” which signifies “masses.” Mungiki; a prominent youth movement in Kenya was formed in the late 1980’s as a religious movement based on Kikuyu tradition. Soon after, Mungiki transformed itself into a political movement while simultaneously developing a notorious reputation for violence. Mungiki mainly recruits its members from among the poor and disenfranchised Kikuyu youth. Due to the violent incidents the movement has been engaged in and is accused of, Mungiki is presently banned by the Kenyan government (Jacob, 2010). For instance, Mungiki members have been involved in stripping women naked who wear trousers and miniskirts in public and force them to be circumcised (Wamue, 1999). (Kikuyu is the biggest ethnic community in Kenya comprising twenty percent of population of Kenya (Anderson, 2002).

In his study on Transitional Violence Study for Kenya, Masinjila (2012) highlighted how women suffered in the hands of Police Officers who were made to protect them during the 2007/2008 elections. The officers for instance lashed citizens irrespective of their ages, raped women while also compelling fathers to rape their daughters as the mothers to these children witnessed.

Even though sexual violence has been viewed by many feminists' scholars as always being directed to the 'enemy' with the woman's body being another property to be gained from the enemy (Kristen, 2008, Ayele, 2011), the Kenyan situation seemed to have taken a different angle from this assertion. In their study (Masinjila, 2008 & Siebert, 2009) observed that during Kenya's post-election violence, most women and girls suffered irrespective of the political side that they associated with.

#### **2.4. Evolution of the International Frameworks Addressing Sexual Violence in Conflict Situations**

The international outcry against rape as a "weapon of war" spawned a global reaction climaxing into policy and legal frameworks aimed at protecting women in war zones (UN Security Council Resolution 1325, 1820, 1886 and 1888). Both universally and the continent

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<sup>6</sup> Kalenjin Warriors is a violent irregular unit based in the Rift Valley region of Kenya (Roessler, 2005). It is reported to have been behind the tribal clashes in the Rift Valley in 1991-1992 (see The Akiwumi Commission of Inquiry into Tribal Clashes (1998-1999). The Commission reported that the warriors were well trained in paramilitary tactics and had the full and direct support of the police force and the provincial administration in the regions affected. They were also ethnically homogeneous; all of them being from Kalenjin community and were on the pay-roll of well-known politicians. NB: The Kalenjin community inhabits the Rift Valley and is the community of origin Kenya's second President; Daniel Arap Moi who ruled during the period 1978-2002.

of Africa, there exists numerous women's treaties, protocols, conventions and resolutions that focus on ways to avert and respond to sexual violence during peace and war times. Since the mid-1990's, the International community has been paying more devotion to conflict-related sexual violence. Undeniably, the past decade has witnessed significant appreciation of sexual violence eligibility for global, governmental and lawful consideration (Sarah and Jacqui, 2015). "International Criminal Tribunals for Rwanda" and "the former Yugoslavia", established in 1994 and 1993 respectively have set the precedent of prosecuting sexual violence as a form of genocide and war crime. The two historic instruments laid the foundation for punishing rape and sexual violence (Megumi, 2011, Sara and Jacqui, 2015).

The "*1998 Rome Statute*"<sup>7</sup> was the leading International legal document to acknowledge that "acts of rape, sexual slavery, enforced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable gravity could constitute war crimes or crimes against humanity" (Sarah and Jacqui, 2015). The formation of the adhoc "International Criminal Tribunals" plus the "Rome Statute of the International Criminal Court" have proved to be noteworthy milestones towards the expansion of International Criminal Law on matters of sexual violence against women (Ruxana and Leena, 2013, Sara and Jacqui, 2015). Ever since the espousal of the "United Nations Security Council Resolution 1325 on Women, Peace and Security in 2000", follow-up resolutions have increased the focus given to sexual violence in conflict. There are at least seven "United Nations Security Council Resolutions" on the subject of Women, Peace and Security.<sup>8</sup>

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<sup>7</sup> Rome Statute of the International Criminal Court. U.N. Doc. A/ Conf.183/9, July 1998, entered into force July, 2002. The Rome Statute is the treaty creating the ICC.

<sup>8</sup> S/ Res/1820 (June 2008), S/Res/ 1888(30 Sept.2009), S/Res/1889 (5 Oct 2009), S/Res/1960 (16Dec. 2010); S/Res/2106(24 June 2013); S/Res/2122 (18 Oct.2013)" (see Sarah and Jacqui, 2015).

During June 2008, the United Nations Security Council formally recognized sexual violence as a “tactic of war” in Resolution 1820 and called for the political and security responses to terminate prevalent sexual violence and impunity during conflict. Resolution 1888 which was passed on 30 September 2009 called for the formation of methods to investigate the effects of sexual violence and the selection of a “Special Representative of the Secretary- General on Sexual Violence in Conflict (SRSG-SVC)”<sup>9</sup> to champion efforts to terminate sexual violence during conflict. The most up-to date and greatest latest resolution, 1960 was passed in 2010 and requested that the Security Council uses sanctions and other measures against individuals and groups employing sexual violence. This noteworthy international devotion to sexual violence during periods of war climaxed with the unveiling of The United Kingdom’s “Prevention of Sexual Violence Initiative” in May 2012 by foreign Secretary William Hague (Sarah and Jacqui, 2015).

In Africa, during the “African Union Summit” held in May 2013, affirmations and verdicts were expressed at government and legislative levels regarding the pressing need to tackle violence meted on women in circumstances of violence. Following the Summit, the African Union assembled a three-day elite consultation meeting in October 2013 in order to outline an agenda that would enable survivors to attain justice and terminate sexual and gender based violence (Moreen, 2013). The gathering was anticipated to set a basis for the preparation of an African Union steered strategic framework for preventing and responding to sexual violence in Africa. It assembled a wide array of players: Members of the African Union Peace and Security Department, the Women, Gender and Development Directorate, academics, development partners, lawyers, women’s rights organizations and delegations from the focus countries, non-governmental organizations, bi-lateral and multi-lateral partners working on the issue in Africa. Oxfam; (an International non-governmental

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<sup>9</sup> The Special Representative “serves as the United Nations’ spokesperson and political advocate on conflict-related sexual violence, and is the chair of the network UN Action against Sexual Violence in Conflict. In April 2010, the first Special Representative, Margot Wallstrom of Sweden , established the Office and served as the United Nations’ Spokesperson and political advocate on the issue”. ([www.un.org](http://www.un.org))

organization) was requested to participate following its involvement in sexual violence matters through the “Pan Africa” Program. Discussions centered on the complex, multi-faceted methodology required to inhibit and react to sexual violence during war.

During the same year, governments’ commitment to terminate war-related sexual violence was proved by both affected governments and the global Community. The United Kingdom’s Department for International Development (DFID) spearheaded a “Call to Action” to rally donors, United Nations (UN) agencies, non-governmental organizations and other actors on shielding women and girls in emergencies, climaxing in the sophisticated occasion, “Protecting Girls and Women in Emergencies” in November 2013.

In June 2014, The United Kingdom of Great Britain and Northern Ireland hosted the “Global Summit to end Sexual Violence in Conflict” which took place in London (United Nations Security Council, 2015). During the meeting, several governments gave fresh pledges and the “International Protocol on the Documentation and Investigation of Sexual Violence in Conflict” was initiated. Aid was promised to back these initiatives as well as compensations for survivors and resources for “International Criminal Court Trust Fund for Victims” (United Nations Security Council, 2015).

By August 2014, more than forty partners (including governments, United Nations (UN) agencies and non-governmental organizations) had committed themselves to the “Call to Action” (Chopper, 2014). In September 2014, the United States prepared a “Call to Action” occasion in New York during the “United Nations General Assembly” which was aimed at discussing development on pledges that were made in November 2013.

This is a sign that determined efforts to increase awareness on sexual violence matters in war and campaigns are in progress. The United Nations Council Report (2015) recognizes that certainly, the period of not speaking out has been substituted by global acknowledgment that disgrace of sexual violence exist not only in the survivors but also in the culprits and any person that disguises their behavior. Nevertheless, grave fears continue regarding formal renunciations and efforts to assume these criminalities, which entail compulsion to convince survivors and eyewitnesses to withdraw their cases. After all, providing proof of a sexual violation act is not definitely found, hence the necessity for apt and clear inquiries connected to survivors' support.

## **2.5 Intervention Initiatives Adopted in Preventing and Responding to Sexual Violence in Conflict Situations**

Interventions in contexts of violence have mostly addressed short or long-term effects of sexual violence. Short-term interventions address the instantaneous necessities of those affected whereas long-term ones focus on change from immediate reactions to prevention and long-term development.

According to Mugemi, (2011), where an intervention is occurring is very important in meeting program purposes because the perpetration of sexual violence differs from one context to another. Freccero et al., (2011) points out that a community's aptitude to handle issues pertaining to sexual violence is dictated by numerous factors. First, facilities that are necessary in offering support to the victims and the community at large such as medical, legal and psycho-social services must be ascertained. Secondly, communities must identify hindrances to efficient response. Thirdly, inter-linking modalities must be put in place to make sure that those affected are able to circumnavigate the support structures without necessarily losing their self-worth. As Lori (1998) puts it, "sexual violence is a multi-pronged problem influenced by the interaction of

personal, situational and socio-cultural factors”. Therefore, in his ecological approach<sup>10</sup>, he argues that “the underlying cultural, social and gender norms of community often make it difficult for a victim to receive support or achieve redress”.

The following section discusses several interventions that adopt a short-term and long-term approach in averting as well as responding to sexual violence in war zones. First, it will discuss regions where interventions to address short-term needs have been employed and subsequently look at regions where interventions that address long-term needs have been engaged as well.

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<sup>10</sup> The ecological approach seeks to know the ways in which factors at various levels of the social ecosystem influence the way a person in need of support receives an intervention. The strength of this approach lies in its ability to propose numerous schemes at many levels of analysis for alleviation of harm (physical harm, psychological harm, socio-economic harm, Campbell, R. et al. 2009). They identify four levels and the factors that influence the recovery of a victim who suffered the harm at each level of these levels. They are: the individual level- (factors at this level are demographic factors, personality factors, pre-existing psychological conditions and biological factors and how they affect post assault psychological health), microsystem level (e.g. the familial help from families and acquaintances), meso/ecosystem levels or the formal systems (e.g. having links with legal, medical, mental and the advocacy community), plus macro system level (e.g. the socio-cultural factors).

The ecological model has been used in empirical research “to evaluate how the legal, medical and mental health systems respond to the needs” of survivors of sexual assault and “how those system experiences affect victims psychological and sexual health outcomes (Campbell, 1998, Campbell, et al., 1999, Campbell, et al. 2001., Campbell, et al, 2004)”.

Both the Centre for Disease Control & Prevention (CDC, 2014), and the World Health Organization (WHO) adopted this approach to develop models for the prevention of gender-based violence”(Campbell, et al., 2009).

### **2.5.1. Interventions to address short-term needs**

These interventions basically center on providing support such as medical, social, psychological and legal services to those affected. In Colombia, for example, Profamilia; a Non-Governmental Organization focusing its work in conflict context situation offers broad support to sexual violence survivors, comprising medical, mental and legal services (Contreras, et al., 2010). This could primarily be attributed to the fact that survivors mostly require an inclusive range of services in order to meet their needs. Profamilia also offers emergency pills, tests and treatment for Sexually Transmitted Illnesses (STIs).

In the Democratic Republic of Congo and Darfur (Sudan), rape remains a major problem and support services in the areas of medicine, legal and psycho-social support are normally based far from most of the population, mainly in major towns. In these regions, the United Nations Population Fund (UNFPA) has established medical centers with vital facilities and post-rape kits via the Ministry of Health (United Nations Security Council Report, 2015). In Darfur, United Nations Fund for Population and Development (UNFPA) in addition, facilitated the setting up of “Women Centers” across Darfur to facilitate their access to psycho-social support in areas where service provision has been interrupted or became unreachable. The United Nations Children’s Fund (UNICEF) has given precedence to psycho-social, economic and learning support for children born as an outcome of rape including supporting their mothers (United Nations Security Council Report, 2015).

In the Democratic Republic of Congo, the “Joint Human Rights Office of the United Nations Stabilization Mission” (MONUSCO) set up seven law clinics; forming relations between medical, psycho-social and legal support. Following this model, sixty percent of the clientele decided to pursue their matters legally (United Nations Security Council Report, 2015). In Cote d’Ivoire, the World Bank also aids a comprehensive programme that provides medical, psycho-social and legal support to survivors and families (World Bank, 2011).

Several intervention initiatives have been employed in several conflict situations to enable survivors of sexual violence overcome their trauma resulting from such experiences in various countries (Boric, 1997 & Colombini, 2002). In Zagreb, participation of the local people in the intervention methods seemed to have been useful. “The Centre for Women War Victims” used Self-Help Groups and psychological counseling for women war victims and this has proved to be valuable in empowering women to recapture control over their lives that had been lost because of the conflict (Colombini, 2002). The Centre is defined to have offered psycho-social support to the women, before moving a step further to provide material and legal assistance, safe homes for displaced survivors and small livelihood projects. With further training, these women are reported to have become self-sufficient after which they became part of the Centre’s Network and began offering help to their own people.

Psycho-social counseling has been noted to be of great importance to victims of sexual violence. Regrettably, it is mostly inadequate in unindustrialized nations because of a shortage of resources and traditional barriers associated with psychological help (Saxena et al., 2007). Referring women to indigenous support groups belonging to women is vital especially for their restoration and re-integration. For instance, in Mozambique, traditional ceremonies of cleansing were found to be of great help in lessening psychological stress of women who took part in them (Date-Bah, et al., 2001).

Through these groups, women are offered an opportunity to narrate their experiences and inter-link with fellow women who have endured similar experiences. These groups have demonstrated their efficacy by offering women secure places to discuss their experiences and acquire hand on abilities with a view to assisting them cope with their condition. Studies carried out by (Bowker in 1984, 1986 and 1988) revealed that sixty percent of women that had sexual violence experiences in the United States reaped immense benefits from these groups since involvement not only helped them to become self-reliant but also boosted their self-worth (Bowker, 1988). On the other hand, initiating income-generating projects also becomes critical especially since conflict renders most victims poor due to rejection or banishment by families and communities.

This additionally makes the majority progressively predisposed to more abuse (Freccero et al., 2011).

Enhancing protection is also crucial in preventing additional sexual exploitation. Charitable organizations whose work is focused on conflict zones have established that women and girls are mostly raped as they collect water or firewood. To guarantee their safety, security personnel for instance in Darfur accompany them while they engage in these duties far away from the camps (Anderson, 2010). Additionally, to avert further sexual exploitation for these women and girls as they engage in firewood collection, the Women's Refugee Commission and the World Food Programme in Uganda and Sudan dispersed numerous fuel-efficient stoves to these women (Women's Refugee Commission, 2006, World Food Programme, 2014).

In Northern Darfur, a joint United-Nation's-African Peace Keeping Force (UNAMID) distributed several thousand high-capacity water containers to eight villages in Darfur. The seventy-five litre container is equal to four *jericans* (Kariuki, 2012). For years, women and girls and even boys had been fearful of being attacked while fetching water and collecting firewood. Garadayat village, which hosts three thousand returnees, was the first to be given these containers (ibid).

In the Democratic Republic of Congo, the United Nations High Commissioner for Refugees (UNHCR) initiated the Safe Access to Fuel and Energy (SAFE) project after an initial one succeeded in North Kivu where it had assisted to minimize the dangers that women were exposed to while fetching firewood plus water (United Nations Security Council Report, 2015).

The above discussion illustrates that short-term intervention measures are crucial in alleviating suffering experienced by both sexual violence survivors plus their communities. However, as pointed out by Colombini (2002), the concerns associated with them is that most personnel involved in administering these services in the field are normally conducted on a temporary or voluntary basis or by indigenous staff without the requisite competence to deal with this delicate subject. In addition, most of the staff normally operate under enormous pressure plus they are

mostly overworked. In her argument, the situation is worsened by the intrinsic volatility of the prevailing conflict context.

### **2.5.2. Interventions to support long-term sustainability of violence prevention**

To avert additional sexual violence, some interventions embrace a long-term method with emphasis on gender impartiality. According to Anderlini (2010), decreasing women's discrimination and improving their safety are essential components for achieving sustainable development. Long-term interventions primarily aim at strengthening institutional capacity and enhancing access to fairness for survivors of sexual violence. They also support gender egalitarianism and positive change through women's involvement in making choices and economic engagements, engaging men and youth and using media (Mugemi, 2011).

Access to justice is one crucial aspect to survivors of sexual violence. Hence, establishing a gender-sensitive criminal justice system and improving access to justice are vital steps to increasing accessibility and responsiveness for victims of sexual violence. Various conflict-related countries have introduced measures to build gender-sensitive law enforcement sector. Afghanistan, Colombia, Croatia, Democratic Republic of Congo, Uganda, Namibia and established specialized family and females' units in police stations which are said to have trained male and female officers to handle sexual violence cases more sensitively (Anderlini, 2010, Contreras, et al., 2010, Anderson, 2010, World Bank, 2011). These special units are reported to have shown an upsurge in reporting as well as in the prospect that survivors obtain comprehensive services (Sarah, et al., 2005). For instance, in Sierra Leone, the gender-sensitive environment for survivors resulted in an escalation in reporting sexual violence cases; ninety percent of which came from women and girls (World Bank, 2011). However, some assessments have established that female officers do not automatically exhibit more positive attitudes towards women who have been sexually violated than male officers. Additionally, establishing distinct units for handling female matters may cause typical stations to be less effective (Sarah, et al., 2005).

To improve officers' sensitivity towards survivors, the Organization for Security and Economic Co-operation in Europe (OSCE) and International Organization for Migration (IOM) devised a training curriculum on "gender-based violence", "gender equality" and "human rights" for police academy curriculum in Albania (Bouta, et al., 2005). It is reported to have helped the police officers to identify cases of gender-based violence of women and handle them in a more subtle manner.

In upholding justice for victims of sexual violence, the Government of the Democratic Republic of Congo (DRC) took extraordinary steps in 2014 that included prosecution of prominent military personnel and the disbursement of reparations to survivors of conflict-related sexual violence. Trials of General Jerome Kakwavu and Lieutenant Colonel Bedi Mobuli Engangela (alias- "Colonel 106") were determined. General Kakwavu was sentenced to ten years imprisonment for the crimes of rape, murder and torture and Colonel 106 was sentenced to life imprisonment for crimes against humanity, including rape and sexual slavery. The two verdicts are said to have marked a significant breakthrough in efforts to bring senior generals to account. During the same year also, thirty victims of the 2003 mass rape in Songo Mboyo received financial compensation from the Government: twenty-nine victims received the equivalent of US \$ 5,000 as compensation for rape and US \$ 200 for looted property. The mother of one of the victims who died from complications of rape received the equivalent of US \$ ten thousand. The reparation disbursements signified a development in justice administration (United Nations Security Council Report, 2015).

The Colombian government established a landmark law on 18<sup>th</sup> June 2014 aimed at promoting access to justice for sexual violence survivors. The law allowed for survivors' reparations, psycho-social support and free medical treatment. In August of the same year, "Decree 1480" was approved, instituting "25 May as the National Day for the Dignity of Women Victims of Sexual Violence" instigated by the internal armed conflict as a degree of joint compensations (United Nations Security Council Report, 2015). The same year also saw two thousand and eighty-one female victims of "crimes against sexual freedom and integrity" receive recompense,

out of the total seven thousand, three hundred and fifty-three (7,353) victims registered between 1985-2014.

Rwanda implemented the ‘individual guide approach’ as one of the ways of bridging any likely formal gaps by assigning “individual guides” to aid lead survivors through the system. The guides can also act as safety nets for the system where institutional ability might otherwise hinder liability and, they can instigate norm within a community (Lorenzo & Paul, 2008).

Fifteen years after the cessation of civilian war in Liberia, sexual violence has persisted hence threatening the physical safety of women and children in the country. “The United Nations-Government of Liberia Joint Programme on Sexual and Gender-Based Violence” set up in 2008 backed by “United Nations Action against Sexual Violence in Conflict”, has made laudable development in firming the criminal justice system as well as improving the capability of medical and psycho-social service providers. It has also seen the strengthening of the police department by enlarging the “Women and Child Protection Section of the Liberian National Police” and the increasing awareness at the grass-root level to counter detrimental cultural beliefs and practices that promote impunity and heap the fault on the victim (United Nations Security Council Report, 2015).

As survivors may have constrictions in accessing the formal criminal justice system such as financial costs and transportation, informal and traditional conflict resolution mechanisms can also increase their access to justice. For example, an informal community-based service, *Cas de Justicia* (Houses of Justice) in Colombia is said to have helped in increasing access to justice for survivors who live in marginalized communities (Contreras, et al., 2010). *Cas de Justicia* provides conflict resolution services which involve educators, psychologists, lawyers and police officers. United Nations agencies have supported their training program to strengthen their response to sexual violence. Regularly, their resolution services reflect severely rooted practices in the community. Mugemi (2017) has pointed out that traditional conflict resolution

mechanisms are often the prime forms of social control, dispute resolution and reconciliation in many communities. However, as Summer & Zurtrassen (2011) have argued, traditional resolution mechanisms are not always helpful for survivors of sexual violence because they tend to rank social harmony over individual rights of survivors, buttress present social attitudes and segregate on the base of social status, gender, caste, age and material status.

Increasing women's engagement in profitable activities and decision making has been backed up as a way of decreasing their susceptibility to sexual violence. It has been noted that economic reliance on males and a lack of livelihood opportunities make women more susceptible to sexual violence. Therefore, interventions that aim at empowering women economically can decrease their susceptibility to sexual violence.

According to El-Bushra and Sahl (2005), few women wanted to go back to pre-war days when their contribution and their voice went unrecognized. After the conflict in Burundi, to fortify women's economic independence, the International Rescue Committee supported a community-led micro-finance intervention. This intervention provided selected groups of women and men with access to finances through savings and loans at the village level. In addition, it also gave community members a chance to discuss attitudes, beliefs and actions that tolerate gender inequality, disempowerment and violence against women. Discussions indirectly dealt with concerns regarding gender and violence because overtly addressing these issues directly might annoy men in the society. Therefore, the project included men in all levels of its programming to prevent back lash against women.

According to The Food & Agriculture Organization (FAO, 2010), interventions should factor in the prevailing power relations between men and women within a specific context to mitigate further exposure of women to various forms of violence. The World Development Report (2011) notes: "Gender roles and relations change during conflict and appear to signal social progress. However, such gains may not be sustained or may be counter- balanced by a reversion to

traditional identities and norms when families and communities are threatened” (World Bank, 2011).

Involving women in decision-making can also diminish their susceptibility to sexual violence and abuse. The Women’s Refugee Commission implements a worldwide program to escalate the involvement of refugees and internally displaced women in decision-making activities (Women’s Refugee Commission, 2010). This program promotes women’s participation in camp management and addresses concerns such as uneven access to food supplies and other basic necessities. It is said to have helped distribute basic items and services in conflict-affected settings, subsequently reducing women’s vulnerability to sexual exploitation in exchange for food and services.

Other organizations have implemented interventions largely targeting men and the youth to encourage them to contest the patriarchal gender norms that back the usage of violence against women and girls. Women for Women International organization for example educates male community leaders about women’s rights and prepares them to leverage their community impact through Men’s Leadership Programs. For example, in partnership with CARE International organization, Promudo and other non-governmental organizations and youth groups, work with youth in the Western Balkans on the “Young Men Initiative” (Labiris, 2013). The initiative targets young men of ages fifteen to nineteen using “school-based” events and “media campaigns” which addresses gender roles and prevents violence. It comprises: “workshops about gender equality, sexual and reproductive health, and emotional well-being and, violence and conflict resolution”. Another example of engaging youth is the “Man Up Campaign” (United States Senate, 2009). This drive inspires young people, both boys and girls to address violence against women and girls in their communities via art, music, sports and technology. Through training and workshops, it prepares young people to implement sustainable grass root initiatives in their countries and communities.

The Media has also been used as one of the significant long-term community centered interventions as a result of its potentially massive impact. The use of radio, televisions and film is another way to prevent sexual violence by increasing people's knowledge and understanding of the issues relating to sexual violence and challenging the attitudes and values that tolerate sexual violence. In Cote d'Ivoire, for example, the International Rescue Committee (IRC) used a radio campaign to increase consciousness about sexual and gender-based violence and to spread information about services available to the survivors. It created ten to fifteen minutes short programs that covered "intimate partner violence, sexual violence, female genital mutilation, mistreatment of widows and, services available to survivors". In total, fifty-three programs were broadcasted through the local radio station in the evening when most people listened to the radio. The project evaluation revealed that seventy- seven and half percent (77.5%) of people who were interviewed had heard about gender-based violence on the radio and sixty-nine of them had listened to the gender-based violence programs at least twice a week.

Some media interventions such as the mobile cinema project in Eastern Congo has also been used to convey the message of sexual violence (Meurn, 2012). Since September 2008, the Mobile Cinema Foundation (MCF) in collaboration with "Search for Common Ground and Amnesty International- Netherlands" has been enlightening communities about sexual violence by displaying a modified version of the IFPRODUCTIONS documentary *fighting the silence*, followed by an open debate. The documentary demonstrates survivors telling their experience on how rape impacted their lives and why they have decided to cover their anguish and remain silent for fear of being banned. The mobile cinema project also tours military camps to educate soldiers about the consequences of rape through testimonies of survivors, perpetrators, military and judicial experts. Following the film, discussions are expedited by specially trained military personnel. This form of digital story telling is an influential tool both for empowering the victims and for educating offenders on the effects their actions can elicit (ibid). "Open Cage," a radio drama in Uganda ran a radio programme as a strategy to deliberate on matters of sexual violence for those residents who lived in camps (Kaste, 2014). Consequently, the women of Northern Uganda began to improve their circumstances by becoming empowered and very conscious of their rights (Jones, 2010).

Other organizations have used technology-based initiatives (Information and Communication Technologies-ICTs) and text messaging services for speedy broadcasting of information. As ICTs continue to advance and become more largely accessible to the public, a growing number of non-governmental organizations are embracing it to improve their awareness creation efforts (Freccero, et al., 2011).

While technological inventions increase people's capabilities to conduct outreach activities, they too have their own drawbacks. For instance, they may be used to propagate violence in certain contexts as was noted by Joshua & Juliana (2008). For instance, during Kenya's 2007 general elections, text messages were arrayed to boost and support tribal hostility.

## **2.6 Effectiveness of post-conflict efforts in combating sexual violence in various contexts**

Various studies on post-conflict efforts in combating sexual and gender-based violence in the post-conflict environment in Africa for instance in Liberia (Pellegrini, 2014) and in the Democratic Republic of Congo (Kristen, 2008) have been conducted. In the case of Liberia, the study established that even though noteworthy progress had been made, still, sexual and gender-based violence still continues to be a persistent problem. Key impediments identified in Liberia were: inefficient implementation of initiatives and supportive services for survivors and the limitations of the current judicial system.

In the case of the Democratic Republic of Congo, a lack of will, mismanagement and corruption of the Congolese Government, persistent instability and the weakness in the state structures have made it difficult to curtail the epidemic rates of sexual violence post-conflict. In both countries, the cultural practices (the long-seated norms) and traditional behaviors that support gender inequality were identified as key impediments in reducing sexual violence post-conflict. Still in

Liberia, while examining police behavior in post-conflict states, Medie (2012) established that major weaknesses continue in how police officers administer anti-gender-based violence laws. One area of weakness is the attrition of cases; officers fail to take the majority of cases to courts but rather withdraw them at the police station.

Exploring the effectiveness of intervention initiatives in combating sexual violence in the aftermath of post-election violence was justified by the fact that a woman's dismay does not end with the cessation of violence; the gendered experience of sexual violence goes past the conflict duration, bearing with it, any physical, psychological and socio-economic difficulties during the period of reintegration and re-construction. These women stay with the physical and emotional distress of their wounds throughout the period of rehabilitation and re-construction. Nevertheless, they must endure to take care of their children plus those children from the rape ordeals since spouses and the community often views them as 'damaged goods', "living symbols of a nation's humiliation" and "carriers of enemy children" (Leatherman, 2007, Bastick, Grimm, & Kunz, 2007). Furthermore, rape and sexual violations endure early marriages and honor killings (Inter-Agency Standing Committee, 2005, Kark et al., 2006).

According to Colombini (2002) and World Health Organization, 1997), women and girls are re-victimized due to the absence of health facilities and support systems for helping sexual assault victims. After all, many communities are ill prepared to support the survivor either legally, medically, socially or psychologically (Colombini, 2002). Tambiah (2004) has argued that the rise of prostitution after conflict is often a pointer of the dis-empowerment of women. The loss of the potential physical security of home and the common support structures make most women vulnerable to sexual violence as has been the prevalence of violence against women in many Internally Displaced Peoples' Camps (Hyndman, 2004). They suffer excessively from displacement and a sense of nonexistence. They are therefore trapped in a venomous puzzle; much as they constitute the majority preys of conflict, they are mostly too feeble to thwart the war and are barred from decision-making processes plus dialogues (Boulding, 1988). Yet, societies recovering from conflict mainly depend on the social action of women to drive political

change through, but their peculiar needs are repeatedly ignored in the post-conflict political processes. States, according to Birgette (1998) frequently lack the political will to wholly implement critical change; and likewise, problematic, is that these changes often are in direct contradiction to social norms. Further, he adds that although post-conflict reconstruction provides a chance to re-build society in a way which empowers women, upholding their basic human rights is often not realized.

Even though this has been done in other countries as cited above, in the Kenyan context, themes focusing on intervention initiatives in situations of conflict from a gender lens remain under-researched. This study intended to fill this gap by documenting Kenyan's perspectives on the extent to which the intervention initiatives have been effective in addressing the needs of the survivors of sexual violence in the aftermath of post-election violence (2007/08) with reference to Kisumu County. It is expected that this study will not only contribute to this knowledge but also add value to the rare attempts that have been done in Africa at length. It also recommends measures to be undertaken to increase the effectiveness of intervention initiatives in meeting the needs of survivors of sexual violence during and after conflict in Kenya and other post-conflict environments in Africa and beyond. This information is required to make a stronger case for addressing the matter both locally and globally.

The study used three theories to provide its boundaries and parameters namely: the feminist theory of rape, the conflict transformation approach and the socio-ecological model of intervention. Creswell (2008) has pointed out that boundaries are essential in a study to offer direction for the terms used, the scope of the study and the potential audience.

## 2.7 Theoretical framework

### 2.7.1. Feminist Theory of Rape

Feminists' scholars established this theory up in opposition to what they refer to as the "pressure cooker theory of wartime rape" (Jonathan, 2004, Seifert, 1994). The "pressure cooker" theory, as feminists define it, proposes that "war rapists are the victims of irresistible biological imperatives and that the chaos of the wartime milieu inspires men to vent their urges to this terrible effect" (Jonathan, 2004). Similarly, the feminist theory of wartime rape is also a pressure cooker theory; however, in this case, the pressure that forms is not libidinal in nature but misogynistic<sup>11</sup> (Jonathan, 2004).

The feminist theory of rape looks at sexual violence as "nothing more less than a conscious process of intimidation by which all men keep women in a state of fear" (Brownmiller, 1975). Ellis and Charles (1983) affirm this assertion by pointing out that the occurrence of rape is, most instantly, the product of a man's decision to act towards a female in a violent, controlling manner. The decision, other than being the outcome of any gripping sexual desire, however, emanates from a desire to institute (or re-confirm) a custom of sovereignty of the male sex over the female sex. In other words, men rape or sexually assault women to keep women in their "place" and to authenticate their "masculinity"; they sexually violate women in order to exhibit their power over women and to cause pain, suffering and humiliation that will keep women intimidated. In her seminal work on war time rape, Brownmiller (1975) argued that rape is basically an expression of deep-seated social and cultural hatred in men directed towards women.

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<sup>11</sup> Terry & Douglas (2006) define misogyny as "the hatred or disdain of women". It is an ideology that minimizes women to items for men's possession, use or abuse. "It diminishes women to expendable beings". This belief is prevalent and mutual in society.

According to Roberta, (1987), "misogyny is not just a word useful for describing particularly nasty bits of behavior, but rather it directs us to a set of relations, attitudes and behaviors that are embedded within all other social relationships". Thus, misogyny in its varied forms does not exist in a vacuum but is instead a part of a larger social, cultural and economic system that sustains and perpetuates the ideology.

According to her argument, rape is a type of male violence performed entirely against women out of deep and hidden feelings of disgust for and the aspiration to control women. These subconscious feelings, she argues, are displayed in conditions of great pressure and show themselves in acts of rape. Therefore, rape is thus not a crime of sexual urge, but that which is driven by a yearning of a man to wield supremacy over a woman.

This theory advances that men in patriarchal communities are acclimatised to doubt, scorn and to govern women. Soldiers who rape vent their contempt for women, imposing and propagating male-controlled gender arrangements which benefit all men (Seifert, 1994, Brownmiller, 1975). Seifert has further argued that “rape is not an aggression expression of sexuality, but a sexual expression of aggression; a notion that has gained broad consensus in the literature”. Thus, rape, which is the greatest pervasive form of sexual violence during conflict, is the result of entrenched social traditions, male power and female exploitation according to (Terry, 2006). Hence, men who rape are not mentally sick; rather, they are reacting to the ideals, attitudes and norms of their particular culture. Terry (2006) further argues that sexual fulfilment is not the key drive for rape directed towards women; it is merely another instrument used to retain power and authority over women. This reinforces Ellis’ (1989) argument that men essentially learn to involve in this activity by the social construction of male-controlled societal values that defend and endorse such behaviour.

Most feminist theorists argue that male dominance over women results from the fact that women are omitted from making decisions which concern them, including those matters dealing with rape and control. This omission from political and economic power, results in women being considered as unequal participants in inter-personal relations. From an interpersonal stance, feminist theory basically view rape as a reaction by men to the social impartiality between the sexes and the tendency to this disparity tends to have an impact on how men and women relate sexually (Brownmiller, 1975). Feminist academics and human rights activists have acknowledged a connection between gender discrimination and rape experienced during war periods (Hansein, 2001, Human Rights Watch., 2004,).

Studies on the position of “women and rape” during conflict pays attention to the symbolic connotation of rape and hold that gender disparity expedites approval of violence against women. In this interpretation, rape is an offense that permits men to cause psychological torture to women plus their societies (Bernard, 1994., Green., 2006, Seifert, 1996). Not only does it degrade the victim but also the husband and male kin for failing to shield her (Bastick, et al., 2007 and Hansein, 2001). Seifert’s (1994) asserts that, although men may engage in battle on diverse wings and for varied explanations, in one nous, they are all fighters in defence of their gender- and the rival is the woman. In this study, this theory was useful because it helped in elucidating why women bore the brunt of sexual violations more than men during the violence that took place in Kenya during 2007/08 elections. It explained why women were targeted by virtue of being ‘women’ regardless of the political divide they belonged to.

### **2.7.2. Conflict Transformation Approach**

Diamond, (1994) defines conflict transformationas “an endeavour that seeks to change the conditions that gave rise to the underlying root causes of the conflict”. On this view, conflict transformation processes are thus perceived further in terms of state building, national reconciliation and restoration, change agency and social transformation. According to Kriesberg (1997), transformation involves altering the relations between the players involved in the war. According to Lederach (1995), this approach focuses on examining the organisational and enduring associational traits. Transformation involves an order of transitional phases whereby not only are the bases and grounds of the situation that brought about the fight are removed, but also change in the perceptions and association between the players occur (Miall, et al., 1999). Conflict transformation has social change as the definitive purpose. In his comprehensive framework, Lederach (1995) has included a unified viewpoint for short and long-term transformation. Secondly, being an inclusive framework, it proposes that a structure for instituting harmony is therefore crucial. Establishing such a structure not only makes the whole process lawful or official but also helps in incorporating various stakeholders of the populace by factoring in their contribution in the reconciliation process and how this is to be achieved.

In his holistic methodology, Lederach (1998) states that transformation should bring change or its effect should be felt at three points: at the top management, at elite level and grass root level where grass-root organizations operate. Lederach (1995) also proposes that it is vital that the “cultural relevance” of societies where transformation is taking place be put into consideration in the transition process since these “cultural modalities and resources for handling conflict in a given setting are not only important to identify but should be viewed as foundational for building a comprehensive transformative network”.

At the post-conflict phase, the peace-building system that (Lederach, 1998) advocates for is not the one that is monopolized by the top management but rather an integrated system that “envisions peace-building as a web of inter-dependent activities and people.” The nested paradigm of peace-building activities that he illustrates is the one that should aim at a search for relational reconciliation whereby matters are determined and relations re-build. For sustainable peace to be achieved post-conflict, Lederach (1998) highlights four key aspects that must be addressed: “the psychological issues, the socio-economic, the socio-political and the spiritual concerns”.

The strength of this approach is that, in a post-conflict environment, it advocates for a transparent process that encourages the involvement of players from the grass root level to the top-most level. His view is confirmed by Mitchell (2002) who affirms that most transformation writers seem to agree that for a conflict transformation process to be operational, it must involve a “multi-level participation; involving features from all social levels of all the parties involved from top-decision makers, through middle range opinion leaders to grass root constituents, including those who would ordinarily be barred from the process and whose interests would not be represented in ‘normal’ negotiations”. Transformation hence does not purely focus on instant problems that were brought about by the current conflict; rather it also focuses on long-standing pains including entrenched feelings of past injustices.

In his study in (2003), he further argues that even though conflict causes long-term negative effects on populations, the importance of transformation is the ability to visualize conflicts as being able to bring fruitful alteration with the primary task being not that of looking for hasty answers to instant concerns but also being able to establish structures that can concurrently tackle outward problems and alter fundamental societal organisations. In reducing violence and increasing justice, he reiterates that transformation must be able to respond to life- on- the ground trials, needs and realities by ensuring that people have access to political procedures and voice in the decisions that affect their lives.

This approach also describes how transformation views social conflicts and what it seeks to support at various levels in each of these scopes (at personal, relational, structural and cultural). At personal level, conflicts affect individual's self-image, hence, this process presents an intentional effort aimed at decreasing this damaging impact and promote personal development. In the relational aspect, transformation represents intentional intervention to minimize poorly functioning communication and maximize mutual understanding. This includes efforts to bring to the surface in a more explicit manner the relational fears, hopes and goals of the people involved (Lederach, 2003). At structural level, transformation seeks to investigate the core reasons that bring about conflict and encourage peaceful transition processes. In the cultural dimension, transformation seeks to unearth and establish the societal factors that foster violence and ascertain societal resources available for managing conflicts (Lederach, 2003).

A key aspect of this framework is its view on the players at various points in society being endowed to embrace new relations and arrangements in the post-conflict setting (Lederach, 1998, Miall, et al., 1999) According to Lederach (1995) empowerment is "the procedural element of validating and providing space for pro-active involvement in conflict transformation". Similarly, Schwerin (1995) argues that "empowerment is the leitmotif of the transformational movement and can be delineated into eight primary components: Self-esteem, self-efficacy, knowledge and

skills, political awareness, social participation, rights and responsibilities and access to psychological, social and material resources”.

This approach was applicable to this study in that it captured the multi-level participation which was relevant to understanding the intervention levels in addressing sexual and gender-based violence in Kenya. It was relevant in analysing the parties (participants) that were involved in the intervention process from top-decision makers to the grass root constituents in addressing sexual violence in Kenya following the post-election violence in 2007/08. It also provided a good framework in analysing the inter-dependence of the parties involved in initiating various intervention strategies aimed at alleviating the woe of the women who were sexually violated in Kisumu County. It was also helpful in understanding what transformation seeks to achieve both at personal, relational, structural and cultural dimensions of human experiences in a post-conflict environment.

### **2.7.3. The Socio-ecological model of intervention**

This framework as advanced by Bronfenbrenner (1979, 1986, and 1995) operates on the premise that the individual functions “as part of a social web of network” and is viewed as a “growing dynamic entity”. Secondly, both the individual and the setting interact and relate with each other in a reciprocal manner. In addition, the environment with which the individual relates to does not just entail his/ her closest surroundings but is far much broader; consisting of several diverse social systems which are inter-related. According to Bronfenbrenner (1995) five different levels define an individual’s environment. They are: the microsystem, the mesosystem, the exosystem, the macrosystem and the chronosystem. He described the microsystem as the most immediate environment that a person interacts with such as the home (basically the family). It also entails the environment where one is likely to interact with his/her friends or peers such as at school or at work.

The mesosystem on the other hand entails the interactions that occur between an individual and the different settings in his/her immediate environment. For instance, the interaction

between an individual and his friends, family and other close associates such as peers and church members. At this level, the individual is actively involved in these interactions. The exosystem level mainly entails the formal institutions with which an individual may interact with in seeking services. These include the medical, the legal systems, the psycho-social services, educational systems, services at the housing department and even religious institutions. All these settings have an impact on the recovery process of an individual who has been sexually assaulted. Even though the person seeking services at this level is not involved in the decisions that are made, nevertheless, these decisions still have an impact on her. In other words, the person at this level is an inactive participant (Bronfenbrenner, 1979).

The macrosystem comprises of the cultural environment such as social norms, values, belief systems/ traditions. Overall, this level influences how other systems in the social web are able to meet the needs of victim post-sexual assault. Just like other factors in the social ecology, factors at this level also have an impact on the recovery process of victims who have undergone sexual violence. For instance, factors that strongly put emphasis on family honor and female chastity have been associated with an individual's poor recovery process (Luo, 2000). Therefore, intervention at this level is likely to address negative socio-cultural factors through community sensitization or community awareness on rape programmes in order to achieve desirable systemic change. Experiences during times of political conflict can best be explained by the prevailing socio-cultural and political environment. The final; the chronosystem entails the socio-historical circumstances and changes that occur in an individual and environment during his/her lifespan (Anderson, 2011).

This model acknowledges that victims of sexual violence have multiple needs and may therefore turn to seek help from various formal support systems such as medical, legal and psychological services. These systems may provide services to an individual directly or at a group level such as group counseling (Bronfenbrenner, 1979, 1986). If victims experience positive reception from these systems, the systems can help ease the recovery and adjustment process of the individuals. On the contrary, if they are ill-treated, these systems can amplify

the individual's sense of hopelessness, embarrassment and guilt. In assessing the effectiveness of these interventions, the multi-systemic socio-ecological model of intervention by Bronfenbrenner (1979, 1986, and 1995) was utilized.

This model therefore provided a conceptual framework for evaluating how social institutions, physical settings and social structures influenced the recovery and adjustment process of women survivors of sexual violence. It was also used to evaluate how systems interconnected with each other. This was important since exploring all the factors in the different systems in the individual's environment can improve one's conceptualization of how to effectively intervene in order to meet the needs of female survivors of sexual violence. According to this model, alterations occurring at one level can have spillover effects at other levels.

## **2.8 Conclusion**

This chapter examined the body of literature on sexual violence during conflicts and how it affects women, the key driving factors and interventions. It has explained the conflict transformation approach and ways in which it can be applied in different contexts in different conflict situations. This chapter has also explained the use of the feminist theory of rape by examining the ways in which sexual violence was perpetrated to women from all sides of the political divide during Kenya's post-election violence in 2007/08. It has also illustrated the use of the socio-ecological model of intervention in determining the interactive process between the individual and her environment and how this advances or inhibits her recovery and adjustment process. The next chapter examines the research methodology and methods employed in the study as well as the data collection process.

## CHAPTER THREE

### RESEARCH METHODOLOGY AND METHODS

#### 3.1 Introduction

This chapter motivates the use of qualitative research methods in order to gather rich data. It also identifies where the study was undertaken, the sampling procedures used in selecting the research participants, as well as the data collection processes. I have also discussed how the gender dynamics inherent in the data collection processes in terms of how my identity or positioning as a researcher impacted on the kind of data I collected. The chapter also explains how data was analyzed, how ethical considerations were undertaken as well as the field work challenges and study limitations. This chapter also provides brief biographical information on each of the research participants.

#### 3.2. Research Paradigm

There are three major scopes in a research process and these are ontology<sup>12</sup>, epistemology<sup>13</sup> and methodology<sup>14</sup>. They constitute what is known as a research paradigm. According to Lincoln &

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<sup>12</sup> *Ontology* is concerned with the nature of the social world and what can be known about it. A key ontological argument concerns as to whether there is a captive social certainty and how it should be made on which there are three distinct positions: **Realism**-claims that there is an external authenticity which exists freely of people's beliefs or comprehension about it; **materialism**- which holds that there is an actual realm but that only factual features of that world hold reality and **idealism**- which affirms that truth is only comprehensible through human mind and socially made connotations.

Guba (1990), a paradigm may be regarded as a “set of beliefs that deal with ultimates or first principles”. According to the two authors, a paradigm signifies “a *world view*” that defines, for its holder, the nature of the ‘world’, the individual’s place in it, and the range of possible relationships to that world and its parts”. According to Guba and Lincoln (1994) there are four paradigms currently opposing or have lately been contested for approval as the paradigm of choice in informing and guiding inquiry, especially qualitative inquiry. They are: “positivism, postpositivism, critical theory and related ideological positions and, constructivism” (which is associated with interpretivism). However, the one closely linked with qualitative research is interpretivism. Positivism stresses on unbiased measurement of social issues where it is presumed that reality comprises of facts and that researchers can perceive and measure reality in a neutral way (Muhl, 2014, Hennik et al., 2011). In other words, the researcher and the researched “object” are presumed to be autonomous individuals and the investigator to be capable of studying the object without influencing it or being influenced by it (Guba and Lincoln, 1994). Qualitative research on the other hand is concerned with biased valuations of attitudes, opinions and behavior. Positivism would hence have been inappropriate for this study due to its notion about unbiased measurement which essentially separates the researcher from the researched; hence failing to acknowledge the collaborative and co-constructive nature of data collection with human beings.

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<sup>13</sup> *Epistemology* is concerned with the nature of knowledge and how it can be developed. The main epistemological stances are **positivism** and **interpretivism**. **Positivism** claims that the approaches of natural sciences are suitable for social investigation because human behavior is ruled by law-like consistencies; and that it is possible to carry out autonomous, unbiased and value free social science inquiry. The opposite view; **interpretivism**, asserts that natural science techniques are not suitable for social inquiry because the social domain is not ruled by regularities that hold law-like properties. Thus, a social researcher has to explore and comprehend the social world through the participants and their individual viewpoints; and explanations can only be given at the level of connotation rather than cause (Ritchie et al., 2014).

<sup>14</sup> Methodology is concerned with the process through which the inquirer (would-be-knower) employs in order discover what he / she trusts can be known (Lincoln & Guba, 1990).

Postpositivism also assumes a neutral reality exists but grants that it can be apprehended “only imperfectly because of basically the flawed human intellectual mechanisms and the fundamentally intractable nature of phenomena” (Brand, 2008, Guba and Lincoln, 1994). As a result, its proponents assert that reality must be analytically studied in order to bring it as close as possible (see also Cook and Campbell, 1979). Hence, its objectivist postulation that it is possible to approximate reality makes it unsuitable for this study; it minimizes the subjective perspective hence minimizing the humaneness in research. Critical theory and related ideological positions on the other hand assumes that an obtainable reality consists of historically located structures that are in the absence of intuition, as limiting and confining as if they were real. In other words, the “researcher and the researched” entity are presumed to be interactively linked, with the values of the investigator intrinsically influencing the probe. This kind of inquiry necessitates that the researcher and the participants engage in a dialogue aimed at transforming ignorance and misconceptions into more cognizant consciousness (ibid). Even though this paradigm embraces the subjective perspective critical in qualitative research, it is limiting in terms of the way knowledge is generated in qualitative research hence making it less suitable for this study.

Constructivism or social constructivism (“often combined with interpretivism”) is normally seen as a more appropriate approach to qualitative research (Lincoln and Guba, 1985). This study, being a qualitative one, was hence positioned within an interpretivist paradigm. Under this paradigm, the researcher seeks to comprehend peoples’ lived experiences from the viewpoint of the people themselves, which is often referred to as the “emic” perspective or the “inside” perspective (Hennink al., 2011). This entails studying the subjective meanings that people ascribe to their experiences; so, rather than focusing on facts, qualitative researchers strive to understand “subjective meaningful experiences” and the “meaning of social actions within the setting in which people live”. This paradigm stresses the significance of interpretation and observation in comprehending the social realm which is a central part of qualitative research (Ritchie et al., 2014, Snape & Spencer, 2003). According to Monique, et al & Hennink, et al, (2011), interpretivism recognizes that “reality is socially *constructed* as people’s experiences occur within social, cultural, historical or personal contexts”. This interpretive aspect recognizes

the significance of these wider settings on people's lives and questions if behavior of people "can really be studied outside the context in which they live" (Snape & Spencer, 2008:8).

Within this paradigm, the opinions of people and experiences of reality are subjective and therefore, there can be many viewpoints on fact rather than a sole truth. Since meaning is generated socially through one's interaction with humans in the society, the researcher is believed to be an active player and creates meanings as he/ she engages with the world he or she is interpreting. In his "traveler metaphor", Kvale (1996) sees "the interviewer as a traveler who journeys with the interviewee". The investigator derives meaning from the 'stories' of the interviewee through her/his investigation. Holstein & Gubrium (1997) hold a similar view in which they emphasize that research is not simply a "pipeline" through which knowledge is conveyed. In their perception, the researcher builds knowledge as she or he partners with the interviewee in the research process.

This process of interaction in generation of knowledge is in line with the focus of my study which sought to explore the effectiveness of the intervention initiatives by interacting with the female survivors of sexual violence and the key informants in their natural settings. This process was achieved through the in-depth interviews that enabled the participants not only to narrate their experiences but also to help me derive meaning from these narratives. The interpretive paradigm queries the idea that inquiry is really free from value inclination, and that investigators have no impact on the information they collect. Instead, interpretivism stresses the intrinsic bias within individuals, both as study participants and researchers, and concedes that the background and principles of an investigator impact on the process of generating information. The researchers hence situate themselves in the inquiry to concede how their elucidation stream from their own peculiar, social and past experiences (Creswell, 2014, Hennink et al., 2011). I brought in my positioning as a woman from the Kenyan community and a post-graduate gender studies' student to help shape the study. My interviewing skills from gained through my job experience of conducting enquiries/ social investigations on offenders also contributed in collecting the rich data utilized in this study. As a woman from the Kenyan community, my social world is similar to that of my research participants and this not only gave me a better insight into their gendered lives but also gave me a high leverage in making meaning and contributing to the study.

### 3.3 Research Methodology

Wayne & Stuart (2001) define research “as a process of expanding the boundaries of our ignorance”. According to Kothari (2004), research aims at discovering answers to questions through the use of scientific processes. The main objective of research is therefore to establish the reality which is concealed and which has not been revealed as yet. Bakar (2000) has pointed out that having identified a research issue or question, the researcher must choose a research strategy and a suitable methodology for collecting information that will illuminate the problem. According to Kothari (2004), a methodology is the science of studying how research is done scientifically. Research methods are the tools that researchers use in order to collect data and present their research findings. These tools or techniques allow researchers to gather data about social inquiry from a host of sources including individuals, groups, and texts in all mediums (Patricia & Sharlene, 1997). According to Kirti (2001), qualitative methods involve “the systematic collection, organization and interpretation of textual material derived from talk or observation”. There are two main research methodologies: quantitative and qualitative. This study employed a qualitative research methodology. Qualitative methods are used to respond to research queries that necessitate description of social occurrences and their settings.

Qualitative research methodology assists the researcher in achieving an understanding regarding the way in which people interact with social structures and the way in which they assign meaning to their own life experiences (Oppenheim, 1992). It is mainly suitable to discovering matters that are intricate and to learning processes that happen over time (Ritchie, et al., 2014). Qualitative research is *contextual* meaning that is concerned with describing the form of what occurs in the social world.

Qualitative research methods have the ability to define and present occurrences of the populations being investigated in depth and in the study participant’s descriptions. As a result, it enables the researcher to unveil issues and to discover how they are interpreted by those associated with them. Secondly, it is *explanatory* meaning that it is concerned with investigating

the reasons for, or relations between, what occurs. In other words, it seeks to discover why occurrences happen and the effects that define their existence.

Thirdly, it is *evaluative*, meaning that it is concerned with evaluating the effectiveness of what exists. In this study, the participants' perceptions played a crucial role in evaluating how effective the intervention initiatives have been in meeting their own needs. The flexibility of evaluative research in terms of investigation is particularly concerned with observing the forces that determine how occurrences manifest. Fourthly, it is *generative*, meaning that it is concerned with assisting the development of theories, strategies or actions. As a result, I was able to make recommendations/ suggestions on what needs to be done in order to address the needs of women survivors of sexual violence in similar situations in my study findings.

According to Hennink et al., (2011), qualitative scholars study individuals in their ordinary situations in order to ascertain how their experiences and behaviors are molded by the environment of their lives such as the social, economic, cultural and physical context in which they live. Therefore, qualitative researchers also seek to embrace and understand the contextual influences on the research issues. A narrative<sup>15</sup> approach was employed to collect data from the research participants.

Qualitative research has been criticized as being unreliable due to the existence of the researcher's strong bias and individual impressions intensely subject to investigator's preconception. Due to its concern with subject assessment of attitudes, opinions and behavior, qualitative research has been seen to be a function of researcher's insight. It has also been criticized for lacking reproducibility- the inquiry is so personal to the investigator that there is no assurance that a different scholar would not come to deeply diverse deductions. It has also been criticized for missing generalizability; it is alleged that qualitative methods produce bulky and thick data from a limited number of settings (Nicholas & Catherine, 1995). Such an approach to

research generates results in a non-quantitative form which are not subjected to rigorous quantitative analysis unlike quantitative research.

Quantitative research examines relationships between variables which can in turn be measured typically on instruments so that numbered data can be analyzed using statistical techniques (Creswell 2014). The critical purpose of qualitative research is to explore and describe how the study participants understand and interpret their world (Ritchie et al., 2014). Quantitative methods would therefore be unsuitable for my research which sought to capture lived experiences, feelings and world views of my participants.

### **3.4 Reflexivity of the Researcher**

Reflexivity is a process that involves conscious self-reflection on the part of the researchers to make explicit their potential influence on the research process. According to Giorgi (1986), the investigator always gains entry to a field of inquiry with definite ideas about what it is all about. Malterud (2001) has pointed out that recognizing the varied aspects that influence the relationship between the researcher and the interviewee and how they subsequently influence the kind of information gathered is an important task in its interpretation. This necessitates “researcher’s reflexivity” that is, “the knower’s mirror” in probing ways in which interviewer’s and interviewees together generate knowledge and interpretation (Finlay, 2002, Lofland & Lofland, 1995). Through reflexivity, the investigator and the interviewee situate and construct themselves in relation to the discussion and its subject, producing related identities (Rapley, 2001). Therefore, the interviewer not only guides gathering and analysis of research data but is also “part of the co-creation of knowledge”.

Reflexivity begins at the point of recognizing presumptions that the researcher brings into the project such as personal and professional experiences, pre-study beliefs about how things are and what is to be explored, inspiration and qualifications for exploration of the field, and viewpoints and theoretical bases linked to learning and interest (Kirsti, 2001). According to Finlay & Gouch (2003), through reflexivity, qualitative researchers mirror on their bias and how their

background, expectations and behavior influence the inquiry process and how the study population responds to the research and the study environment. Hence, reflexivity entails that researchers constantly reflect on their actions and their responsibility in the data collection process and analyze how this impacts on their data (Finlay and Gouch, 2003).

Nevertheless, these could be entrenched within persons and therefore, the reflexive course is significant in order to bring forward a better understanding of oneself in qualitative researches. Pillow (2003) acknowledges that reflexivity is necessary in order to legitimize, to authenticate and to question the research process. This means that researchers need to use reflexivity continually throughout the research process so as to reflect any potential influence of the researcher on the research design, participant selection, the setting and the conduct of the data collection, and on data interpretation and presentation.

Hesse-Biber and Leavy (2006) have identified two types of reflexivity that have probable influence on the data generated in qualitative research: (i) Personal reflexivity and (ii) Interpersonal reflexivity. Personal reflexivity includes reflecting how the researcher's own backgrounds and assumptions may impact the research process and data generated (Hesse-Biber and Leavy (2006). Interpersonal reflexivity recognizes that the interview locale and the interpersonal dynamic between the researcher and the participant can have an impact on the knowledge generated. For example, if a noble relationship is created between the researcher and the participants or if the interview setting causes participants to feel uncomfortable, then this will affect the data that is created during this exchange. I therefore made use of both personal and inter-personal reflexivity.

Even though I came from a different ethnic background from that of my research participants, there were other similarities that stemmed from our common nationality, shared a common national language (Swahili). Additionally, we also shared other cultural aspects. For instance, a common cultural belief is that sexual matters are regarded as "private" in almost all the

communities in Kenya, some communities even view it as a taboo” to discuss matters regarding sex openly. That is why, as discussed in the literature, many cases of sexual violence against women go unreported and one key factor contributing to the under-reporting is the cultural aspect of treating sex as a “private” and “sacred”. Having this knowledge, I therefore required the interview venue to have some privacy, be quiet and physically comfortable. I understood that my research participants were somewhat uncomfortable being interviewed and contacted within their home vicinity. They neither wanted the interviews to attract attention nor did they want the subject matter of the interviews to be exposed or made public.

As will be discussed in the coming chapters, some of the research participants have never revealed their sexual violations to their immediate family members (such as husbands, parents, daughters, and sons) for fear of being rejected or being treated as “outcasts”. For example, some women reported that being raped is viewed as a dishonor to the families and the community which is tantamount to abandonment by spouses for those who were married. As a result of the retrogressive cultural practices in the Luo and Luhya community where my research mainly focused, once raped, one becomes a social outcast and hence is shunned by their communities. With such an understanding, I understood that conducting interviews at home would not work for most of them and this meant that we needed to identify venues which were convenient for everyone involved in the study. We arranged interviews to be carried in village community halls where it was not easy to identify the kind of a discussion that would be taking place.

I also understood that one fundamental principle in the African culture is the respect for elders (the elderly). As a result, I realized that interviewing women who were much older than me could have been a challenge and so I wanted to avoid a situation where I would encounter negative attitudes or silence during interviews. In this case, I utilized one of the managerial staff of the entry organization into my primary research participants- Development Work in Education, Livelihood and Environment organization (DWELE) who is a woman and is over 60 years of age. This woman has walked the journey with the female survivors of sexual violence since the post-election (2007) through their organization. I observed that even though she is the

organization's top executive, I noticed that the female survivors associated freely with her. She was responsible for introducing me to them and was with me every day I was in the field. I realized that they all refer to one another as "*girlfriend*" as a way of creating a more harmonious relationship amongst themselves. Through her introduction and debriefing which she always did before I began my interviews, I was able to navigate and conduct my interviews easily with women across all the age groups except with a few exceptions involving some two elderly women (over 60 years). The two expressed awkwardness as I began their interviews but after establishing a good rapport with them, I was able to continue and complete the interviews comfortably. Nevertheless, at the bottom of my subconscious mind, I knew that I had to treat each new participant uniquely as no one interview would be like another. The head of the organization holds a post graduate diploma in Gender and Development.

As pointed out by Creswell (2014), researcher's own individual training and experiences also have a bearing on their choice of approach. One of my main duties involves conducting social inquiries (individual interviews with offenders across the age divide and gender) with a view to generating pre-sentence reports. The reports<sup>16</sup> are relied upon by the judges and magistrates reports in determining the type of sentence(s) that they would prefer or pass against an offender. My interviewing skills based on my experience came in handy while conducting both the individual and the focus group interviews. My duties too as a court officer influenced my study focus. One of the intervention initiatives that I will be discussing in the following chapters is the legal aspect which formally lies within the criminal justice system. In discussing the legal interventions that were put in place in addressing the needs of the female survivors of sexual violence, I will be in a position to unearth the degree of involvement of the various stakeholders in the criminal justice system (that is, the police, the health professionals and court officials such as the magistrates/ judges). I will also be able to gauge the perceptions of the female survivors

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<sup>16</sup> Based on the circumstances of the offence, the court will request for a Probation Officer's report especially for offenders who plead guilty. The court will then rely on such a report to determine the appropriate sentence for such an offender.

towards the stakeholders including the challenges faced in implementing the legal interventions by the various actors.

Green & Thorogood (2004) and Finlay (2002) have recommended that researchers find a balance between complete reflexivity and becoming too analytical and they agree that the researcher's position can become unduly privileged; blocking out the participants' voice.

### **3.5. Methods of data collection**

This study utilized multiple methods in order to produce rich data. The research employed in-depth individual interviews and focus groups discussions by use of a semi-structured interview guide. It also employed participant observation. An interview guide with open-ended questions phrased clearly and simply was used for both the individual in-depth interviews and for directing the focus group discussions. I engaged my interviewees using face-to face interviews and this enabled the respondents to express their own perceptions and feelings in a more detailed manner.

The Director of the organization who is also a counselor, held de-briefing sessions with the participants prior to starting the interviews and the focus group discussions. These debriefing sessions helped in calming the participants' emotions considering that the interviews were bound to trigger emotional memories of the violence due to the sensitivity of the research topic. This helped the participants to go through the interviews steadily except in few instances where some trauma seemed to have been triggered from the past memories of the violence during the interviews. Since I had the psycho-social workers accompanying me during the interviews, they were able to offer the necessary psychological support to the few whom the interviews seemed to trigger ill emotions. Another added advantage was that that the Director of the organization and the psycho-social workers came from the same cultural group as most of the participants. Ritchie et al (2014: 65) have argued that engaging individuals who come from the participants' cultural community or who have experience in

co-directing interviews and focus group discussions could prove to be a more valuable method than otherwise.

At the time of carrying out the interviews, the informed consent of the participants was sought by requesting each participant to sign the consent form before proceeding with the interviews. Informed consent to record the interviews via a tape recorder was also sought since not all my participants obliged to the use of a tape recorder. The interviews were conducted in both English and Swahili since not all the participants had a good command of the English language. I had the two versions of the interview guide, that is, the English version and the Swahili version as a way of ensuring that all my participants were well accommodated. Hence, for those who were not well versed with English, the Swahili version interview guide was used. The ethical committee had also required that a version of a language that is conversant with all the participants be available.

Prior to conducting the interviews, I made a pre-visit to the organization ((DWELE) that facilitated access to my primary research participants. This enabled me to make firm and concrete arrangements by ensuring that a request to interview the participants was made on time. It also ensured that the venues where the interviews were to take place were confirmed and secured on time.

### **3.5.1 In-depth individual interviews**

In-depth individual interviews are crucial in that they enable the researcher to gather deep and firsthand information from respondents, and this data is produced by supplementing the broad, open-ended, exploratory questions with pertinent, gradually probing questions (Powell *et al*, 1996). In-depth interviews allow the researcher to probe deep into social and personal matters of the participants (Chilban, 1996). In other words, they offer a chance for comprehensive enquiry of people's particular perceptions, for profound comprehension of the individual's environment in which the inquiry is taking place and for very comprehensive topic study (Ritchie *et al.*, 2014).

According to Flick (2002), face-to face interviews inspire the respondents to give more and complete information instantaneously. The use of open-ended questions also gives the participants room for reflection and this allows participants to give detailed accounts (Hingston, 2014). The open-ended questions thus enabled the female survivors of sexual violence to give detailed accounts of their experiences and their perceptions with the interventions initiatives in place. These perceptions included their understanding of these interventions, the degree of effectiveness of the intervention initiatives and who, in their opinion, they thought is responsible to ensure that these interventions were in place.

It is very essential for the researcher to cultivate a positive rapport during in-depth interviews as fruitful field research greatly depends on this (Oppenheim, 1992). I therefore ensured that I established a good rapport<sup>17</sup> which basically involves trust and a respect for the interviewee and the information him or her shares. Usually, the initial phase is characterized by apprehensiveness emanating from an unfamiliar setting in which the interviewer and the interviewee are new to each other. For this reason, I had ensured that the first question was as broad and open-ended as possible, that it reflected the nature of the inquiry and was non-intimidating. This helped to get the interviewees talking. I often repeated the question with some keenness, giving the respondent time to catch what I was asking and to contemplate on how to answer. As Muthuki (2010: 58) points out, an interview, being a collaborative process involves not just listening and recording participant's opinions but the way in which the interview advances is crucial in the interpretation

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<sup>17</sup> According to (Douglas, 1985), rapport means creating a safe and relaxed atmosphere for sharing the participant's own experiences and attitudes as they actually happened.

of the ultimate data. In line with research ethics, the real names of the participants were not used to ensure anonymity and confidentiality; instead, pseudonyms were used.

I recorded the interviews by use of a tape – recorder for those who were comfortable with it and gave their consent for its use. Some of the respondents did not feel comfortable to have the tape recorder used and, in this case, I took detailed notes (in a note book and in the interview guide). According to Lofland & Lofland (1995), field notes afford the researcher an avenue to put down what she or he grasps in the setting close to the interview, her perception on the dynamism of the research experience, concepts for insertion after the field work and concerns which may be important during the analysis phase. On the other hand, using a tape-recorder is advantageous in that under normal circumstances, it records everything with complete precision and requires minimum effort (Dunne, 1995:19). Since extreme background noise, weak batteries, positioning of recorder are all aspects likely to impact on the quality of recorded interviews (Barbara & Benjamin, 2006), as a researcher, I took cognizance of this and ensured that the interviews took place in a calm environment. I also made sure that I had extra batteries as back-up and that I had practiced with the recorder prior to using it. This was in tandem with recognizing that observing high quality tape - recordings can hinder problems later in the research process.

An interview with one person lasted for at least fifty minutes. My primary participants were busy with their productive and reproductive roles and at times, some would show up for the interview appointments much later than scheduled. Hence on my part, I had to exercise a lot of patience. In other instances, I had to re-schedule some interview appointments to accommodate participants' needs, like attending to emergencies such as sick children or funerals for immediate family members.

Even though in-depth interviews encourage the interviewee to share rich description of the phenomena, I also observed that body language, facial expressions, actions, interactions or events within a known environment can provide potentially useful information. Prior to the field

work, I had not envisaged that participant observation would help me get information that the interviews were unable to give me.

### **3.5.2. Focus Group Discussions**

Group interviews on the other hand often take the form of focus groups with several participants sharing their information about a particular issue (Merton. et al., 1956). Each focus group represents a sole unit within a sample of groups; it is not an inquiry with distinct individuals and it is not a short-cut for gathering data from several people at once (Duggleby, 2005). The strength of using focus groups lies in the fact that it is an occasion to provide the researcher with an opportunity to discover how people conceptualize a certain issue, how their thoughts are molded, produced or qualified through a discussion with others. Focus groups also employ a directed discussion that enables participants to engage as a way of gathering deep information concerning intricate episodes and the rationale behind individual's behavior and views. Powell. *et al*, (1996) argue that the data acquired from focus group discussions can be used to isolate prospective areas of investigation or to illuminate the theme of the study, that, by nature, eludes other research tools. However, even though group interviews allow researchers to acquire a wide range of experience, because of the public nature of the process, they inhibit probing as intensely as possible to the individual (Chilban, 1996).

Given that groups are used to isolate important issues and to illuminate intricate social phenomena, I had envisaged conducting three different types of groups: two with the female survivors of sexual violence, one with the psycho-social workers working with the organization and offering psycho-social support to the women and the other with men working with the organization. I was however unable to conduct a focus group discussion with the psycho-social assistants since at the time of doing my data collection, only two psycho-social assistants were working for the organization and hence could not qualify for the requisite minimum number recommended for a focus group. Howard, et al (1989) advises that a group should comprise of six to ten people, four to eight according to Kitzinger (1996) or four to five according to Twinn,

(1998). Thus, the number of participants in the group may differ from four to twenty. However, I was able to use the psycho-social workers as key informants by conducting individual in-depth interviews with them. Even though I eluded the advantage of eliciting information from a group set-up, I was, nevertheless able to gather detailed information from the in-depth individual interviews from the two. Similarly, the men who worked with the organization did not work on full-time basis; instead, they worked with DWELE as a consortium and they were also working with other organizations. I could not secure a group interview with them but I was able to conduct an in-depth interview with one of them. I was however successful in conducting two focus groups for the female survivors of sexual violence. I used the in-depth schedule that I had prepared to elicit data from the focus group discussions. The group members suggested that I use Swahili language which most members were most conversant with. I therefore proceeded to use the Swahili version of the in-depth interview schedule that I had already prepared. The Director from DWELE organization helped in moderating the discussions.

According to Stewart and Shamsadini (1990), there are no universal rules as to the optimum number of groups. They state that the justification of that number should be according to the similarity of the population and ease of research application. In their argument, they propose that one focus group may be well sufficient; with the concept of saturation being key, as interviews can be terminated when no fresh information is being gathered. Krueger (1994) suggests that the least may be three and the maximum twelve. Nyamathi and Schuler (1990) state that four focus group discussions are satisfactory, but that contemplation of response saturation should be made after the third. According to Powell *et al*, (1996), one to ten focus group discussions are usually adequate for most studies, because at some point, the group discussions will merely repeat existing data, making more sessions pointless. The reason for conducting two focus group discussions with the female survivors of sexual violence was to ensure that there was sensitivity in group's composition in terms of age. One group consisted of women aged between twenty-five to forty-four years and the other aged between forty five to sixty three years. This enabled the participants to be at liberty to intermingle with each other (Carey, 1994). The group of those aged twenty-five to forty-four years comprised of five participants while the one for those aged forty-five to sixty-three years comprised of seven participants. Powell, et al., (1996) argues that

members of a focus group discussion need to be alerted in advance and in cognizance of this, group members were provided with ten days' notice in advance to enable them to plan their schedules to include this extra obligation.

Recognizing that focus group discussions are time-consuming activities for participants especially when one has sacrificed the better part of their day and had to travel to the interview venue, the researcher felt it was necessary to give three hundred Kenya Shillings per participant for transport and served them with refreshments and snacks. Steward and Shamdasani (1990:5) have contended that it is a noble idea to serve snacks or even a light meal if the group discussion will be scheduled near a meal time. In their argument, the presence of food tends to ease participants and encourages them by eradicating worries about meals. A number of experienced researchers of both genders suggest that rapport with respondents is sustained through exchange relationships (Lofland & Lofland, 1984, Gray, 1980, Danzinger, 1979, Ritchie et al., 2014). In their argument on reciprocity in conducting research, they have pointed out that it is essential for a researcher at the preliminary phase to think of how he or she can offer something in return for help, spell and consideration accorded by interviewees. They argue that such actions help to inspire participants, even though they may to some extent make research more of an exchange, although not automatically an equivalent one. Some of the suitable measures for showing reciprocity that they have suggested include, running errands, baby sitting or providing rides, offering a little cash or a print of the report.

After the discussion was completed, the participants were thanked for their time and co-operation. The researcher also clearly explained to them that the small amount of money, the refreshments and snacks that they were served was not a way of paying them but a gesture of appreciation for their time and input since this research was purely for academic purposes. Focus group discussions would last for ninety minutes to one hour, forty-five minutes. During my research, I also discovered that by use of participant observation, I could get the information that the interviews were unable to capture.

### **3.5.3 Participant Observation**

Participant observation is an approach in which the researcher links with the population being studied to note down occurrences or relations as they take place. It gives her or him a chance to gain further insight by having a feel of the happenings for themselves (Ritchie et al., 2014: 35). Observation differs from interviews in that it takes place in the location where the phenomena of interest naturally occur rather than a location selected for the purpose of interviewing. Secondly, observational information signifies an immediate encounter with the phenomenon of interest rather than a secondhand version of the world gained in an interview (Sharam & Elizabeth, 2016). Hence, the researcher sees things in their actual sense and uses her knowledge and proficiency in inferring what is observed rather than relying on once-removed accounts from an interview.

Observation makes it probable to record behavior as it is occurring. As a stranger, the participant observer takes note of aspects that the participants have become accustomed to; aspects that may help her or him understand the context. I participated in social/community and religious gatherings where I was able to observe behavior, actions and interactions as well as the social setting. During these gatherings, the traditional gender roles were eminent whereby women served drinks and set tables for the guests and men conducted manual jobs, like fixing tents. When it came to the seating arrangements, I observed women expressed reservations in occupying the front rows except those who were in leadership positions. Women also tended to cluster around each other. Observation therefore gave me an insight into the gendered lives of my participants.

I attended community functions such as the International Women's Day. The organization which I used to gain entry to my research participants together with APHIA *plus*<sup>18</sup>- Nyanza, were the key organizers. APHIA *plus* funded the function. Other key players during this day included Government departments from both the County and National Government such as the Ministry of Health, Gender, Interior and Co-ordination of National Government. I also attended a religious cum- sensitization women's meeting held in one of the Salvation Army Churches. During this function, DWELE and APHIA *Plus* too had been invited to sensitize the women on issues of gender-based violence. Observation as a data-collection method requires the researcher to be present at, involved in, and essentially recording the unchanging daily activities with the people in the field setting. According to Sharam & Elizabeth (2016), observations are crucial since they can be used to triangulate evolving findings; they are used in combination with interviewing and content analysis to validate the findings. In addition, people may not feel free to talk about or may not want to discuss all topics, hence, observation is the best method when participants are unable or unwilling to converse on the topic under study.

Observation has been criticized as a data collection technique due to its greatly biased and therefore unreliable nature of human perception. However, despite this criticism, as a participant observer, I was able to understand how gender shaped their way of life and the meanings that they attached to their social world. These observations were put down in field notes, collated and later analyzed for content.

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<sup>18</sup> APHIA *plus*- (*AIDS*, Population & Health Integrated Assistance) is the largest Integrated Health project of its kind in East Africa. Funded by United States Agency for International Development (USAID) and supported by Kenya's Ministry of Health, as well as faith-based organizations, the staff working in the project co-ordinates with other agencies working in Nyanza Province such as US Centers for Disease Control and Prevention (CDC) so as to attain its goal of minimizing the danger of HIV transmission and the fertility rate in the region (information obtained from staff working at the project).

### **3.6. Selection of research sample and project area**

Sampling refers to the procedure of choosing respondents who provide information about them and permits the researcher to create a composite picture of the group that those respondents represent (Babbie & Mouton, 2001). It is the process of stipulating inclusion and exclusion criteria for possible participation through the conjoint consideration of epistemological and real concerns (Oliver, 2013). This being a qualitative study, a non-probability sampling was employed. In non-probability sampling, study units are intentionally chosen to mirror certain characteristics of the selected population. The sample is not envisioned to be statistically representative; the probabilities of choosing each component are not known, but rather, the features of the population are used as the base for choosing them. It is this characteristic that enables them to be suitable to small-scale, comprehensive enquiries (Ritchie et al., 2014: 78).

The non-probability method used in this study was purposive sampling. In this type of sampling, units are selected that have specific characteristics that allow deep exploration of the critical themes and mysteries which the researcher desires to study (Mason, 2002 and Patton, 2002). These may be socio-demographic features, or may relate to particular practices, behaviors, roles, among others (Burgess, 1984). The use of purposive sampling in this research enabled me to get the participants who had similar experiences, knowledge and were willing to participate in the study. The participants were female survivors of sexual violence and formed my primary participants. The researcher used the Commission of Inquiry into the Post-Election Violence (CIPEV) framework for sampling the primary participants in this age bracket (twenty-five to sixty-three years) based on the minimum and maximum age of the survivors who testified before this Commission in 2008 which was seventeen and fifty-five years respectively (CIPEV, 2008 and Masinjila, 2008).

In order to gain access to my research participants, I engaged a local Non-Governmental Organization; Development Work in Education, Livelihoods and Environment (DWELE). The organization runs a Gender and Empowerment Project based on integrated psychosocial and health support to survivors of sexual and gender-based violence from Kenya's 2007/08 post – election violence. It had confirmed that it would facilitate the selection of female survivors of

sexual violence (2007/08) and the social workers (psychosocial workers) who would participate in the study at the proposal development stage. The primary participants were selected from three sub-counties: Kisumu East, Kisumu West and Kisumu Central which were the worst hit by the post- election violence. From the organization's record, twelve were purposively selected from Kisumu West, twelve from Kisumu East and eleven from Kisumu Central based on their availability and willingness to participate.

A sample of thirty-five women who are survivors of sexual violence was used in this study. This was to enable an in-depth investigation in order to elicit rich qualitative data. The researcher relied on existing literature on guidelines for actual sample sizes. Guest *et al.*, (2006) states that sample size normally relies on the notion of 'saturation' or 'data adequacy' which is the point at which no new information or themes are witnessed in the data. According to Thomson (2011), the point of saturation can be affected by the scope of the research question, the sensitivity of the phenomena and the capability of the researcher. In evaluating one hundred articles that utilized ground theory, Thomson (2011) established out that the average sample was twenty-five, but it recommended that one plans for thirty interviews as an estimated number. Bertaux (1981) argued that fifteen is the least acceptable size in qualitative research while Morse (1994) suggested at least thirty-five participants for grounded theory studies. Creswell (1998) suggested commended 20-30 for a grounded theory study. According to Green & Thorogood (2004), there is nothing new that arises from the participants after the twentieth interview. I found that new themes stopped emerging after the twenty interviews but in order to ensure that I had sufficient data, I decided to conduct the thirty-five interviews that I had previously planned for.

The study also made use of key informants. Key informants are expert sources of information. They are people, who, following their personal skills, or social standing within a society, are capable of providing further information and a deeper understanding of what the researcher is involved in and into what is going on around them (Marshall, 1996). By using key informants, researchers can get quality data within a short time. Usually, key informants are not selected for being a representative of a studied organization, rather, they are chosen because they are allegedly well-informed about the issues being researched, are able and agreeable to communicate about them (Nirmalya, et.al. 1993). However, like other research techniques, key

informant technology has major shortcomings. Both informant bias and random error can flaw informants' reports. For example, informant reports suffer from individuals' memory failure or insufficient recalling of former occurrences (Golden, 1992). The latter can result from attribution bias and unintentional efforts to uphold self-confidence, or impression management (Huber & Power, 1985). Numerous researchers have supported probing several informants to increase reliability and validity of reports (Golden, 1992).

This research also utilized nine key informants who were exclusive of the thirty-five primary participants. They were resourceful in explaining to me the experiences of the women who were sexually violated, their role as key stakeholders in providing support to these women and the coping mechanisms that the women have been employing in order to pursue their daily lives. The key informants were drawn from the entry organization to my primary participants and they ranged from management staff, the psycho-social workers and the men working in the organization. The other key informants were drawn from the Gender Violence and Recovery Centre (Kisumu) and the Kisumu Central Police Station who also interacted with these women in provision of key services as will be discussed in later chapters. The key informants, who included people employed in both state and non-state agencies were also busy with their work. Some had to respond to short notices and attend trainings as and when called upon by their employers and so I had to wait for them to return. My field work also coincided with political party nominations for the general elections that took place in August 2017 which in some instances kept on being post-poned. My key informants from the police department had been called upon to offer security during the exercise. I had to wait for them to be available after the exercise to be able to conduct the interviews. Nevertheless, I was able to conduct my interviews successfully in the end.

Since I had recognized the influence of location on the attendance of the participants, in mutual agreement with the participants and the management of DWELE organization, we arranged a discussion place in the village (in village community halls) for both the in-depth interviews and the focus group discussions. In these places, the participants were more comfortable since they

felt that it offered them more anonymity and confidentiality than if the interviews were to be carried in their natural home settings. Steward and Shamdasani (1990:56) argue that the nearer the place to participants' home or work, the more likely they are to take part. The time for the focus groups was also agreed on in advance with the participants and the psycho-social workers from the entry organization.

The next section provides demographic information of each participant reflecting the age, place of origin, their level of education, marital status and brief information of their sexual violence experience. For purposes of anonymity and confidentiality, their real names were changed and instead pseudonyms used which too is in line with research ethics. Such information was useful in understanding their narratives deeper as discussed in the subsequent sections.

### **3.7. Demographic Information about the Research Participants**

#### **3.7.1. Demographic Information about Individual Primary Research Participants**

##### **1. Mercy**

Mercy is 34 years old. She hails from Kisumu East. She completed class eight (Primary School completed). She was gang raped by people unknown to her in December 2007. At the time, she was single but later got married. She has never disclosed her rape ordeal to her husband for fear of abandonment. She is practicing subsistence (or small scale) farming for her livelihood.

##### **2. Jane**

Jane hails from Kisumu East. She is 33 years old. She completed class eight. She was raped in December 2007 by two Police Officers who told her and her husband that they were conducting a search for gangs who were terrorizing the citizens within their vicinity. They whisked her husband out of the house. She was left behind with her young child and that's when they raped her. She was separated from her husband for a period of two months before they later re-united

as each person ran in different directions fearing for their lives. Jane does small-scale farming for a living.

### **3. Atieno**

Atieno is 39 years old and hails from Kisumu East. She has completed primary school education. When the gang struck her house in December 2007, her husband was at home. She has not revealed this information to her husband for fear of being abandoned but she has a feeling that her husband suspects as much. Following this battle, her fish selling business collapsed and she now weaves baskets for sale in order to earn a living.

### **4. Achieng**

Achieng is 48 years old and hails from Kisumu East. She dropped out of school in class seven due to poverty. She was gang raped towards the end of December 2007. When her husband learnt of it, he married another woman but five years later, he came back to her. He still maintains a relationship with his second wife. She weaves baskets for sale which she combines with charcoal selling for her livelihood.

### **5. Akoth**

Akoth is 65 years old and hails from Kisumu East. She has no formal education. Early in 2008, she was in the house with her husband when the gang struck. They tried to escape but she was not fast enough; she was raped repeatedly by the road side. The rape ordeal resulted to fistula. Sadly, her husband abandoned her. She runs a charcoal selling business for a living.

## **6. Awuor**

Awuor is 39 years old and hails from Kisumu East. She dropped out of school in class seven due to negative peer pressure. She was raped by a person known to her. She was single at the time. She sought refuge at a neighbor's house whom she had known for some time. Unfortunately, he took advantage of her and raped her. She later got married but she has kept the rape ordeal a secret to her husband because she says if he finds out, he will shun her. She is gifted in the art of hairdressing and works in a salon.

## **7. Catherine**

Catherine is 60 years old. She hails from Kisumu East. She studied up to the seventh class at primary level. She said that in January 2008, she was with her husband when three men struck them at night. They beat her husband and when he fell down, they raped her. He pleaded for Mercy for his wife but they told him they would kill him if he raised an alarm. The ordeal sent her husband into serious depression. For a living, she bakes cakes and sells cakes.

## **8. Ann**

Ann is 53 years old. She is single and hails from Kisumu East. She dropped out of school while in class three as her parents could not afford basic school necessities. She narrated that on 4/2/2008, Police Officers on Patrol were going around knocking on every house door in the slum where she lived, saying that they were looking for gangs who were hiding there. The police were accusing the women of hiding the gangs in their houses. Since she was alone in the house, the three men took advantage of her and raped her in turns. Her business stock of second hand clothes was also burnt during the skirmishes. She is now a hawker in Kisumu town and sells fruits.

## **9. Mary**

Mary is 32 years old and hails from Kisumu East. She dropped out school in class seven due to negative peer pressure. She reported that on the 24/01/2008, four Police Officers in full uniform raped her when they found her in the house alone. She was infected with HIV and also developed severe abdominal complications. Her husband abandoned her for some time and she said that even though he later came back, her marriage took a different turn (more conflicts). She relies on old casual jobs such as house cleaning and doing laundry for people to earn a living.

## **10. Anyango**

Anyango is 34 years old. She hails from Kisumu West. She went up to class eight. She was gang raped by three men as her husband and her young daughter watched helplessly. The husband suffered deep cuts on his hand inflicted by the use of a sharp object (weapon) as he tried to protect her. She suffered severe abdominal injury leading to an operation. She now runs a small shop with some funding she got from a Non-Governmental Organization.

## **11. Milca**

Mercy is 34 years old and hails from Kisumu West. She completed her primary school education but could not proceed to secondary due to lack of fees. She remembers that on 25/1/2008, two men raped her and left her unconscious. She woke up in hospital. She was married but sadly, her husband abandoned her after learning that she was raped. She used to work as a farm worker but lost her job since she could not return to work on time due to the injuries she had sustained. She works as a domestic servant in a neighbor's homestead.

## **12. Linet**

Linet is 39 years old and hails from Kisumu West. She went up to Form Two but had to drop out since her parents could not afford school fees. She was gang raped on 5/2/2007 in front of her young children who were aged ten and less. Her husband was away at the time. She developed difficulties in walking. She also lost her job as a waiter in a hotel she worked in since she was unable to get to work on time due to the injuries she sustained. She operates a grocery business to support her family.

## **13. Nancy**

Nancy is 45 years old and hails from Kisumu West. She is single. She dropped out of school while in class seven due to her family's financial constraints. She recalls being raped on 28/12/200, by two men in her house in front of her then young children. The rape resulted in a fistula and she was also infected with HIV. She operates a business of selling second hand clothes to meet the needs of her family.

## **14. Lucy**

Lucy is 49 years old and hails from Kisumu West. She went up to Form 2 but dropped out while in Form 2 due to negative peer influence. She remembered that on 3/1/2008, her husband was away when a gang of four men struck her house and raped her. She contracted HIV in the process. Her husband abandoned her for some time but later on returned back to her. Being a hairdresser, she was able to start a salon business with financial support from well-wishers which she operates to date.

### **15. Aoko**

Aoko is 56 years old and hails from Kisumu West. She dropped out of school due to family's lack of finances to sustain her in school. She remembers that on 28/1/2008, she was gang raped. She was pregnant at the time. The rape caused a miscarriage. The fish selling business she used to operate at that time closed down. She now runs a grocery shop. She was later abandoned by her husband.

### **16. Miriam**

Miriam is 35 years old. She hails from Kisumu West. Miriam dropped out of school while in class two due to poverty. She remembers that on the 29/1/2008 she was raped by an unknown person in her house. At that time, she was single. Later she married but she has never disclosed the rape experience to her husband for fear of rejection. She sells second hand clothes for a living.

### **17. Monica**

Monica is 57 years old and hails from Kisumu West. She has no formal education. She remembers that on the 10/1/2008, she was on her way to the farm at around 10.00 a.m. Three men accosted her on the way; two raped her in turns as the third one watched. Unfortunately, two weeks later, her husband lost his life following the post-election skirmishes. She sustained severe pelvic injury and has since developed difficulties in walking. She is unable to engage in a meaningful source of livelihood and relies on well-wishers.

### **18. Pauline**

Pauline is 45 years old and hails from Kisumu West. She dropped out of school while in class five. She was gang raped in December 2007; at that time, her husband was away. Her husband

deserted her after learning that she was raped. She later learnt that he died. Her family disintegrated during the violence with her children dropping out of school; and her young daughters married early. She has never seen one of her daughters since then. She does casual jobs for a living.

### **19. Njoki**

Njoki is 55 years old and hails from Kisumu West. She is single and has no formal education. She was attacked with other women at night in a school where they had sought refuge after their homes were burnt during the heat of the violence in January 2008. Young men attacked and raped them. She became hypertensive and developed ulcers due to the traumatic experience. She hawks various items in Kisumu town for a living.

### **20. Sarah**

Sarah is 48 years old and hails from Kisumu West. She is a single mother of two children who are adults. Her schooling ended early and abruptly due to lack of family's ability to meet her basic necessities. She was escaping from the violence in December 2007 when a man who acted as a good samaritan offered to shield her in his house. Unfortunately, he took advantage of her vulnerability and raped her. The rape ordeal resulted to back and pelvic complications. She does hawking for a living.

### **21. Jane**

Jane is 53 years old and went up to class seven. She hails from Kisumu West. She was once married but separated due to what she termed as irreconcilable differences. She was also raped in the place where she and other women had sought shelter as internally displaced persons in a local primary school in January 2008. Her grown up children later learnt of the ordeal and this makes her suffer from shame. She runs a small shop to earn a living.

## **22. Peninah**

Peninah is 60 years old and hails from Kisumu East. She has no formal education. She is married. She was raped, and her husband injured seriously during the attack as he tried to protect her. The gang that raped her also beat her up. Her small business that she ran at the time was vandalized during the violence. She now sells groceries for a living

## **23. Carol**

Carol is 40 years old. She dropped out of school while in class four. She hails from Kisumu East. A gang of four men raped her in the presence of her children in January 2008. Her husband was away at that time. She also contracted HIV as a result of the rape. When her husband learnt of the ordeal, he married another woman. He occasionally visits Carol. She runs a small shop to earn her livelihood.

## **24. Rebecca**

Rebecca is 63 years old and has no formal education. She hails from Kisumu Central. She suffered gang rape that was perpetrated by three men who broke into her house at night in February 2008. Her husband was away at that time. The men also beat her up in the process as she tried to defend herself. The rape ordeal affected her husband sending him into depression. She operates a second-hand clothing selling business to earn a living.

## **25. Rachael**

Rachael is 55 years old and hails from Kisumu Central. She dropped out of school while in class three. She is a widow. She was accosted by a group of unknown men on her way from her farm in January 2008. They raped her, beat her and harassed her in all manners. She also contracted HIV in the process. She lost the job that she had then and currently runs a vegetable selling business.

## **26. Mercy**

Mercy is 51 years old and hails from Kisumu Central. She went up to class seven. She is single. During the violence in February 2008, three men broke into her house at night, pulled her into the bushes and raped her. During the process, she also sustained an eye injury in self-defense which has affected her vision. She does casual jobs for a living.

## **27. Damaris**

Damaris is 40 years old. She hails from Kisumu Central. She completed her primary education. She reported that a gang of five men broke in to her house in January 2008. They beat her husband and ordered him to leave so that they could do their “*job*” essentially meant to mean rape wife. They raped her and defiled her ten years old daughter. The rape resulted in a fistula. Her daughter who was raped eventually dropped out of school because of the trauma. Her husband deserted her and the children eventually. She is in the business of selling fish to earn a living and support her children.

## **28. Agnes**

Agnes is 39 years old and hails from Kisumu Central. She is a widow. She dropped out of school while in class six due to poverty. She was raped by a person known to her in December 2007. In

her opinion, men took advantage of the women at that time because of the vulnerable situation that most women found themselves in. She developed abdominal complications following the incident. Her tailoring and hotel businesses that she operated at that time were also looted. She is now a fruit vendor.

### **29. Susan**

Susan is 28 years old and hails from Kisumu Central. She is single. Susan went up to Form Four (completed her secondary education). In December 2007, she was in the company of two other girls and was walking towards the Internally Displaced People's Camp where they lived. Since it was dark, the three men waylaid them, grabbed them near the side of the road and raped each of them. She works in a salon as a hairdresser.

### **30. Matroba**

Matroba is 50 years old and hails from Kisumu Central. She went up to Form two. She was in the company of her husband when three men broke into their house a night in December 2007. They tried to escape but she was not fast enough. They raped her for hours before eventually leaving her. She developed severe pelvic complications and could not walk for a year. Even though her husband stood by her then; he eventually married another woman and abandoned her with the children. She sells fruits for a living.

### **31. Benta**

Benta is 38 years old and hails from Kisumu Central. She dropped out of school while in class seven due to negative peer influence. In December 2007, she was in the house with her husband and their young children when Police Officers came knocking on their house doors. The police told them that they were searching for gangs. They beat her husband up but he managed to escape. They two officers raped her in turns. He husband has since disappeared without a trace. She does the business of hawking ground nuts within the town of Kisumu for a living.

### **32. Alice**

Alice is 54 years old and hails from Kisumu Central. She has no formal education. She is a widow and a mother of six. She was raped and her two daughters defiled when three men broke and entered into their home in December 2007. She said that the experience was so horrifying that one of her daughters became dumb. Her daughter eventually died. She operates a small shop from where she is able to earn a living.

### **33. Claire**

Claire is 43 years old and hails from Kisumu Central. She completed her primary education. She narrated how a gang of five men raped her as she headed to her house from her farm in December 2007. She woke up only to find herself in hospital. She also got infected with HIV in the process. She suffered another casualty; two weeks later, her husband lost his life following police brutality during the post-election violence. She is in the fish selling business.

### **34. Theresia**

Theresia is 28 years old and comes from Kisumu Central. She completed her primary school education. She narrated how her other three friends suffered from police brutality in January 2008. She was at a friend's house together with a group of other friends when two police officers knocked and entered the house. They did not wait for the door to be opened for them; instead, they forcefully entered in. The officers told them that they were conducting a search for gangs whom they alleged were hiding in the slums where they lived. The officers raped them. Though she eventually got married, she has never revealed it to her husband. She is a vegetable vendor.

### **35. Flora**

Flora is 45 years old. She hails from Kisumu Central. She studied until class six. She was raped by a person known to her in December 2007. Her husband was not in the house at that time. When he learnt of the rape, he deserted her but eventually returned after two years. She says that the rape has affected her relationship with her husband in that there is mistrust. She acquired weaving skills through the support of a Non-Governmental Organization and now weaves baskets which she sells to earn an income.

### **3.7.2. Demographic Information about Key Informants**

#### **Rose (1)**

Rose is 45 years and hails from Kisumu West. Besides her secondary education, she is also a trained counselor and a community health worker. She has been involved with the female survivors of sexual violence while working with Development Work in Education, Livelihood and Education organization (DWELE) as a psycho-social worker since 2007. She is a living survivor of the sexual violence of the 2007/08 post-election violence just like the primary participants.

#### **Moraa (2)**

Monicah is 47 years old and hails from Kisumu Central. She is also a trained counselor and has been working as a psycho-social worker with the same organization as above (DWELE). Her work has mainly been that of offering psycho-social support to these women. She is also a sexual violence survivor of the post-election violence and identifies with the women and their situations.

**Nora (3)**

Nora is 52 years old. She holds a Diploma in Nursing and is a trained counselor. She has been in her profession for the last 26 years. She works at the Gender Based Violence and Recovery Centre at Jaramogi Oginga Odinga Referral and Training Hospital (JOORTH) in Kisumu; formerly the Nyanza Provincial Hospital. She has worked in this facility for over fifteen years and hence, has attended to most of the survivors of sexual violence who sought help from this facility.

**Faith (4)**

Faith is 46 years old. She holds a Diploma in Nursing and is also a trained professional counselor. She has been in her profession for over 20 years. She also works at the Gender Based Violence and Recovery Centre at Jaramogi Oginga Odinga Referral and Training Hospital (JOORTH) in Kisumu. She too has attended to most of the survivors of sexual violence who sought help at their facility; both as a nurse and as a counselor.

**Halima (5)**

Halima is 29 years old. She is a trained police officer. She has special training in Gender issues. She has been in the Police Force for eight years. She is currently working at Kisumu Central Police Station at the Gender Unit.

**Susan (6)**

Susan is 40 years old and a Police Officer by training. She has been in the Police Force for the last fifteen years. She has a special training on Gender issues. She is currently working at the Gender Unit at Kisumu Central Police Station.

**Jacinta (7)**

Jacinta is 63 years old. She holds a Post- Graduate Diploma in Gender and Development. She has over 28 years of experience in her field. She is at management level at Development Work in Education, Livelihood and Environment organization. She has walked the journey with the female survivors of sexual violence for the last ten years as an organization in offering them psycho-social support.

**Christopher (8)**

Christopher is 61 years old. He holds a Masters of Science degree in Agricultural Economics and Resource Management. He is at a Managerial level at Development Work in Education, Livelihood and Environment organization. In terms of empowerment, he has been offering technical support to the women such as agricultural advice, basic crop and livestock production and home economics.

**Peter (9)**

Peter is 46 years old. He holds a Bachelor of Arts Degree in Social Work and Community Development. He is a line staff at Development Work in Education, Livelihood and Environment organization and has been working with the women survivors of sexual violence since 2007 as a field officer.

**3.8. Ethical Issues**

Research ethics entails processes that should be applied for protecting those who participate in the research. This study was approved by the Research Office of University of Kwa-Zulu Natal. The researcher sought the informed consent of the participants by requesting each of them to sign an informed consent form. This was done after the nature of the study was explained to

them and the meaning of the consent form. Informed consent was also sought to use a tape recorder for those who were comfortable with its use. All the participants were assured of confidentiality and anonymity of information. They were requested to participate freely without being coerced and they were notified that they were at liberty to end the interview at any time if they so wished. The names of the participants were replaced with pseudonyms for anonymity. I also obtained gate-keeper's permission from Development Work in Education, Livelihood and Environment (DWELE) which was the entry organization to my primary participants.

### **3.9. Data analysis**

Data from participant observation and the in-depth interviews was transcribed, coded and texts analyzed for content along established major themes. Recorded interviews were transcribed by typing out verbatim. Attention was also paid to non-verbal expression such as silence and sighs. The data was read several times in order to acquaint oneself with the entire text. I gave codes to sentences and phrases and then a comparison of the codes across the whole data was done. The purpose was to identify disparities, similarities, patterns and relationships (Nicola, et al, 2012). I used thematic analysis technique to analyze the data. This meant grouping the codes in order to generate a lesser number of themes depicting the main concerns identified by the researcher. I then identified the relationships between the themes and this enabled me to create a thematic map (ibid). The process of transcribing took place in tandem with the data collection process and this consumed much time. Portions of the interviews were used as excerpts.

### **3.10. Challenges encountered in the field and limitations of the study**

Some of the challenges I encountered during my fieldwork included problems associated with some participants' reluctance to share deeply their experiences. Despite having explained before the start of the interviews that the research was purely voluntary and for academic purposes, a few participants during a focus group- discussion still wanted to know how they would benefit from the research. One participant claimed that they have been interviewed many times by people from various organizations (both governmental and non-governmental) who kept on

promising to help them only to realize that some of these organizations were using their narrated experiences to solicit funds from willing donors for personal gains. She categorically stated that some organizations were ‘trading’ with their narratives. Other participants in the group intercepted and explained to her that my research was for academic purposes. Secondly, data obtained could be useful to those in policy making positions in both government and non-governmental sectors to make decisions that best address their plight. In this case, I had to again make the purpose of the research clear to them, but I could still feel her anger and resentment regarding the way some organizations had taken advantage of their situation for personal gains. Nevertheless, the focus group was able to proceed smoothly, and I was able to gather rich data.

Another challenge I had to deal with was the impromptu cancellations of key informant interview appointments on some days. Two key informants were called to attend a two-week job-related training away from Kisumu and hence I had to wait for them to return. In other incidences, I only realized that I was unable to conduct the interviews upon reaching their offices. In another instance, my key informants at the gender desk at Kisumu police station were called upon to offer security during political party nominations that were taking place in the entire country in preparation for the August general elections that had been scheduled. I conducted interviews six months before the general elections that took place in August 2018. I only realized that they could not honor their appointments due to the duties they had been called upon to perform. I had to reschedule these appointments until the party nominations were over. These instances called for a lot of patience on my part but at the end, I was able to proceed with my interviews after they resumed.

Another challenge was that I had to wait for some of my primary participants for a long time as they attended to their domestic roles despite booking appointments based on their flexibility. Waiting for them to show up for the interviews still necessitated that I be patient to an extent of allowing some interviews to spill over to the following day.

I also found that I could not carry out the focus group discussion for the men working with DWELE (the entry organization to my primary participants) since at the time of data collection, only one male was working with the organization. Others had found opportunities elsewhere and the ones that the organization was relying on were only volunteers. I therefore had to carry out an in-depth interview with the one male working with the organization as a key informant hence, eluding the benefit of the diverse views that I would have obtained from a focus group.

This study would have benefited more if it had been carried out in other towns that experienced violence for purposes of comparisons of different experiences and perceptions on the effectiveness of the interventions available for other women have had similar experiences. However, for purposes of delimiting this study, it was limited to women who had been sexually violated during post-election violence in Kisumu town.

Possibly, this study would also have benefited more if it had also focused on men who were sexually violated during the post- election violence in order to have a more inclusive gender perspective. However, due to limited funds and the time it would have consumed, this was again not possible.

### **3.11. Gender dynamics in the data collection process**

This research was conducted via a gender lens. Despite increasing evidence that field work is not the same for women as it is for men (Joan, 1985, Christine and Joel, 1993) have observed that “the extent to which gender differences frame or influence the research findings has remained largely unexamined”. In other words, most studies on interviewing techniques fail to reflect the potential ways in which gender might impede or enhance the attainment of rapport or otherwise have a bearing on the data acquired in the interview. Yet, interviews, like any other interaction, constantly occur in a “gendered” environment – the environment of either gender similarity or gender difference. In echoing this argument, Denzin (1989) has pointed out that “*gender filters*

*knowledge,*” that is, the sex of the interviewer and of the respondent does make a difference as the interview does take place within the cultural boundaries of a paternalistic social system in which masculine identities are differentiated from feminine ones. According to Muthuki (2010), gender relations are a crucial dynamic in defining the interview process which can significantly impact on the kind of information collected. The researcher and the respondent are actively involved in the co-performance of gender in the interview process. Further, she has pointed out that the gender focus of the research and the gendered context of the research environment are critical factors in mediating the relationship between the interviewer and the interviewee.

### **3.12 The gender focus of the research**

According to Williams and Joel (1993), the vast majority of in-depth interviewing studies in the sociology of sex and gender involve either researchers or respondents of the same gender or occasionally, women interviewing men. Since a successful interview involves the active participation of both the interviewer and the respondent in the construction of meaning (Mishler, 1986), according to De Vault (1990), this process of developing shared understanding is thoroughly gendered. Majority of those who use “same-sex” interviews base this preference on the intuitive notion that rapport is more easily achieved in these contexts (Williams, 1993). Persons in the “same-sex pairs” also assume that they share certain background experiences. Throughout the interview, these assumptions are regularly checked or tested by both participants.

Oakley (1981) has argued that interviewing is a masculine paradigm, embedded in a masculine culture and stressing masculine qualities while at the same time excluding from interviewing traits such as sensitivity, emotionality and others that are culturally viewed as feminine. Oakley (1981) and Reinharz (1992) objected to the view of interrogating women as “objects” without considering for them as entities. Oakley’s (1981) argument was that the goal of finding out people through interviewing was best achieved when the relationship of the interviewer and the interviewee is non-hierarchical and when the interviewer is prepared to invest his/ her identity in the relationship. Echoing her sentiments, Finch (1984) emphasized that rapport could easily be

truck between two women in an interview situation while others followed suit and argued for the importance of developing mutually reciprocal relationships during the interview stage ( Rheinharz, 1992). However, some feminist social scientists began to challenge the notion of non-hierarchical interviews, the idea that power differentials could be equalized between women, as well as the assumption that reciprocity and mutuality between women necessarily leads to “*better knowing*” ( Ribbens & Edwards, 1998).

Almost all my participants were female, with only two males as key informants. Although, members of the overriding gender were the focus of my research, my interaction with the men was not the same with that of the women. For the men, I found out their responses were not as detailed as those of women. According to Holmes (1997) women’s dialogue can be described as: “interactional feedback in expressing agreement and positive support, and extended responses”.

As a female researcher interviewing female participants, I did not find it difficult to introduce the topic; I had the advantage of being a female and therefore seen as ‘harmless’ (Warren, 1988). However, as much as I tried to make my relationship with all my participants as non-hierarchical as possible, I discovered that even interaction between the same gender of the researcher and the research participants was negotiated through several factors such as age, levels of education and class; that power relations within my interviews shifted according to age, levels of education and class between the researcher and the researched. When interviewing women who were much older than me, it demanded that I position myself differently with much more respect and decorum than when interviewing those who were younger.

Rebecca for instance keenly wanted to know my age and even my marital status because she viewed the information that she was about to share was sensitive and possibly, she would not have been very comfortable sharing it with a person that she considered too young to digest it. This was despite the fact that they had been debriefed on my study by the leader of my entry organization (DWELE) and expressed willingness to be interviewed. She said,

*You know you are like one of my young daughters and according to our Luo culture, there is information that we find it a 'taboo' to share with some age categories but since I understand that you are a student, I will help you by giving you the information that you want.*

I disclosed the personal information that she had wanted to know but affirmed to her again that the research was purely for academic purposes and that her name was not going to appear anywhere in the discussions. She gained much more confidence and we were able to proceed with the interview. I knew that my interviewing skills had to come in handy when interviewing her.

I also encountered a similar situation with Rachael. Much as she was willing to share her experiences and participate in the interview, she appeared apprehensive due to her level of education and was wondering whether we were going to 'connect' since in her opinion, I was just too educated to be able to engage someone of her status. Just before beginning the interview, she reiterated and said, *"I hope you still remember the level at which I dropped out of school. You know, we have the information that you are a student who is studying abroad"* The fact that I am studying away from my home country, *'abroad'* as she put it, seemed to further the knowledge and the class gap between us. Her notion of someone studying *'abroad'* is an indicator of the kind of background that person comes from. In her case, she associated it with an affluent background. She also had the fear that I was too knowledgeable for us to be able to find a common discussion ground. I had to explain to her that we actually spoke a common language "Swahili" and that I am a Kenyan who is only outside for purposes of study but who was planning to come back to the country and continue serving the nation. With this explanation, we were in a position to reach a common ground with her and proceed with the interview.

### **3.13. The gendered context of the research environment**

According to Sin (2003), the selection of site does influence the dynamics, the direction and content of the interview. It also determines how the shifting of power relations occurs between the researcher and the interviewee. For instance, the use of the researcher's place of work gives her or him a high leverage point regarding her research while the respondent's home setting on the contrary invites her or him into her or his private life, shifting the balance of power. A coffee shop or park presents comparatively as an unidentified place, less formal, but still public, affecting the level of confidentiality, informing perceptions of what may or not be discussed and potentially hindering the introduction of private and potentially sensitive issues. The venues where I did my interviews were mostly the choices of the research participants. The interviews took place in halls and offices except for one interview with a male key informant which took place in a park.

My primary participants chose what they preferred to be a neutral setting. They selected community halls on the days when there were no other events taking place on the venues on the days of the interviews. Though a public setting, it provided them with a secure atmosphere, yet it was secluded enough for them to describe and narrate their experiences and the distresses regarding the sexual violations they had gone through. The female key informants' interviews were conducted in their offices too.

The two men I interviewed were from the organization that I used to gain entry to my primary participants. I conducted the interview with one of them in his office within the organization's premises where I felt relatively safe. The other man was on leave and suggested that we meet in a park since he did not want to come to the office while on leave. While interviewing the men, however, I realized that projecting a professional image by ensuring that I was articulate and knowledgeable of my field of study went a long way in ensuring that I got the information I needed. As a female prone to the susceptibility of becoming vulnerable, deep in my subconscious mind, I had thought of what could possibly be a danger in carrying out the interviews

with the men and this greatly influenced where I chose to conduct these interviews. Warren (1988) has pointed out that female researchers at times face the additional load of sexual advances or undercover sexual disturbances. Most women are understandably wary when they are in an isolated company of a male they do not know well (Hingston, 2014).

Participant observation further provided me with an opportunity to see how gender informed the behavior, roles and actions across the men and women in the settings that I interacted with. During my interviews, seven out of the thirty-five women I interviewed came to the interview venue accompanied by their young children. Some of the children were not so young as not to have been left behind at home. For instance, Linet was among the women who came accompanied by their children to the interview venue. When she observed that her son aged around two and half years was once in a while causing distraction by seeking her attention, she exclaimed,

*You know I would have left this child at home because his father was present and not really engaged but he cannot accept to be left with the child for me to attend to an event that would last more than an hour. The men always tell us 'women' to carry our children yet when the children are well grown and established, the same men are usually on the fore front wanting to be associated with the same children that they never want to look after when they were young.*

From time to time, the children interrupted the interviews, and this meant that I had to stop in between as I gave the women time to settle the children while at the same time giving them affirmations that the interviews would eventually end up well. I had to repeat one question several times because of the interruptions since I could observe that some could not remember the point at which we had stopped prior to the interruptions. Despite the interruptions, the interviews proceeded well although they took much longer as compared to the ones I did with the women who had not been accompanied by young children. These kind of interviews required

that I exercise a lot of diligence on my part and patience in order to connect with my participants well and gather as much data as possible. Through observation, it was therefore evident that women continue to perform the very traditional gendered roles (reproductive roles) of mothering and nurturing.

In patriarchal societies, (Kenya is an example of a patriarchal society) the categorization of women and men into 'respective' traditional gender roles start the moment a child is born. From the time babies are born, the community treats boys and girls differently. In fact, some African traditional cultures have special ways of announcing the sex of the new baby. The exclamation, 'It's a boy!' 'It's a girl!' in the delivery room sets a course that from that moment on influences multiple facets of a person's life. Just to quote an example from Tigrigna society in Eritrea, for instance, socialization starts the moment a child is born. The midwife ululates seven times if the baby is a boy but if the baby is a girl, the midwife ululates three times only. Lullabies sung to a baby boy are about his strength, bravery and ambitions for fame and grandeur. A baby girl is courted by lines referring to her beauty and hopes that she will conquer the hearts of dukes and rulers (Voice of Eritrean Women: 1989:8). Similarly, in the Kikuyu<sup>19</sup> indigenous system; for instance, if a boy was born, his birth was announced by the birth attendant with five ululations and a girl they would be four. In the Luhya and Luo communities of Western Kenya, when a man dies, his burial rites took four days to be accomplished whereas a woman's burial rites were performed in three days (Ochwada, 1997). These cultural practices have major effects on gender relations.

Linet further reiterated,

*If I were as educated as you, I would have secured myself a job and engaged a helper to assist me in taking care of the children and I would not have come to the interview with him. We were both in high school with my brother, but preference was given to my brother who was then in Form four*

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<sup>19</sup> Kikuyu is the largest ethnic community in Kenya

*since my parents said they could not afford the school fees for the two of us at the same time. I was to wait for my brother to finish as I stayed at home for one year. In the process of 'waiting', I got pregnant and just decided to get marrie".*

From a gender perspective, it was evident that men are privileged in terms of opportunities from an early age; disadvantaging and marginalizing women because of the deep rooted patriarchal<sup>20</sup> structures in most of the African cultures. Even though this is changing slowly, most African cultures still view the 'girl' child as one who will eventually leave their 'home' and get married, and once she gets married, she belongs to her husband's family and so it is not worth investing in her education. The family ponders it as a waste of funds to spend on her education which has no immediate profits to the family (Nasong'o and Ayot, 1997). Others still hold the view that "*the place of a women is in the kitchen*, while the boy child is seen as one who will play the role of ensuring that there is continuation in the family lineage. Salaam (2003) has argued that patriarchy validates the women's discrimination in diverse domains of life for instance education, economy, labor, market and the family.

During another event while attending the International Women's Day, the guest speaker was a woman who held a senior position in the National Government. When she arrived at the venue, everyone stood up and she had these security officers who had escorted her. The speaker, because of her status was being accorded a 'male' status. This again showed that gender intersects among various factors such as class, levels of education and age.

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<sup>20</sup> The term patriarchy originated from two Greek words: "pater" connoting 'father' and 'archein' meaning 'rule'. It therefore means "rule by the father", and refers to the "domination of husband-father within the family, and the subordination of his wife and children" (Heywood, 2000: 174, Slattey, 2003: 156).

Similarly, patriarchy has also been defined as "a system of social structure and practices, in which men dominate, oppress and exploit women" (Walby, 1990).

I also attended a religious womens' event organized by The Salvation Army Church but during this event, they had invited speakers from DWELE organization and APHIA to speak about gender-based violence. The only men who were in the event were the Pastors and the church elders. (*I wondered why men had not been invited for the meeting since they are the main perpetrators of violence against the women*). Even though there were both male and female religious leaders, (in fact the one who preached was female), the male leaders sat in the front seats, but the women leaders did not. Just before the meeting ended, the lead Pastor stood up and intercepted the meeting. He said that he had to leave since his wife was pastoring another meeting in a different venue, but he had just called her and told her not to conclude the meeting until he arrived. I wondered why the man could not entrust his wife with the power and authority and have her conclude the meeting in his absence. I saw this as an illustration of male domination over the female; a manifestation of the man who was exercising control over the woman.

Raday (2003) has argued that religious customs enforce patriarchal systems that disadvantage women, and these include compulsory submission to their husband, lack of equal rights in inheritance and division of matrimonial property, non-eligibility for religious offices and little or no rights over their own bodies. Within the patriarchal system, the agents of socialization such as the family, church, school and the mass media validate and buttress women's subservience to men with the result that most women internalize a sense of inferiority to men (Mannathoko, 1992). As a female researcher, these dynamics led to my presumption that most of the women who were abandoned by their spouses as a result of having been raped chose to let go; they could not challenge the men to take responsibility over the children. After all, socialization has shaped them to view men as being domineering and hence difficult to challenge the decisions that they make. They also led to my presumption that the women's marginalization due to patriarchal values that places a high value to a male than a female could explain why most of my participants had low levels of education with a handful having gone beyond primary level of education. Their low levels of education also meant that they are also locked out of viable employment opportunities through which they can earn an income and live decently. This explains why as a result of high poverty levels among them, over ninety percent of the women survivors I interviewed lived in the slum areas of Kisumu where crime levels are also high and vulnerable to attack during times of conflict.

### **3.14. Conclusion**

This chapter has given an explanation as to why qualitative research methodology and methods were utilized in this research. It discusses how the study was placed under the interpretivism paradigm whereby knowledge is constructed through the collaboration between the interviewee and the researcher. According to Finlay and Gouch (2003), under interpretivism, the researcher and the interviewee contribute to the co-construction of reality throughout the interview process. I have also given the profiles of the research participants so that I may acquaint the reader with their backgrounds. The chapter also illustrates how both personal and interpersonal reflexivity played an integral part in the production of data especially in conducting the interview process. The gendered dimension of the data collection process was also discussed. As Spelman (1988) argues, “even when gender is a “constant”, it is “constantly there”. “The question thus is not if gender makes a difference but rather, [how does gender matter]?”

## CHAPTER FOUR

### THE HISTORICAL CONTEXT OF POLITICALLY INSTIGATED VIOLENCE IN KISUMU COUNTY

#### 4.1 Introduction

This chapter critically examines the historical context of politically instigated violence that was experienced in Kisumu during Kenya's 2007/08 post-election violence. In order to get a deeper understanding, the study examines violence during Kenya's pre-colonial, colonial and post-colonial periods. The central focus of this literature was to critically analyze the gendered nature of violence and how the violence during these periods impacted on the existing gender relations.<sup>21</sup> This helped in relating how violence during these periods had an implication on sexual violence that was experienced in Kisumu in 2007/08.

Data interrogation reveals various historical factors that are associated with the culmination of the violence that was experienced in Kisumu during the 2007/08 post-election violence in each of these periods (pre-colonial, colonial and post-colonial times). They include means of production (such as the uneven penetration of capitalism), politicization of ethnic cleavages, women's historical marginalization and alienation, consolidation of elite power and weakening of public institutions, politicized violence in Kenya and feelings of historical marginalization and alienation among certain ethnic communities. The section below discusses violence during the pre-colonial period and its implication on existing gender relations.

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<sup>21</sup> Gender relations refer to the social interactions that occur between women and men. They are concerned with how power is shared between them. They define the way in which tasks, rights and privileges are assigned and the values attached to them (Kibiti, 2003).

## **4.2 The Pre-colonial Period (before 1890s)**

### **4.2.1 Gendered nature of violence in pre-colonial Kenya**

Examining the nature of violence in pre-colonial Kenya helps us to understand how Kenyans were socialized into a culture of violence at the local level, that is, how violence was employed in daily life. Carotenuto and Shadle (2012) have argued that despite a trend that assumes traditional Africans favored reparation and mending tears in the social fabric to punishing scofflaws, violence was not strange in most Kenyan African communities. Public violence was used in Kenya's deeper past in ways that mirror both continuity and variation within the colonial period. In some regions for example, it is documented that the East African Council of Elders held the authority to command corporal punishment of offenders (see Bay and Donham, 2006). Beyond straight punishment, infliction of pain in public ceremonies also played a vital role in customary deeds such as circumcision. Thus, as argued by Richard and Waller (2006), by employing corporal punishment or even by wielding the death punishment, pre-colonial Kenyan communities were vigorously involved in using open violence as a means of enforcing societal discipline and socialize youth into maturity.

Still in indigenous Kenya, women were discriminated against and were subservient to the male. Many women underwent domestic violence perpetrated by their spouses (Burrill et al., 2010). Under these circumstances, the culprit could then assert the right to perpetuate violence on the basis of generation or sex. It was tolerable for women to be oppressed and controlled by men (Oduol, 2003). In the actual sense, violence against women was viewed as ordinary and was exempted; a male could beat a woman and be exempted for the sheer reason that "he was a man". Similarly, women were expected to endure for the correspondingly simple reason that "they were women". Due to the patriarchal nature of the society, men established the societal rules mainly through the council of elders. As a result, rules set were in favor of the male and in almost all cases disadvantaged the women. As argued by Parpat (1986), "women were protected as long as they paid obeisance to patriarchal power."

In Kisumu, as was also common in most Kenyan societies, men took charge and exercised dominion over women. Women did not have the right to inherit nor own property. Men inherited land from their fathers whereas women only got use rights as wives and daughters (April, 1995). There was uneven distribution of property and power between women and men (Oduol, 2003). The role of women as “producers and mothers of sons” was vital to the maintenance of the Luo<sup>22</sup> patrilineal system and the familial mode of production (April, 1995). This author further noted that the patrilineal and cultural systems are considerably solid among the Luo and provide far more social control over women’s conduct vis-a vis many Kenyan communities.

Like in many societies in pre-colonial Kenya, a woman in the Luo community was a property possessed by male members of the family (if married by her spouse and if unmarried by her father and male relatives) (Nzomo, 1994, Oduol, 1993). In this community, she could be inherited by the brother or a close member of the dead husband’s clan after her husband’s demise. Nzomo (1994) argued that, this was done as a way of controlling her sexuality and propagating patriarchy. She also had no right to make decisions or the right to pick her marriage partner according to the customary laws (Oduol, 1993). Once an agreement had been reached between the two families, the bridegroom would send a group of men to “capture the girl” although both parents had to be home to witness the event.

These societies were therefore characterized by gross discrimination and abuse of the human rights of the female gender. This shows that oppressive gender relations existed even before colonization, where gender disparity and partialities against women started at birth. One can therefore argue that what was experienced by women in Kisumu during Kenya’s 2007/08 post-election violence depicted what women have historically suffered and that the political

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<sup>22</sup> The Luo is the third largest ethnic group in Kenya. According to Maja (2009), Kenya has 42 tribes: the dominant ones are, “Kikuyu (22%), Luhya (14%), Luo (13%), Kalenjin (12%) ad Kamba (11%)”.

violence experienced then provided a favorable opportunity for male perpetrators to further entrench this nature of violence against women. The theory of rape utilized in this study views rape as a consequence of deep-seated social traditions, male dominance and female exploitation. It accentuates that men in patriarchal<sup>23</sup> cultures are habituated to disbelief, loathe and control of women.

#### **4.2.2. Mode of production in the pre-colonial period**

In most Kenyan communities, social, political and economic roles have been allotted to both men and women, in the process defining relations and positions of individuals within the society (Ochwada, 1997). Mukabi-Kabira (1993) has for instance argued that it is normal to hear the assertion that women should obviously know “their place” in society. In this regard, women are expected to assent to the ‘obvious’ postulation that men are “thinkers”, “philosophers”, “scientists”, “politicians”, “breadwinners” and even “spiritual leaders”. Conversely, women are said to be “homemakers”, they are “led” are “submissive”, are “workers” are “defendants” and play the role of “mothers of the nation”.

The significance of analyzing the means of production is that living arrangements and productive roles of women are linked with contemporary violence. In addition, women’s existing economic roles affect violence in a complex way which is itself related to traditional norms in pre-colonial times (Alberto et al., 2016). Men’s productive roles in the public sphere were accorded more social status than those of women, bestowing more power and control to the men as compared to the women. The result was the establishment of unequal power relations; after all men exercised overall control over the women and property as heads of households. This inequality in power relations made women more susceptible to violence because of their subordinate locus in the society vis-a vis that of men.

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<sup>23</sup> The Kenyan society is deeply patriarchal.

In African pre-colonial societies, older men normally had more access to productive resources than women. However, women had substantial independence that assisted weaken inclinations towards male supremacy (Robertson and Berger, 1986). In pre-colonial Kenyan societies for example, there was flexibility and balance in the way work was apportioned between sexes. Women had spaces of social life in which they exercised authority or pre-dominance. They had their peculiar political, economic and cultural institutions whose very existence was unknown to outward observers (Likimani, 1985). Women enjoyed a status of respect and self-worth and applied a certain degree of social control in their capacity as “mothers, co-wives, daughters, aunts, political leaders as well as members of the extended family” (Ayot, 1984, Stamp, 1986, April, 1995). Their position was additionally heightened by their numerous social and economic roles as producers of food and suppliers, reproducers, custodians of “health, fire, water and land as well as healers, inventors and disseminators of indigenous knowledge” (Kamau, 1994, Nasong’o, 2005). They held that autonomy to wield influence on everyday life and ownership, religious rituals and even political realm (Wambui, 2016). Moreover, production was for utility value and the household was a key unit of production. The role of women and girls was to farm the family land (owned communally), harvest and sell farm produce. This gave women control and access to land and ensured some economic empowerment from the sale of the produce (Njiru, 2014, Okeyo, 1980, Newman, 1984, Likimani, 1985).

Despite this relative independence enjoyed by women, male authority in the ideological structure existed with the exploitation of women encompassing the whole social, economic, political and sexual realm of women’s lives. In virtually all indigenous Kenyan cultures, the male partner was regarded as the absolute head of the family; the father was the top leader of the homestead. He owned practically everything; in other words, he was the guardian of the family property including his wives and children (Njenga, 2007). Under this patriarchal system, women were considered subservient to the male. Masculinity was defined by competitiveness, aggression, independence and suppression of emotion. These traits and social practices rendered forms of male dominance acceptable and helped maintain it. On the other hand, femininity was associated with traits such as passivity, complicity, dependence and

sentimentality, depicting weakness, subordination and lower status (Njiru, 2014). This negative labeling acted as an effective method of silencing women and led to the creation of an image of a powerless, submissive and inferior group.

The African male Chiefs and elders on the other hand presented an image of African women as, “keepers of homesteads, urban prostitutes/ costly dependent wives of wage laborers in sociological work” (Mbilinyi 1985). The customs of Kenyan communities strengthened and replicated the patriarchal ideology which infiltrated the whole range of their social, political and economic engagements (Ochwanda, 1997). It is on the basis of this postulation that radical feminists conclude that women were subservient to men in indigenous societies. This gender bias affected gender relations through the open support of patriarchy and made women more vulnerable to violence as was experienced during the 2007/08 post-election violence.

### **4.3 The Colonial Period (1890s to 1963)**

#### **4.3.1. Gendered nature of violence**

##### **4.3.1.1. Physical violence in form of corporal punishment**

The establishment of colonial rule in Kenya, as elsewhere in Africa, was carried out through force and intimidation which in turn instigated a culture of violence. It was carried out through male leaders. Colonizers mostly viewed whippings as a way of life for the Africans. In the first several decades of colonial Kenya, settlers frequently discussed the use of the whip (Ocobok, 2012). They alleged that “if they did not beat their workers, Africans would shirk even more than they already did”; that “Africans were childlike and the only punishment they understood was the whip”. The settlers used lashes to demonstrate the right and power of the colonial authority; they beat African men who ‘insulted’ white women, they beat Africans who did not immediately do their bidding or proved bothersome (Kanogo, 1987; Furedi, 1989, Shirallo, 2008). It was the men who tended to suffer from the corporal

punishment perpetrated by the settlers (in form of daily beatings, slaps and kicks) - those who had everyday contacts with them as they worked as farm workers and domestic servants. Some of the male Africans were also accused of raping white women (Anderson, 2010).

Colonial courts were especially devoted to physical violence as a way of discipline and an alternative to imprisonment, fines and other forms of punishment. However, it is instructive to note that judicial caning in Kenya was a gendered form of punishment. Prohibitions were put on caning girls and women, and officials openly described it as a means to discipline males. The colonial state's view was that, ordering the beating of girls betrayed the gendered authority of fathers and husbands; an obligation the state dared not question. The notion was that girls never matured to a point of individual freedom because they were transferred from authority of fathers to companions (Ocobok, 2012). However, the state was willing to intervene in the generational authority of fathers and elder kin when it employed corporal punishment to young male bodies (*ibid*). This does not mean that African women were not subjected to violence by the colonizers; such violence, as we shall discuss herein, was largely sexual (Shadle, 2012).

Settlers therefore held and openly expressed that violence was crucial to safeguard 'white' women and by extension for white rule in Kenya. Furthermore, it had to be demonstrated to the Africans that the white rule was submersed with a racial order and colonists used violence as one of the ways to buttress this point (*ibid*). Violence was thus the lingua franca of the colonial state (Kenya). According to Nasong'o and Ayot (1997), it is this culture that strengthened the authority of the colonizers over the colonized people and in the process of its application, further reinforced the authority of African men to the detriment of African women.

#### 4.3.1.2. Repatriation violence

In this section, the researcher discusses how forced repatriation of African women in colonial Kenya depicts gendered violence in the public sphere hence showing a history of violence against women in Kenya. The policies of the colonial state restricted women's migration to the cities (House-Midamba, 1990). During the initial phases of the white rule, the colonial government put effort to constrain women's freedom to move particularly those who were not married. Women, who migrated to the cities unaccompanied, that is, "not as wives", were continually perceived as problematic by both city authorities and the men who had moved to urban areas (Obbo, 1980). The movement of women from rural to urban areas was perceived as a base for marital volatility and an interruption of customary principles (ibid). Repatriation<sup>24</sup> was used by both African and colonial authorities as a method of social and cultural instruction for errant women and rebellious youth. The language of repatriation in state rhetoric was indistinguishably connected with discussions of the poor and undesirable, and categorized under the general state fear of African detribalization<sup>25</sup>.

References dating back to the 1920's in the colonial archives show that 'detribalization' was frequently used to describe crime and immorality in urban settings- as opposed to the repressive conditions under which African migrants were forced to live (Falola, 2009). By the end of the Second World War, the fear of the "detribalized" urban African got to a serious peak and discourse among colonial officials who spoke of the necessity to foster "tribal discipline" and enlarge institutions that encouraged urban social control. From the view point of state officials, urban detribalization was referenced as a common cause of social turmoil with rural deportation subsequently seen as a means to control both political and social

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<sup>24</sup> The term 'repatriation' was widely used in the colonial record to describe the forced removal of any "undesirable" African from urban colonial Centre ( Carotenuto, 2012).

<sup>25</sup> "Detribalization" in this study implies cultural changes brought by migration and town life.

dissidents under the vigilant eye of rural chiefs and elders. State officials contended that repatriation was a favored and a kind form of urban social control (Carotenuto, 2012).

Given state fears over the moral implications of “detrribalization”, African institutions formed on ethnic lines were often encouraged. During the 1940s and 1950s, uncountable numbers of clan, location, and ethnic based associations were formed. Initiated mainly by young educated elite men, these associations were claimed by state officials to have a mediating effect on the social and political dangers of town life. By late 1950’s, ethnic associations went into a perilous partnership with the colonial state that revolved around the disputed notions of repatriation. Using state language of ‘undesirable’ and ‘destitute’, ethnic associations abused state fears over unrestricted migration and urban social disorder in the post-war era. However, the limits of co-operation revolved around differing views of patriarchy and authoritarianism which both sides chose to define and control. Reviewed literature shows that even though public violence of deportation was used to socialize urban inhabitants into decency, there was no fairness in the way it was enforced. Wayward “youth” and “loose women” were the main targets of social control for ethnic associations and at times, their actions clashed with state idea on the limits of African political and legal power (see Waller, 2006).

Men used rural repatriation to affirm their control over rural tradition and re-defined it for the urban setting. Forcible female repatriation is documented during the colonial period as a dominant method of urban social control by associations like the Luo Union in Kisumu, Nairobi and Mombasa and a number of other East African towns and is said to have been carried out in full observation of authorities (Carotenuto, 2012). In his study on repatriation in colonial Kenya on African institutions and gendered violence by using informant testimonies from the Luo community interviewed between 2004 - 2009, Carotenuto recollected “scenes of forcibly stripping an accused woman, sometimes shaving her head and parading the “suspect” in a gunny sack to be humiliated by the court of public opinion”. The informants further revealed how the culprit was ushered away by members of various ethnic associations

before she was forcibly deported back to her native land. He argued that this form of disgrace was aimed not only at disciplining “wayward” women but also served as an avenue to openly prove assertions by a young and conventional group of labor migrants that the urban settings of colonial Kenya were disputed areas of patriarchal authority.

One would also argue that this showed how male conservativeness from the Luo community shaped the acceptable limits of gendered violence in the public sphere. Repatriation therefore became a gendered way to combat ‘unprogressive urban influences’ with many associations viewing their cultural and moral duties in specifically gendered terms (Carotenuto, 2012). For example, when a Buholo Branch of the Luo Union started in 1945, its constitution specifically stated that one of the goals of the association was:

To examine and choose the new custom which should be followed and the bad ones which should be suppressed”. For example, to prevent Luo women and girls who want to go to the towns and become prostitutes; the Luo youths who like to go about in big towns who do not want to work and to return such people to their homes.

Other associations followed the leads of the Luo Union. The Kipsigis-Nandi<sup>26</sup> Union frequently appealed to the colonial authorities for the need for repatriation to address the ‘wandering Kalenjin women in towns’ and the Abaluhya<sup>27</sup> Welfare Association noted in 1952 in their constitution that “they were particularly concerned with the desertion of women from their lawful husbands or girls who break loose from parents or guardians”. Prostitution came to denote a comprehensive term to describe independent women who operated outside the control of patriarchal rural authority and came to the urban areas for a variety of social and economic reasons. Those who worked as domestic laborers, nurses, midwives and even

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<sup>26</sup> The Kipsigis is one of the sub-tribes of the Kalenjin ethnic community in Kenya.

<sup>27</sup> The Luhya are a Bantu ethnic group in Kenya and are the second largest ethnic community in Kenya

teachers in the cities were often considered to be prostitutes or 'runaways' as associations condemned entire professions for exposing women to undesirable influences (ibid). Repatriation cases reached their peak in the colonial record by the mid-1950s and ethnic associations became more explicit on their views on women in the urban environment. In a 1956 Memorandum entitled, "The maintaining of Progress for the Luo Community in the Proper Manner," the Mombasa Branch of the Luo Union attempted to prevent all single and unaccompanied girls from towns without prior and formal written consent from the association. Branch members even supported punishing men for sheltering prostitutes but focused majority of their efforts on women (Obbo, 1980).

The violent manner in which women were repatriated shows the gender biasness in the entire repatriation activities. Okuro (2010) noted that Ramogi<sup>28</sup> African Welfare Association in Kisumu was particularly effective in repatriating women from Kisumu in a fierce manner. In 1945, the association succeeded in repatriating about ten Luo women back to their reserves dressed in gunny bags. The officials of this association had since the early 1940s argued for the need for repatriation because of the perceived immoralities of such issues as smoking, seductive dance and even entire professions like nursing. They went further openly stating that a woman should "remain throughout her life under the control of some male whether be her husband, father or the latter's next of kin". This depicts a way in which the men tried to exercise general control over the women.

Even with such experiences, African legal and political bodies did little to halt repatriation activities. Court officials and other advisory bodies instead used their position to advocate for the repatriation activities of ethnic associations. Colonial officials did nothing to restrain or criminally punish this form of gendered violence, often sending varied messages of subtle support for repatriation activities. Officials were even known sometimes to order repatriation

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<sup>28</sup> Ramogi Welfare Association was one of the associations formed by the Luo ethnic community in Kisumu

themselves, setting an example for ethnic associations to follow. In 1934, for example, the District Commissioner for Central Nyanza repatriated Fatuma Odipo (a woman) back to Nandi reserve claiming that “she was a dangerous local prostitute and a political agitator, and that simply; she was not wanted in Yala again”. Other examples show more indirect support. For instance, in 1944, the Municipal Native Affairs Officer in Nairobi gave the Chiefly sum of fifty Euros to ethnic associations for the explicit purpose of repatriating women<sup>29</sup>. The officials hence allowed an uneasy relationship to develop between local authorities and ethnic associations.

Although the women themselves in urban East Africa fought back against repatriation by using courts of colonial Kenya to affirm their own rights over marriage and sexual crimes, the prosecution for forceful repatriation does not really appear in court records (Shadle, 2008). However, they received support from missionaries who spoke more directly to the actions of ethnic associations and turned their attention to revealing the gendered hypocrisy of repatriation activities. The missionaries spoke of the need for equality in employing the public violence of repatriation in socializing urban residents into propriety. In 1945 for example, Archbishop Beecher responded to the crisis of “prostitution” in Kisumu by calling on ethnic associations to use the violent spectacle of repatriation equally and to “do something about the men who insist on using the prostitutes”. He reiterated, “*Why not make the men shave and wear sack cloths? If men stopped using them, their trade would disappear*” (Beecher, 1945). The missionaries assisted to create an environment where African women could speak openly against forcible repatriation activities. Repatriation hence became a gendered way to combat ‘unprogressive urban influences’ in an urban environment where the women mostly bore the brunt of it.

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<sup>29</sup> Annual Report on African Women in Nairobi, 1944

Extending well beyond the Kenyan independence, the effect of ethnic associations and their repatriation activities have endured into contemporary Kenya. In other words, repatriation violence continues to have an impact on the urban landscape of present Kenya. Manifested through similar debates over gendered social constructs, controversial organizations such as *Mungiki*<sup>30</sup> have used similar forms of public violence to assert control over women and establish political legality in contemporary Kenya (Kagwanja, 2003). According to Carotenuto (2012), by undressing a provocatively dressed woman at a crowded bus stage or parading an adulterous couple around in a rural market, organizations like *Mungiki* re-enact forms of gendered violence first established in the colonial past. In ways similar to the colonial counterparts, organizations like *Mungiki* continue to employ these forms of gendered violence to assert a neo-traditional form of cultural intimacy. Although the Kenyan public overwhelmingly denounces these acts, the continuities and persistence of this institutionalized form of violence reflects clear links with the colonial past and the way repatriation discourse has shaped the use of gendered violence within the public domain since independence. As pointed out in the introductory chapter and coupled with information obtained during in-depth interviews, Kisumu experienced considerable cases of sexual violence in public such as; in the presence of spouses and relatives which were perpetuated by youth militia and police. Women were also reported to have been raped in open fields on their way from the market and their market produces stolen (see also NPI-Africa, 2011-2012).

#### **4.3.2. Mode of production during colonial period**

##### **4.3.2.1 Penetration of capitalism and its implications on gender relations**

The policies and practices presented by the colonial government served to discriminate against women further. For instance, the colonial enterprise introduced capitalism in Kenya and its affiliated attributes of a cash economy and wage employment. With the penetration of

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<sup>30</sup> The meaning of the word *Mungiki* has been highlighted in chapter two.

capitalism, gender relations were analyzed in terms of capitalist development. As such, subordination, marginalization and oppression of women were construed as part of the broader plight of workers' relation to capital (Shadle, 2012). Women were on the receiving end when their husbands migrated to urban centers to look for work. The coming of the colonists supported the migration of African men to cities/towns as laborers but restricted the movement of women, hence shifting the sharing of power and economy in favor of men.

Colonial rulers and male leaders often conspired to omit women from traveling to the townships or accessing salaried employment (April, 1995). Laws were endorsed to reinforce men's dominion over women under the pretext of customary law (ibid). Subsequently, women's roles were progressively subordinated to those of men. While women were restricted to the subsistence economy and domesticity (the private world of unpaid house work on production and human reproduction), men were simultaneously socialized into capitalism (as wage earners, cash crop producers, tax payers) and political leadership as Chiefs and assistants to colonial officials (Nasong'o and Ayot, 1997, Onsongo, 2005). Women's segregation from wage employment deprived them of the power that comes with a cash flow for the man at the end of the month. Consequently, men increasingly acquired new sources of power and esteem. This situation not only changed gender relations, marginalized and disempowered women much more; it also illustrates the co-optation of gender relations and control of women by the elite in the interests of state and patrilineage (Wambui, 2016).

Moreover, as African men moved in to the cities as colonists' employees, women who remained in the native homes had to step in as heads of households. This led to a situation that overburdened women with work coupled with low wages. During the colonial era, African women "became an extension of African male bodies" (Bichaine, et al., 2017). This forced women to live in conditions that were varied or poorer compared to those of men (ibid). Western capitalism amplified the status of men, dented that of women and aided to solidify the traditional gender roles; women's formerly respected roles were demeaned within the capitalist setting. Capitalism therefore heightened the subservience of women to men.

Moreover, capitalism and industrialism took from women the traditional skills such as brewing, medicine making, spinning and weaving which were learnt at home and formed a means of achieving social standing and respect in the community (Nasong'o and Ayot (1997).

Karl Marx blamed capitalism for heightening patriarchy and concentrating power in the hands of a small number of men. Marx and Fredrich Engels<sup>31</sup> contended that the ruling class oppresses women, relating them to second-class citizenship in society and within the family:

the Bourgeois sees his wife as a mere instrument of production...he has not even a suspicion that the real point aimed at [by Communists] is to do away with the status of women as mere instruments of production ( Manifesto of the Communist Party, 1848).

One can therefore argue that colonialism therefore placed women in a second-class position socially.

The colonial state's obligatory levies envisioned to coerce African men to search for employment on colonist farms or in towns so as to enable them to pay their taxes (Kitching, 1980) and this led to enormous male out-migration. Consequently, women became indirectly responsible for men's tax obligations (poll tax, breast tax and hut tax) as their spouses and sons often stayed away for long durations (Nasong'o and Ayot 1997). The women also experienced cruelty from the Europeans such as rape, torture and land alienation.

Women were forcefully recruited to work on European farms when their men were away. One can therefore argue that under European-derived colonialisms, gender-based violence was both openly and secretly used as a weapon of settler administration (Bennet, 2001). Furthermore, the British transferred their own ethnocentric version of men-controlled politics into colonial Kenya and entirely snubbed women's political roles. Smock (1977) argued that the policies drafted by colonists had a significant impact on the definition of sex roles and opportunities for women. The missionaries and colonial authorities came with the "Victorian notions" about the place of women in the society. Largely, they did not appreciate the significance contribution frequently made by women and their nous of individuality.

Where there had been a faint difference between "private and public" life in Kenya, British structures and policies focused on demarcating a clear division led by an ideology that observed "men as public actors and women as private domestic actors". Colonialists, jointly with African patriarchs worked to develop inflexible customary laws which progressed into new structures and forms of authority (Schmidt, 1991). As a result of the patriarchies operatives in many Kenyan societies, women became susceptible to domestic abuse, sexual assault and bodily harm because they were women, yet the main concern shown by the colonial societies about such vulnerability involved race (Bennett, 2001).

#### **4.3.3. Politicization of ethnic cleavages**

Ethnic politicization; a cleavage that moulds political life in many African nations, has an impact on gender relations (Arriola and Martha, 2013). This section assesses how politicization of ethnicity impacted on the existing gender relations and how such politicization formed part of the genesis of the sexual violations experienced by women in Kisumu during the 2007/08 electioneering period. Oyugi (1997) has argued that, the basis of the problem of tribalism in Kenya (and Africa in general) is colonialism. It is the institution of colonialism that formed a mutual center that all existing ethnic groups in given colonial states were at once obligated to relate to. The developing relations quickly became relations

of rivalry over access to goods and services associated with modernity. Ethnic consciousness was further heightened as the measure of modernization accompanied by urbanization which gave rise to free movement of people.

Arriola and Martha (2014) have argued that the creation of the contemporary state that started through colonialism successfully barred women from accessing resources required to grow patron-client linkages. This, according to House-Midamba (1990) caused the position of Kenyan women to worsen. Accordingly, this deterioration was mainly visible because, as highlighted in the previous section, in indigenous Kenya, although women were to some extent subordinate to men under the African customary law, in many respects, the roles of men and women were complementary in nature and Kenyan women had certain supremacies during the pre-colonial period. Even though this was the case, it is key to note that Kenyan indigenous society was principally patrilineal and patriarchal; in this setting, men were the principal power.

During the colonial era, the British introduced ethnically<sup>32</sup> defined administrative units “tribes” and as a result, ethnic groups became political tribes” (Landsale, 1992). Both the official delineation of administrative units and the appointment of the state’s local agents had a major impact on the process of ethnic construction, influencing the boundaries of communities in ways that both encouraged consolidation and division and defined the internal politics of moral ethnicity. This was primarily through the Provincial Administration; the colonial’s main apparatus of political control over African communities (Berman, 1990).

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<sup>32</sup> According to Nnoli (1989), ethnicity (or tribalism) involves a shared awareness of being one in relation to the other groups. It is commonly established that tribalism is an ideological weapon often used in economic competition and political struggle (Horowitz, 1985, NNoli, 1989).

To speak of ethnicity is to speak of inter-ethnic interactive situations characterized by mistrust, opposition, and rivalry and often conflict as well (Oyugi, 1993).

For the Provincial Administration, a single ethnic group ideally occupied each district and administrative sub-unit or ‘location’ within it. The Chiefs, headmen and other local employees of the administration were ethnically identified and indistinguishably linked to a particular tribe and neither transferable nor promotable to similar positions in other tribes (Berman, Cottrell and Ghai, 2009). They were crucial to the colonial state’s main source of information about the culture of a particular ethnic community, defining local law and custom in ways that we now understand were biased and self-interested. The male leaders were able to manipulate and define matters pertaining gender relations in the context of women’s roles, women’s sexuality, marriage, divorce, adultery and child birth and custody and property rights within marriage (Amadiume, 1987, Schmidt, 1991). Under the control of the colonial government, local elders established and institutionalized gender discriminative laws which legitimized not just the prohibition of women from political cycles, but also their subordination in the private domain (Wambui, 2016). They devised customs that extended their powers vis-a-vis those of women (Mbilinyi, 1988, Parpart 1988). Consequently, what was collated as customary law accentuated the rights and power of males and elders while accentuating the powerlessness and submissiveness of women and junior men.

Colonialism advanced, consolidated and reinforced the process of separating public<sup>33</sup> and private spheres through their policies and practices. Where there had been a faint difference between the public and private sphere, colonial establishments intensified on demarcating a vivid difference led by a philosophy that viewed men as “public actors” and women as “private players” (Tamale, 2004). A land tenure system that permitted individual land

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<sup>33</sup> The “public sphere” denotes men and is the locus of socially esteemed engagements such as politics and business while the private sphere is a descriptive of domestic chores centered around the family. The former represents society while the latter represents culture (Tamale, 2004).

The justification is that women’s reproductive roles make them biologically and “naturally” predisposed to nurturing children and taking care of the home domain. Men who are the public players are supposed to represent “their women” (as fathers, husbands or brothers) in the public realm. Thus, women depend on “their men” to access realm (ibid).

ownership took over, replacing the collective ownership which existed in indigenous societies. The colonialists also accentuated male supremacy by shifting men's supervisory rights over land to individual legal ownership, granting men access to markets and civil service (House-Midamba (1990, Elkins, 2005). As a result, women would be deprived of access to land, something that was now different and alien and hence, they lost the property and the political rights they relished (Lovett, 1989, House-Midamba 1990, Adu Boahen, 1987, Hanson, 2002). At the same time, politics and power became formal and established men as public actors. This situation was additionally compounded by the fact that in most cases, women lack the societal standing and personal resources that are essential to become ethnic clienteles (see Ariola and Martha, 2013, Beck, 2003, Goetz, 2003 and Tripp, 2000). They are poorly situated to serve as ethnic clienteles in many developing countries.

The omission of women from patronage-generating opportunities implied that few women were in a position to build clientelistic following required to effectively negotiate their appointment into crucial leadership positions where they could have the opportunity to challenge discriminative policies and even violence against women. This is despite the fact that women have both a right and duty to actively participate in political leadership (see Kamau, 2010). In addition, political analysts and scholars from diverse regions of the world (such as Newman 1998, Maathai 2006, Thomas and Wilcox, 2005, Wanjohi, 2003) have observed that when women get into positions of leadership and management, they bring a different perspective of political leadership. The scholars have argued that having extra women in politics would help solve problems related to endless poverty, particularly if it affects women. Women's leadership not only helps in building states but also aids in balancing the decision processes (Epstein *et al*; 2005).

While focusing on women legislators in the United States, Newman (1998) observed that decisions concerned with matters of education, health, gender violence, and democracy are generally of great concern to female leaders. Despite the above proposition that women's leadership is essential and required to push their agenda forward, some cynics have criticized

this view (such as Pinto, 2007) by arguing that once women occupy political positions, they forget the plight of their fellow women. Additionally, some women in political positions state that once they are in authority, they go through stigmatization resulting from men who scorn and undermine them at the smallest error they commit. Therefore, they spent most of their time trying to ascertain standards noticeable by their male counterparts. It is the stigma that bars them from problem unraveling to focus on position security (Kamau, 2010). Men who have controlled politics may also feel uncomfortable when women start encroaching into what they perceived as their sphere. This “insecurity” is evident in the manner in which men try to derail women from getting to political positions, mainly by use of violence targeting women political contenders (Okumu, 2008).

I therefore argue that the exclusion of women from leadership during colonialism meant that women remained mainly ignored in state authority which subsequently permitted women’s concerns such as sexual violence from receiving enough attention on the country’s political agenda. This to a great extent informs why women suffered such gross violations during the 2007/08 elections since politically, men know that they can easily get away with these crimes due to women’s meager representation in political affairs.

#### **4.4. Post-colonial period**

From the discussion above, it is evident that gender imbalances existed in indigenous and colonial periods. As highlighted in the literature below, even with the attainment of Kenya’s political independence in 1963, things did not change to ensure that there was equity in political, social and economic relations. As a country, we are still far from achieving this. This section firstly highlights capitalism in the post-colonial period and the impact it had on existing gender relations and its implication for the sexual violence that was experienced by women during Kenya’s 2007/08 post-election violence.

#### **4.4.1. Capitalism in the post-independence state and its implication on gender relations**

The capitalist mode of production that confronted the communal and dual sex-gender concepts entrenched in the African culture and societies was advanced in the post-colonial era. Men's roles progressively split from women's roles in every domain of society (Aniekwu, 2006). It envisioned society to be divided into the "public" and "private" realms. As discussed in the previous section, these spheres were also gendered; the female engaged in the private domain also understood to be the domestic realm. It was a jurisdiction of "reproduction". Besides operating as the ground where child-bearing and upbringing took place, it was also the place where men, who operated in the unrestricted sphere, reverted to replenish their energies and prepare for work the next day (Kamau, 2010). Thus, womanhood which became identical with domestic life-childbearing and rearing, cooking, subsistence, farming, scrubbing, cleaning and other household chores became an unavoidable destiny.

African women involve in hard domestic work for an average of seventeen hours a day (Tamale, 2004). These obligations were and are executed gratuitously, without official acknowledgement and payment. World Bank's Country Social Analysis of 2006 in Kenya has argued that women's load in the economic, domestic and collective spheres have only deepened, bringing about a disrupting effect on households and leading progressively to tension and violence (World Bank, 2006). The ideological borderline between these two spheres was designed to limit and control women's access to resources allied to the public space.

Hence, capitalism entails the perpetuation of male control over women for both their production and the reproduction of the labor force (April, 1995). This comprises denying women access to land or other property of their own, permitting men to govern what and how women produce as well as the pay they will get and placing most of the responsibilities on women maintain the family. Although the law allows women to own land in Kenya, only few do. Women own only about one percent of recorded land titles in Kenya, with around five to

six percent of registered land titles held in shared names (Wanjala and Were, 2009, World Bank Report, 1989). Title to land virtually always goes to men.

#### **4.4.2. Politicization of ethnic cleavages**

African leaders (Kenya included) have mostly attained their leadership by use of patronage to integrate from ethnic groups into other coalitions (Arriola and Martha, 2013, Bayart, 1993, Rothchild, 1997). Yet, women are ill placed to work as ethnic clienteles in most nations in the continent (Arriola and Martha, 2013). The Kenyan culture is intensely tribal with politics and tribal ethnicity being intimately connected. The average person identifies with the tribe and values the tribe. According to Maja (2009), Kenya has forty-two tribes; the dominant ones are “Kikuyu (22%), Luhya (14%), Luo (13%), Kalenjin (13%) and Kamba (11%)”. On the other hand, political parties and politics in Kenya are formed along ethnicity esteeming tribalism above political ideology and policy. This is due to the perception that the party offers the best opportunity for an individual within the tribe to shoulder power and then share state resources within ethnic affiliates (Maupeu, 2008 and Mutua, 2008).

In Kenya, it is perceived that hailing from the government favored ethnic tribes gives one a verge over the less fortunate tribes in accessing the political and economic resources of the state. Economic and political disparities are believed to have been some of the main causes of the violence that was experienced in Kenya in 2007/08. It was mainly alleged that the Kikuyu ethnic group and Central province had been benefiting more economically and politically before and after independence at the expense of other regions or ethnic communities (Stewart, 2008). It is believed that the effort to correct these disparities between the Kikuyu, the Kalenjin and the Luo contributed majorly to the violence that was witnessed in 2007/08 in Kenya.

According to Mueller (2008), the parties policies and programmes are largely indistinguishable, with political affairs being perceived as the “winner-takes all” view of political power and its associated benefits. Politicians therefore attain power by means of “ethnic-arithmetic and clientage as mobilizing factors”; their concern being simply how to win power in order to access state resources. Consequently, political parties shift from one coalition to another, and politicians move from one party to another “according to calculations of advantage”, so that irrespective of party, majority of the politicians who opposed each other in 2007 had at one point worked together in government. According to Murunga (2008), through the state, politicians are also assured a level of control of resources and popular forces, either through compulsion or compliance. This control has been key in preserving politicians in power, regardless of their impact on state development projects.

Kenyan politics since independence have been characterized by the systematic segregation of women from patronage generating opportunities, as was the case during pre-colonial and colonial societies (Atanda, 2011). The attainment of Kenya’s political independence did not ensure that there was equity in political, social and economic relations irrespective of the fact that during the fight for Kenya’s independence from colonialism, women fought hard alongside men. They fought in the battle field, made political decisions and even administered oaths which were a domain of men in the Kikuyu society (Kanogo, 1987, Presley, 1992). It is instructive to note that this marked the transformation of gender roles within the Kikuyu society as was the case with other Kenyan societies. Many women such as Me Katilili wa Menza (from Giriama Community) and Mary Muthoni Nyanjiru (from Kikuyu ethnic community) were influential in Kenya’s fight for freedom as well as advancing women’s rights and interests (Morgan, 1984, Kanogo, 1987, Oduol, 1993). Former Mau Mau<sup>34</sup> Freedom fighters contended that independence (*uhuru*<sup>35</sup>) would not have been

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<sup>34</sup> This study has however adopted Koster’s (2010) definition of Mau Mau as a movement, war, a revolt, a revolution, a rebellion, a freedom struggle, a liberation movement and a nationalist struggle. This struggle, she says, started in October 1952 when resisters of British discrimination and authority in Kenya launched a Mau

achieved were it not for the insurgence and especially the active role of women (Kinyatta, 1997). Indeed, the colonial government recognized women's enthusiasm and resilience stating that female freedom fighters were "far more rapid than males" (Presley, 1988). Although vigorously involved in the nationalist struggle for independence, Kenyan women did not take part in the negotiations for independence and in the initial politics of post-independent Kenya. As argued by Nasong'o and Ayot (1997), their efforts did not translate into their greater political participation and the enjoyment of their new-found rights after independence.

All negotiations for Kenya's independence took place between the colonizers and elite male politicians. It is informative to note that there was only a single woman out of about seventy or so Kenyan delegates at the Lancaster House Conference in London where Kenya's independence Constitution was negotiated. Moreover, the fact that Kenya's Independence Constitution was an outcome of male discussions and drafted away from Kenya meant that women's viewpoints and unique gender experiences were left unaddressed. This was regardless of the promise to protect human rights and equality made by the independence government under the leadership of Jomo Kenyatta<sup>36</sup>. The implication of this promise was that women would be incorporated into the process of governance of Kenya. The Government's "Sessional Paper No. 10 of 1965 on *African Socialism and Its Implication to Planning in Kenya*" clearly stated that "political participation by men and women in Kenya would be on equal terms, including standing for elections office as guaranteed in the independence Constitution of Kenya" (Ochwanda, 1997). However, as observed by Oduol (1993),

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Mau rebellion against British colonial administration. It ended in 1960, leading to the demolishing of British colonial authority and ultimately Kenya's 1963 independence (Koster, 2013).

<sup>35</sup> Uhuru is the Swahili word for the word "independence"

<sup>36</sup> President Jomo Kenyatta was Kenya's first President (for fifteen years; 1963-1978) and won the independence of Kenya from the British (Khapoya, 1979).

women soon realized that just as their contribution had been ignored during the colonial era, independence would not bring any remarkable changes to their lot. The government failed to involve them on equal basis with their men in their country's economic, political and social institutions.

Power was essentially conveyed to a smaller section of men whose main pre-occupation was to re-invent the African masculinity (Meena, 1992). This was with total disregard of the fact that women had also contributed deeply to the country's decolonization and, therefore had a right to enjoy the "fruits of *uhuru*" like men (Ochwanda, 1997). Emphasizing this view, Nyokabi (2008), noted that "post-independent Kenya's politics and state were controlled by a predominantly male ruling political class that was unapologetically masculine". In an effort to attain domination, the post-colonial government also used women's subordination and the philosophy of male dominance as uniting factors that could stimulate men's backing as a group, alongside the adaptation of neo-patrimonial politics.

Relegated into backing up political errands in presiding parties and government bureaucracies, women in post-independent Kenya had little prospects to take part in the distribution of resources or to assert political recognition for taking part in such activities (Ariola and Martha, 2013, Bauer, 2011; Fatton, 1989). For instance, between 1964 and 1969, there were no female Members of Parliament in Kenya. This was not because there were no women who contested for parliamentary elections; the few who did failed to receive the required backing from the male dominated political structures. The male dominated ruling party then (KANU) was very unsupportive to these women (Nzomo, 1994). Even after failing to support the women to be elected, the government failed further by not appointing a single woman to Parliament by alleging that women were not yet competent enough for political leadership. At any occasion, women were faulted for not being qualified for "political leadership". They were perceived as depending on the state to allot them "special seats". This perceived image of women's "inability" to hold decision-making positions has been used repetitively to keep women powerless and validate the continuation of their subservience and exploitation. As argued by Nzomo (1994), some of the Kenyan politicians have in the past

gone as far as blaming the women for their lesser status. Thus, one Kenyan Minister while closing an international women's seminar told the female audience:

I am forced to believe that the woman is lazy in her mind. She is too lazy to think. You women think and believe that you are inferior to men. This is what it is all about. It is a psychological problem and 99.9% women suffer from it (Nzomo, 1997).

On this note, Nzomo argued that although some women do suffer from an inferiority complex born out of years of socialization for subordination, the 99.9% she believed was amplification, since majority of women in Kenya no longer regard themselves as inferior to men. The fundamental problem is lack of opportunities and access to resources that would advance their status and hence, their ability to compete on an equal basis with men.

Furthermore, the authoritarian nature that characterized Kenyatta's rule particularly his later years in office worked against women's participation across all spheres of life. His successor too embraced the dictatorship that President Kenyatta exercised. As actually pointed out by House-Midamba (1990), the authoritarianism during President Moi's term was more heightened. In comparing the two regimes, Midamba notes that Kenyatta's rule was possibly less authoritarian than the government of his successor who took office in 1978 after Kenyatta died in office (Barkan, 1992). This was further compounded by the prevalent "culture of male dominance", mostly believing that gender arrangements are 'natural' or "traditional" and need to remain so (Anunobi, 2002). For instance, at the "International Conference on Women in Nairobi in 1985", when Kenyan women commended that women be more equitable in Parliament, Moi responded that, "God made man the head of the family" and "challenging that was tantamount to criticizing God" (Kabira and Nzioki, 1993).

#### 4.4. 2.1. Co-optation of women's organizations

Despite the oppressive political situations in which women found themselves in, they did not take a back seat. Instead, they persisted in advancing their fight for their rights and in some cases triumphed. Most of this struggle took place under the support of women's organizations House-Midamba, 1996)<sup>37</sup>. These organizations were: Maendeleo ya Wanawake (MYWO)<sup>38</sup>, the National Council of Women of Kenya (NCWK),<sup>39</sup> and the Green Belt Movement (GBM) (House-Midamba, 1996). Maendeleo ya Wanawake (which in English means Women's Progress) was by then the biggest women's voluntary association in Kenya and the only one that had a nationwide group of clubs within its network (ibid). Even though the organization's membership significantly dropped after independence, in the late 1970's, it was re-established and arose as the Kenya's prominent non-governmental organization then. By 1985, it was projected that the organization had more than three hundred thousand members spread across eight thousand women's organizations. The organization was much more revolutionary in its initial years where it propagated women's matters and supported "marriage and divorce reform laws' aimed at elevating the lawful status of women. It also pressurized the government to fund its activities. In the subsequent years however, the organization suffered severe hitches amid claims that it was being managed by new city elite. It also faced the blame of being indifferent to its rural area residents. The organization

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<sup>37</sup> The advancement of present women's organizations in Kenya has been derived in part from a transformation of local co-operative groups that were based on the need of rural women to mobilize effective means of getting resources to support their activities. They also developed from a model propagated and introduced by European women to teach African women about western health care and home economics (House-Midamba, 1996).

<sup>39</sup> The "National Council of Women of Kenya (NCWK)" was founded in 1964 and was established to coordinate other women's groups in Kenya including Maendeleo ya Wanawake. Its original purpose was to motivate women's interests in good citizenship and responsibilities to family and society and stir their involvement in all significant nationwide organizations (House-Midamba, 1996).

experienced a major financial fiddle in 1986 leading to the discharge of its Chair after a report by a state-appointed investigation team established proof of fiscal malpractice and corruption.

As a result, the government took advantage of this predicament to limit Maendeleo ya Wanawake's independence by officially disbanding its management team and placed it to be under the Ministry of Culture and Social Services. The incorporation of Maendeleo with KANU (the ruling party then) inevitably meant the curbing of its power to censure the government. Additionally, since the co-optation also comprised older, less educated middle class women, it produced what may be labeled to as "state feminism" (Wambui, 2016) whereby the government is capable of rallying women on its own terms rather than giving them a chance for representation in leadership. Nzomo (1996) argued, by being allied to the ruling party not only made it problematic for women's organizations to inaugurate their own autonomous agendas, "but their effort was narrowed down to a set of development issues such as nutrition, health, women's morality, child care and home-making skills in addition to dancing for the President and his supporters at political rallies".

The National Council of Women of Kenya (NCWK), over the years, experienced a steady waning in its efficacy (House-Midamba, 1996). For instance, some opponents have alleged that the organization is controlled by the Kikuyu; the biggest ethnic community in the country. In addition, the "Women's Bureau" established by the government then assumed most of its functions allocated for NCWK. Contention also arose between Maendeleo ya Wanawake and NCWK reached its climax in 1970's, making Maendeleo ya Wanawake to bring to a halt its affiliation with the NCWK in 1981. Notwithstanding, Wangari Maathai's resignation as the organization's leader in 1987 is stated to have also affected the organization's visibility and efficiency (Nzomo, 1989).

Those women who single handedly like the Wangari Maathai<sup>40</sup> tried to challenge the state for lack of respect for human rights encountered arrests, intimidation and even death threats (Kassilly and Onkware, 2010). Professor Wangari's focus was not only on environmental issues but also on political reforms and human rights. This was regardless of the vital role that she had played as a "cofounder and member of the steering committee of the Forum for the Restoration of Democracy" (FORD) (House-Midamba, 1996). In 1992, she was arrested alongside other associates of FORD and charged with "rumormongering" for holding a press conference to query the state about its plans to relinquish power to the military (House-Midamba, 1996). After being threatened with death and considerable suppression, she concealed her whereabouts for two months in 1993. She sustained serious injuries when she took part in the "hunger strike" organized by mothers of political prisoners.<sup>41</sup>

The above discussion clearly demonstrates that the pattern of gross female exclusion and gender bias in cultural, political, religious and other realms witnessed during colonization continued to be experienced in post-independence Kenya as the state advanced and society

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<sup>40</sup> Wangari Maathai was an environmental activist and the first African women to receive the Nubble Peace Prize in 2004. She was also the founder of the Green Belt Movement; a grass root environmental and social justice organization in Kenya. A stout supported for women's rights; she was at the forefront of opposing the patriarchal and capitalist mindset of the Kenyan government (Muthuki, 2006). She was the first women in East and Central Africa to earn a Master of Science degree and the first woman to earn a doctorate from the University of Nairobi.

<sup>41</sup> Women from the Kikuyu ethnic community (the largest ethnic group in Kenya) used a number of non-violent tactics "to release their son from prison when they were incarcerated in October 1990 after being accused of plotting to overthrow the Kenyan government. In response, the women held a hunger strike, delivered a signed petition to the government demanding their son's release and stripped naked in front of police officers to advance their cause" (House-Midamba, 1996).

According to the "Kikuyu" culture, "*Gturamira ng'ania (stripping)*" is intended to place a curse on those who proliferate violence. Hence, "the curse was a response to police brutality against the mothers who began their hunger strike on Freedom Corner in Uhuru Park in Nairobi. The mothers fought the system and won because their sons were eventually released from prison" (ibid).

“developed’ (Omoyajowo, 1982). As Wambui (2016) argued, the undesirable bearing of male domination in structures of authority has been heightened by the patrimonial nature of Kenyan politics. By crafting a situation whereby state power is hunted for private fortification, the focus of most politicians and political parties has been to acquire power, which is maintained through apportionment of public positions to political supporters and the sharing of public resources amongst ethnic power bases that in turn provide political support and legitimacy. As earlier argued, these patron-clientele interactions possess a gender component within their structure and functioning and discussions usually occur in the public sphere of which Kenyan women as a group have mainly been left out as patrons in state-linked clientelism (Tripp, 2001).

Therefore, it can be concluded that women’s rather scanty representation and participation in political institutions in society means that their aptitude to exercise power and impact on the ultimate policy results in political bargaining processes and advancement of women’s agenda including sexual violence against women, is dismal. Furthermore, the existence of numerous legal systems in Kenya- that is, customary, statutory and religious laws has in some cases exerted an undesirable outcome on women’s roles and status. Historical data has demonstrated that Kenyan women have experienced problems in areas including women’s rights in marriage, divorce, spousal abuse, custody of children and reproduction (Nzomo, 1994).

This meant that gains during the national liberation struggle did not translate into gender equality in the post-independence era. Yet, as just argued above, the importance of having women in leadership cannot be underestimated when it comes to putting their issues forward including sexual and gender-based violence. Women’s subordination and discrimination goes on despite some efforts at legal reforms. One can argue that the sexual violence experienced by women during the 2007/08 post-election has a historical connotation based on this exclusion. It is against this background that the gender biased relations and the need to correct the imbalance should be understood.

#### **4.4.3. Consolidation of elite power and weakening of public institutions**

Mueller (2008) has argued that the weak institutions of law enforcement; among others, the weakening of public institutions means that the controls generally linked with democracies are very frail and are intentionally so. Before the amendment of the Kenyan Constitution in 2010, the former lacked healthy checks and balance systems between the executive, legislature and judicial divisions of the state. The Constitution was made to steadily erode these balances in favor of strengthening Presidential Office comparable to a dictatorship which gave the President the ability to use and abuse his power without limit (Maja, 2009).

Kenya's leadership post-colonial sought lawfulness in dictatorship rather than consent (Claude, 1996). For instance, according to Ochieng (1995), thirteen constitutional amendments were passed during Kenyatta's tenure. New rules that concentrated power to the Presidency, subdued free and competitive electioneering and limited civil rights and generally condensed the democratic space were instituted. At the end of 1964, Kenya had become 'a *de facto* one-party state' (House-Midamba, 1996). These developments went along in buttressing Kenyatta's personal rule (Ochieng, 1995). Acknowledging the consolidation of elite power, a re-known politician during Kenyatta's era (J.M Kariuki) summarized this in the following statement:

A small but powerful group of greedy self-seeking elite in the form of politicians, civil servants and business men had steadily but surely monopolized the fruits of independence to the exclusion of the majority of the people. We do not want a Kenya of ten millionaires and ten million beggars (quoted in Ochieng, 1995).

The categories of people mentioned above as earlier discussed had men as the majority due to colonial policies and patriarchal rules that favored them as previously discussed while confining women to the 'private' spheres of life.

Initiation of personal rule had taken place, and this also meant curtailing of freedom of expression and movement. Such limitations are bound to impart fear on the populace and this meant that where abuses had been taking place; including gender and sexual violence could not be easily highlighted. When President Daniel Arap Moi<sup>42</sup> took over in 1978, he was quick to commit himself publicly to the policies began by President Jomo Kenyatta. In fact, he even devised a slogan to be remembered by, “*Nyayo*” (Swahili word for footsteps or footprints) to show that he was following in the footsteps of his precursor (Khapoya, 1979). Moi instituted a one-party rule in 1982. In May 1982, Kenya became a *de jure* single party state. Those who supported multi-party systems then were arrested. Murunga (1999) observed that in 1980’s, there was a mounting concentration of power by President Moi which was realized by restricting the freedom of speech and the press. The freedom of the judiciary was condensed, and the electioneering process was closely controlled (Ross, 1992). The electioneering law instituted during President Kenyatta’s rule put the Electoral Commission under the Executive President<sup>43</sup>. The President selected the Chairman and Commissioners and thereby curtailed free running of the elections.

President Moi was succeeded by Mwai Kibaki (Kenya’s third President). Kibaki’s unilateral appointment of sixteen new Electoral Commissioners of Kenya just before the 2007 General Elections disregarding the Interparty Group Agreement of 1997 that endorsed consultation before such appointments was highly censured (Bard, 2008). One would therefore argue that the “compromised” nature of the process of their appointments was directly proportional to the “perceived flawed” and compromised process of conducting the elections. Such a process would not have warranted an autonomous Commission without the interference of the executive and therefore checks, and balances were at their bare minimal.

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<sup>42</sup> President Daniel Arap Moi was second president of the Republic of Kenya. He succeeded President Jomo Kenyatta after being his Vice-president for twelve years (Murunga, 1999).

<sup>43</sup> The President selected the Chairman and Commissioners and thereby curtailed their free running of elections (Murunga, 1999).

The Commission of Inquiry into the Post-Election Violence report (CIPEV, 2008)' point out that prior to the 2007 elections, the perception of government institutions being seen as not autonomous still continued, for example, the judiciary. These institutions were not viewed as being autonomous of the Presidency and lacked integrity. Therefore, they were seen as not being capable of conducting elections fairly. Citizens hold this perception that, irrespective of the Laws, the Executive arm of the state defines what ensues. Hence, the state is not seen as impartial but a reserve of those in authority (Government of Kenya, 2008). Moreover, this has led to the perception by the citizens that due to the immense Presidential powers, everything operates not as per the set laws but from the President's power and individual resolutions (Muruga, 2011, CIPEV, 2008). This has fueled the public belief that an individual hailing from their own ethnic community must be in authority, so that they may partake of the perceived benefits and privileges such as employment opportunities and also prevent other ethnic communities from accessing the same. Hence, loosing is perceived as enormously costly and not accepted. This has led to political players to do anything (including inciting their followers and fueling violence) to acquire or maintain political power; a factor that contributed to the violence that was experienced in Kisumu.

When delaying the releasing of the results at the Tallying Center, the Electoral Commission of Kenya's (ECK) Chairman not only hinted that some of his returning officers had delayed relaying the tallying back to Nairobi but also stated that they might have been involved in 'cooking' of the results and warned them against such action. This heightened tension in the country especially in Luo Nyanza where violence was reported on 29<sup>th</sup> Dec, 2007 even before the presidential results were announced. When the Electoral body announced Kibaki as the victor, the whole of Nyanza (Kisumu is in Nyanza) is reported to have been immersed in demonstrations that continued until 31 of December (Muruga, 2011). Soon after the announcement, President Kibaki was sworn in a for a five-year term at a hurriedly planned ceremonial (at night) in the state house before a minority of guests (but excluding diplomats) and the Kenya Broadcasting Corporation in spite of a demand for a re-count by the opposition and international observers.

According to Mutua (2008), the illegal swearing in of Kibaki within thirty-five minutes broke the custom of having a swearing in day. This fostered an extensive perception that the presidential votes had been altered in favor of Kibaki. In Orange Democratic Party's strongholds especially Kisumu, followers of Raila who sensed that their contender had been cheated of his victory, exploded in to violence and disapproval demonstrations that soon deteriorated into rape, looting and indiscriminate killings (Peter and Rodgers, 2009). Kibaki then made these demonstrations unlawful and used police throughout the country to extinguish Orange Democratic Movement's (ODM's) congregations (Maupeu, 2008). Although the Electoral Commission of Kenya asserted that election rows were a matter of the courts, the Orange Democratic Movement (ODM) declined to pursue the matter through the courts, indicating out that "they were controlled by Kibaki who selected six judges; two to the Court of Appeal and four to the High Court a few days to the elections" (Ndengwa, 2007).

Murunga (2011) has further advanced that a relationship exists between abuse of electoral process and the upsurge of election-related violence. He poses that "an electoral process is an alternative to violence as it is a means of achieving governance". Hence, when an electoral process is influenced and abused, the legality of the governance outcome is questionable, and the premium placed on choice undermined. Further, abuse of the electoral system and process inevitably invites alternate means of attaining authentic government; such as background and explains why street protests were mainly experienced in Kisumu, challenging the "illegitimate" installation of Kibaki as the President. In other words, they became a way of attaining power where the ballot had failed. Faulting the conduct of the Electoral Commission of Kenya (ECK), the Commission of Inquiry into the Post-Election Violence in Kenya (CIPEV, 2008) report associated the protests in Kisumu to the 'declaration of Kibaki' as the victor and the "suspicious" way in which the electoral body dealt with the situation.

From the above discussion, it is evident that since independence, the central pre-occupation has been regime building which has not only isolated sections of society but also needed coercive structures and institutions to live. These institutions and structures collapsed under

the weight of internal suspicion and citizens' anger during post-election violence (Murunga, 2011). This has nurtured a culture of impunity within the society and also lessened public confidence among the institutions that the society look upon for the purposes of upholding justice, transparency and accountability. The perception held by the members of the public towards these institutions to a large extent contributed to the sexual violations that occurred among the women in Kisumu since the perpetrators' view towards the Police and the judiciary is that these departments are weak and lack independence. Therefore, their chances of being investigated and prosecuted remain negligible. This view also revealed itself strongly amongst the female survivors of sexual violence; that one of the main reasons why they thought the perpetrators sexually assaulted them was that it would be difficult for them to be arrested and prosecuted because of the weaknesses in the institutions entrusted with these mandates such as the Police and the courts.

#### **4.4.4. The sentiments among the Luo ethnic community of historical marginalization and alienation**

In Kenya, it is believed that being affiliated to the government's favored ethnic communities gives one an edge over the less privileged tribes in accessing the political and economic resources of the country (Adeagbo, 2011). From 1960's to 2002, the Luo community was associated with opposition politics in the country. Having begun as state leaders, two Luo politicians; Oginga Odinga and Tom Mboya advanced politically post-independence. In 1964, Oginga Odinga was appointed as Jomo Kenyatta's Vice President leading many to perceive this appointment as a Luo-Kikuyu coalition. The appointment of Odinga Odinga as the Vice-President raised many Luos hopes who perceived it as a time for them to partake of the political piece (Carotenuto and Luongo, 2009). However, Odinga's communist inclinations, relations to Soviet Unions and political ambitions did not impress Kenyatta for long. In 1966, Oginga Odinga (Kenya's first Vice-President) separated with Kenyatta and formed his party of "Kenya People's Union" (Ochieng, 1995). The outcome of this rift is held to have been the starting of an extensive journey during which state projects in Nyanza stuck and majority of Luo's held that they were "banished to the political wilderness" (Morrison, 2004).

Increased tension between “Kenya People’s Union (KPU)” and the Kenya African National Union (KANU) regime burst into skirmishes during President Kenyatta’s official visit to Kisumu in December 1969 several months after the killing of Tom Mboya when President Kenyatta went to dedicate a new hospital in Kisumu. Kenyatta supporters with supporters of Luo leader Jaramogi Oginga Odinga suffered eleven fatalities and many injuries when the presidential body guards fired into the crowd (Khapoya, 1979). Until his death in 1978, Kenyatta never ventured into Western Kenya again. Following the incidence, the KPU leaders were apprehended and incarcerated and the party banned. Kenya once again became a *defacto* one party state<sup>44</sup>. The three years, (between (1966-1969) saw the continuous marginalization and isolation of the Luo ethnic community. The political rift continued after the killing of Tom Mboya. In addition, Luos were limited from major forms of political and social expression.

Kenyatta passed away in 1978 and Daniel Arap Moi who had been his Vice-President for the previous twelve years took over from him (Ajulu, 2002). According to Johan (2009), Moi had lesser resources for sharing and preferred his own “Kalenjin” group; sidelining other ethnic communities. This perceived “persecution” on the Luo tribe continued during Moi’s regime due to its oppositionist inclination, with Jaramogi Oginga and his son Raila Odinga

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<sup>44</sup> Kenyatta, once in power, astutely used the instrument of that power to keep disgruntled elements in line. Under the Protection of “Public Security Act in 1966”, the President of Kenya had wide powers to detain anyone deemed a threat to the security and civic order of the country. In 1969, this act was invoked to detain Mr. Oginga Odinga; once the Country’s Vice-President who broke with Kenyatta largely over the land issue and formed an opposition party; “The Kenya People’s Union” (Khapoya, 1979).

constantly condemning Moi's dictatorial nature and pushing for a multi-party system. During the 1980s, President Moi banned many tribal associations (including the Luo union) as a way of limiting their influence of advancing opposition politics at a grassroots level (Daily Nation, 1980). Oginga Odinga died in 1994 as the resolute spokesperson for the Luos in Kenya and an emblem of political opposition. Soon, his young son Raila Odinga rose to much more prominence politically and took over the "political-ancestral leadership of the Luo Community as a whole". His period in detention<sup>45</sup> during Moi's leadership in the 1980's aided to create his strong repute in Kenya's opposition political spheres (see Badejo, 2006).

When Kibaki came into power in the year 2002<sup>46</sup>, there was hope for the Luos that with the drafting of the Memorandum of Understanding (MOU) before the elections in which Kibaki was to share power with Raila through the formation of the position of the Prime Minister and division of cabinet positions on the coalition parties. This was perceived as a good opportunity through which the Luos would have an opportunity to share the "national cake" by having one of their own in a key position. Regrettably, this did not happen; Kibaki ducked

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<sup>45</sup> Following his role in the aborted 1982 coup, Raila Odinga for close to six years was tortured and held in horrid conditions and was in January 1983 detained without trial until his release on 5<sup>th</sup> Feb, 1988 (Badejo, 2006). After releasing him, Moi did not overcome his suspicion over Raila and ordered for his detention in September 1988; six months after releasing him he was released again in 1989 and promptly got into opposition politics. His continuous agitation to multi-party democracy had him back to custody by Moi in July 1990 for another year. After his release in 1991, he fled to exile in Norway (Badejo, 2006).

<sup>46</sup> Kibaki, National Alliance Coalition's (NARC's) Presidential candidate succeeded Moi when he won "62% of the votes in the 27<sup>th</sup> December, 2002 against 31% for Moi's handicapped candidate, Uhuru Kenyatta", setting the stage for the 30<sup>th</sup> Dec. 2002 swearing as Kenya's third President. NARC itself was a coalition of Mwai Kibaki's "National Alliance Party of Kenya (NAK)" an ex-KANU rebels in the "Liberal Democratic Party, (LDP)" led by Raila Odinga (Maja, 2009). For the first time, the ruling party was beaten and relinquished power (Peter and Rodger, 2009).

the Memorandum of Understanding causing a split in the NARC government. Raila and “his people” found themselves again on the opposition seats side of the government. As pointed out by Lynch (2006) and Human Rights Watch (2006), after the split, Kibaki got a better opportunity to surround himself with his specific “tribes” men eliminating other ethnic communities; a factor that led to growing anti-Kikuyu attitudes in various parts of the country (De Smedt, 2009). These feelings of isolation by the Luo community had built up and formed a basis for pressure and hatred, and the probability for skirmishes. This was well kindled and exploded during the 2007/08 post-election violence that was witnessed in Luo’s main city-Kisumu.

The feelings of frustration and marginalization by previous regimes could be well depicted in part of the forms of violence that were experienced in Kisumu such as destruction of government property and attacking business belonging to Kikuyus. For instance, the CIPEV report (2008) stated that “on the 29<sup>th</sup> of December 2007, a mob stormed the Public Works office in Kisumu, burning the main block and nine government vehicles while another group attacked the Kenya Broadcasting Corporation Office (KBC) and burned five vehicles”.

#### **4.4.5. Politicized violence with reference to Kisumu**

Anderson and Lochery (2008) have pointed out that political violence in Kenya has been perceived as a central and normal component. The two have added, “Kenyans have learnt to live with it as part of politics”. This section looks at politicized violence in Kenya with reference to Kisumu County which is the focus area of this study by looking at the most important instances of political violence post- independence. These instances include the assassinations of leading opposition figures such as Tom Mboya and Robert Ouko. They also include unresolved history of political repression such as the imprisoning of Oginga Odinga and the feelings of betrayal of Raila and the Luo community by Kibaki’s failure to honor the pre-election deal culminating into the violence experienced during 2007/08 post-election violence in Kisumu.

A prominent politician during Kenyatta's rule, Tom Mboya was assassinated in July 1969 within Nairobi's Central Business District (CBD)<sup>47</sup>. At the time, he was the Minister for Economic Planning and Development (Khapoya, 1979). The political division between the Luo and Kikuyu Community advanced after his assassination. His killing is said to have come at a period of growing bitterness by many ethnic communities of the consolidation of economic and political power by the hegemonic Kikuyu elite (Ajulu, 2002). These elite was Kenyatta's inward circle solely from Kiambu District within the Central province- "the Kiambu Bourgeoisie" or the "family" as it is occasionally termed. Further, Ajulu argues that Mboya's assassination threatened to bring together the Luo and other ethnic communities and support Odinga against Kikuyu. This possible rebirth of Odinga's political affluences is said to have struck fear within the "Family".

The Kikuyu organized and composed an oathing operation to summon the "Kikuyu peasantry, the urbanites, and its professional classes behind the Kenyatta rule". They argued it was not the small powerful elite that was endangered by the crisis which they had brought upon themselves; rather it was the entire Kikuyu community that was in danger. Kikuyu's therefore had to take the oath in readiness to defend the "House of Mumbi; the eponymous founder of the Kikuyu tribe. As Ngunyi puts it:

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<sup>47</sup> Tom Mboya had worked as a labor organizer in Kenya in the 1950's and "represented Nairobi's diverse urban constituency and made a name for himself as a Minister for Economic Planning. He had an international political profile and was held with high esteem in the 1960s, having orchestrated the famous students "airlifts" which took hundreds of Kenyans to the United States for advanced degrees, including Barack Obama Sr. However, his international appeal made him competitive for the highest offices at home and ultimately resulted in his assassination on the streets of Nairobi in 1969" (Goldsworthy, 1982).

...to protect its stake and maintain the regime's inner stability, the "Family" quickly constituted a Kikuyu brigade charged with the tacit responsibility of mobilizing the entire Kikuyu community to protect the "motherland against the enemy"...The brigade was also responsible for administering to the community an oath of loyalty to the House of Mumbi and vowing by the oath to ensure that the Presidency never leaves the tribe (Ngunyi, 1993).

The assassination of Tom Mboya was followed by months of turbulence in major cities such as Nairobi and Kisumu, his backyard. As highlighted above, it was also in 1969 that Oginga was detained before Mboya's assassination when his followers clashed with Kenyatta's during Kenyatta's visit in Kisumu.

The death of Robert Ouko, Kenya's Minister of Foreign Affairs and International Co-operation on the night of 12-13<sup>th</sup> February 1990 led to such violence that threatened the state's legitimacy. Impulsive demonstrations broke out in Nairobi, Nakuru, Eldoret and Kisumu (Murunga, 1999). In Nairobi, Nakuru and Eldoret, University students demonstrated to urge the government to disclose who killed Ouko. More violence exploded in Kisumu on the 23<sup>rd</sup> of February when his body arrived in Kisumu. Kisumu was Ouko's home area which he had represented as a Member of Parliament since 1988. Thus, it was the area where Oginga and Tom Mboya hailed from. With the death of Ouko, the Luo Community from which all the three men came from felt betrayed for the third time in Kenya's history. Three residential estates in Kisumu were affected by the violence where armed personnel engaged the crowd in running battles, where rage and sorrow were exploited in all manner of disorder. They included: Manyatta, Nyalenda and Kondele. Proponents of political pluralism and their disgruntled supporters would soon take advantage of this incidence and others to intensify their campaign.

During my research, I also found out that these estates were severely affected by post-election violence (2007/08) where women suffered gross sexual violations. The estates have slum like structures, with poor housing structures, poor drainage and lots of idle youth. They are also areas where gangs and armed militia majorly thrive.

Kibaki won on the promise of fighting corruption, creating a coalition Government that shared power among the various tribes and amending the constitution “within one hundred days of being elected” to reduce the executive power that had immensely increased over the previous years (Mutua, 2008, Calas, 2008). Kenyan’s felt hopeful that the Country’s leadership was lastly on the verge of a system of governance that would have accountability through sharing of power.

However, the politics of ethnic patronage/ political tribalism continued to be embedded in his tenure. In spite of the preliminary harmony and reputation the National Alliance Rainbow Coalition (NARC) led Government had, it had quickly yielded to elite disintegration following rife friction between “Liberal Democratic Party (LDP) and National Alliance Party of Kenya (NAK)” factions of the party. This fight was deepened by the disappointment brought about by Kibaki’s failure to adhere to a “Memorandum of Understanding (MOU)’ between his NAK and Odinga’s LDP” in which had suggested the same share of cabinet positions and most other key government positions (such as Prime Minister Position) and for consultation in making decisions as the foundation of NARC’s inter-ethnic coalition (Mutua, 2008, Calas, 2008). Moreover, those associated to Raila especially among the Luo felt a strong nous of disloyalty when Kibaki failed to honor the arrangement to amend the constitution and award Raila the Prime Minister’s position (De Smedt, 2009).

The broken assurances of a shared government and new constitution left many Kenyans upset over what would had resulted to a new Government taking over leadership in 2002. This frustration not only triggered the violence that occurred in 2007/08 but also further intensified

the rivalry, anger, tensions and frustrations that have always existed between these two communities (Kikuyu's and Luo's) and made the Luo's to feel 'left out' of the benefits that were to ensue by being part of the Coalition Government. The flawed elections acted as trigger for them to vent out their deep-seated negative emotions hence causing an 'explosion' during the post-election violence that was experienced in Kisumu in Luo Nyanza.

Even though men suffer during times of political violence, literature reviewed has indicated that women suffer more. This was experienced by women in Kisumu who became victims of sexual violence perpetrated by gangs, militia and uniformed state personnel (mainly the police officers) as previously highlighted.

With reference to the feminists' interpretation of wartime rape, I argue that much of the sexual violence experienced by women during the 2007/08 post-election violence in Kisumu can be explained by the historical subordination of women and their exclusion from economic and political arenas in pre-colonial, colonial societies as highlighted above and also post-colonial societies as has been discussed in this chapter. This is more so, as highlighted in the introductory chapter that during the violence in 2007, women were sexually violated regardless of the political divide they belonged to. Feminist studies of rape during times of conflict have been informed by a theoretical understanding of "everyday rape" that emerged throughout feminist activism, particularly that of radical feminists in the late 1970s (Bos, 2006). In their analyses of wartime rape, feminists' theorists of wartime rape which has been utilized in this study emphasizes on the patriarchal nature of society; that is, men have historically controlled almost all key "socio-political and economic" activities and women are exploited and treated as subordinates. The domination in all these spheres has thus been labeled as the core determinants of a society's risk of rape (Jason and Wheela, 2001). Working backwards, in the causative order, the feminist explanation implies that rape, is most instantaneously, the result of a male's decision to behave towards women in a possessive, dominating and belittling manner (Lee and Baettie, 1983). Thus, sexual fulfillment is not

considered as a main motive by feminist theory, but rather, rape is perceived as the use of sexuality to uphold supremacy and domination of women by men (Burt, 1980).

In male-dominated societies, the attitude of men towards women and virility inspire rape and that when accorded a chance, “for instance during war or military occupation”, men should indeed rape (Browmiller, 1975, Bos, 2006). The feminists’ analyses have however been critiqued; that it still remains “unexamined if and how sexual violence during wartime belongs to the same continuum of patriarchal violence against women or whether it is indeed an altogether different phenomenon from everyday peacetime rape” (Bos, 2006). The critics have contended that rape within the context of war is not easy to classify or explain as an entire expression of conflict between a male and a female party in which a male wields his patriarchal power over a female victim. Furthermore, conflicts are not necessarily between two sexes but instead comprise two or more parties with both male and female members who oppose each other on grounds other than gender. The rapes, according to the critics, are part of a larger conflict in which a great deal of violence is imposed on men as well as on women. If in some cases of the violence is not also committed by women, it implicitly supported by the women of each contending party. Therefore, if one instead focuses on war simply in so far as rape is concerned and perceives these rapes mainly as an expression of patriarchal male-on-female violence, the larger context of war remains unclear and women of both parties will be regarded as victims only (Bos, 2006).

#### **4.5. Conclusion**

In this chapter, I have highlighted the ways in which violence during “pre-colonial, colonial and post-colonial” periods in Kenya had implications for the political violence that was experienced in Kisumu during Kenya’s 2007/08 post-election violence. Being a gender-based study, the chapter highlighted how various factors such as mode of production, politicization of political cleavages, historical marginalization and alienation, consolidation of elite power and weakening of public institutions impacted on existing gender relations and how this had

an impact on the sexual violence against women in Kisumu. It also looked at politicized violence and its implication for sexual violence against women in Kisumu. The chapter established that even though in the pre-colonial Kenyan society women were subordinate to men, they had zones of social life in which they dominated. However, with the introduction of capitalism during the colonial period, the study highlighted that gender relations were analyzed in terms of capitalist development. Capitalism further enhanced women's subordination, marginalization and oppression by placing women in second class positions to men.

The chapter also examined how politicization of ethnic cleavages during colonial period impacted on the existing gender relations. The study foregrounded that the colonial government accentuated male supremacy by shifting men's supervisory rights over property such as land and political rights. As a result, the women were denied these rights making it hard for them to acquire the social standing and means required to serve as ethnic clientele. This also meant that women could not ascend to positions of power where they could influence policies on matters relating to women such as sexual and gender-based violence. The chapter also established that repatriation violence during colonialism was gendered with women having been the main target. The entire process of repatriation implied gender biasness in the entire activity.

I also examined women's historical marginalization and alienation. I established that even though gender imbalances existed during both pre-colonial and colonial periods, even with the attainment of Kenya's political independence, women's discrimination in terms of political, social and economic relations, nevertheless continued. The chapter examined how consolidation of elite power and weakening of public institutions impacted on the political violence that was experienced in Kisumu. The chapter has foregrounded that the existence of weak institutions erodes public confidence among institutions that the society looks upon for upholding justice, transparency and accountability. This fosters a culture of impunity as to what was observed during the post-election violence. I have also examined the implications

of feelings of marginalization, alienation by the Luo ethnic community and its implications for the violence that occurred in Kisumu. In doing so, the study established that the antagonism between the two main communities (the Luo and the Kikuyu) who were the main players in 2007/08 in terms of Presidential Candidatures dates back in 1960's. The strong feelings of betrayal by the Luo ethnic community have never ceased. They felt that they have been neglected ever since in terms of development and investment. The "flawed" elections only acted as a trigger for them to vent their anger that culminated into the political violence that was experienced in Kisumu.

The chapter has foregrounded that women were subjected to sexual and gender-based violence in indigenous Kenyan society and this continued into the post-independent Kenya mainly as a result of the existing gender imbalances. Sexual violence as was experienced by women during Kenya's 2007/08 post-election violence therefore depicted how deep these discriminative cultures and practices against women have been entrenched in the Kenyan society.

## CHAPTER FIVE

### THE IMPACT OF SEXUAL VIOLENCE ON THE WOMEN SURVIVORS AND THE COMMUNITY IN KISUMU COUNTY

#### 5.1 Introduction

Sexual violence in conflict is not a new occurrence. According to (Nobel Women's Initiative, 2011), "rape is as old as war itself and women have had the battle field played out on their bodies for centuries around the world". While referring to the war situation in the Eastern Republic of Congo which has led to massive rapes among women and girls, United Nations Former Commander for the Eastern Republic of Congo declared, "it is more dangerous to be a woman than to be a soldier in modern conflict" (Canning, 2010). Whether occurring during conflict or peace times, rape causes devastating effects to the victims, their families and communities. It is on this basis that this chapter describes how the sexual violence that occurred in Kisumu impacted not only on the women survivors but also their families and the community at large. The data revealed that sexual violence not only led to devastating physical, psychological and socio-economic ramifications for the survivors, but also to their families and the community as well. For the community, effects such as social disintegration, increased levels of poverty, high incidences of Sexually Transmitted Infections (STIs) transmission, death, negative attitude towards state security forces and delinquent behavior among children are discussed.

As illustrated in the literature review chapter, sexual violence has long-lasting consequences and far reaching impact on individuals, their families and their community. In this study, the female survivors and the key informants provided further details on how the sexual violence that occurred in Kisumu impacted on the women and the community. The key informants included staff from the entry organization to my primary participants that is, Development Work in Education, Livelihood and Environment (DWELE) and the health care workers from Gender Violence and Recovery Center (GVRC) located at Jaramogi Oginga Odinga Referral

and Teaching Hospital (formerly Kisumu Provincial Hospital). These key informants interacted with the women by way of offering various services to them and also live within the community as well. This chapter proceeds from the psychosocial, physical and socio-economic impact that rape had on the women then proceeds on to discuss the impact it had on the community.

## **5.2 Impact of sexual violence on the women survivors of sexual violence**

### **5.2.1. The psychological effects**

According to Heise (1993), rape victims display a range of trauma-induced symptoms; some of which are instant and others long term. Some of the immediate responses are: feelings of terror, denial, horror, confusion, nervousness, withdrawals, blame (Ruxana and Thomas, 2012, World Health Organization, 2007, Jewkes, et al., 2002). Other effects include sleep and eating disorders which include “fasting, vomiting, abusing diet pills and overeating” (Ruxana and Thomas, 2012, Lobman et al., 2003, Faravelli, et al., 2004). Further long-term consequences include feelings of hopelessness, shame, rage and self-blame, night mares, anxiety, panic disorders, suicidal tendencies, fear of sex and inability to concentrate (Heise, 1993, Foa and Riggs, 1993, Resick, 1993). Women who get sexually assaulted during their childhood or adulthood have been associated with high suicidal behavior than other women (Luster and Small, 1997). Post-traumatic Stress Disorder (PTSD) signs can occur instantaneously and have been stated to persist even up to one year after assault, especially if left untreated (Kirmeling and Calhoun, 1994). Rape victims have also been categorized as the biggest group of people to suffer from post-traumatic stress disorder (Foa and Riggs, 1993) with rates of lifetime prevalence ranging from 30-94% (World Health Organization, 2007).

Similarly, these and more forms of psychological distresses were reported by the female survivors during the interviews. They included feelings of low-self-esteem, stigma, feelings of shame, living in fear, anger, bitterness, sleep disorders, depression, self-injurious behavior including suicidal tendencies and, altered self-image and a distorted view of the world.

Others reported having developed fear and hatred towards men. All the women I interviewed described their rape experiences as very traumatizing. Describing the intensity of the psychological effect, Faith (Gender Violence and Recovery Centre-Kisumu) had this to say:

*Some of the women came to the hospital for help but could not talk because of the trauma, others cried uncontrollably, and this meant that we had to exercise a lot of patience with them if we were to help them. Feelings of hopelessness and shame filled most of them. This was one major reason why majority did not see the need to follow up with further treatment. This was a real challenge to us.*

The psychological devastation seemed much more especially in those cases where rape occurred in the presence of family members or other people. Alice expressed her devastation in the following manner:

*I was gang raped by three men in front of my children. They then proceeded to defile my two daughters. As a result of the rape, blood was streaming down my legs and my children could see. I feared going to the hospital because police were harassing people and so I could not the necessary not access immediate medical attention. I felt so powerless<sup>48</sup> and hopeless. It has been difficult to overcome the shame that I suffered then.*

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<sup>48</sup> Powerlessness is the feeling produced when a victim's willpower, wishes and a sense of worth have been overcome or breached continuously (Sylvia et al., 1989).

Rape occurring in front of family members during war-time has been documented as a common occurrence and causes such devastating effects not only on those who are raped but also to those present (Ward and Marsh, 2006). In such situations, rape is mainly a public action, intended to maximize embarrassment and disgrace. In Timor Leste, for instance, Indonesian military are reported to have raped women before their families and compelled “Timorese men to rape Timorese women” (Ward and Marsh, 2006). Nanking, (the capital city of China) yielded to the Japanese army in 1937. It is estimated that during this conflict, around eighty thousand women were raped (often referred as to the “Rape of Nanking”). Rapes occurring in front of families were documented. Chang (1997) describing the women’s’ rape experiences put it,

Age was not a factor to the soldiers-females of all ages were vulnerable –young children and old women. Pregnant women were raped, often resulting in harm to the unborn child and the mother. Mothers were raped in front of their families, or fathers were forced to rape their daughters. In such situations, humiliation appeared to be the goal.

Research carried out in 2004 in the Northern parts of Uganda where a rebellion by the “Lord’s Resistance Army” was taking place gave an example of one man who was ordered by rebels to have sex with his daughter:

I refused. They ordered my son. For the fear of a cocked gun, I complied. I was then forced to have sex with a hole they dug in the floor using a knife. They forced my private part in the hole several times...the skin was totally destroyed. It was impossible to fight someone who is armed. This was done in front of my wife, son and the daughter.... My wife went mad (Ochieng, 2005).

Men from the local community and soldiers often take advantage of the chaos during skirmishes to commit sexual violence without fear of chastisement.

Ironically, most of the women and girls who were sexually abused during the violence in Kisumu experienced further exploitation and suffering such as rejection and abandonment, causing them more psychological harm. Spousal abandonment was common to the women whose husbands got to learn that their wives were raped. They were rejected due to the perception that they had ‘lost their value.’ The unmarried ones were perceived as unfit for marriage, which made them more vulnerable to abuse and isolation. Stigmatization by members of the community further heightened their psychological harm. Women who have been raped may suffer rejection by their spouses who dread contracting HIV or simply who cannot bear the shame of ‘dishonor’ that they perceive their wives have brought upon them (Ward and Marsh, 2006, Mollica and Son, 1989).

According to the women I interviewed, it was obvious that members of the community got to know the reason for their abandonment causing them more psychological harm. One of the women who suffered rejection by her husband, Matroba had the following to say:

*My husband abandoned me simply because I was raped. I felt isolated. Word went round that my husband had rejected me because I was raped; therefore it common knowledge to the community around that I was raped. I felt alone, and I was stigmatized<sup>49</sup>. I also experienced a lot of labeling. The feelings of rejection were too much to bear. I am still coming out of it.*

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<sup>49</sup> Stigmatization denotes the hostile meanings (badness, shame, guilt) that are communicated to the injured person and regularly are consequently fused to his or her self-perception ((Sylvia et al., 1989). Sgroi (1982) call this category the ‘damaged goods’ syndrome.

*Aoko*

*When I told my husband that I was raped, he placed his hand over his head and said, “what a disaster that has befallen me”, he did not see my side, and it is like it was him who had been raped. We had three children together. The Luo culture here is very discriminative. We lived here in Kisumu that time. We lived together for one month after the rape experience; I was still healing of the pains I had suffered. One day he woke up and told me he was travelling to Nairobi to see a relative. He came for back after a year more so to see his children. During that time, he never sent any financial support. The burden for these children is overwhelming considering that I have to rely on casual jobs to support myself and them. With time, I heard he married another woman. I also moved on with my life because even if he were to come back, he would not accept me back as his wife.*

Rose; a psycho-social assistant advanced that the psychological trauma experienced by the women was also heightened by the culture (the Luo) culture. The labeling on the women by members of the community had a negative impact on their self-esteem. She added that term ‘*jotulo*’- in Luo is used to refer to a rape victim of the post-election violence. Most women felt isolated while living within their community. In affirming this statement, Jacinta stated: “*here in Luo land, you tell people you were raped, and you become an outcast right away*”.

Aoko’s excerpt above depicts that the believe in the Luo culture as in many African cultures, is that the harm inflicted on a woman who has been raped is seen as an attack on her husband, her entire family and culture as women are regarded as repositories of a community’s cultural and spiritual values (Bennett, 2018, United Nations Children’s Fund, 2005). A man’s honor has usually been related to the seeming “sexual purity” of the women within his family. If a woman is “defiled sexually” as a result of rape, she is believed to disgrace the family honor (especially her husband/ father). Rape historically was not viewed as a crime against the women.

This kind of perception is not only as a result of the existence of cultural values that demean women in most African cultures but has also been enshrined in some of the International Instruments such as the Fourth Geneva Convention; Article 21, effective 1950. This Article for example decrees that “states have the obligation to protect women in conflicts against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault” (Charlesworth, 1999). Such a statement shows that the worth of a woman is her honor and that she needs to be protected from such a vice on the basis of “her honor”. Such, according to Green (2004) disregards the inherent brutality linked to rape and instead emphasizes the notion of women being viewed as men’s property. From such a viewpoint, women are bound to be blamed for “the loss of honor” much as it is out of their control and takes the liability away from the rapists (Hoglund, 2003, Thomas and Ralph, 1994). Just lately that rape has been regarded as “a violation of human rights”. Nevertheless, as Sharlack (1999) argues, “even such an acknowledgement is not far reaching enough”.

The feminist scholarship’s argument is that from the start, men and women have related in an unequal manner. Under such a scenario, it is therefore expected that women will be viewed as man’s possession. The war-zone only becomes a place in whereby pre-existing gender relations become heightened so that if women are perceived as men’s property in times of peace, they will be perceived as such even more so in times of war (Skjelsbaek, 2001). In various communities, it is believed that men are incapable of controlling their sexual impulses and that women are accountable for provoking sexual cravings in men (Arrifin, 1997). The response by families and communities to acts of rape under such situations is thus ruled by dominant notions on “sexuality and the status of women”. That is why most married women in Kisumu within the Luo community found themselves deserted by their husbands after learning that they had been raped.

In some communities, the “cultural solution” to a woman who has been raped is to get married to the perpetrator, thus conserving the honor of the woman and her family and thereby legalizing the union (Heise, 1993). Such a “solution” has been incorporated in the

laws of some countries whereby a man who rapes is exempted of the crime if he marries the victim (UNICEF Innocenti Research Center, 2001). The danger with such an arrangement is that when a woman is compelled to marry a man, the resulting sexual relationship may be physically and mentally traumatizing for the woman (Ruxana and Thomas, 2012).

Similarly, in Burundi, women who had experienced rape stated that “they had been mocked, humiliated by women relatives, classmates, friends and neighbors because of the abuse they had suffered” (Amnesty International, 2004). As observed by African Rights (2004), the women who suffer discrimination by their families and communities and who in addition fail to obtain basic psychosocial help, the emotional effects of their violation may be as devastating as the physical harms.

Being raped has also been associated with problems such as: current sleep difficulties, depressive symptoms, somatic complaints, tobacco consumption and behavioral problems (such as aggressive behaviors, theft and truancy) (Choquet, 1997).

Describing her fears and sleeping disorders, Akoth put it:

*Sometimes when I hear from the radio what we went through, I feel fearful especially now that the elections are approaching<sup>50</sup>. I imagine what I saw and went through during that time and think that it is likely to reoccur, I get terrified. Even when I am sleeping at night, I think of the violence that happened and I am unable to sleep.*

Psychological stress following a rape episode can increase women’s involvement in high-risk behaviors such as getting involved in transactional sex or having sex while drunk (Campbell

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<sup>50</sup> I conducted my interviews few months to the general elections which took place in August 2017.

and Lewandowski, 1997). Women with a history of sexual violence have been found to be more susceptible to having more risky partners with more domineering behaviors.

Experiences of sexual violence have also been established to trigger the occurrence of post-traumatic stress disorder more powerfully than any other trauma, (including car accidents, physical attacks, robberies or natural disasters) (Creamer, et al., 2001). Individuals diagnosed with post-traumatic stress disorder agonize from the incapacitating signs of re-experiencing the harrowing incident through flash backs or recurring hallucinations, (as was the case reported by some of the women I interviewed), avoidance behaviors and hyperarousal<sup>51</sup> lasting for at least a month (Bisson, 2010). Kirmeling (1994) has argued that where trauma counseling is lacking, adverse psychological effects have been known to continue for at least a year following rape, while physical health problems and symptoms tend to decline over such a period. These symptoms persist, and it has been shown that even with counseling, up to fifty percent of women are reported to retain symptoms of stress (Kilpatrick, et al., 1992). Generally, women are twice as much more likely than men to develop post-traumatic stress disorder after traumatic events and their symptoms also tend to persist for a long time (Ruxana and Thomas, 2012).

Data interrogation above depicted that the psychological effects of sexual violence can be severe even after many years of the incident. The women survivors of violence that I interviewed considered the psychological impact to be more debilitating than its physical harm; they considered the emotional abuse/torture more devastating than the physical assault itself. Furthermore, rape victims are more likely than non-victims to be diagnosed with mental disorder comprising “major depression, alcohol abuse, drug dependence, generalized

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<sup>51</sup> Hyperarousal causes traumatized people to become easily upset by slight irritations. Their perceptions confuse the present and traumatic past such that traumatized people respond to numerous usual frustrations as if they were harrowing occurrences (Klinik Community Health Centre, 2013).

anxiety and obsessive-compulsive disorder” (Women’s International Cross-cultural Exchange Policy Brief, March 2006, Lori, et al., 1994). Stress experienced over a long period of time can release chemicals into the system (endorphins) that reduce pain but also quash certain immune responses resulting to greater susceptibility to various illnesses (Kalat, 1992). This affirms what has been argued by feminists’ scholars of rape such as (Bernard, 1994, Green, 2006 and Seifert, 1996) that rape is an offence “that allows men to inflict psychological harm on women and their communities”.

### **5.2.2 The Physical effects**

Physically, sexual violence can cause serious health complications which can either have immediate or medium-to long-term effects (Koss, et al., 1994). The instant effects stem from the incidence while “medium to long-term” happen in the period after the offence (Ruxana and Thomas, 2012). Immediate physical effects include: physical injuries, hemorrhage and shock. Medium and long-term include: prolonged pain, sexual dysfunction (difficult in arousal, absence of/decreased longing and wrangles over regularity of sex), headaches, stomach upsets, back pain, urinary tract infections, urine retention/ incontinence and indigestion (Hensley, 2002). Long term physical effects include: irritable bowel syndrome, gastrointestinal disorders, fibromyalgia and poor health (World Health Organization, 2007, Jina and Thomas, 2013). Women who have been subjected to rape are also at danger of conceiving or contracting sexually transmitted infections including HIV.

A number of the female survivors of sexual violence that were interviewed complained of pains in the joints and aches such as backaches; with some unable to walk properly. Others developed difficulties in standing for long hours. However, most of the effects were reproductive in nature and those resulted in short and long-term health consequences. The health consequences they experienced included chronic abdominal pain, traumatic vaginal destruction/ tears in their genitals, sexual problems such as sexual dysfunction, Sexually Transmitted Infections (STIs) including HIV and disturbances of reproduction such as

subsequent miscarriages. The physical effects suffered by the women are described in the following horrifying experiences.

***Catherine***

*I was gang- raped by a group of four men who struck in our house; my husband was not present as he was attending a friend's function in our rural home. Four days after I was gang raped, I saw that urine was coming out continuously; I could not control it. Not long after, I saw leaking faeces. This was the most horrifying experience of my life. I lived with this situation for a week or so. The roads were impassible since citizens on demonstrations had barricaded them with burning tires and large stones. Transport was not available either. There was also heavy police presence of whom we were also scared of. I had to stay in this condition for some time despite the unbearable stench until I was taken to the provincial hospital for fistula surgery. Even though I got treated, I am not completely healed.*

The above excerpt affirms that violence does intensify the risk of gynecological problems. Other reproductive ailments linked to sexual violence are: vaginal bleeding/ infection<sup>52</sup>, painful menstrual periods (Nhundu, 2001, Campbell and Soeken, 1999), fibroids, genital irritation and sexual dysfunction (difficult in arousal, absence of/ decreased desire and wrangles over frequency of sex (Perez, 1990, Nhundu, 2001), discomfort during coitus, chronic pelvic pain and urinary tract infections (Campbell and Soeken, 1999). According to Dehlendorf and Wolfe, (1998) the number of gynecological symptoms appears to be linked to the “brutality of abuse suffered; whether there was physical and sexual assault, whether the victim recognized the offender and whether there were multiple offenders”.

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<sup>52</sup> Reportedly experienced by some of the women I interviewed

Multiple offender rape (gang rape) as highlighted in the above-excerpt was common during sexual violence committed against women in Kisumu. Miranda (2007) states that multiple rape executes “a bonding function” and that it is prevalent during wartime sexual violence. In addition, multiple rapes fortify a sense of fidelity between men and those who might not rape individually do rape communally in a group’s affirmation of virility (Lisa, 2001). The woman’s role in the group is mainly reduced to that of an object. According to Franklin (2004), women are “reduced to nothing more than a dramatic prop through which the assailants simultaneously prove their heterosexuality and bond with each other through the sharing of fear and danger”.

Group dynamics according to Franklin encourage the occurrence of group rape. The group’s influence is vital since certain group processes make violence possible such as de-individuation or diffusion of responsibility. In such a state, a person loses self-consciousness and is emersed in the group’s actions. The performance aspect is central, as group rapists ritualistically take turns, watch each other and engage in simultaneous sex with the victim (Franklin, 2004). In other words, they are “performing for each other” to show their individual virility. The motivation behind such rapes is that the victim is basically an alien. Group rapes commonly entail more violence, or the use of weapons as compared to individual rapes and the amount of aggression and degradation often increasing as an attack progresses.

Rape that occurred during 2007/08 was indiscriminate; signifying the connection between masculinity and sexual violence committed against the women. Basing my argument on the feminist theory of rape, in conflicts, men only continue to do what they did during peace but in a more carefree and haphazard manner (Nikolic-Ristanovic, 1996) and that rape happens during war for the same reasons it happens during times of peace. It is an occurrence entrenched in “inequality, discrimination, male domination and aggression, misogyny and the entrenched socialization of sexual myths” (Tompkins, 1995). Rape in such a context is understood as being driven by a common male affinity towards indiscriminate violence

against women and a universal desire to preserve “a system of social control over all women”, “a conscious process of intimidation by which all men keep all women in a state of fear” (Brownmiller, 1976). The message passed to women is that they have no control over anything, including their bodies” (Thomas and Ralph, 1994).

Kenya is a male-controlled society characterized by unequal power relations between men and women. While making her contribution on the implication of rape during times of conflict, Seifert (1994) argued that a certain psychology develops from a patriarchal society. Here, maleness is associated with power and worth and feminity with the reverse. Seifert’s argument is that “women are raped during war not because they are enemies but because they are the objects of fundamental hatred that characterizes the cultural unconsciousness and is actualized in times of crisis.” Understanding these acts requires that one grounds them in the socio -cultural setting in which they occur. This explains why in the Kenyan situation, women were raped regardless of the political divide they belonged to. Similarly, even in the Bosnia-Herzegovina case, even though the use of sexual violence had been systematically directed at non-Serbian groups, also Serbian women were also raped (Seifert 1994). Women are thus perceived as “*victims of misogyny*”.

Mackinnon (2006) similarly argued that rape is perpetrated against women for the sheer reason that they are women; every day and in all places of the world. Card (1996) argues that the definitive objective of rape during conflict and peace times is “to display, communicate and produce or maintain dominance, which is both enjoyed for its own sake and used for such ulterior ends as exploitation, expulsion, dispersion and murder”. Rape, she argues, is used since women in male-controlled societies are easy to target both physically and socially. As earlier stated, this conceptualization regards all women in the war-zone as possible targets for sexual violence “because the goal appears to be manifest notions of militaristic<sup>53</sup> masculinity

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<sup>53</sup> Enloe (1993) explains that “the glue of (militarism) is camaraderie; the base of that is masculinity.” Militaries require “real men.” “Being a real man” in the battle field may require suppressions of “feelings of insecurity, tenderness and other features which are regularly considered feminine”.

rather than target the individual women”. In this case, the assailants do not target specific entities. Hence, rape against women is to a great extent embedded in philosophies of male sexual right and therefore becomes a way of re-affirming masculinity. Catherine N. Niarchos believes that:

All women know a great deal about rape, whether or not we have been its direct victims. Rape haunts the lives of women on a daily basis: It is the stranger approaching on the street, the violent husband or partner at home. More than other crimes, fear of rape leads us consciously or unconsciously to restrict our movements and our life choices, or alternatively to prepare for battle armed with mace, teargas and our rage. We ask ourselves whether it is safe for women, therefore accepting a double standard for our personal liberty and security. We learn to adjust from an early age: from fairy tales to classics, we are conditioned to the fact that we are vulnerable to attack any time because of our gender. We arrange our lives accordingly; rape is an effective means of social control (Niarchos, 1995).

This conceptualization has been crucial in explaining the use of sexual violence against women during the 2007 post-election violence by addressing the broader social context of the power of men. However, Skjelsbaek (2001) identified certain limitations with this kind of conceptualization by Brownmiller and similar feminist scholars explaining war-time rape. First, he argues that it cannot justify why some women experience sexual violations more than others and secondly, it also does not factor in how “ethnic, religious and political power relations” interact with gender relations in an understanding of patriarchy. Thirdly, it overlooks the fact that men too can be victims within a patriarchal system. This conceptualization also proposes an “essentialist understanding of masculinity”. It does not justify why specific men rape while others do not. The proponents of this theory portray men

as basically “sexually aggressive and that the war situation makes it likely for them to release their suppressed masculine drives”. According to Brownmiller, when accorded the opportunity to rape, men will rape. Masculine nature is therefore presented as stagnant and fixed; “a deterministic view which gives no hope for change”. Additionally, it denies the opportunity to study why men sometimes rape other men.

A number of women who were raped contracted sexually transmitted infections including HIV. Mary who was among them stated the following:

*I was alone in the house when four uniformed police officers forced the door inside my house and raped me in turns. I developed severe abdominal complications and also later tested HIV positive. It was difficult to access the medication for preventing HIV transmission (Post-Exposure Prophylaxis<sup>54</sup> -PEP) on time due to the prevailing violence situation.*

Testing for HIV infection after rape even during times of peace is problematic. Immediately after the occurrence, many women are not in a position to fully understand the complicated information about HIV testing and risks. Ensuring proper follow-up is also difficult as many victims will not attend further appointments for reasons that probably relate to their psychological coping following the assault. The side-effects of antiretroviral treatment may also be weighty causing some people not to pursue further check-ups (Wiebe, 2000).

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<sup>54</sup> Post-Exposure Prophylaxis (PEP) is a short –term antiretroviral treatment to reduce the likelihood of HIV infection after potential exposure, either occupationally or through sexual intercourse. It should be offered and initiated as early as possible, for all individuals within an exposure that has the potential for HIV transmission, an ideally within 72 hours (World Health Organization, 2014).

Forced sex increases the danger of contracting HIV since the vigor used, is likely to cause macroscopic/ microscopic tears to the vaginal mucosa (abrasions and cuts), a factor that significantly increases the probability of HIV transmission (World Health Organization, 2001). Young girls are predominantly more prone to HIV infection as a result of violent sex since their vaginal mucous membrane has not yet developed the cellular thickness that can act as an effective barrier to HIV transmission.

HIV/AIDS was reported to be among the most shattering physical health consequence by the women survivors of sexual violence. Similarly, during the Rwanda massacre, it is reported that women were ridiculed by their perpetrators who vowed to infect them with HIV (Heise, 1993). In a study of over one thousand genocide widows undertaken in the year 2000 (in Rwanda), 67% of rape survivors were HIV positive (Ward and Marsh, 2006). Being infected with HIV can also increase suffering in many ways. For instance, as a result of the disgrace attached to HIV/AIDS in many countries, a woman who has been infected may be expelled from her home.

As stated earlier, rape victims are also at risk for other sexually transmitted infections (STIs). For instance, health clinics in Monrovia, Liberia in 2003 reported that all female patients-most of whom had been raped by former government soldiers or armed opposition-tested positive for at least one sexually transmitted infection (Halcon, et al., 2000). According to Ward and Marsh (2006), untreated Sexually Transmitted Infections (STIs) can cause sterility. This can be worse of for women and girls in cultures where their value is linked to reproduction. Sexually Transmitted Infections also increase the risk of HIV transmission.

Rape occurring during times of conflict can result in unwanted pregnancies and can have serious health consequences/ outcomes for pregnant women. Speaking of this outcome, Jacinta (DWELE) stated the following:

*Some women got pregnant following their rape experiences. Some of them, for fear of being rejected by their families/ community chose to conceal information on those responsible for their rape while others carried out back street abortions. In some of the worst scenarios, some of the babies born out of rape were killed since they were viewed as outcasts and that they would bring bad omen to their families in accordance to the Luo traditions.*

The United Nations Human Rights Commission (UNHCR) has projected that “for every 100<sup>th</sup> pregnancy during a conflict, rape has been committed”. However, these figures portray a complete picture, as they do not include rapes which do not lead to pregnancy, rapes which lead to pregnancy but were accompanied by abortions, rapes accompanied by killing or death and, rapes of men (Skjelsbaek, 1997).

While describing the effects that the rape experience had on her, Benta had the following to say:

*It was an evening and I was in my friend's house when two general police officers knocked. We were watching a movie. The police shouted at us, and said, “open the door or we get in”. We felt scared and obliged. They told us that they were searching for youths who are harassing people. They then asked us to produce the men that we were hiding. We told them that we were not hiding any men. They told that since we were not speaking the truth, we were going to pay. I thought that meant arresting us. Soon, each of us was grabbed and they each of us were raped by the two officers; the same police who were supposed to be offering us protection. When I went back to our house, I told my mother what had happened. I was three and half months pregnant at that time. Two days later, I started spotting and soon the bleeding intensified. I did not know if I was had suffered a miscarriage since it was my first pregnancy.*

Describing the behavior of soldiers' rape behavior in war-zone feminist scholar Brownmiller, argues that "the soldier becomes an adrenaline-rushed young man with permission to kick the door, to grab, to steal and to give vent to his submerged rage against all women who belong to other men" (Brownmiller, 1994). It is historically accepted that throughout the ages, conquest over women through rape became a method to gauge victory, as part of an evidence of masculinity and victory, and a physical reward for service given and real incentive of war (Amadi, 2014). Just as war is accepted as part of history, rape too has been viewed as an ordinary, predictable and an inescapable consequence of war. Whether as a measurement of victory or a recompense to the victor (Kelly, 1997), rape is often performed as a message between men, devastatingly imposed upon women.

As was in the case for Benta in the excerpt above, sexual violence has been associated with increased risk of miscarriages and abortions (Sharma, et al., 1998) premature labor and fetal distress (George, 1997). Emre, et al., (2006) has pointed out that pregnant women who have been sexually violated have higher chances of not seeking anti-natal care and gaining inadequate weight. They are also more likely to have a history of sexually transmitted infections (Emre, 2006, Nduna and Goodyear, 1997), unwanted pregnancies (Amnesty International, 1999, George, 1997) vaginal and cervical infection (George, 1997) and bleeding in pregnancy (Fayad, 2000, Chelala, 1998). Violence may also affect pregnancy outcome indirectly by increasing women's probability of engaging in such harmful health behaviors such as smoking and alcohol and drug abuse, all of which have been associated with low birth weight (Heise, et al., 2002).

### **5.2.3 Socio-economic impact on the women survivors of sexual violence**

Majority of the women I interviewed stated that for some time, they were unable to engage in meaningful sources of livelihood due to their physical injuries, mental and reproductive-health consequences resulting from the rape. For example, the impact of opportunistic infections as a result of their HIV status was pointed out as a major challenge. The women

also spoke of loss of self-drive to work and this significantly affected their productivity. Describing her situation, Nancy put it in the following way:

*When I tested positive of HIV, I lost all hope. I did not see the need to work because I thought I was not going to live beyond a year. For some time I refused to work; I had lost the morale to do it, after all, I thought I was going to die immediately. I am glad for the counseling that Development Work in Education, Livelihood and Environment Organization (DWELE) offered us. My hope was restored.*

For the women, the HIV scourge as a result of the violence has continued to pose an additional burden to the families in terms of the constant care. This is in the case of Alice, whose daughter who was raped during the violence. The same daughter dropped out of school and also got infected with HIV. She shoulders the burden of taking care of her in terms of diet and medical attention. Notwithstanding, prospects for women to advance their lives are usually scarce. Like in the case of Nancy described in the excerpt above, as a result of their ill health, they become unable to think of the future and instead focus on their pains and problems emanating from the violence they suffered.

Following the violence, there was destruction of property including loss of businesses either through looting or burning. Some of the women who operated formal and informal businesses had their business structures burnt and others looted, subjecting them to poverty. Due to lack of sources of income, many only found solace at the camps of internally displaced persons where they had to depend on government and non-governmental organizations for their daily subsistence. Others like Linet lost their formal jobs for not being able to resume work due to health-related complications and the trauma arising from the violence. Her excerpt below illustrates this.

*I used to work as a waiter in one of the city restaurants. However, things were difficult for me as a result of the rape ordeal. I suffered severe abdominal pains and was too traumatized to even resume work even after the violence ceased. I needed time to heal. When I wanted to resume back, my chance had been given to someone else. I tried re-applying several times but without success. That is how I lost my job as a waiter. I now run a grocery business to for a living.*

Not only can injuries resulting from sexual violence result to loss of job opportunities like in the case of Linet above but can also lead to reduced productivity. A survey in Nagpur in India showed that thirteen percent of the women who had suffered violence had to miss paid work, missing an average of seven days' workdays per incident, and eleven percent had been incapable executing house duties following an incidence of violence (Madge, 1997).

Further, as highlighted by Jacinta from Development Work in Education, Livelihood and Environment organization, some of the female survivors get involved in sex work to obtain food shelter and other resources. She stated, “

*The situation at that time forced them to enter into sex trade because majority had families that they needed to support by meeting their basic needs. Many had lost their sources of livelihood and had to provide for their families. Commercial sex work therefore seemed as one of the few options for many women, exposing them to the dangers of contracting sexually Transmitted Infections including HIV. Their children, mainly the older girls also got involved in sex work to supplement their families' income because poverty levels of most families were rising at that time.*

Sexual violence has been associated with high-risk sexual behaviors such as engaging in unprotected sex, having multiple sexual partners, participating in sexual work, having sex while intoxicated and having high-risk sexual partners (Basile et al., 2003). These habits can also cause the survivor to be at high risk or re-victimization.

Studies have shown that poverty drives many women and girls into careers that possess a rather high risk of sexual violence (Omorodion and Olusanya, 1998), “particularly sex work” (Faune, 1997). Some may move to towns or cities in search of better security or to look for employment. Whatever the reason, internally displaced women and girls are in danger of being continuously exploited by local residents more so because, they are less likely than encamped populations to be targeted for assistance and protection by governments or by charitable organizations. For instance, an inter-agency assessment of gender-based violence in Kenya reported that at the Nakuru<sup>55</sup> show grounds in 2008, community members took girls from the camp to serve as domestic help, likely increasing their risk of sexual exploitation (Kenya IDP Agency, 2008). Afghan refugee women living in the City of Peshawar- Pakistan were reported as having been compelled to exchange sex for rent (free housing); exposing them to sexually transmitted infections.

Unaccompanied girls are amongst the most susceptible to sexual manipulation. A survey conducted in 1999 by the national government in Sierra Leone found that, of more than two thousand prostitutes, thirty seven percent were younger than age fifteen and of those, the majority had been displaced by conflict and were not accompanied by family. In general, the sufferings of a conflict make women more vulnerable to diseases.

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<sup>55</sup> Nakuru is the headquarters of Rift valley Province. Rift Valley also experienced high levels of levels of the post-election violence with a great number of internally displaced persons being housed at Nakuru Show grounds.

Notwithstanding, as stated in chapter two, poor women and girls may be more vulnerable while pursuing their normal duties than those who are better off, for example, when they work in the fields or collect fire wood on their own. According to Patricia (2000-1), economically disadvantaged women are more susceptible to economic harassment, trafficking and slavery. Children of poor women may on the other hand lack adequate parental care when not in school since their mothers may be working and unable to afford childcare. The children themselves may, in fact, be working and thus further exposed to the risk of sexual abuse. Studies have too shown that in many poor families, men are fed first, then the children, whereas women eat whatever is left (Vickers, 1993); making women mostly more vulnerable to malnutrition than men. Peteet (1995) who has conducted research on Palestinian women and war says that one of the dominant themes she tackled was on how to cope with extreme poverty and stretch meager resources so as to reduce their children's sufferings: "while the shooting has stopped, siege has been replaced by the hunger of poverty" (Peteet, 1995).

It is therefore evident that violence places a massive burden on societies in terms of reduced output and intensified use of social services. Given the long-term impact of violence on women's health, women who have suffered violence are more likely to use health services for a long time, thereby increasing health costs. Studies in Nicaragua, the United States and Zimbabwe indicate that women who have experienced physical and sexual assault, either in childhood/ adulthood use health services more frequently than their non-abused peers (Sharma, et al., 1998, Hadidi et al., 2001).

### **5.3 Impact of sexual violence on the community**

Sexual violence in conflict ruins lives, destroys families and breaks up communities (House of Lords, 2016). It causes harmful effects not only to the victims but also to their partners, families and community in general. This section describes how sexual violence impacted on the community and how the culture impacted in contributing to the negative effects that the

violence had in the community. Among the effects that will be discussed in this section of the sexual violence upon the community include family disintegration, increased incidences of HIV transmission, delinquent behavior among children, unresolved psycho-social needs among the children who were abused together with their parents and, death.

### **5.3.1 Family disintegration**

Most families disintegrated and social relationships that make up the social fabric of the society were destroyed following the abandonment of wives by their husbands. Many women were rendered poor since most of their husbands were the families' breadwinners. Families also disintegrated at the camps of internally displaced persons as parents could not exercise control over their children that they normally had in their normal home set-ups. According to Amnesty International (2004), at the camps, orphans or children disjoined from families become confused such that some girls in the camps become so distraught that they envisage hanging themselves as the only way out.

Many of their girls were forced to enter into early marriages because their abandoned poor mothers could not afford to keep them in school. Majority of these marriages did not last either; the same girls found their way back to the same mothers adding the burden of grandchildren to these women who were already impoverished. The vicious cycle of poverty within the community became hard to break. The violence hence trapped many of them into a life of poverty. This is illustrated in the following excerpt by Akoth:

*I was gang raped and abandoned by my husband because of our culture. He then married another wife and stopped supporting his family financially; leaving me to cater for the six children we had. My earnings from vegetable vending could hardly meet the family's basic needs. Two of our daughters were then in high school. One dropped out of school following negative peer influence and the other because of lack of school fees.*

*They found jobs as domestic workers in the city of Nairobi. They got into early marriages which never lasted; they came back home with their children. They engage in casual jobs which are not sufficient to sustain their own lives together with their children. The violence costed me my family and destroyed the lives of our children.*

As I pointed out earlier, according to the Luo culture, a woman who has been raped is viewed as a shadow of bad omen or dishonor to the husband. That is why, over ninety percent of the women I interviewed and had married reported having been abandoned by their husbands after learning that their wives had been raped. The following excerpt of one of the abandoned women survivors of sexual violence illustrates the tragic consequences experienced by abandoned women.

***Aoko***

*After my husband learned that I was raped, he refused to spend in our house. Even though he did not chase me out of our matrimonial home, I am an outcast right away since he believes I can bring disaster to him and his lineage if he continues to live with me. He would not sleep with me. He married another woman; my co-wife whom we live in the same compound. I cannot leave this compound because, I have five children with him, and neither do I have a land to till for them nor even a job to sustain them. I used to operate a stall of selling second hand clothes; the whole stock was set on fire during the violence. I do not have capital to re-start the business.*

Aoko's sentiments illustrate how sexual violence not only results in rejection by intimate partners but how this is followed by stigmatization. This strains marriages and also impacts on how a woman brings up her children. Women may not get adequate support from family and friends and may even distance themselves from participating in social activities (Jina and Thomas, 2013). Her excerpt also shows how lack of economic empowerment renders women

vulnerable even in terms of decision making. Her main reason of staying in such a relationship is because she is afraid that if she goes away, she will miss the financial support her children and her are getting from her husband. According to Farr (2010), in most countries across the globe, women's socio-economic status tends to be much lower than that of men with these positions deteriorating further and more quickly during conflict than that of men. Lack of economic independence hampers women from making their own decisions; hence many women continue being ensnared in unrewarding relationships since they are financially reliant on their partners (Pettifor, et al., 2012). Turmoil and poverty increase pressures in the household and the probability of women and girls being violated. Men who feel that they have lost their capacity "to protect their women" may compensate by exercising dominance over them within the family set-up (Ward and Marsh, 2006). Rape is also accompanied by trauma in feelings, feelings of humiliation and remorse at having been incapable of protecting their next of kin (Gaggioli, 2015).

### **5.3.2 Parenting challenges and delinquent behavior in children**

The shouldering of responsibilities by the women who were abandoned by their husbands such as the nurturing and upbringing of their children single-handedly was reported to have had negative behavioral characteristics on some of their children. The absence of the fathers in the lives of the children was associated with some of the deviant behavior observed especially with the male children. In addition, being unable to meet basic needs was stated to have pushed some of their children toward criminal behavior such as stealing so as to 'survive.' The following excerpt by Damaris during a focus group attests to this.

*My husband abandoned me with our seven children after learning that I was raped. I did not have a reliable source of income. Educating the children beyond their secondary education was a challenge. Our son who had secured admission at technical University of Kenya joined negative peers when he delayed to join College on time due to financial constraints. It was only after the area local administration's intervention*

*that he accepted to later join College. In our community, we believe that the boy child identifies with the father as he grows and is able to listen to him more when he speaks. It has therefore been difficult for us mothers to authoritatively instruct and guide our male children.*

According to the women who were left on their own by their husbands to bring up their children, the absence of the father in shaping their behavioral identity has been equally stressful. According to Rizni (2015), boys tend to emulate their father when creating their masculine identity. In search of an identity, most of them become target to negative peer influence. This means that in this community, there is a generation that has grown void of basic elements of nurturing which has the potential of having a negative influence on their future relations.

A study by Anna, et al., (2007) of father's contribution and children's developmental outcomes, found that boys who had an involved dad had less behavioral hitches in the initial school years than boys with less engaged fathers during pre-school years. Specifically, great father commitment in poor families (with stable marriages) projected lesser incidences of truancy during early adult years for both sexes. Father's engagement was found to lessen the occurrence of behavioral problems in boys and psychological problems in young women. It also increases cognitive development while reducing delinquency and economic difficulty in low socio-economic status families.

Noticeably, a developing body of inquiry shows that men who are vigorously engaged in bringing up their sons can awesomely impact on the life path that they follow. Latest research has indicated that such fathers aid in bringing up "young men who are less aggressive, less explicitly competitive, and more emotionally communicative and empathic" (Brody, 1996). In addition, fathers who play a direct role in bringing up their sons help in raising persons who consequently are better in resolving conflicts, who are more caring and better able to

share intimacy, and who also appear to be more relaxed concerning gender role expectations of traditional masculinity (Pollack, 1998, Pruett, 1989). Ineffective or absenteeism of fathering was found to have been crucial to a number of adverse and socially dysfunctional outcomes in many young “adult men, adolescents and boys” (Kindlon & Thompson, 1999, Pollack, 1998).

There was also the challenge of dealing with negative behavioral characteristics among girls who were sexually abused during the violence. A focus group discussion revealed that young children (girls) who were raped at the time of the violence never received necessary psychological and emotional support as parents feared that if they exposed their children, they would become social outcasts. These children therefore continued to live with the debilitating emotional and psychological trauma which only became apparent as they entered their teenage years. Some of the characteristics that were reported as portrayed by these children included withdrawal from peers, delinquent behavior leading to early teenage pregnancies and, lack of self-confidence which led to some of them dropping out of school.

Studies have indicated that sexual abuse in childhood increases the likelihood of teenage pregnancies. For instance, a study on the relationship between “sexual abuse in childhood and adolescent pregnancy” in 1990s found a strong and steady relationship between early sexual victimization and a range of risk-taking behaviors including early sexual debut, drug and alcohol abuse, more sexual partners and less contraceptive use (Campbell and Soeken, 1999). A past of sexual exploitation in children can also result in sexually transmitted diseases by increasing risky sexual behavior in adolescence and adulthood.

### **5.3.3 Rising incidences of HIV transmission in the community**

The rising incidences of further HIV transmission became inevitable in the community and hence remain unknown and uncountable. Many women contracted HIV because they could not access health facilities on time due to deteriorating security and hence could not get the Post-Exposure Prophylaxis (PEP) - a drug which prevents HIV infection if administered on

time -within seventy-two hours). This means HIV continued to spread silently and rapidly within the community especially where there was non-disclosure of the rape episodes.

As stated by Linet, there were cases of women who, for fear of being rejected by their husbands failed to disclose that they were raped, yet some had already in the process been infected with HIV. The excerpt below showcases' this:

*I was gang-raped by four men who broke into our house at night. My husband who is a long-distance truck driver was not present at the time. I could not access immediate medical attention because of the situation of the violence. I visited the hospital a week later and I was tested for HIV. The nurse advised me, but I was told to go back after three months for a re-test; the results showed that I was HIV positive. I first reflected on the rape experience; however, I was in denial despite the counseling that I was offered before and after the testing. When my husband came back, I could not disclose to him the since I feared he would abandon me with the children. We are both on antiretroviral drugs (ARVs) but it has remained a blame game.*

There were instances where some women survivors told the perpetrators that they were HIV positive, but the latter still ignored and proceeded to rape them; putting their own lives at risk for HIV transmission. Rachael was one of the women who found herself in such a situation. She stated the following:

*Three young men raped me despite having insisted to them that I was a widow and my husband died of AIDS. They thought that I was lying to them so that they would spare me. In a show of their determination, they stated in Swahili language, 'mama hatuogopi*

*kufa' meaning "woman, we are not afraid of dying." I am afraid that these men too raped other women; putting their lives at risk of HIV infection.*

The above excerpt indicates that HIV was spreading rapidly within the community. In addition, it is unlikely to find a society where everyone knows their HIV status. This means that there was a possibility that some of the victims could have been infected before the rape incidences, but their HIV status was unknown. There are many reasons to explain this; for instance, some people are fearful of ascertaining their HIV status since they feel that if they are found to be infected, life will be worse for them. Secondly, there is also the issue of ignorance among members of the society. This means that the likelihood existed that some of the survivors could have been infected but did not know their status. Such a scenario leaves room for further HIV transmission not only by the perpetrators but also from the victims to the perpetrators; making it a two-way process. Therefore, as much as rape may have procured individual benefits for the perpetrators such as sexual satisfaction, approval and esteem, it also carried severe dangers to them.

The situation is worsened by the high prevalence of HIV in Kisumu. For instance, according to Kisumu County Gender Strategic Plan (2013/14-2017/18), HIV prevalence in Kisumu (18.7%) is the second in Nyanza<sup>56</sup> region and nationally. Roughly, three thousand and four hundred adults and one thousand children died of AIDS-related conditions in 2011. The estimated number of new infections in the County is seven thousand, one hundred among adults and nine hundred among children yearly. The HIV/ AIDS pandemic is reported to have adversely reversed the gains made towards attaining health outcomes in the County and has poorly affected socio-economic development. Children orphaned by AIDS, may fail to access the required care and hence may turn to the streets where they continue being exposed to

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<sup>56</sup> Nyanza region has got six counties: Nyamira, Kisii, Migori, Homabay, Kisumu and Siaya ( Kisumu County Gender Strategic Plan, 2013/14-2017/18)

further abuse. From the above explanation, it is evident that the sexual violence not only carried grave risks to the survivors but also to their families and to the community as a whole.

#### **5.3.4 Death**

Deaths occurring as a result of rape may be as a result of many effects such as psychological (for example suicide), physical effects (for instance as a result of HIV infection (Miller, 1999), and other physical injuries) or murder (due to “honor killings”).

During a focus group discussion, women spoke of deaths that were not instant but followed by other types of violence such as physical and psychological violence. During the discussion, Anyango said the following:

*Some women were not only raped but were beaten and harassed in all sorts of manners. Following these injuries, some died. Stating it in Swahili language, she put it: ‘Wengine wetu washakufa tukazika’ meaning that some of their fellow women survivors who contracted HIV following the rape incidences had already passed on long time. Others as a result of the trauma could not cope and just succumbed. The perpetrators did terrible things to us. Some of us may not be physically dead but feel like we are walking ‘corpses’.*

Following the deaths, children were orphaned at tender ages. Those who did not find care in the hands of their relatives took to the streets where they continued being at higher risk for sexual abuse. According to Jacinta from Development Work, Education, Livelihood and Environment organization (DWELE), some of the children who were born out of rape were also killed as they were also viewed as outcasts according to the Luo culture. While speaking of deaths as a result of unwanted pregnancies following the rape, she added,

*Some women died while procuring back street abortions. They were afraid that their children born out of rape would be labeled as outcasts or even killed. Other women did not wish to bear children who would serve as constant reminders of what happened. There are those women who also feared being ostracized by members of the community for bearing children born as a result of rape.*

Even though data was not available indicating the number of women that were raped and then killed thereafter, this does not mean that this did not happen. Cases of women being raped and killed after being raped during times of conflicts are a common occurrence. As advanced by feminist theorists writing on war-time rape, men will rape and kill women as a way of venting their anger against women and affirming their deep-seated hatred towards the women. While writing on women's experiences raped and killed during the 'Rape of Nanking' Chang (1997) stated that it was difficult to evaluate the real statistics of women raped, mainly because women were often killed after the violence. Giving an account of women's experiences, a soldier stated, "We always stabbed and killed them-because dead bodies do not talk". Additionally, "One Company Commander unofficially gave [us] instructions for raping as follows:"

In order that we will not have problems, either pay them money or kill them in some obscure place after you have finished (Brownmiller, 1975).

Sexual violence has been used as a weapon of war in the conflict in Eastern Congo. Despite the extraordinary brutality that some rapists employed on the women such as (shooting victims in the vagina or mutilating them with knives or razor blades), they still proceeded to kill them outright while leaving others to die from their injuries (Human Rights Watch, 2002). A United Nations Rapporteur on violence against women reported the case of a Colombian girl who "was raped and killed, her eyes and nails removed and her breasts cut-off" (Watch list on Children and Armed Conflict, 2004). Throughout the Rwanda genocide,

widespread rape occurred even though ethnicity here seems to have been stronger than gender, with rape predominantly being directed towards the Tutsi women. Majority were not only raped but killed thereafter. Describing the killings of women after being raped during the Rwandan genocide, Binaifer (2005) stated: “their dead bodies were left naked, bloody with dry semen, and spread-eagled in public view”. Even though ethnicity was a key factor in the Rwandan cases, nevertheless, death after rape did occur.

In severe cases (cultures), the only means to “cleanse” or restore the lost family honor is by casting out or in extreme cases “killing the offending woman/girl”. A study of female deaths through killings in Alexandria (Egypt) revealed that forty-seven percent of the women were murdered by a relative after they had been raped (Mashally, et al., 1993). Further, in an evaluation of all crimes of honor that took place in Jordan in 1995 (Hadidi, et al., 2001), researchers established that in over sixty percent of the episodes, “the victim died from numerous gunshot wounds-mostly at the hands of a brother”. In instances where the victim was a single expectant female, the rapist was either acquitted of murder or was given a less punishment.

### **5.3.5 Negative attitude towards state security forces by the community**

The introductory chapter pointed out that state security agents<sup>57</sup> were part of the perpetrators of sexual violence in Kisumu (Masinjila, 2008, CIPEV, 2008). This was also confirmed during the in-depth interviews with the women who were my primary participants. As highlighted in their demographic information, numerous women in Kisumu were raped by state security agents who they generally referred to as the police. The distrust and negativity towards the police officers was coming not only from the women who were sexually violated

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<sup>57</sup> State security agents include: “the General Service Unit, the Administration Police and the Regular Police” (Government of Kenya, 2008).

by the police but also from other survivors who felt that the police failed to play their role as protectors. This attitude which was manifested by feelings of hatred towards the police was aggravated by the way some police officers responded to the women when they went to report their sexual violations at the police stations. The excerpts below showcase the attitude of the female survivors towards the state security agents.

***Mary***

*Four Police officers raped me. They took advantage of me since I was alone inside the house. They were doing patrols looking for gangs but I am not a criminal. I got infected with HIV and also developed abdominal complications. I am always scared whenever I see a police man. Police are bad people who cannot be trusted.*

***Alice***

*Two Police officers raped my daughter then aged sixteen years. She was traumatized and even dropped out of school. One cannot trust a police officer. It is a waste of time to report to them that we were raped. They were part of the perpetrators.*

Although a few women did report their rape ordeals to the nearest police stations/posts, a higher percentage said that they opted to seek medical treatment after the situation calmed down rather than reporting it. The reasons that they gave for not reporting included feelings of shame, fear of further mistreatment or the fear that the police would not even believe their story. The negative attitude towards the police was worse off for those who happened to have been sexually violated by the police like the cases of Mary and Alice as described above.

During times of conflict, services such as transport and other social services are often not available, making it hard for victims who would have otherwise reported not to do so. This was reported by majority of the women I interviewed as an obstacle that prevented some from reporting. The victims may also feel embarrassed to report the abuse. Leiby (2009) has pointed out that fear of reprisal (as pointed out by a number of women that I interviewed), especially when the perpetrator is an official in the government's security sector, may prevent the victim from reporting. Jane's stated her fear of police taking revenge on her in the following excerpt:

*I feared being tracked by the police for implicating one of their own. As you record your statement, the police take your details included where you live, your contacts and contacts of close people that they can contact during their investigations. It becomes very easy for them to trail you. I did not want to add more trouble to myself. You cannot fight a police officer and win.*

### **5.3.6 Unresolved psycho-social needs for the abused children**

There is also a group of survivors' children who experienced trauma of guilt, indignity and shame for witnessing the rapes of the victims. Such an occurrence has the potential of contributing to moral decadence among such children. In addition, there are "broken" children who were sexually violated at that time and their psychosocial needs were left unattended. As Jacinta reiterated:

*The psycho-social needs of these children were not addressed that time because of the 'secrecy' myth. This never came up from their parents that time; they never spoke about it during that time of the violence.*

While reviewing literature on her study on whether it is possible to prevent sexual violence as a weapon of war against women, men and children or only to manage the aftermaths, Hope (2017) found out that children had particular needs, depending on whether they had experienced sexual violence, perpetrated it or were as a result of it. The MenEngage and United Nations Population Fund (2012) highlighted that there is a need to understand that witnessing violence against loved ones is a direct experience of violence and can result in the same type of deep and lasting trauma as the survivors who experienced the assault.

The impact of sexual abuse on children has been found to result in multi-faceted effects. Finkelhor and Brown (1985) suggest that sexual abuse traumatizes children through four distinctive types of mechanisms which account for the variety of outcomes. The four mechanisms have been termed as: “traumatic sexualization, betrayal, stigmatization and powerlessness”. Traumatic sexualization: includes a variety of processes as the inappropriate conditioning of the child’s sexual responsiveness and the socialization of the child into faulty beliefs and assumptions about sexual behavior. Bagley and Young, (1989) call this as the ‘core-symptom’ theory whereby they argue that the main impairment is the children’s self-image. According to this view, it is the injured self-image and “not the sexual abuse per se” that leads to other complications such as “fears, nightmares, somatic complaints, autonomic arousal and guilt feelings”.

Powerlessness: comprises of post-traumatic stress disorder mechanisms “as well as the repeated frustration of not being able to stop or escape from the noxious experience or elicit help from others”. Some clinicians in recent years claimed that child sexual abuse victims almost universally suffered from Post-Traumatic Stress Disorder (Fredrick, 1986). Several studies have also illustrated an important relationship between earlier “childhood trauma and later victimization”; also known as re-victimization (Briere & Runtz, 1990, Clark and Foy, 2000, Coons and Milstein, 1986, Gidycz, Cobble, Latham and Layman, 1993). Gidycz et al., (1993) suggested that unresolved trauma may be part of the process that increases the risk of re-victimization. Re-victimization or re-traumatization is usually experienced and learned

within the family and is almost always associated with low self-confidence (Charles, et al., 2003, Sanders and Giolas, 1991).

Describing 'Medicins Sans Frontieres' work, Duroch and Schulte- Hillen (2014) stated: "Caring for children presents additional challenges such as dealing at times with severe physical and psychological trauma, as well as the need for genuine patient consent before medical help could be provided". Referring to the outcomes in Bosnia and Herzegovina, Slogan and Patel (2012) too recognized the different challenges for those children who had committed sexual violence: "Reintegrating men and boys, who were forced to rape a family or community member into society remains hugely problematic in many societies". While serving as a United States Ambassador in Angola in 1990s, Steinberg noted that there were: young boys who had never learned how to interact on equal basis with girls their age (Steinberg, 2011). The MenEngage Alliance and United Nations Population Fund (UNFPA) said there was need to, "identify specific strategies and techniques to work with children and adolescent boys who have experienced, witnessed or committed sexual violence".

Bouvier (2014) identified the requirement for early and long-term care for children born from sexually-violent acts: "they should be considered as vulnerable children, at high risk of negative outcomes in their health and development". A 2015 United Nations Report following a review of the outcomes in Bosnia and Herzegovina twenty years after the end of the war noted the lack of support to: "children born of wartime rape, who face particular risk of stigma, abandonment, rejection and low socio-economic status" (United Nations Secretary General, 2015).

From the above, one can conclude that there is a group of children in this community who have not only grown up stigmatized, with damaged self-image but who also are likely to experience further victimization as adults. Hence, when individuals, families and communities are unable to cope with trauma, there is a possibility that they will pass it to the

next generation and continue with the cycle of sexual violence. In addition, providers of post-rape care are known to suffer from indirect trauma and even researchers involved in the field can be emotionally affected.

### **5.3.7. Impact of sexual violence on the perpetrators**

Perpetrators of sexual violence are part and parcel of the community where these violations take place. As stated above, perpetrators not only risk contracting sexually transmitted illnesses, but rape has been reported to cause debilitating psychological effects on them as well. While discussing the psychological effect of rape on the perpetrators, Cohen (2010) stated that the intimate interaction needed, and the fact that rape takes longer to accomplish than compared to other less time-consuming violations is a lead factor to the negative emotional effect that the perpetrators experience. Giving an example of this impact, Lisa (2001) stated that guilt feelings were reported among soldier rapists in Bakan. Serbian soldiers too in the camp are reported to have taken sedatives or stimulating substances to aid them at least in the early days, to commit rape. Several of them indulged in alcohol while others are reported to have wept.

## **5.4 Conclusion**

In this chapter, I have discussed the impact of sexual violence on female survivors and the community. The chapter has established that sexual violence has had devastating effects on the female survivors of sexual violence in Kisumu as well as their families and the community at large. It has highlighted that although there are many forms of sexual violence, rape<sup>58</sup> and in particular gang rape by local militia appeared to be the most prevalent form of sexual violence that was meted on the women in Kisumu. Rape was also perpetrated by state

security forces as earlier highlighted in the introductory chapter. This was also confirmed by the female survivors of sexual violence during the in-depth interviews.

Amir (1971) defined gang rape as comprising of three or more perpetrators. He argues that group rape or gang rape is a rite of passage in which violence and disgrace are key features. It enables the perpetrators to establish status and reputations for toughness. Gang rape can bond people in social groups and may be psychologically useful to the perpetrator by improving group morale through the induction of feelings of power and victory (Alison, 2007, Bernard, 1994, card, 1996, Sanday, 2007). It is another way of increasing group cohesion (Goldstein, 2001). It has the potential of strengthening and reproducing social bonds since in the process of recounting the violence in the aftermath, the perpetrators may brag about the rapes in which they participated to attest a sense of enhanced masculinity (Sanday, 2007).

Gang rape reinforces a sense of loyalty between men and those who might not rape individually do rape collectively in a group assertion of masculinity (Lisa, 2001). Raping as a part of a group may also serve to relieve individual men of responsibility (Joshua, 2001). Gang rape is distinguished for its performance aspects and perpetrators often spectate each other and organize an order of their participation. Researchers believe that the envisioned “audience” of the performance is the other perpetrators, with the victim serving as their ‘vehicle’ (Sanday, 2007, Theidon, 2007, Bourgois, 1990).

Many of the rapes involved an element of spectacle; meaning that they occurred in the presence of the victims’ families or other victims. In most instances, the rapes were brutal in nature including mutilation and beatings especially where there was resistance. Some survivors’ rape ordeals portrayed sadomasochistic nature. The men raped pregnant women, breast feeding mothers, young girls and even women old enough to be their mothers.

The chapter has examined the physical, psychological and socio-economic impact on the female survivors of sexual violence. I have also looked at length the impact of this violence on the community. This includes family disintegration, death, increased incidences of Sexually Transmitted Infections including HIV, delinquent behavior among children and unresolved psycho-social needs among the children that experienced sexual violence alongside the women who were violated. As observed in the interrogation of data above, the impact was greatly on the individual woman even before it applied to families/ communities. From the interviews conducted, it was evident that the survivors firstly spoke on how rape impacted on their own personal lives before speaking out on the implication it had on others. The victims' bodies have become permanent reminders of the violence they went through. The prominence should thus be on the women and their experiences.

The narratives from the female survivors depict that these rapes in Kisumu were an expression of misogyny; women were targeted not simply because they were the 'enemy' but because they were women. In other words, rape was used to hurt women, inflict pain, humiliation and cause long-term effects as those caused by HIV/AIDS. As Gottschall (2004), notes from a feminist lens, "while men may fight on different sides and for different reasons, in one sense, they are all warriors on behalf of their gender, and the enemy is woman". The type of sexual violence that occurred was also heightened by the state of the breakdown of law and a void of power that produced disorder bordering on anarchy. Thus, the breakdown of social institutions and authority during conflict increases the probability of violence against women in order to uphold gender traditional roles (Wood, 2006).

The subsequent chapters will discuss the various intervention strategies that were employed with a view to meeting the various needs experienced by the female survivors of sexual violence in Kisumu County. They include: the psychosocial and medical interventions, the livelihood interventions, the legal interventions and, education and sensitization of community members and service providers.

As highlighted in the introductory, intervention strategies in this study include the programmes that have been put in place to support female survivors of sexual violence. They include psychological support such as counseling, health care, micro-credit income generation, social re-integration and legal intervention.

During the in-depth interviews, my respondents also had an opportunity to give their own definitions of intervention strategies. They defined intervention initiatives as the support that was given to them in order to help them move on with their lives. According to my respondents, the support included counseling (both individual and group counseling), free legal services, material support as food, farming inputs and household goods and, free medical care. It also included funds received from micro-finance organizations, provision of school fees for their children from churches and the reparation fund from the government set aside to help resettle internally displaced persons. Intervention initiatives also implied the sensitization meetings/ trainings held by various organizations for the community as well as the women female and the internally displaced communities on various issues such as business skills and other life skills such as HIV Care and Management. This, as they stated, was mainly offered by non-governmental organizations stated above. To the psycho-social workers, interventions implied the ways and means that helped to restore the survivors' lives back to the state they were before the occurrence of the violence. Such interventions include psycho-social support such as counseling. It also entails provision of other services such as provision of medical care and material support offered to the survivors such as food, clothing, farm tools and other basic necessities.

As shall be illustrated in the following chapters, this support, as they stated, was received from governmental, religious and non-governmental organizations while they were at the camps for the internally displaced persons and also after they left the camps. Non-governmental organizations that my respondents stated as having supported them included: the Kenya Red Cross Society (KRCS), CARE Kenya, Development Work in Education, Livelihood and Environment organization (DWELE), Women in the Fishing Industry

Programme organization (WIFIP) Civil Society Organization Network and Federation of Women Lawyers- Kenya (FIDA-Kenya). Religious organizations included: the National Council of Churches of Kenya and its umbrella churches such as the Anglican Church and the Methodist Church-Kisumu.

When I asked my respondents whom they thought was responsible for implementing these initiatives, they cited the government as the institution that should take the lead. Other actors cited included the non-governmental organizations such as Kenya Red Cross, DWELE, Civil Society Organizations (CSOs) such as Kenya Human Rights Commission, Federation of Women Lawyers-Kenya (FIDA- Kenya), and WIFIP and, the church.

The next chapter discusses the psychosocial and medical interventions for the female survivors, their effectiveness in addressing their needs, the stakeholders' linkages in the provision of these services and, the challenges faced in their implementation by various actors in meeting the needs of the female survivors of sexual violence in Kisumu.

## CHAPTER SIX

### PSYCHOSOCIAL AND MEDICAL INTERVENTIONS

#### 6.1. Introduction

In the previous chapter, I examined the impact of the sexual violence on the female survivors and on the community as well. One of the key findings was that the effects of rape extend far beyond the actual assault, calling for the necessary interventions in order to alleviate the sufferings as experienced by the survivors of sexual violence. This chapter examined the psychosocial and medical interventions that were put in place to support the women who had experienced sexual violence in Kisumu, their effectiveness and the challenges faced in the implementation of each intervention initiative. It preceded from the recognition that women's discrimination is cumulative and the reaction from their environment is cumulative too, both of which have an impact on the victim's recovery process (Campbell, et al, 2009).

Since rape causes devastating effects on the individual as highlighted in the previous chapter, rape victims require instantaneous and continued medical care for the physical trauma, collection of medical-legal evidence<sup>59</sup>, prevention of Sexually Transmitted Infections (STIs)

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<sup>59</sup> Medical-legal evidence entails evidence obtained for possible prosecution of the perpetrator. This mainly requires the victim to submit herself to a forensic examination. Forensic examination is defined "as a medical examination conducted in the knowledge of the possibility of judicial proceedings in the future requiring medical opinion" (World Health Organization, 2003). "It can include samples of hair, or trace of blood, semen or saliva (which can contain the perpetrator's DNA), foreign material from the crime scene, urinalysis evidence of victim sedation or other poisoning, and, other physical evidence. It can establish whether an assault occurred. It can place the accused at the crime scene. It can even indicate the use of force or the lack of ability to consent (Du Mont & White, 2007)". Its role in criminal investigation entails: "(i) To link or delink the perpetrator to the crime (ii) to ascertain that sexual violence occurred (iii) to help in collection of data of sexual violence. In most

and protection against pregnancy. They also require speedy and additional professional counseling for psychological distress and its resulting social distraction (Abarbanel, 1976).

Research on effectiveness, quality and impact is rare even in developed countries. This is because, researchers have established that it is normally a challenge to define and measure reliable indicators of success, without continuing with a follow-up. In this research, I will rely greatly on the perspectives of the female survivors and other key informants by using the qualitative data collected to evaluate the effectiveness of the interventions as has been used in other qualitative researches (see Guedes et al., 2002). Acknowledging the effects/consequences that sexual violence had on the survivors, the Government of Kenya, non-governmental organizations, religious organizations such as the National Council of Churches of Kenya (NCCCK), its affiliate churches and other churches not affiliated to NCCCK initiated various interventions as a way of responding to the psycho-social and medical needs of female survivors of sexual violence in Kisumu County.

In analyzing the impact of psychosocial and medical interventions, the socio-ecological model of intervention was used. Moreover, the ecological model exemplifies the acknowledgement that sexual violence itself is a consequence of multifaceted interaction of individual, community, institutional and societal factors and therefore interventions too must work at these various levels (Hiese, 1998, World Health Organization, 2002, 2004). According to Andrew, et al., (2007), support services for survivors of sexual violence are insufficient in many evolving nations, despite the numerous hostile environments that victims meet on their path to seeking help (Campbell, et al., 2009). Expert services for sexual violence survivors are mainly run by non-governmental organizations although many survivors may approach state organizations as well, based on the situation. Most evaluations of social service interventions have been restricted to process evaluation which enlist figures

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cases, forensic evidence is the only thing that can link the perpetrator to the crime for instance, where the incidence is reported after a long time after it has happened or where the survivor was pregnant”.

of individuals attended to, services offered to them and cases reported (Inter-American Development Bank, 2002).

## **6.2 Interventions**

### **6.2.1. Psychosocial intervention**

As described in chapter five, sexual violence causes devastating psychosocial effects to the victim. The survivor is terrified by her entire loss of control. Rape itself is an assault to her integrity, sense of safety and personal identity. It leads to severe and long-lasting emotional trauma and social interruption in her life, family and community (Gail, 1976). Rape survivors also experience ostracization and stigmatization from their families and the community at large. That is why, as we shall see in following excerpts, most survivors identified the psychosocial support that they received as having been of tremendous value.

As it emerged during the interviews with the female survivors, most women sought refuge at the internally displaced people's camp at Kisumu stadium. Some had their homes torched during the violence, rendering them homeless. Others feared staying in their homes due to the prevailing levels of insecurity experienced during that time. Most had been raped in their homes and feared repeat experiences as they believed that the perpetrators were still walking scot free. They therefore opted to join others living in the camp that had also been displaced from other parts of the country for various reasons following the violence. In addition, transport for those who wished to travel to their ancestral homes and find safety was not available due to the escalating level of violence. They too sought shelter from the camps for the internally displaced persons.

During both individual and group interviews, my respondents stated that they received psycho-social services from their families and from formal institutions which included non-governmental organizations, government facilities (such as public hospitals and gender violence recovery centers), and religious organizations such as the churches. Some preferred to seek interventions directly from the formal institutions for fear of being exposed to their immediate next of kin and having to face consequences such as stigma and discrimination. Others however proceeded to seek services outside their families after receiving negative reactions from their immediate setting (their families).

#### **6.2.1.1 Psychosocial intervention at the family level:**

Bronfenbrenner in his socio-ecological model (1979, 1986, 1994) referred to this level as the microsystem level of intervention; the system closest to the person. It comprises the environment where the individual lives. During the interviews, some of my respondents reported having received positive responses from their families after disclosing their experiences. Susan described her family's reaction regarding her disclosure in the excerpt below.

#### ***Susan***

*My family stood by me especially my mother. She took me to the hospital and constantly encouraged me. She sought for help from her friends regarding where I could get more psychological support. She met a friend who informed her about DWELE organization where I continued to get more psycho-social support. I can say that having a family that supported me helped me a lot and renewed my hope in life. I do not know what would have happened to me since I had lost hope in life. I am now able to work and live my life fully.*

Numerous studies have examined sexual assault survivors' disclosure practices and social responses they get from both formal and informal support providers (Ahrens et al., 2007, Suddeth, 1998, Ullman, 2000). Largely, the studies suggest that social support at the microsystem level, that is, from family, associates and spouses aids the recovery of sexual assault victims. The support of family and friends is associated with better coping abilities (Burgess & Holmstrom, 1979, Kramer & Green, 1991, Ruch & Chandler, 1983, Ruch and Leon, 1983). Supportive social responses from family and acquaintances are linked to a lesser amount of psychological suffering (Campbell, Ahrens, Self, Wasco & Barness, 2001). Her support from her immediate family as described in the excerpt above seemed to have resulted to better adjustment. Research has revealed that affirmative social responses from family and friends are associated with reduced emotional suffering (Campbell, Ahrens, Self, Wasco & Barness, 2001).

#### **6.2.1.2. Psychosocial intervention at the institutional level**

My respondents accessed services at this level through various ways. Firstly, organizations/institutions brought the services to where they were, that is, at the camps for the internally displaced persons. In other instances, women accessed them through referrals from various organizations and friends regarding where they could obtain the services, whereas others traced these services through their own initiative after failing to get the expected form of support from their families/ friends. Other respondents also preferred to seek support at this level since they were afraid that their families would abandon them once it would be known that they were sexually assaulted. The socio-ecological model of intervention refers to this level as the exosystem level of intervention; which is basically the formal structures with which persons may or may not interact with.

During the interviews, my primary participants stated that during the time of the violence, non-governmental organizations and religious organizations were visiting the camps and offering support to the people who were in needed of psycho-social services and other needs.

These organizations were making announcements for those who felt they needed such help to come forward. In addition, the local administration such as the Chiefs periodically visited the camps and made announcements on the support available to the displaced persons.

The non-governmental organizations that offered psychological support included CARE-Kenya, Development Work in Education, Livelihood and Environment organization (DWELE), Federation of Kenya Women Lawyers (FIDA) and the Kenya Red Cross Society. The Kenya Red Cross had mainly been appointed by the Government of Kenya as the main coordinating agency for response to the emergency (Kemboi, 2014). Kenya Red Cross Society organized psycho-social interventions to support victims of the post-election violence especially those who were in the camps for the internally displaced persons. Through its collaborative role, it had counselors drawn from Nairobi Women's Hospital and the Ministry of Health (Health Department of Mental Health) and International Organization for Migration. The psycho-logical support that was provided included direct counseling, capacity building to other organizations in psycho-social support and trauma counseling, establishment of counseling and recreational centers in the camps.

Religious organizations included the National Council of Churches of Kenya<sup>60</sup> (NCCCK) but through its affiliate churches such as the Anglican Church of Kenya, Presbyterian Church of Kenya, and Methodist Church of Kenya - Kisumu. Other churches that offered this kind of

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<sup>60</sup> “The National Council of Churches of Kenya was founded in 1913 during the United Missionary Conference at the end of which representatives from four missionary organizations signed to a Constitution to establish the Federation of Missions. The organizations were: Church Missionary Society (currently the Anglican Church of Kenya), Church of Scotland Mission (currently the Presbyterian Church of East Africa), United Methodist Mission (currently Methodist Church in Kenya) and African Inland Mission (currently African Inland Church). A fifth member; British and Foreign Bible Society (currently Bible Society of Kenya) was admitted in 1918. The core vision has remained unchanged since its inception and is anchored on the unity of the church in Kenya” (Githigaro, 2014).

support included the Reformed Church and the Friends Church. Besides coordinating the activities of its member churches, NCKK also partnered with United Nations Children's Fund (UNICEF), United Nations Fund for Women (UNIFEM), United Nations Development Programme (UNDP) and other professional bodies such as the Amani and Eleka Counseling Centers to provide counseling and other charitable care to those who were affected (Githigaro, 2012).

Women spoke about their experiences with the individual counseling sessions that they received as highlighted in the excerpts below:

*Agnes:*

*I was much traumatized. It was difficult for me to deal with it. I felt completely broken. Talking and being counseled while at the camp by CARE-Kenya and DWELE helped me. I do not know if I had not been counseled what would have become of me. I felt depressed that time. I feel better now; I can encourage other women who have been in similar situations. After all, life has to go on and the women should not blame themselves for what happened.*

**Carol**

*The rape ordeal shattered me. I got infected with HIV. I was very determined; I contemplated committing suicide. So many bad things were happening to me at that time. When I told my husband about it, I expected that he would grant me moral support. Instead, he deserted me and not long after, he had married another woman. I have never seen him since that time. I was left with the three children. First, counselors at CARE-Kenya, FIDA counseled me at the camp but DWELE continued to offer us more counseling. I continued my counseling at DWELE organization even after we left*

*the camp. Through the counseling, I felt revived and that is why, you are able to interview me.*

Further, the women stated that organizations such as DWELE encouraged them to form support groups from where they could receive group counseling. However, women in need of individual counseling continued to be attended to individually by the psycho-social workers from Development Work in Education, Livelihood and Environment organization (DWELE).

While describing the effectiveness of the group therapy that she received, Benta stated her experience in the following manner:

*I became restless and I used to have a running stomach continuously. I could not eat. I was afraid of going out to seek medical treatment. A week after I was raped, I went to the Provincial hospital to seek medical treatment. I was counseled before carrying out an HIV test. I was then advised to return after three months. I continued and went after three month. I had not contracted the disease (meaning HIV). I was helped and I followed up with the treatment. Meeting and sharing with women who went through similar experiences like mine has really helped me. I realized I was not alone. There are those among us who were raped by more than five men and even got infected with HIV. I thank God I did not; I was spared. When we meet, we laugh and encourage each other. This group is another family for me.*

### ***Milcah***

*My husband could not live with me anymore since through the rape, I had dishonored him in accordance to the Luo culture. In the community, I was isolated, stigmatized and soon I was being labeled along with the other women who had suffered the same fate as me. I also suffered from shame. Everyone around me knew that I had been raped as a*

*result of the abandonment. Thanks to DWELE; the group therapy was helpful since we shared and encouraged each other as we all had similar experiences. I understood that life had to continue; after all I had the responsibility of taking care of the children as a single parent now.*

Reactions towards rape survivors from their immediate environment may either be positive or negative. For women like Milcah whose family support was not forthcoming, the existence of formal support structures offering these services proved to be quite helpful.

As in her case in the above excerpt, it could be that hostile social relations are more significant to initial confession to family and friends (Ahrens et al. 2007, Filipas & Townsend, 2005) and survivors of sexual violence likely expect compassionate responses from these people. If victims get astonishing adverse responses from family and friends, it may be predominantly hurtful like in her case. Undesirable social responses from one's immediate environment have steadily been established to be associated with increased nervousness, depression and Post-Traumatic Stress Disorder (Borja, Collahan & Long, 2006, Campbell, et al., 2001, Davis, Brickman, and Baker, 1991).

The positive reaction that she expected from her immediate environment (family) was not forthcoming. Her husband negatively reacted towards her based on the belief that her rape was a dishonor to him and not her, and therefore, he could no longer continue living with her. Her husband had been accustomed to the cultural beliefs in his community that rape committed against a woman is a disgrace to the men, their families and the community. Therefore, existence of formal and informal institutions in the society become important whereby, individuals failing to get support from their immediate environment could turn to for help. Even though this may have been the case, the contradiction is that these victims still returned to the same unwelcoming environments after leaving the formal institutions from where they continued being stigmatized. That is why, for real social change to occur, it must

focus at the core (the immediate environments of the victims) with a view to changing attitudes and behaviors if sustainable change is to be realized.

In addition, women's exclusion from important appointments of social and economic power has led to women being considered as unequal participants in interpersonal relations, and, at the extreme, men came to view them (as well as by themselves) as property (Lee and Beattie, 1983). The cultural factors (at the macrosystem level of the socio-ecological model) have an influence on every aspect of life. That is why, in his model, Bronfenbrenner talked of the interconnectedness of these levels of intervention. Intervention at the exosystem level (the formal institutions) may be less effective if the immediate home environment of the victim is hostile (the home, the community) since this is the environment that the survivor has most contact with, hence slowing down the recovery process. This hostility or negative attitudes towards survivors is influenced by cultural and societal beliefs.

Anna et al., 2011 conducted a study in Northern Uganda to predict the determinants of effective reintegration. The researchers established that women returning from abduction were likely to be more ostracized than males and needed more specialized reintegration assistance. Those women who had been sexually abused or impregnated were considered the most vulnerable and experienced high levels of stigmatization from their direct families and communities. Consequently, these women faced great difficulty in reintegrating into their communities. One of my research findings was that women who were not accepted by their immediate family members and at the same time did not have sources of livelihood turned to commercial sex work in order to take care of their children. This shows that having healthy immediate relationships within the microsystem may be a more of a predictor for a successful recovery process.

Augsburger, one of the proponents of the conflict transformational approach, has argued that for transformation to occur there must be significant change, first in attitudes by altering and

re-directing negative perceptions (Augsburger, 1992). Once attitudes are transformed, then change in behavior is likely to occur. This calls for sensitization, advocacy and education (Lederach, 1995) of communities with great acceptance of rape myths/ conventional beliefs about rape so that these negative beliefs can be demystified through provision of knowledge/ information. In any case, transformation has social change as the ultimate purpose. Some of the existing rape myths are that: women aggravate men's sexual aggression and that men are unable to control their desires, shifting responsibility from the perpetrator to the victim and perpetuate male supremacy (Burt, 1980). In cultures where men are expected to be sexually aggressive, some oppression may be regarded as normative; hence, the culprits themselves may not feel guilty or remorseful if they interpret that their activities as warranted (Tavrow, et al., 2013). This also calls for change /review of existing policies, laws and the overall legislative framework addressing issues of sexual violence.

The psycho-social workers at DWELE organization too spoke of their experiences in offering their psycho-social therapy to the women. They stated that conducting home visits, doing individual follow-ups to the women and conducting group therapy proved to be quite helpful. Moraa, a psycho-social worker had this to say:

***Moraa***

*During post-election violence, psychological harm was real. These interventions I believe have helped the women survivors of sexual violence. They have re-established their lives through this programme. Most of them are now able to move on with their own lives. It has been a worthwhile journey walking with them. Our organization kept on receiving referrals. This means that our women were benefiting from this kind of intervention.*

According to Rose, one of the psycho-social workers, while there were great challenges counseling the women such as walking long distances while conducting home visits and having to deal with the retrogressive cultural values such as wife inheritance, nevertheless,

their determination and passion for their work enabled them to overcome the prevailing obstacles. Rose expressed their resilience in the excerpt below:

*It was not everyone in the society who appreciated our work. Some people ridiculed us for what we were doing but we were determined to help the women re-establish their lives. These women were scattered all over, conducting home visits necessitated us to walk long distances in order to reach them. Counseling is a calling, it is not about pay. We suffered endless burn outs as a result of the narratives from the women and we had to devise ways of overcoming them such as seeking counseling ourselves.*

Apparently, most counseling received by women in public hospitals only took place as the women went to seek medical treatment mainly in County (formerly District Hospitals or Regional Hospitals (formerly Provincial Hospitals)). This was in instances whereby the nurses with specialized training in counseling realized that the victims were too traumatized to speak of their pain resulting from their rape experiences, necessitating the need for trauma counseling. Nurses with specialized training in counseling are only situated at higher-level government hospitals such as the District, Provincial and National Hospitals unlike at lower level government hospitals such as the Health Centers and Sub-County hospitals due to shortage of staff.

Most of the female survivors I interviewed who received trauma counseling from a government facility stated that they had received it from the Jaramogi Oginga Odinga Referral and Teaching Hospital (formerly the Nyanza provincial Hospital) hospital as they were going to seek medical treatment. Many did not know that this kind of service was available at the hospital since they had associated hospitals with places for seeking medical treatment. Even though this offered some of the women an opportunity to have their psychological needs met, majority stated that they were unable to complete their sessions for various reasons. First, some stated that they were not sure of the level of confidentiality by

the staff; especially because of the issue of lack of consistency/ continuity. Their fear was that in a government facility one may not necessarily be attended by the same person during each visit since staff work in shifts. Others felt that their stories would become known by everyone for the reason that some of the medical staff lived within the community. Other women stated that since staff in public facilities are normally insufficient and lack adequate skills, one would be expected to wait for long hours and this discouraged most of them. Mary was one of them and had the following to say:

*I was unable to describe how I felt that time following the rape ordeal. I felt hopeless, useless and very helpless. I wished to escape from this world. I felt confused; not knowing exactly who to tell/ disclose to. I could not report to the police either because it was the same police men who raped me. I felt that I needed to be helped but I did not know where exactly to get if from. At the hospital, I was counseled and treated and tested for HIV. I needed more help but I did not want to go for more counseling at the hospital even though they told me that I could go for the remaining sessions. I disliked the experience of being attended by a different person each time I visited the hospital and therefore avoided experiencing the trauma of re-narrating my experience to different persons every now and then. A friend of my mine told me about DWELE organization from where I continued to receive more counseling. Slowly by slowly, my self-esteem and my worth started re-building. We used to be counseled every now and then.*

Nora, a staff working at the Gender Violence and Recovery Centre-Kisumu reiterated that counseling was still available at the hospital even before the establishment of the Center. The Gender Violence Recovery Center- Kisumu (GVRC)<sup>61</sup> was established after the post-election violence as one of the recommendations of the Commission of Inquiry into the Post-Election

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<sup>61</sup> GVRC - Kisumu became operational in October 2013( Faith, GVRC)

Violence (Government of Kenya, 2008) The types of counseling offered at the Center currently include: “trauma counseling, emergency contraceptive counseling and unwanted pregnancy, pre and post-test HIV counseling, adherence counseling for Post-Exposure Prophylaxis (PEP) for HIV and other Sexually Transmitted Infections (STIs), follow-up sessions, psycho-social support for groups and the community and, information on survivor’s rights such as legal case” (Government of Kenya, 2009). According to Faith, a staff at Gender Violence and Recovery Centre, the recommended period for trauma counseling is five sessions. The very initial session should comprise psycho-education and information on the nature and signs of Post-Traumatic Stress Disorder (PTSD). The stabilization<sup>62</sup> of the victim at the beginning of the counseling process is important. At the time of the violence, she added that the hospital was offering both individual and group counseling (therapy). Group counseling is also offered to victims. It helps to address trauma in a joint manner and generates supportive managing techniques.

However, Nora, a counselor at GVRC was categorical in stating that, before the post-election violence; psycho-social support had not been accorded much seriousness by the government as part of management of sexual violence survivors. Much attention to this kind of service was given by the government after what had happened during the 2007/08 post-election violence. Most times, before the National Guidelines on Management of Sexual Violence were designed, health facilities used to refer clients to seek these services mainly to non-governmental organizations or churches. Psycho-social support had not been envisaged as a key component in managing a sexual violence survivor within the medical fraternity.

National Guidelines on Management of Sexual Violence in Kenya were formulated in 2009 to provide general information about management of sexual violence in Kenya and focus on

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<sup>62</sup> Stabilization means that the person gets the opportunity to be re-established both psychologically and socially. ( Faith, GVRC)

the importance of availing services that address the needs of sexual violence be they medical, psycho-social, humanitarian and or legal. These guidelines were availed in all health facilities with the expectation that their application would broadly address the needs of survivors of sexual violence in Kenya. In developing these guidelines, the Government noted that while various statutes, policies and service guidelines on sexual violence existed, changes in the medico-legal environment and the emerging dynamics of sexual violence, as was witnessed following the post-election violence in 2007/ 2008 was necessary. This was coupled with some gaps in the legal provisions and service guidelines that previously existed (Government of Kenya, 2009).

The guidelines outline the processes that health care providers should follow in handling survivors of sexual violence including the ethical issues. They propose a holistic approach to the management of sexual violence that encompasses medical, psychosocial, legal and other humanitarian aspects of sexual violence. On this note, it calls for co-ordination of the various agencies involved in ensuring that the concerns of survivors of sexual violence are adequately addressed (Government of Kenya, 2009). Nora at (GVRC) added that the guidelines were a great milestone in the health sector since victims of sexual violence continued to visit the hospital many years after the violence seeking treatment from the hospital. She expressed the importance of these guidelines in the following manner:

***Nora***

*There are many women who never revealed their experiences to anyone that time; they bottled these feelings deep inside themselves and hence continued to suffer emotionally and psychologically. As we attended to them, the emotional trauma could manifest and that is why offering trauma counseling became inevitable. The guidelines have helped us in the way we are expected to manage sexual violence survivors. The government took us to trainings and sensitization seminars in order to acquaint ourselves with them. To date, we still attend to women who experienced sexual violence during*

*2007/08 post-election violence. There are those who have not yet healed since healing is a process and varies from one individual to another.*

Describing the counseling they offered at the hospital during the time of post-election violence, Faith, a nurse and a counselor at Gender Violence and Recovery stated the following:

*We attended many of the women who had been sexually violated at that time. Besides offering medical-legal services, one of our core mandates includes offering trauma counseling to the survivors of sexual violence. Although majority of the survivors rarely finished the mandated five sessions for various reasons such as lack of transport or fear of being known that they were victims of rape, we observed that those who finished their sessions had regained their worth and were more open with us as they continued to stabilize emotionally and physically. We also offered group counseling. We used to group the survivors into various age-groups and this enabled them to feel free and open up and share their experiences freely. We made follow ups to those who were not adhering to the counseling sessions as required but most of the follow-ups were unsuccessful as most victims did not even own mobile phones. They also kept shifting their places of abode.*

What was evident in the above discussion is that at this level of the socio-ecological model of intervention (the exosystem level), the women had contact with formal organizations from where they were able to get psycho-social support. However, one weakness in the application of this model is that at this level, the respondents were not actively involved in designing the programmes/ the kind of support that was offered to them by these organizations in ensuring that their needs were effectively met. According to Bronfenbrenner (1995), the participant at this level is passive in that she/he cannot influence the policy-making process but is still affected by the decisions made. This explains the reasons as to why, due to their inactive role

in the decision-making process, most of the organizations were able to pull out their support once the violence situation in the country calmed down regardless of whether the female survivors had stabilized psychologically or not. Its strength however lies in the fact that those individuals who are likely to receive a negative reaction from their immediate environment (the family and friends) had an option of seeking support at this level. In our previous chapter, one of the effects suffered by the women included abandonment by their husbands, other family members and even peers once they got to know that they were raped. A major reason behind this kind of reaction from their families was due to the influence of factors operating at the macrosystem level, normally the existing cultural beliefs in the community where I did my research. One such a belief was that a woman who has been raped brings dishonor not only to her husband but to her family and community, hence the inter-linkages in these systems.

Counseling, therapy and support group initiatives which comprised of psycho-social services offered to the women in Kisumu have been found to be beneficial following sexual assault, especially if there are other distressful factors affecting the process of recovery (such as abandonment by close family members). According to (Abarbanel, 1976), counseling and supportive services aid the victim to deal with emotional trauma and social problems that result from the rape. Sometimes, victims of sexual violence fault themselves for the occurrence, and tackling this in psychosocial therapy has been displayed to be significant for recovery (Meyer and Taylor, 1986).

A study on experiences of sexual assault victims and mental health systems discovered that survivors tend to rate their experiences with mental health professionals positively and describe their support as beneficial and reassuring (Campbell, et al., 2001, Ullman, 1996). Those who had been capable of obtaining psychological support had significantly lesser Post-Traumatic Stress Disorder, signifying that there may have been some benefits from getting such services. In the same sample however, twenty five percent of women who got post-

assault psychological help rated this interaction as wounding and nineteen percent considered it as relentlessly upsetting (Campbell et al., 2001).

According to Astbury (2006), the psychological effects of sexual violence may commence from the time the assault occurs to months and years later (as observed in our previous chapter). It may therefore be crucial to recognize this and provide continuous appropriate care. Availing information to victims, orally and in copy form, can be of great importance, as they may experience signs well ahead and be unclear on how to respond to these. In supporting this view, Slogan and Peeti (2012) argued that there was an: “urgent need of psychiatric attention in the management of trauma for victims of sexual violence”. Bouvier (2014) highlighted the requirement for longer-term support, “continuity of care and regular follow-up as essential over a period of time, including medical care, mental health and psychological support”. The psycho-social worker should therefore emphasize on the implication that the rape experience has for the survivor; its instant and lasting personal and collective impact. In most cases, formal psychological support for those who have lived through sexual violence has mainly been delivered by the non-governmental sector, predominantly rape crisis centers and women’s organizations (Etienne, et al., 2002).

### **6.2.2. Medical Interventions**

According to Schopper (2014), medical care is acknowledged as a crucial element in responding to the needs of sexual violence survivors. Populations affected by conflicts experience devastating health effects facilitated by population dislocation, food shortage and the failure of primary health amenities (Misigo and Mwangera, 2015). This was the case with the women survivors of sexual violence in Kisumu County as was illustrated in chapter five. Hence, having access to provision of medical care was desirable in order to address the devastating effects it had on their lives. Campbell and Raja (2005) have specified that those victims who have suffered sexual violence may pursue help from the medical system to establish the degree of harm suffered and “seek care, medical forensic examination, screening

and management for sexually transmitted infections, test for pregnancy and get emergency contraception”.

When I asked the women where they sought their medical treatment during the in-depth interviews, it emerged that both the Government and non-governmental organizations intervened in offering medical care to them. However, majority visited Jaramogi Oginga Odinga Teaching and Referral Hospital (formerly the Nyanza Provincial Hospital) which is a government hospital situated within Kisumu City. Interventions established during the research in response to addressing the health needs of the women survivors of sexual violence in Kisumu included: (i) the organization of free medical camps by the non-governmental sector and, the establishment of the Gender Violence Recovery Centre (GVRC) Kisumu by the Government of Kenya.

#### **6. 2.2.1. Free Medical camps**

The damage of infrastructure, diversion of resources away from social services and an overall economic failure during conflict often cause primary health care services such as anti-natal care to depreciate (Toole and Waldman, 1997). Hospital and surgical facilities are normally overwhelmed by the needs of those who have been injured during the war. In addition, common health amenities usually do not have staff and also experience shortage in essential provisions during such occurrences.

Internally displaced persons habitually find themselves in congested and unhygienic camps where the provision of basic necessities is extremely challenging. Majority of those arriving in camps are women with their children who, due to the losses experienced entirely rely on the kindness of others for survival (Toole and Waldman, 1997). It is thus crucial that these populations that are entirely reliant on outside help for their very existence following their displacement from their homes and the ensuing consequences from sexual assault

experiences be offered basic minimum resources to sustain their health and welfare. In cognizance of this, non-governmental organizations such as the Kenya Red Cross Society (KRCS) and the Federation of Women Lawyers (FIDA-Kenya) organized free medical camps for the female survivors and other people who were living in the camp for the internally displaced persons in Kisumu. Medical camps are basically stationary or mobile short-term medical interventions for target populations lasting anywhere from a day to a week (Adams, 1998). There are various kinds of camps such as general health camps, uterine and prolapse and fistula, reproductive health and family planning camps, dental and eye camps, specialized surgical, speech therapy and even acupuncture and massage therapy camps (Citrin, 2010).

During the in-depth interviews, the women expressed how they benefited from the free medical services in the following excerpts:

***Atieno***

*During the free medical camps, these organizations brought in doctors and other medical personnel who attended to us. We were treated and also screened for various illnesses such as Sexually Transmitted Illnesses including HIV. Free medication was availed to us. Those of us who needed further treatment were referred to Nyanza Provincial Hospital – Kisumu.*

***Nancy***

*The free medical camp organized by Federation of Women Lawyers (FIDA- Kenya) really helped us. As a result of the psychological trauma we went through, some of us developed other health conditions such as high blood pressure and ulcers. We needed continuous check-up. We were referred to Nyanza provincial Hospital for continuous*

*treatment. Many of us had not yet sought any medical attention before the setting up of the free treatment at the camps.*

From the above excerpts, it is indisputable that the free medical camps did meet a significant need for the female survivors of sexual violence under the prevailing violence situation. However, as Citrin (2010) has argued, if not well organized, camps may in the long-run also cause more health-related problems where for instance surgeries are conducted in unsterile rooms or without proper follow-up, diagnosis are made through translations or painkillers, anti-depressants and anti-biotics are given out haphazardly. In addition, during emergencies, the organizers may not have the opportunity to involve the local community in the planning of the program and this may evade key aspects worth factoring such as the cultural appropriateness of the program as well as whether the target population is pleased with the care being delivered. Evaluating the long-term or short-term impact on the communities may be difficult as most organizations may fail to continue offering such care especially once relative peace has returned and camps are closed (see Decamp, 2003, Green et al., 2009).

In Kenya, though randomly delivered to communities as organized by local health personnel in partnership with their collaborators, they are progressively becoming a significant feature of the national health system. They are readily acceptable by the communities especially those located in regions that have shortage of resources such as finances and human resources (Misigo and Mwongera, 2015). Besides giving the planners a chance to attend to the community, they also serve as key avenues to gather vital data that can be used for policy development.

#### **6.2.2.2 Establishment of the GVRC- Kisumu**

The report by the Commission of Inquiry into the Post-Election Violence (CIPEV, 2008) acknowledged that many women were subjected to sexual violence. The report proposed

several recommendations to address the sexual violence that had been witnessed during that time. One of its recommendations was the establishment of Gender Recovery and Violence Centers at each public hospital to warrant enhanced reaction to sexual violence (CIPEV, 2008). According to the respondents at the GVRC, those who sought treatment at the time of violence resulting from the sexual violence were treated. During this time, the survivors who visited the Nyanza Provincial Hospital (currently the Jaramogi Oginga Odinga Referral and Teaching Hospital) were being handled at the out-patient department and casualty (emergency) sections of the hospital. Those who warranted admission would be handled at the gynecological ward (number four) and the very serious cases needing surgery were also dealt with accordingly. According to Nora (a counselor at GVRC), the casualty section did not accord much privacy to the victims of sexual violence being attended to at that time.

During the violence, she added that the hospital ensured that the staff that were on duty at that time did not proceed on leave. It also recalled all the staff that were on their annual leave to help handle the high number of sexual violence cases that were being reported at that time. As it emerged during the interviews, many survivors of sexual violence sought help at this facility even though many came much later; with some coming only after symptoms of their injuries had started to manifest.

According to Faith, the Centre which was opened in October 2013 was established to provide comprehensive care to the victims. As a one-stop shop, it offers comprehensive services that comprise HIV testing and Counseling, Post-Exposure Prophylaxis (PEP), medical evaluation, basic laboratory services, emergency contraceptives for females of reproductive age, Sexually Transmitted Infections (STI) screening and treatment, forensic analysis, trauma counseling, psycho-social support, short-term safe rooms (two) and paralegal services. The safe rooms host survivors for 24 hours before they report to safe homes. The Center was also designed to offer child friendly services, including a play room to help the boys and girls feel comfortable and safe when receiving care.

Abarbanel (1976) postulates that rape victims undoubtedly need a complete range of services ranging from medical, legal and psycho-social services. However, a woman who has been raped is in a state of great emotional crisis. She is not ready to go to one place for medical care, another for counseling and still another for information about her legal rights. Therefore, an organization must take the obligation of designing the program, establishing and bringing together extra support services.

The “One-Stop –Shop” system has also been employed in other parts of Africa such as South Africa as well as in other regions around the globe such as Latin America and South East Asia (South Africa Bureau of Justice and Assistance, 2004). The Thuthuzela Care Centers in South Africa offers a good example. The first was established in Manenberg, Cape Flats, South Africa in June, 2000. They were established as a way of reacting to the high rates of sexual violence which was compounded by experiences of low levels of arrests and convictions (Francis and Baird, 2000). According to Artz and Pithey (2003), the Centers not only house medical staff but also other professionals who are trained in carrying out investigations and prosecutions. The Centers have been allied to numerous police stations and courts that specifically handle sexual offences (South African Government Information, 2002). Even though this approach is yet to be appraised scientifically, it has been noted to decrease the waiting period for medical forensic examinations and has so far enhanced the process of reporting and prosecuting rape and other sexual offences (Thuthuzela Care Centers, 2005).

I asked my respondents how they compare the handling of sexual violence cases before and after the establishment of the Centre. Faith, a counselor at the Centre stated the following:

*The situation is much better as compared to the time the cases were being handled at the general hospital. For instance, before its establishment, survivors of sexual violence used to share the facilities with other out-patients at the General hospital such as the*

*pharmacy and the laboratory department. However, after the Center was established, everything is done within this facility; the tests, the prescriptions and even counseling. This has ensured that clients are handled very fast. Clients are also more comfortable since the Center has accorded them the much needed privacy.*

The above excerpt illustrates how the influence of services at “a One Stop shop<sup>63</sup>” for sexual violence survivors has the potential for enhanced service delivery and increased client satisfaction.

### **6.3. Challenges faced in accessing and provision of medical and psycho-social services**

During the process of seeking or accessing medical and psychosocial services, the women survivors who I interviewed encountered various challenges. The organizations/institutions also encountered various challenges in the process of providing these services. This section will therefore discuss the challenges at two different levels: (i) Challenges faced at the personal level: implying challenges various faced by the women survivors of sexual violence in seeking and accessing these services and,

(ii) Challenges faced at the institutional level: implying challenges faced by various institutions / organizations in the provision of these services.

#### **6.3.1. Challenges at the personal level**

One major challenge that the women faced was the prevailing level of insecurity at that time that prevented them from accessing immediate medical care and psycho-social attention. Describing the situation in Kisumu before the Commission of Inquiry into the Post-Election

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<sup>63</sup> “One Stop Shop” means that, at the Gender Violence and Recovery Centre (GVRC), clients can get all they need; multiple services are offered at this location.

Violence, the Officer Commanding Kisumu Police Station detailed that riots began on the day the Presidential results were pronounced and persisted until the next day. Despite the fact the rioters kept on being dispersed, they could quickly re-assemble and fiercely stormed the city center where destruction and plundering of property ensued. The Commission received information that police kept on using tear gas until they finally recognized that the situation was unmanageable unless they used live bullets. That is when the Officer Commanding Police Station-Kisumu decided that live bullets should be used (CIPEV, 2008: 181). The situation calmed down in early February when a peace agreement was signed between President Mwai Kibaki and Hon. Raila, Odinga.

The inability by the survivors to access these services had great implication on their health. It meant that women continued to live with their pain for long periods of time causing other effects in the interim, as described by Faith, (a counselor at GVRC):

*The delay to seek immediate medical treatment led some to turning HIV<sup>64</sup> positive since Post-Exposure Prophylaxis (PEP) which is administered within seventy two hours could not be given due to delay. Many survivors showed up days after they were raped but nevertheless had the HIV testing done but could not be given the HIV preventive drug since it is not proven effective after seventy-two hours. In addition, as a result of the delay, many also missed out on the contraceptive emergency pill which is also proven effective within seventy-two hours. After seventy-two hours of unprotected sex, we still gave the pill but the effectiveness is normally lesser compared to when taken within the seventy-two hours.*

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<sup>64</sup> The burden of HIV infection in Kenya is high which prompted the country to be listed among twenty two priority countries targeted for help from UNAIDS (Shackel and Fiske, 2016).

The above excerpt shows that timing is crucial when it comes to seeking medical attention for individuals who have been sexually assaulted. Bouvier (2014) described the requirement for medical care to be administered within seventy-two hours, “for purposes of preventing sexually transmitted diseases (STIs), including HIV and for emergency contraception”. He provided an example of the difficulties of a research undertaken in the Democratic Republic of Congo where over ninety five percent of survivors were unable to gain access to emergency medical help within that time. According to Human Rights Watch (2015), absence of prompt treatment leaves victims of sexual violence at the danger of unintended pregnancies and of contracting Sexually Transmitted infections (STIs) including HIV.

Secondly, the level of insecurity and the prevailing violence situation also made transport a challenge. The CIPEV report (2008) stated: “Kisumu City was targeted from three directions where the rioting mobs blocked the main entry points to the city: Kisumu-Nairobi Highway at Karoki; Kisumu-Kakamega at Kondele and Kisumu-Busia at the Railways junction”. Violence was then focused on the Kondele<sup>65</sup> area and other peripheries of Kisumu. Vehicle operators also feared risking their own lives and their vehicles as well because some of those who defied had their vehicles burnt down. Other survivors stated that they lived far away from a health facility and hence they could not walk.

Trauma, shame and fear of being stigmatized prevented many of the survivors from seeking medical and psycho-social attention. They feared that by attending a hospital or a health facility, their immediate family members such as their spouses, children and even friends and neighbors would come to know. As highlighted in the previous chapter, the extent to which

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<sup>65</sup> Kondele is one of the main slums in Kisumu which was characterized by high levels of sexual violence along other slums like Manyatta, mainly perpetrated by gangs and militias. Due to the level of insecurity in these areas, police also feared for their lives in venturing to these areas, causing the level of insecurity to deteriorate even further.

value is attached to female chastity is so high such that where a woman is a survivor of sexual violence, the usual community retort is to isolate and defame her (Aura, 2014). It is these cultural factors/ beliefs operating at the macrosystem level of intervention that influence the survivor's experience at microsystem level, that is, her immediate environment. After all, relationships do not exist in a void; they function under specific cultural settings and this has significant influence on the decision-making process of an individual. This has an implication on the recovery process of the victim since, as described by the women and highlighted in the literature reviewed, access to health care and psycho-social support contributes greatly to the healing and overall recovery post-assault.

Negative attitude by the public towards staff working at public/ government facilities was yet another challenge cited by the women survivors of sexual violence. There exists this widespread publicity about the unsympathetic treatment that staff working at public facilities extend towards their clients. Some women like Awuor feared this kind of experience and expressed her sentiments as follows:

*You can visit a public health facility and sit for hours without being attended to. This is what I avoided. Sometimes it is like the staff are not interested in attending to you. I wanted to avoid this kind of an experience.*

Studies have revealed individuals seeking help from formal social systems after a sexual assault can experience a “second rape” or “secondary victimization” to the preliminary distress. Such experiences can have harmful effects on victim's mental health (Campbell et al., 1999, Campbell et al., 2001, Campbell and Raja, 1999, 2005).

Long queues and delays associated with seeking help from public facilities also discouraged some women from visiting the hospitals for treatment. During my interviews, women stated that staff at public hospitals are normally few as compared to the number of people that they are expected to serve. During the violence, they stated that the situation was worsened by an influx of the number of people that were seeking treatment at Kisumu Provincial Hospital to injuries resulting from the violence. Expressing this sentiment, Pauline stated:

*The queues found in public health facilities are just too long to comprehend. In addition, there is no point of staying in the hospital a whole day and at the end still be expected to buy the medication for yourself since government pharmacies are always in short of drugs.*

Costs or lack of finances to seek treatment both in private and public health facilities was another challenge faced by the women. In our previous chapter, I highlighted how the violence degraded them to high levels of poverty through loss of their sources of income and abandonment by their husbands who were primarily the families' breadwinners. As a result, women stated that they preferred attending to other pressing needs such as food and shelter with health care taking a low priority. In describing their prevailing poor conditions, Matroba stated the following during a focus group discussion:

*The violence rendered us poor. Our business stalls were burnt down, downgrading us to beggars who had to rely on government relief and other organizations to feed us. We did not have money to go to the hospitals. After all, Government hospitals will stock only basic drugs such as painkillers; patients are always being prescribed for to go and buy for themselves from private pharmacies. We were sick and in pain but providing food and shelter for our children was what we prioritized.*

In explaining the situation that prevailed Nora (a staff at the GVRC- Nyanza provincial Hospital,) had the following to say:

*Even though treatment at public health facilities is normally free, patients had to cater for costs such as registration or opening a file or carrying out laboratory test. This was in spite of a directive issued by the government then that victims of post-election violence be treated free at government health facilities. Enforcing it was a challenge since the directive was not necessarily accompanied by immediate release of funds by the government to the public hospitals.*

From 2007, Kenyan public hospitals shifted from a user-pay method with charge relinquishments for certain groups to a public health care method with all charges eliminated (Shackel and Fiske, 2016). However, as shown in the above excerpts, fees continued to be levied by the public health facilities beyond consultation and counseling.

Most women believed that access to psychological services played a significant role in their recovery. However, most of the female survivors of sexual violence that I interviewed said that they did not know if psycho-social services existed in government facilities, which was a challenge. According to the respondents, many citizens are not aware that psycho-social programmes exist in government hospitals. Lack of information therefore hindered many from seeking this kind of support. Generally, hospitals have been associated with offering medical treatment with services like mental and psychological services being associated with non-governmental organizations, the private sector and religious organizations especially the church. The government and other key players including civil society organizations have therefore a responsibility to disseminate this information with a view to increasing public awareness on the services available in public institutions. Faith who works as GVRC as a counselor stated that psychological service provision has been associated with the private

sector and non-governmental organizations. She added that many citizens out there do not know whether one can receive trauma counseling at a government health facility or not.

Another challenge was that, most women also felt that they were left (half-way), that is, before they fully stabilized physically, emotionally and psychologically. They stated that even though most organizations responded to their immediate needs during the violence especially while living in the camps; they did not factor in their long-term suffering. As soon as the violence situation calmed down, the victims were left on their own with the exception of DWELE as an organization and a few churches such as the Methodist church which sponsored some of their children by paying for their school fees. They reiterated that it would have been more prudent if more organizations continued to support them. Their main argument was that, most organizations were not targeting to help them attain their highest level of functioning required to return to their normal activities but were mainly geared towards meeting their immediate felt needs such as provision of food and other essentials like blankets, farm tools and onsite treatment for their injuries. During a focus group discussion, Claire expressed;

*Once the situation of violence calmed down, the church mainly concentrated on preaching peace messages and reconciliation without necessarily continuing with individual or group counseling that they offered to us while in the camps. Even though some us received further help such school fees for our children by churches such as Methodist Church, the church and other organizations failed to recognize that we continued to suffer psychologically and mainly urged us to 'forgive those who hurt us and move on since the country needed to heal.'*

Jacinta, a staff at DWELE organization also confirmed this in the following excerpt:

*As an organization, we profiled a list of these women who had been sexually assaulted so that we could continue to offer them more material and psycho-social support. These women needed much more help after leaving the camps. However, most organizations offered support to them for as long as they remained in the camps since they were responding to the crisis at that time. Therefore, after the camps were closed, the women were unable to access most of the services as most organizations moved on to concentrate on their core mandates. As an organization, we continued to offer psychological support to them with the realization that short term counseling after acts of violence normally requires further evaluation.*

### **6.3.2. Challenges experienced at the institutional level**

Even though there were common challenges experienced by the hospitals, gender recovery centers and non-governmental organizations, there were also unique challenges experienced by each category of the service providers. This section began by addressing the challenges experienced by the hospitals and the gender recovery centers in the provision of services to the women who suffered sexual violence.

#### **6.3.2.1. Challenges at public hospitals and gender recovery centers**

One of the challenges that was pointed out during my research was the lack of adequate facilities such as counseling rooms at the former Nyanza Provincial Hospital. This was stated to have hindered effective implementation of both medical and psycho-social services at the hospital. According to the respondents interviewed at the Jaramogi Going Odinga Referral and Teaching Hospital (Gender Violence and Recovery Center), before the establishment of the Gender Violence and Recovery Center in October 2013, sexual violence survivors used to share facilities with out-patients at the General Hospital. They used to share the pharmacy and the laboratory department. Due to a lack of adequate privacy, many survivors who sought

services at the hospital felt that they were being exposed to the public and hence shied away from seeking further treatment. In addition, others were not able to complete their counseling sessions. Nora, a counselor at Gender Violence and Recovery Center described the situation before the establishment of the Centre in the following narrative:

*At the casualty section within the main hospital, there was a lot of pin-pointing. Initially, before the Centre was established, survivors of sexual violence used to experience a lot of labeling at the main hospital at the out-patient / casualty section. Phrases in Swahili language like, “huyo ni wa gender violence” meaning, “that is a gender violence victim” used to be common. This was adding more trauma and stigma to already stigmatized women of sexual violence. As a result, majority did not turn up to complete their counseling sessions as required. This reduced the efficacy of the programme.*

The above excerpt indicates that lack of adequate facilities proved a major hindrance to the effective provision of both medical and psycho-social services to the women. According to Nora, where facilities are inadequate and the counseling environment not appropriate, survivors are likely to experience re-victimization. Most experts have also agreed that personnel that is not ready to react suitably to confessions of violence against women survivors put them at danger. Medical systems consequently carry with them a moral responsibility to make sure that they possess the least possible resources to avoid causing more injury (Morrison, et al., 2007).

Another challenge that was pointed out during my research was the lack of adherence to follow-up treatment by survivors of sexual violence who had sought for services at Nyanza provincial Hospital. Nora, a counselor at the GVRC talked of high attrition rates for follow-ups of survivors returning for repeat HIV testing. This was despite the emphasis made in

explaining to them the importance of having such follow-ups made. This is explained below in Nora's sentiments:

*All those who came to the hospital on time had Post-Exposure Prophylaxis (PEP) and other preventive medication such as Sexually Transmitted Infections (STI) prevention administered to them. However, we faced a challenge with only a handful coming back after three months for the repeat HIV Testing. This made it difficult for us to establish the effectiveness of the treatment given during the first contact because of failure of the survivors to follow up with the treatment (Norah, GVRC.)*

According to Nora, some of the reasons the survivors gave was that some feared how they would handle the news if the results turned out to be positive. Dr. Mabarutso who worked in Rwanda during the genocide as a medical doctor stated his experience of treating hundreds of rape victims, "the very act of being tested presents an insurmountable obstacle to many women" (Hubbard, 2007). Possibly, other women did not see the importance of these follow-ups. Women also feared that subsequent visits were likely to make them known by their families and peers and hence, avoided to face the stigma that is accompanied by being 'known'.

Schopper (2014) noted that beyond primary admittance to the service, completing subsequent schedules is critical to comprehensive preventive treatments such as "Hepatitis B, tetanus vaccination, test for pregnancy and HIV sero-conversion"<sup>66</sup>. This tendency of non-

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<sup>66</sup> Sero-conversion is the intermission, after one has been infected with HIV, through which antibodies are initially formed and increase to detectable points. It occurs after three weeks in most infected persons.

compliance was also witnessed in the Democratic Republic of Congo (DRC) through a study done on a community-based programme comprising mobile-clinics. The research established that seventy-two percent of patients resumed for the first follow-up visit, with a vivid drop for the second and third visits. The authors postulated that this may have been as a result of patients sensing a bit of relief or not comprehending the importance of continued treatment (Anjalee, et al., 2012). Therefore, seeking medical care within seventy-two hours and being able to receive Post-Exposure Prophylaxis (PEP)<sup>67</sup> is in itself not sufficient; it needs to be followed by the twenty-eight<sup>68</sup> days treatment. An orderly evaluation of devotion to “HIV Post Exposure Prophylaxis (PEP)” in victims of sexual assault illustrates that forty percent of patients fail to adhere to the care required (Chako, et al., 2012). Little observance is associated with diminished effectiveness and intensified resistance to anti-retroviral therapy.

Inadequate staffing in public health facilities was yet another challenge that was pointed out during my interviews. According to Faith (GVRC), the staff at the hospital including the counselors that the hospital had during the 2007/08 post-election violence were inadequate compared to the number of patients that needed attention. This meant that patients had to wait for long hours to be attended to, leading some to despair in the process. She added that lack of adequate personnel is a common problem in most public health facilities since the government does not hire medical personnel staff regularly. Cases that required psychiatric

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<sup>67</sup> “Post Exposure prophylaxis (PEP) is the provision of a combination of antiretroviral drugs (ARVs) for 28 days” after one has been exposed to HIV and has to be began within seventy two hours after assault. Its effectiveness decreases with time from exposure for the first dose; thus, giving the first prescription is of urgency. People visiting a health facility after the lapse of seventy two hours after assault should be given all other aspects of post-rape care but not PEP (Government of Kenya, 2009).

<sup>68</sup> The Kenya “National Guidelines on Management of Sexual violence in Kenya (2009)” and the ‘World Health Organization/ International Labor Organization’ recommend the duo therapy ( that is, two ARV drugs) for 28 days ( GOK, 2009, World Health Organization/ International Labor Organization, 2007)

treatment were worse off since the psychiatrists are very few and it requires an appointment to see them. She expressed the situation in the statement below:

*There is no time that the hospital has had adequate medical personnel. This is a common problem at government health facilities. Currently, we are six counselors at the Gender Violence and Recovery Center (GVRC) instead of eight. We are short of one clinician; we have one lab technician instead of three. Moreover, all the staff you see here at the Centre have been employed by International Centre for AIDS Care and Treatment Program (ICAP); a partner organization to the hospital. ICAP pays all the staff at the Centre except three nurses who are employees of the Government.*

Mental health care in Kenya is greatly under-funded in relations to infrastructure, human resource and resources (Kiima and Jenkins, 2010) and nearly solely concentrated on severe psychosis; managed through in-patient hospital-based services. It is basically provided at district level by psychiatric nurses operating inpatient units and out-patient clinics and by the referral hospitals at Mathari, University of Nairobi, Gilgil Hospital and Moi University. According to the two authors, in 2009, there were only four hundred and eighteen trained psychiatric nurses in Kenya of whom only two hundred and fifty were by then deployed in psychiatry (the others had been deployed in general medical, surgical and obstetric services or in HIV centers). The ratio stood at less than one psychiatric nurse per district. Many had retired, died, immigrated to other countries or ventured into the non-governmental sector, especially linked to HIV activities while new applicants for Mental Health Nurse training were dwindling. Dr. David Kiima, who once was a Director of Mental Health in Kenya stated that there were only fifty active psychiatrists in Kenya; to serve a population of more than thirty million; a ratio of one psychiatrist for very eight hundred thousand people (Parsitau, 2011). Only a third of these psychiatrists are engaged in the public sector, while the rest are in private practice where they charge exorbitant fees to their patients (Parsitau, 2011, Kemboi, 2014).

The 'secrecy' and the 'taboo' surrounding the 'sex' issue was another challenge identified by staff at the hospital as they attended to the survivors of sexual violence. According to Nora at GVRC, some survivors came to the hospital to seek treatment but some could not say that they had been sexually violated. A majority only expressed their conditions in terms of general aches and pains, only to later present on with opportunistic infections resulting from the rape experiences. This, as highlighted above is a result of cultural beliefs found not only in the most Kenyan communities, but also in most African societies whereby matters pertaining to sex are viewed as secret and scared. That is why, health workers should possess the necessary skills and knowledge so that they can deduce their findings from physical effects such as tears or even severe damage to the genitalia or bruising on the arms or forehead (Colombini, 2002, Swiss and Giller, 1993). Denov (2006) affirms this behavior by arguing that where sex is a forbidden topic of discussion, it is extremely problematic for persons to converse about sexual violence with public health professionals.

Despite the fact the health sector offers an inimitable opportunity to respond to the needs of the injured women; sufficient research has revealed that except explicitly asked, women are not likely to divulge information on sexual violence to medical personnel (Ellsberg (2006). It has actually been ascertained that only the boldest women come forward to say that they have been raped (Boelaert, et al., 1999). Moreover, women tend to internalize their trauma to avert themselves from being stigmatized by the family and community. That is why training of health workers is crucial so that they can create a relationship of trust and confidence with their patients and learn that a caring and non-judgmental attitude is crucial when conversing sexual violence to facilitate disclosure (Colombini, 2002).

#### **6.3.2.2. Challenges experienced by the non-governmental sector**

In the non-governmental sector, lack of adequate funding to organizations was a factor cited as having lessened the effectiveness of these interventions. Jacinta, a staff at DWELE stated that most non-governmental organizations funded by donors suffered a set-back in terms of

funding after the 2007/08 post-election violence as most donors pulled out due to the uncertainty of the political environment in the country that time. She also stated that local organizations have particular challenges when it comes to receiving donor funds since most donors give certain conditions for them to be able to fund existing programmes. For instance, some donors require that an organization must have previously successfully implemented a project worth a certain amount of money. Their organization, DWELLE, being a local organization operating at the grass root has been unable to attract donor funding due to some of those conditions. Due to limited funding, their psycho-social programme lacked adequate staff. They had two psycho-social workers instead of four who could only attend to a limited number of survivors within limited geographical coverage.

### **6.3.2.3. Challenges common to both public hospitals and the non-governmental organizations**

Inadequate funding was also described as cutting across both governmental and non-governmental institutions. According to Nora at GVRC, limited funding allocated by the government affects supplies of necessities such as drugs, laboratory kits and other essentials needed for daily delivery of services. As earlier highlighted, this influences the service-seeking behavior of members of the public. It affects public's perception and their attitude towards services offered at public or government facilities. Even though the government has a responsibility to make sure that its citizenry has sufficient access to basic health care, funding towards the public health sector by the Kenyan government has in the past years fallen below expectations. According to Kemboi (2014), the Kenyan budget apportions less than ten percent of financial resources to the health sector. Out of this allocation, the Ministry of Health jointly allocates less than 0.01% of their expenditure to mental health services countrywide (Kemboi, 2014). In 2012, the Kenya Government apportioned less than 0.5% of its health budget to mental health services (Kemboi, 2014). Instances of mental health cases being untreated or being referred to traditional/ religious healers are a common scenario. The unfortunate scenario is that, no distinct consideration in terms of allocation of resources is given to the distinctive conditions surrounding gender-based violence (Agency for Cooperation and Research in Development, 2010).

Lack of safe homes/ temporary shelters for referring victims of sexual violence who felt unsafe to return to their homes after being attended to was described as a common challenge. Jacinta, a staff at DWELE organization stated that it was a challenge for some women who wanted to run from being trapped into cultural beliefs and traditions that they did not ascribe to such as widow inheritance. According to her, some of the women lost their husbands during the violence but had in-laws according to the Luo culture, insisting that they must be inherited, yet there are no safe homes for adults within Kisumu County. While affirming this statement, Nora, a counselor at GVRC stated the following:

*During the time of the post-election violence, we did not have temporary rooms at the hospital to host those who felt insecure returning back to their home environment that had exposed them to the violence. Right now we have two rooms at the Centre as temporary shelter but we can only host a client for a maximum of twenty four hours. We have requested the County Government to put up safe houses for adults in the county since cases of sexual and gender based violence are among the highest in the Country in this County. Most available safe houses are for children and are run by non-governmental organizations.*

According to Aura (2014), presently, Kenya lacks a legislation that allows for the creation of safe homes for women who have been subjected to sexual and gender-based violence and therefore, there are no state-run homes where women exposed to such forms of violence can find short-term protection to escape additional violence. Only minimal shelters are available but normally operated by non-governmental organizations. However, as stated by the National Commission on Gender and Development (2010), their spaces are inadequate for the very reason that the demand is high. Furthermore, the few that are run by the non-governmental organizations are situated in Nairobi. Such a scenario makes the situation for the victims difficult who are then mandated to tolerate the hurt and absence of self-respect for lack of a place for short-term lodging (Aura, 2014).

Another common challenge experienced was their inability to effectively follow-up their clients for various reasons. One of the reasons given was that most of the female survivors who were sexually violated did not maintain fixed residences to ensure effective follow-ups by the psychosocial workers and counselors from government hospitals. Normally, counselors at government/ public hospitals work along with community health workers who assist in making the follow-ups since they are based within the community and have a good knowledge of the people living within their locality. The Community Health Workers (CHWs) are also trained on basic primary health care skills and make monthly reports which they return to the facility that has assigned them the specific assignments. However, as Jacinta from DWELE organization noted, because of the political instability that was prevailing at that time, some of the women moved to zones that they envisaged were secure, without necessarily notifying the organizations/ institutions of their new places of abode. Others relocated to their rural / ancestral homes once the situation calmed down and transport became available. She further added that reaching some of them was complicated by the fact that they did not own mobile phones to assist in tracing them.

Lack of co-ordination among service providers was another challenge that hindered effective implementation of medical and psycho-social services. Since the women were being handled by different actors, it became difficult while in the camps to monitor progress achieved with a particular client. This also led to duplication of services while at the same time leaving certain needs unaddressed.

Jacinta expressed the scenario in the following narrative:

*It was like organizations were competing with each organization working towards “self-recognition”. Clients were scattered among different organizations and it was difficult tell where exactly to begin your session with a particular client. We had organizations that clashed on the ground. Most organizations did not profile the survivors for continuation of service provision once the camps were closed. Many*

*women survivors moved on with their lives without having been fully helped psychologically and emotionally.*

Despite the above challenges, there were advances that were experienced by the various entities. For instance, the non-governmental organizations that were involved got to be known more (that is, their mandate) and this gave them a mileage before the members of the public and even the donor community.

The government also awoke to the realization that handling victims of sexual violence required a more comprehensive approach and hence came up with “Guidelines on the Management of Sexual Violence Survivors” which improved in the collection of medico-legal evidence and also the way victims of sexual violence are handled. The government health facilities were able to benefit from this milestone with regard to how they handled and managed sexual and gender-based violence cases. The staff benefited from the trainings carried out by the government and sensitization meetings held with a view to ensuring that they were more acquainted with the guidelines.

The establishment of gender recovery centers within public hospitals ensured that there was separation of tasks with main hospitals being relieved of handling sexual violence cases except those needing higher intervention such as surgery. This has enhanced efficiency and improved the way victims of sexual violence were being handled.

In recognition of the work done by gender recovery centers, organizations expressed a desire to partner with them which essentially meant that their work was getting recognized. In the process, some gender recovery centers have stood to benefit through such collaborations. For instance, according to Faith at GVRC, the Centre for Disease Control (CDC) together with

Kenya Medical Research Institute (KEMRI) built up the Gender Violence and Recovery Centre in Kisumu. The Center has also been collaborating with International Centre for AIDS Care and Treatment Program (ICAP); a non-governmental organization involved in HIV/AIDS Prevention, Counseling, Testing and Treatment. This organization (ICAP) has supported the Center in terms of staffing. As earlier highlighted, ICAP has employed and pays all the staff working at the Centre with the exception of three nurses who are employed by the government. The Center also has also been collaborating with Women Concern; a non-governmental organization which mainly supports women and girls' empowerment and also offers psycho-social support to women who have undergone sexual violence. Hence, they have been able refer some of the cases that required further psycho-social support and empowerment to Women Concern organization.

The data found at the Gender Violence and Recovery Center has been found to be of great use by other stakeholders and for this reason; several organizations have reiterated their need for partnership with the Center.

Overall, all actors benefited through enhanced collaboration through joint trainings/ seminars on matters dealing with sexual and gender-based violence. The joint trainings by both the non-governmental organizations and government institutions such as hospitals on issues related to sexual violence further ensured there was increased awareness with each party getting to learn more of each other's roles and responsibilities. This has strengthened the existing linkages for efficient operations.

#### **6.4. Conclusion**

In this chapter, I have highlighted the medical and psychosocial interventions that were implemented in Kisumu County in order to address the psychological, physical, and reproductive health effects experienced by the women survivors of sexual violence. These

interventions included counseling (both individual and group counseling), free medical camps, treatment at government hospitals including re-calling of staff on leave and the establishment of the Gender Violence and Recovery Center at Jaramogi Oginga Odinga Teaching and Referral Hospital (formerly the Nyanza Provincial Hospital). In the discussion, the chapter has established that the government, the non-governmental organizations and religious organizations such as the National Council Churches of Kenya (NCCCK) and its affiliate churches all played a crucial role in addressing these needs resulting from the devastating effects that the sexual violence had on the women.

Inherent in the discussion was the way in which the female survivors expressed how these interventions went along in alleviating their suffering physical and emotional suffering. They described how they regained their self-worth and felt empowered again to move on with their lives. This empowerment, as envisaged in the transformational approach allows individual and groups to negotiate new relationships and structures post-conflict (Lederach, 1998, Miall, Ramsbotham and Woodhouse, 1999). Meyer and Taylor (1986) too affirm that transformation mainly happens through the process of empowerment. Key components identified by Schwerin (1995) and Lederach in empowerment are self-esteem and access to psychological resources. Lederach (1998) asserts that in post-conflict phase, matters concerning self-esteem, emotion, trauma and grief must be addressed for relational reconciliation in which matters are not simply determined but relations must be re-established in operationalizing transformational change.

The chapter highlighted that despite the existence of these interventions, several obstacles stood in the way of the women in accessing these services. They included: lack of transport which had been paralyzed as a result of the violence, high levels of insecurity causing fear, fear of shame and stigmatization, fear of encountering unfriendly staff at public health facilities, lack of money to seek medical treatment and, lack of awareness of existence of psycho-social services at public health facilities.

Actors involved in the provision of these services too faced several challenges in providing these services to the women who had been sexually violated. Challenges specifically faced by the government health facilities include: lack of adherence to follow-up treatment, the 'secrecy' or 'taboo' surrounding sex, lack of adequate staffing and lack of adequate facilities. The main challenge faced by the non-governmental sector was limited funding for their programs. There were also common challenges faced by both the government institutions and the non-governmental organizations. They included: lack of safe homes for doing referrals, limited funding, poor co-ordination among actors, and inability to effectively follow-up their clients due to barriers such as victims relocating to their rural homes. Despite these challenges, various gains were experienced by the various actors. The non-governmental organizations received more publicity for their activities while for the public health facilities, there were policy changes with regard to public health facilities such as the development of guidelines on the management of sexual violence cases which enhanced efficacy in their operations. Gender recovery centers benefited from more collaboration/ partnerships which enhanced their efficacy. A common gain for all the actors involved in handling matters of sexual and gender-based violence was the enhanced partnerships and collaborations through joint trainings/seminars.

From the discussion, several actors as highlighted above played a crucial role in the implementation of these services. However, most of my participants during the interviews cited the government as the agent that should bear the highest responsibility in the provision of both medical and psychological services. Even though most of my participants believed that it is the role of the government to spearhead the provision of both medical and psycho-social services, from my research, it emerged that proper psycho-social support programs by the Kenyan government are extremely limited. They are only found in public health facilities but not at all levels (only at district, provincial and national hospitals). These services were only accessed by those going to seek treatment on matters relating to sexual and gender-based violence. According to the International Committee of the Red Cross (2014), humanitarian actors recognize that their efforts will be pointless if countries do not accept the

primary responsibility in addressing the needs of victims and providing suitable therapies for them and their families.

Hence, there is a dire need for the government to implement proper psycho-social support programs at all levels for survivors of sexual violence. These programs should also be implemented away from health facilities where members of public can access them. Possibly a department offering psycho-social support with structures running from the local to the national level needs to be established to make sure that citizens are able to access these services just like other government services at all these levels free of charge. It is crucial that survivors of sexual violence and even those who witnessed the violence heal from the trauma and move on. This is an important way of ensuring that they these effects do not spill over to the next generations. More funding should be allocated to the health sector to facilitate the hiring of adequate personnel and ensure that there is adequate supply of medical equipment and drugs.

## CHAPTER SEVEN

### LIVELIHOOD INTERVENTIONS

#### 7.1 Introduction

In the previous chapter, I examined the medical and psychological interventions that were put in place in order to address the needs of the women survivors of sexual violence. In this chapter, I will discuss the livelihood interventions that were put in place by various actors with a view to addressing their livelihoods needs/ needs for survival such as food, shelter, clothing and income. As earlier discussed in chapter five, sexual violence had devastating socio-economic impact on the female survivors of sexual violence. This was mainly as a result of the physical, emotional and psychological consequences that they suffered, hence making it difficult to engage in meaningful sources of livelihood. Others lost their sources of income following the looting of their business premises while others had their own burnt down. Further, some women lost their spouses through death who were the families' bread winners. Worse still, there were a category of women who, following the death of their husbands were evicted by in-laws for refusing to be 'inherited' by their brothers-in-laws in accordance to the Luo customs and traditions and all together abandoned their late husband's homesteads with the property thereof.

Therefore, instituting of interventions geared towards meeting their livelihood needs to such a category of women was paramount. The linkages between the various actors will be discussed as well as ways in which these linkages promoted their effectiveness or how lack of them affected their effectiveness. Challenges involved in their implementation will be highlighted as well as possible recommendations for countering them.

The livelihood framework was brought to the center stage of development studies in 1990's by the Department for International Development (DFID); the British State Development Co-operation Agency (De Haan, 2012). DFID therefore embraced the concept of sustainable

livelihoods as a fundamental policy to poverty alleviation. Following this development, many organizations in the development world such as United Nations Development Programme (UNDP), OXFAM, Society for International Development (SID) and CARE international organization also adopted this concept with a focus on the poor who were perceived as having the ability to build their livelihood strategies on a set of vital livelihood resources called capitals (De Haan and Zoomers, 2005). DFID funded international developmental organizations whose interventions were determined on applying this approach (De Haan, 2012).

The four types of capital as advanced by Scoones (1998) are: “the natural capital, the economic/ financial capital, the human capital and the social capital”. The natural capital is seen to comprise of the “natural resource stocks (soil, water, air, genetic resources) and environmental resources (hydrological cycle, pollution sinks, among others) from which resource flows and services useful for livelihoods are derived”. The economic/ financial capital connotes the capital base (cash, credit/debt, savings and other economic assets, including basic infrastructure and production equipment and technologies) which are essential for the pursuit of any livelihood strategy. Human capital on the other hand encompasses the skills, knowledge, ability to labor, good health and physical capability important for the successful pursuit of different livelihood strategies while social capital are the social resources (networks, social claims, social relations, affiliations, associations) upon which people draw when pursuing different livelihood strategies requiring coordinated actions. Scoones further argued that a combination of these “capitals” is vital when people are creating livelihoods. Chambers and Conway (1992) on their paper of sustainable livelihoods defined livelihood as the following:

a livelihood comprises of capabilities, assets (stores, resources, claims and access) and activities required for a means of living: a livelihood is sustainable if it can cope with or recover from stress and shocks, maintain/enhance its capabilities and assets and provide sustainable livelihood opportunities for the next generation, and which

contribute to net benefits to other livelihoods at the local and global levels and in the short and long-term.

The livelihood approach has however gone through changes and improvements (Duncombe, 2006) whereby its preliminary stance came to be criticized for its focus on material aspects such as production and income since the quality of life meant more than material welfare in terms of income, yield/ even health (De Haan, 2012). Moreover, it was argued that poverty could not just be treated simply as a matter of income or/ material well-being but rather as a multi-dimensional phenomenon to include vulnerability, insecurity, isolation and powerlessness (Kanji and Barrientos, 2002). Desirable outcomes of livelihoods go beyond increased income to include well-being, reduced susceptibility, improved food security and more sustainable use of natural resources (ibid). The initial framework as advanced by Chambers and Conway (1992) is cited to have made key omissions in relation to matters of power, powerlessness and unequal social relations (Moser and Norton, 2001).

Livelihoods which were looked at from an economic point of view (with a focus to the monetarized economy) also failed to analyze the non-monetarized reproductive economy (De Haan, 2012, Kanji and Barrientos, 2002). Productive activities involve the production of goods and services that are mainly for sale. Reproductive activities on the other hand usually take place at the household level and essentially entail more house work, water and fuel collection, preparing food, cooking, cleaning, care of children, elderly and sick and (importantly for developing countries) household production that is for subsistence use and for sale (Kanji and Barrientos, 2002). From a gender lens, neither the productive nor the reproductive economy occurs in a “gender neutral” environment. They are all socially created and centered on gender division of labor that allots the privacy of men in productive while women in reproductive spheres.

As shall be discussed herein, the interventions that were put in place for the female survivors of sexual violence not only led to improved levels of income/ material well-being but also to heightened sense of self-esteem and enhanced social relations amongst the women through formation of associations such as “Rotating Savings and Credit Associations (ROSCAS)”, increased food security, improvement in health and overall well-being. Additionally, by acquiring income and engaging in activities recognized to be a male domain, women acquired voice and were able to influence decision-making processes within their households; thus challenging some of the existing patriarchal arrangements that negatively affect their status.

Olawoye (2002) argued that livelihood emphasizes on the totality of means by which people earn a living, have or procure in one way or another the requisite for survival and the satisfaction of their needs as defined by people themselves in all aspects of their lives. Since livelihoods consist of people, their competences and ways of survival including food, income and assets, it is therefore crucial to put into consideration that conflict poses a major threat to livelihood activities (Department for International Development, 2005). Furthermore, lack of productive work creates suffering and results to feelings of frustration and hopelessness. In line with the transformation approach which recognizes empowerment as the leitmotif of the transformational movement, I examine how the establishment of these interventions led to the empowerment and improved well-being of the female survivors of sexual violence.

Schopper (2014) has argued that, the support given to women post-conflict should enable them to address their basic needs (such as food and household items) and should aid economic re-integration (livelihood strategies and economic empowerment). Beyond immediate survival, the notion is that economic support should bolster self-esteem, assist in the healing process and increase self-sufficiency, more so when victims are abandoned by their families. My primary participants mentioned various ways through which they were supported to ensure that they were economically empowered and hence able to meet their livelihood needs. These included: being facilitated to access to credit (for starting small businesses and other income-generating activities) and support towards creation of Rotating

Savings and Credit Associations (ROSCAS). Other ways in which they were empowered included being supported to acquire vocational training leading to acquisition of various skills, award of government reparation fund for Internally Displaced Persons (IDPs), provision of employment opportunities and support to pursue agricultural activities in order to enhance food security among the survivors. In addition, my respondents from the entry organization to my primary participants (DWELE) stated that besides training them on business skills, the organization played the linking and referral role to other organizations that advanced credit to the women as well as offering trainings in business skills.

The next section examines access to credit as a means of economic empowerment that was provided to the women.

## **7.2 Credit Provision**

As stated earlier, the livelihood framework identifies financial capital as one of the key elements for the pursuit of any livelihood strategy including access to credit. According to Zuckerman and Greenberg (2004), credit is a widespread “post-conflict tool”. It has been recognized that in the period preceding conflict, some women being re-integrated back to the society lack money to start or sustain a business. However, poor women encounter particular obstacles to procuring credit through conventional channels. Gender disaggregated analyses of smallholder households point to women’s even more narrow access to an array of assets than men. Labor, goods and credit markets are habitually biased against women and do not function in an impartial way through neutral organizations and services (Kanji and Barrientos, 2002).

Commercial banks for example fix conditions so as to advance loans which habitually imply that women are unable to access them. For instance, they may necessitate that clients produce collaterals such as title deeds in situations where women do not have the right to own

property and in some context, male signatories (Kanji and Barrientos, 2002). Furthermore, financial institutions in most cases consider the forms of assets owned by women (such as jewelry) unacceptable. That notwithstanding, the transaction expenses involved in attaining credit such as transport costs, paper work and the period that is spent waiting may be more for women than for men owing to higher opportunity costs from forgone activities (Quisumbing, et al., 1995). Essentially, in rural Kenya, it has been established that the distance to a bank is a major determinant of the possibility of getting credit for women but not men. In addition, both borrowers and lending officers are virtually men. Social and cultural obstacles and their lack of acquaintance with loan processes may also limit women's movement and contact with primarily male credit officers or money lenders (Quisumbing, et al., 1995). This common view holds in areas that have experienced or tolerated conflicts as well as other contexts (Zuckerman and Greenberg, 2004).

One of the articulated justifications for backing up micro-finance and the focusing on women is that micro-finance is an effective empowerment<sup>69</sup> method for women. Micro-finance is one

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<sup>69</sup> Empowerment is about change, choice and power. "It is a process by which individual or groups with little or no power gain the power and ability to make choices that affect their lives. The structures of power- who has it, what its sources are and how it is exercised-directly affect the choices that women are able to make in their lives" (Mayoux, 2001). Mayoux notes that micro-finance programs can have tremendous impact on the empowerment process if their products and services take these structures into account.

"Empowerment" is considered as a positive change in the life of a woman. These life circumstances according to (Ackerly, 1995) are characterized by outside qualities such as her standing in the family, health, educational level and by intrinsic qualities such as self-awareness and self-confidence.

increasingly widespread approach for empowering populations especially women through income-generating opportunities (Freccero 2011). Micro-finance also has been labeled as having the potential to increase the standards of living of underprivileged women in developing countries (Vonderlack and Schreiner, 2002).

The basic idea is that micro-finance<sup>70</sup> empowers women by placing capital in their hands and aiding them to generate an independent income and contribute financially to their households and communities. This economic empowerment is expected to spawn heightened self-esteem, respect and other forms of empowerment for women beneficiaries. Participation in productive income generating activities should result into better control and empowerment. Economic empowerment is additionally seen as facilitating women to negotiate changes in gender relations leading to social and political empowerment (Cheston and Kuhn, 2002). Although never accurately defined, issuing credit to women as a means of empowerment is a concept

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According to UNIFEM, “gaining ability to generate choices and exercise bargaining power”, developing a sense of self-esteem, confidence in one’s capability to secure anticipated changes, and the right to govern one’s life” are key components of women’s empowerment (UNIFEM, 2000).

<sup>70</sup> Microfinance’ refers to “all financial services made available to the poor (including savings, insurance, among others)” (Guo, 2004). “It is an organized economic development strategy that offers several types of financial services aimed at assisting large numbers of low income people to establish or grow their small and medium businesses in order to generate sustainable income for the reduction of poverty and achievement of quality life” (Dsani, 2004).

It also entails: (i) access to credit for groups or individuals that are not normally not served by the conventional financial market (ii) Access to other sources other than finance, that is, business and entrepreneurship and business counseling (iii) it might have a development agenda for money lending. (Tichareva, 1999).

Its services include: “the promotion of a savings culture, the provision of working capital, training in business skills, education on health and reproductive issues and, the offering of other products such as relevant insurance policies and other programmes designed for eradicating poverty in a society” (Dsani, 2004).

that has been embraced in both academic and developmental spheres because it roughly expresses a change hoped to be witnessed. According to Ackerly (1995),

“Empowered”, it is presumed that the borrower wisely invests money in an enterprise, her husband stops beating her, she sends her children to school, she improves her health and nutrition of her family and she participates in major family decisions. “Empowerment” and the frequently articulated example of the empowered borrower have become the presumed results of credit programmes.

As highlighted in the theoretical framework under conflict transformation as empowerment, integral are individuals and groups being empowered in various ways in order to embrace “new relationships and structures for post- conflict society”. One of the basic components of empowerment as highlighted by Schwerin (1995) in conflict transformation is access to material resources.

Micro Credit Summit Campaign (2005) has acknowledged that over the past thirty years, micro-finance programs have touched over one hundred million clients in Africa, and other parts of the world. Some organizations operate like small banks whereby they lend members money to start small businesses. According to (State of the Micro Credit Summit Campaign 2001 Report), fourteen million of the world’s poorest women now have access to financial services through specialized micro-finance institutions (MFIs), banks, non-governmental organizations and other non-bank financial institutions. International agencies such as: World Bank, United Nations Development Programme (UNDP), and United States Agency for International Development (USAID) have also developed micro-finance programs as a means of empowering women entrepreneurs as a remedy for poverty alleviation (Okafor et al., 2011).

During my research, a number of women I interviewed reported having accessed credit formally and informally. Formally, they accessed from non-governmental organizations that

operated credit projects such as Women in the Fishing Programme organization (WIFIP) and informally through Rotating Savings and Credit Associations (ROSCAS) which they formed.

### **7.2.1 Access to Credit from Non-governmental organizations**

It is commonly alleged that not having access to credit is a key problem for micro-enterprises in Africa. As it arose during the interviews, the entry organization to my primary participants- Development Work in Education, Livelihood and Environment (DWELE) not only offered psycho-social support to the women but also connected them to organizations that advanced credit to them. One organization that they were linked to was Women in the Fishing Programme (WIFIP)<sup>71</sup>; a non-governmental organization that gave them loans through its credit project. WIFIP as an organization targeted women who were involved or intending to set up economic activities. The loans advanced were mainly for individuals but not for doing a group activity. The organization also offered them training on business management skills; it acknowledged that the women needed not only loans but also training in these skills as well. After all, many of the female survivors of sexual violence during the interviews stated that they did not have prior experience with the market economy. As identified in the livelihood framework, possession of skills is central in the pursuit of livelihood strategies. The organization realized that without the basic business skills, many women were therefore destined to fail in their enterprises because of lack of adequate training and guidance. According to my respondents, the loans they received from Women in the Fishing Programme (WIFIP) organization helped them to commence while others used it to boost their small businesses that had been previously initiated. They were required to re-pay their

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<sup>71</sup>Women in the Fishing Industry Programme (WIFIP) organization is a non-governmental organization based in Kenya focusing on socio-economic empowerment of women. Its main focus is on education and development activities for women to bring about their socio-economic empowerment in the fishing industry. Its work often focuses on the weak, sidelined, rural and urban populations and those in situations of dire economic poverty. It is a partner of Minority Rights Group International.

loans within a specific period of time. Many women could not access credit from formal institutions due to reasons highlighted above in the introduction.

The benefits that the women got from the credit extended to them by Women in the Fishing Programme organization (WIFIP) is expressed in the following excerpts:

***Sarah***

*Women in the Fishing Programme organization really helped us at a time when we felt like we were forgotten people. They gave us capital to start our businesses and offered us training on business management. I restored my fish selling business which had collapsed during the time of violence. Through this business, I have managed to attend to the needs of the family such as food, clothing and also catered for the education needs for my children.*

***Aoko***

*Women in the Fishing Programme (WIFIP) organization gave us credit in form of loans to start small businesses so as to be self-sufficient. I first received thirty thousand Kenya Shillings then after I finished re-paying, they gave me sixty thousand Kenya shillings during the second round. I began my business of distributing consumer goods to various retail shops. I get these products from whole sale shops and sell them to retail shops. This business had helped me. I have been able to support my family. I have learnt business skills from WIFIP including how to do savings.*

The above excerpt illustrates that provision of credit to the female survivors had a positive impact in that there were able to invest the resources they got into their premises that enabled them to meet their families' basic needs. The small businesses they began became their sources of livelihood. Access to credit and engagement in income-generating activities is presumed to strengthen women's bargaining position within the household thereby allowing

them to influence a greater number of strategic decisions. Particularly in poor communities, men's domination of women is strongest in the household (Cheston and Kuhn, 2002). As Kabeer (1999) points out,

Many feminists recognize that poor men are almost as powerless as poor women in access to material resources in the public domain but remain privileged within the patriarchal structure of the family.

Wide ranging studies have found that interventions that enhance women's direct access to and control over financial resources are likely to improve their position vis-a vis their husbands, strengthen their roles as decision makers and enhance their ability to influence how their households allocate resources (Fletschner and Kenney, 2011). Over the past couple of decades, these studies have steadily established that improvements in women's direct access and control over resources are related to positive economic and social outcomes for women, their families and their communities (Fletschner and Kenney, 2011).

Gender has an impact on the expenditure patterns of men and women within the household (Haddad, 1995). For example, research has established that interventions that improve women's direct access to financial resources result in higher investments in human capital and have a stronger impact on their children's health, nutrition and education. Researchers working in Sub-Saharan Africa, South Asia and Latin America steadily established that families benefit more when women are in a stronger position (Quisumbing, 2003). When women have more command in their families' monetary decisions, their children feed better (Smith et al., 2003), more apportionment of families' income goes to food (Doss, 2006, Quisumbing & Mallucio, 2000, Thomas, 1997), and to children's clothing (Bobonis, 2009 and Quisumbing and Mallucio, 2000). Studies from Bangladesh, India, and Malawi similarly found that women's access to credit improves the nutrition of girls while men's access to credit does not (Hazarika and Guha- Khasnobis, 2008). When women are the ones taking

loans, “their children are better fed (Khandker, 1998), more likely to be enrolled in school and more likely to be literate” (Holvoet, 2004 and Pitt & Khandker, 1998).

My research findings echo what literature shows in terms of the impact of access to credit on women’s status and gender relations at home. Flora, one of the beneficiaries of the credit programme stated that after been trained on poultry farming, she received a loan of Kenya shillings thirty thousand from WIFIP and started this income-generating project. She stated that this not only brought the economic benefits but has also improved her social status in the community. She is viewed as a hard-working woman who is independent and in-charge of her household. It has also changed her perspective about life in that she has acquired an independent mind set whereby she does not have to wait for someone to provide for her needs and those of her children. This has made her to be more productive in her family and society than before she initiated this income-generating activity. Flora stated how she has benefited from the poultry project in the excerpt below:

*I operate a poultry project and it has been a success. People around the community admire me because of the progress I have made. Other women have been able to learn from me as well and come out of their enclosures to venture into businesses because of the respect they have seen being accorded to me from within.*

Livelihood activities are not neutral; they engender processes of inclusion and exclusion and power is part of it. Rowland (1997) envisaged this power as operating at four inter-connected levels: (i) Power over- a negative and controlling power exercised in win-lose relationships (ii) Power with- a collective power based on mutual support, unity and collaboration with non-personal benefits (iii) Power to- a generative or productive power which creativity allows actors to exercise their agency for the realization of their ambitions (iv) Power within- the strength that nurtures self-esteem and respect for acceptance of others as equals.

Using Rowland's conceptualization of power to analyze Flora's excerpt above indicates that the poultry project she began not only translated to her material well-being (power to) but also raised her self-esteem and her status within the community by commanding more respect (power within).

Using the four levels of power to analyze power relations in a study on the effects of micro-finance schemes in rural communities in Uganda, Lakwo (2006) observed that women's livelihoods did not improve in a material way but that from a power perspective, their non-material well-being did improve significantly. The women were prouder than before from sharing income and from acquiring roles associated with men such as paying taxes and bride price (for their brothers). They gained skills associated with prestige such as managing funds and managing bank accounts from their business premises. Their bargaining power or positions vis-a vis men in their households improved and were involved in deliberations with their spouses on how their families expenses' were to be met as well as how allocating funds on investments was to be done. Within the community, they resisted polygamy which eventually became less accepted in communities.

Basing my analysis on Rowland's four-dimensional levels, empowerment ensuing from access to credit thus enabled women to challenge their low status entrenched in gender relations resulting to improved self-worth (power within). Microfinance also enabled women to slowly challenge hegemonic gender relations through acquisition of new roles within which they could embrace a life of equality with men. While referring to conflict transformation post-conflict, Harders (2011) argued that, transformation should take caution not to directly or indirectly facilitate a return to the past discriminatory situation. Moreover, it should back processes of raising awareness that restoration does not have to mean a return to the status quo. Additionally, it has to encourage those organizations that are promoting concrete steps towards gender equality, and towards creating manifold livelihoods and perspectives for women and men.

Moraa from DWELE organization also attested that the ability for the women to be able to access credit and begin their own income generating activities has strengthened their

positions in their families/homes. Having their own income has not only enabled them to meet their basic needs but has also made them more confident and assertive. In her statement, she stated, “the financial empowerment has given the women ‘voices’ in their homes”.

The enhancement of women’s status in the communities has been witnessed by several microfinance institutions and microenterprise support programs. They established that giving financial support the family or community confers greater legitimacy and value to women’s views and gives them more powers than they would otherwise have (Cheston and Kuhn, 2002). Literature on microfinance clients from numerous institutions around the world has shown that women themselves regularly recognize that they earn more respect from their families and their communities mainly from male members than they did before joining a microfinance program. Where women have the liberty to move about openly, their success in business is often highly visible in the community. Their accomplishment can pave the way for them to become respected and honored members of the society (Cheston and Kuhn, 2002). Most studies have been based on women’s perceptions of how others treat and perceive them.

A study in Zanzibar (Tanzania) established that Women’s Entrepreneurship Development Trust Fund (WEDTF) credit group enjoyed noteworthy prestige as a result of their prosperous joint business of selling kerosene. In Ghana, other women noted that they had been invited to join in and speak at community meetings whereas before, they would have been omitted or overlooked (MkNelly and McCord, 2001). Still in Ghana, a study by “Freedom from Hunger” on its program noted that significantly, more participants of micro-finance programs than non-participants were offering advice in their communities predominantly on topics they had studied in their credit groups. Eighty seven percent of Credit with Education clients had given business advice in the last six months at the time of study compared with thirty five percent of non-participants and fifty percent of members of control communities (MkNelly and McCord, 2001).

One other positive feature that accompanied the provision of credit to the female survivors of sexual violence in Kisumu was the training on business skills since not all the women who intended to start their business had previously operated businesses. Literature has highlighted that in post-conflict, some women and men post-conflict not only lack money to start or maintain a business but also lack the relevant skills and knowledge. Therefore, they not only need credit but also information and skills relating to business development (Zuckerman and Greenberg, 2004). This situation is even worse for the women. Historically, not only have women been underprivileged in access to material sources like credit, property and money, but they have also been excluded from social resources like education or inside knowledge relating to businesses. In Eritrea, for instance, some female ex-combatants who borrowed money from micro-finance institutions failed in their enterprises because of insufficient training and eventually ended up being poor (Greenberg, 2001).

The above experiences of some of the women who accessed the credit depict that micro-finance programs, when well-designed can heighten women's financial support to the household and also contribute to their own empowerment. However, as it arose from some of the women during the in-depth interviews, loans do not necessarily translate into economic well-being. Some of the women said that repayment of the loans became a challenge since some of the businesses that they invested in did not lead to major profitability and yet they were required to pay back the loans.

Even though they had not secured these loans against property which they could lose in case they defaulted, they lost their credibility with the funding organization. For instance, Flora stated that she invested her money in second hand clothes selling business, but her business took long to flourish since most people were still recovering from the 'financial shocks' of the violence. Although she started re-paying at a late date, she said that she did not complete the repayment and hence she could not qualify for another loan. Literature such as (Hashami,

et al., 1996 and Karnani, 2007) has highlighted that merely putting financial resources in the hands of poor women is not adequate to bring about economic autonomy and enhanced well-being. Sinapi Aba Trust and Opportunity International savings and Loans limited (micro-finance institutions in Ghana) undertook a study on the impact of micro-finance on poor women. They recognized a number of factors that can positively impact on women's empowerment and holistic transformation. They included: business training, discussion of social issues, support and advice for balancing family and business responsibility and experience in decision making and leadership (Cheston and Kuhn, 2002).

While in most cases savings and credit go hand in hand, it emerged that the micro-finance project operated by Women in Fishing Programme organization (WIFIP) organization was geared towards giving the women loans but not saving with them. They were expected to repay their first loan in order to qualify for subsequent loans. However, Buckley (1997) holds a different opinion on the ability of loans as a tool of empowerment. He has argued that it is "savings", which form the foundation for attaining financial autonomy and the route towards micro-enterprise self-reliance. It is not credit itself that pulls the poor out of poverty but their ability to save from the credit utilized. He further argues that micro-finance programs that put emphasis on only on loaning are likely to be missing chances to help countless destitute "people who wish to save" but not essentially to obtain credit.

Numerous researchers have contended that even though micro-finance can be of great value to its beneficiaries, this remains contextual. Small loans are not suitable all the time for poor women (Kabeer, 2001, Rahman, 1999). After all, a loan develops into a debt and the poor are exposed to a crisis if projected sources of funds for repayment vanish (Rogally, 1996). According to their argument, micro-finance can adversely affect women in families where women lack the authority over their own finances or in extreme poor conditions when she is incapable of repaying the loan (Goetz et al., 1996).

### **7.2.2 Rotating Savings and Credit Associations (ROSCAS)**

One of the ways through which the women spoke of having benefited from Development Work in Education, Livelihood and Environment Organization (DWELE) was the way in which the organization encouraged them to form groups that would allow them to save and also initiate Rotating and Savings and Credit Associations- ROSCAs (in Kenya commonly known as merry-go-rounds). Initially, according to Achieng, one of the women survivors I interviewed, the groups did not have formal structures. For instance, they used to make contributions from which they would assist those among them who were in dire straits of basic needs such as food.

However, as the group became more structured, they initiated the Rotating and Savings and Credit Associations (ROSCAs) and put a formal structure through which members could save and borrow. In a ROSCA, members generally know one another and are bound by common characteristics such as locality, ethnic groups, approximate income level or the type of business they operate (Buckley, 1997). Members reach agreement to give a fixed amount of money after certain duration (normally weekly or monthly) jointly and this money is then given to each member in turns. Occasionally, members will pay “odd amounts” at diverse times to add their entire weekly/ monthly requirement up to the expected level (Buckley, 1997). During the meetings, the total contribution is given to one member, at subsequent instance to the next member and so on. As the ROSCA moves through a sequence, these positions are alternated.

ROSCAS are widespread among micro-entrepreneurs since they give them self-financing, voluntary-based logistical structure through which they can save and borrow. One advantage of ROSCAs is that members are not answerable regarding how they utilize the funds they receive and can on that note spend the money as they desire, which is not usually the case for most other types of finances.

Buckley (1997) has argued that Rotating Savings and Credit Associations are not only popular but are greatly effective. They comprise a plan whereby group cohesion (which forms the root for risk management) is cultivated around a closed circular flow of money where savings match credit without the requisite for interest or tangible security or where operation expenses are very little. Research on informal saving mechanisms has revealed that women want little transaction costs<sup>72</sup> and support with saving discipline (Vonderlack and Schreiner, 2002). ROSCAs are highly preferred by poor women because they involve little operation costs and wield pressure to save frequently. There is pressure to save because failure to do so decreases the “pool for other members” (Ardener and Busman, 1995). Transaction costs are low because ROSCAs are formed among people who recognize and trust each other and who already meet regularly or live/ work close to each other. According to Beverly et al., (2001), money at home is easier to ‘withdraw’ and spend than money in a bank. However, to sustain savings, poor women must fight loads from children who need clothes, husbands who want to drink or gamble and relatives and neighbors who want loans or gifts. However, a social requirement to save a fixed amount each day, week or month can be an acceptable justification for a poor woman to refute requests for help (Vonderlack and Schreiner, 2002).

While sharing in a focus group discussion, the women spoke of how being part of the savings and rotating groups have helped them meet basic needs such as school fees, respond to emergencies and even access finances to start and even boost their businesses. They expressed the benefits in the following narratives during a focus group discussion:

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<sup>72</sup> Transaction costs are the non-quantifiable costs of using financial services. An example is the opportunity cost of the period spent to make a deposit or withdrawal. They also include indirect cash expenses for transport, child care, food or copies required to open an account (Vonderlack and Schreiner, 2002).

### ***Njoki***

*The ability to receive money through merry-go –rounds and being able to borrow has benefited us in such great ways. For instance: we borrow from the group to purchase household items and meet other family basic needs such as education. In addition, when faced with emergencies such as death or illness we have a safety net to land into since we have our savings as well. Right now, we are a big team and we know each other. Development Work in Education, Livelihood and Education organization (DWELE) helped us with great ideas; we were just waiting for the government to come and rescue us.*

### ***Monica***

*Some of us lost our businesses which were our source of livelihood during the violence through looting. Others among us were rejected by husbands who used to support us financially leaving us to fend for ourselves and the children. In my case, my husband died during the violence and our house was also burnt too. I lost everything that was in the house. I restored most of my house hold items such as utensils, blankets and clothes using money from the merry-go-rounds. I also began my fish selling business from a loan I borrowed from the group.*

The above excerpts portray that the women were not only able to access credit for their businesses and attend to their families' basic needs from the merry-go-rounds, but they have also been able to use the savings to attend to their emergencies. The literature indicates that accumulated savings cushion likely or unforeseen needs in home expenditures due to childbirth, school fees or home repairs. According to Rogally (1996), savings may shield familial dangers due to ailment, theft or loss of employment. Poor women everywhere are said to use informal savings to ease consumption and to organize for crises. The presence of these informal structures has displayed that women yearn to save, and work very hard to accomplish that goal.

During my research, I established that with credit received from ROSCAS and micro-finance institutions some women did engage in petty trade as is common with most women in post-war economies. This included: selling of groceries, sale of vegetables, petty retail trading, hawking and trading mainly in second hand clothes. Commonly, most of the women who engage in petty trade operate related businesses. However, others like Flora engaged in agriculture (poultry farming) which was a great success and elevated her status in the community, making her a role model to others who wished to engage in similar businesses. Monica on the other hand was involved in fish-selling business which flourished as well.

Fisheries have long been perceived as a male domain because attention has been mainly on fishing rather than the broader range of activities on which it is dependent (Weeratunge, et al, 2010). Literature on gender and small-scale fisheries in Africa, Asia and Pacific which emphasizes predominantly on the gender division of labor (Firth, 1984, Pollnac, 1984) reveals that women do actually fish or are active in fish-related work, highlighting the role of women in what was observed as a male-dominated field. According to Weeratunge, et al., (2010), women outstrip men in processing and fish trading everywhere in the world. More so in Africa, women not only dominate the fish market but also other goods (Overa, 1993, Walker 2001, 2002, Madanda, 2003). The ancient view of fishing as a male domain has been stated to be as a result of gender disaggregated data on employment in Fisheries especially in developing countries and is to an extent to fault for this oversight (Weeratunge, et al., 2010),

According to Oeri (2014) petty and small business activities often perform a fundamental role in the recovery of post-war economies. Among the reasons for their relative importance is the fact that these activities are ideally open to everyone. Moreover, bulky investments are not needed, they do not require access to land which is a scarce resource like in agriculture, they can be carried out at any time and for any length of time and, the interval between investment

and income is considerably shorter than in agriculture. Regardless of these advantages, because of their nature in terms of size, the returns from such business are also less.

From a gender perspective, the relationship between working in the informal sector and being poor is stronger for women than for men. Existing literature indicates that a higher ratio of women than men globally work in the informal segment. Moreover, there is a gender gap in incomes and wages in this sector (Carr and Chenn, 2001). Even in the same trade, literature has established that men and women tend to be engaged in dissimilar employment statuses. In many countries for example, men traders tend to have larger tasks and to deal with non-perishable items while women traders tend to have smaller scale operations and to deal in food items.

Socially established norms of behavior and the roles women play in their families can have profound effects on the type of economic activities in which women can engage in. The social norms can also determine the amount of time women can devote in these economic activities and the markets they access (Fletschner and Kenney, 2011). Given that domestic production and reproduction are almost entirely within the women domain, one would expect that their time in business could be lower than men's. Domestic production including food production, collection of firewood and water are socially ascribed roles for women. In various parts of the world, women spend up to five hours per day collecting firewood and water and up to four hours per day preparing food (Brown and Haddad, 1990). The provision of 'care' namely: paying sufficient time and care to meeting physical, mental and social needs of growing children and other household members are roles done by women. These caring behaviors and in particular to children are time intensive and hence limit the amount of time that a woman can take part in the labor force. Hence, from a gender perspective, the economic activities that women and men participate in and the roles they play in the household must therefore be analyzed from the broader social context, institutions and power structures.

During times of war and conflict, women habitually attain new economic, familial, vocational and social arenas. My respondents did state that their expectation to fend for their families as breadwinners was much higher because of the status they found themselves in after the violence such as familial abandonment by spouses who were initial family bread winners. Nevertheless, they still had to attend to the domestic and reproduction roles of their families. As a result of these reproductive roles, most of them could only engage in small businesses that they could operate either from their homes or in the evenings in the open markets once they had attended to their domestic roles such as cooking, cleaning and taking care of their children.

Hence, women repeatedly face hard choices in their time apportionment decisions. Quisumbing et al., (1995) has argued that during times of economic suffering, women often shoulder the load of adjustment. They absorb shocks to household well-being by expanding their already strained working day, often to the loss of their own health and nutrition. The voluminous family responsibilities they must encounter demanding them to enter into labor or labor force involvement indicate even more strains on women's time.

Women's ability to undertake business activities that depart from entrenched social norms is influenced by whether adequately large groups of women participate in equivalent enterprises or not. As a result, each woman's economic prospects are molded not just by their own individual access to financial resources but also by whether those other women are able to acquire the capital they need (Fletschener and Carter, 2008). Usually, due to mutual factors such as socialization and drawbacks in terms of low levels of education and knowledge, access to resources such as finances, it is common to find women engaging in related economic activities. As highlighted in the livelihood framework, social relations and affiliations upon which people belong as they undertake different kind of livelihood activities are also critical in their sustenance.

Studies in psychology and economics established that ordinarily, women tend to be more averse to risk than men and that, other things constant, women are more likely to forgo activities that offer higher profits if these prospects require them to tolerate too much risk (Browne, 2006, Croson and Gneezy, 2008). In other words, women, compared to men are more likely to consider borrowing against collateral as a risky transaction and might be less interested in taking out loans even when credit is available to them. This suggests why women will strongly prefer to obtain financial products tailored to help them borrow without risking losing their assets. This factor again defines the amount of capital they can access since informal sources of credit such as ROSCAs are usually limited in terms of the amount they can receive due to their low operating capital base.

Cultural norms and family dynamics can also limit women's capability to exercise control over the savings they have or the semi-liquid assets they own. Anderson and Balland (2002) and Gugerty (2007) postulate that one of the reasons for the high level of female participation in rotating and savings associations (ROSCAs) is that this socially accepted plan to save, permits women to safeguard their savings from husbands and other relatives. For instance, if family or friends know that a poor woman has savings, they may affirm a claim on them. Therefore, secrecy matters particularly because the undisclosed buildup of assets might reinforce a woman's fallback position and allow her to negotiate more within the household (Vonderlack and Schreiner, 2002).

### **7.2.3 Government reparation fund**

Besides being survivors of sexual violence, several women I interrogated were also internally displaced persons. Some of them received the compensation fund from the government as income for re-settling the internally displaced persons. They used it not only to address their very basic needs such as food and shelter but also to initiate some of their income generating activities. Njoki is one case in point. She received Kenya shillings fifty thousand and used part of it to begin her business of hawking various consumer items within Kisumu County.

Even though this fund helped several women who had experienced sexual violence, they received it as Internally Displaced Persons (IDPs) but not as survivors of sexual violence. Kenya has yet to institute a reparation policy for survivors of sexual violence during geared towards compensating the victims who experienced sexual violence in 2007/08. According to Human Rights Watch (2015), the government has to a narrow extent effected measures to pay compensation to those who were affected by the 2007/08 violence especially the Internally Displaced Persons (IDPs), in the form of resettlement, building new homes and providing money and land. However, these measures are deemed to have successfully omitted many survivors of sexual violence who are only presently eligible for reparation if they constituted part of the internally displaced persons or had their property lost during the course of the violence. Many women I interviewed felt that they should have been compensated but did not understand the mechanisms that the government laid for compensation. This lack of understanding left many women feeling left out regardless of whether they were Internally Displaced Persons (IDPs) or not.

### **7.3 Facilitation of vocational training opportunities**

Possession of skills is one of the pre-requisite requirements for self-employment besides access to credit. One of the ways through which the women survivors were empowered was through the award of sponsorship opportunities by organizations such as Development Work in Education, Livelihood and Environment organization (DWELE) and Women in the Fishing Industry Programme organization (WIFIP) for them to acquire skills tailored towards self-employment. These organizations sponsored some of the women to acquire various skills such as: weaving, hairdressing, animal and crop husbandry. According to Christopher who trained the women at Development Work in Education, Livelihood and Environment organization (DWELE), from the vocational/ life-skills they have acquired, the women were able to start income generating activities such as poultry keeping and rabbit rearing. Others were able to start their own businesses such as opening salons. While describing this kind of empowerment Christopher stated:

*This has seen the women who were initially dependent become independent; the dependency syndrome has reduced drastically.*

Jane who benefited from the poultry training from DWELE stated that such a venture has not only brought income to the family but has also boosted the nutritional status of her family. This shows that acquisition of skills is one of the prerequisites for self-employment and can help in alleviating poverty and empowering women economically. However, activities that demand women's labor for instance animal husbandry and poultry keeping can too have undesirable impact on empowerment since traditional activities do intensify the work that women do hence burdening them.

#### **7.4 Creation of formal employment opportunities**

Employment is not purely a source of income and private fulfillment but also a significant arena in the creation of social relationships between individuals and one of the elements that determine social standing (Cermakova 1995, Sanderova, 1998). Work performs a different function in women's life as compared to men, even if the basic self-realization (to use one's abilities, to be independent, to share a joint project, to do something useful) and instrumental (to earn a living or to be financially independent) needs are more or less common for both genders.

During my interviews, one of the respondents stated how she was economically empowered by being offered a job opportunity at the Women in the Fishing Industry Programme (WIFIP) organization. According to Atieno, she had attended a workshop that had been organized by various organizations for purposes of sensitizing women who had suffered sexual violence and others internally displaced. During the workshop, the women survivors were being encouraged to share their experiences during the post-election violence and how it had impacted on their lives and their families. A representative from WIFIP organization who had

attended the workshop was touched by her experience and later gave Atieno her cell phone number and told her to contact her the following day. When she visited WIFIP at their offices, she was offered an opportunity to do clerical jobs. Her touching experience became an opening to be given a job opportunity at WIFIP. She narrated her experience in the excerpt below.

***Claire***

*During the workshop, I shared of how I had contemplated suicide and how I had also lost my husband during the skirmishes. After the workshop was over, one of the representatives from Women in the Fishing programme (WIFIP) organization called me aside, gave me her contact and told me to contact her. When I visited their office, she gave me a job of cleaning the offices and I also assisted with clerical work. I also learnt the skill of weaving making table mats by use of water hyacinths courtesy of WIFIP. The job opportunity I got and the supplementary income I get from selling the mats changed my story and that of my children; life became much more meaningful and I could attend to the family's needs.*

The above excerpt backs the argument that women's employment particularly in low-income families may not only be noble for women's well-being but also for the rest of the household members (Beijing Platform for Action, 1995). Most of this evidence pertains to the positive effects that women's revenues have on family's food security and nourishment as earlier highlighted. Societal and cultural norms may apportion women the role of caregivers or home-makers in which they ensure that household members, especially children, receive sufficient sustenance. Alternatively, women may prefer to devote more on children's daily needs because they spend more time with them. Moreover, women's income tends to be more recurrent and in smaller quantities and therefore, it may be more available to spend on household daily subsistence needs than the lump sum seasonal income which tends to

emanate from men and is likely to be spent on more expensive items (Working Women's Forum, 2000).

### **7.5 Food production interventions (farming)**

Food is a basic necessity of life. Its significance at the household level is evident since it is a basic means of sustenance (Olayemi, 1996). Due to its significance in human life, food has been regarded as the utmost basic of all human needs (Oluyole and Lawal, 2008). Therefore, at national level, food is of economic and political importance particularly in matters concerning and ensuring peace and sustainability among the population. Globally, about eight fifty-two million men, women and children are chronically hungry due to extreme poverty while up to two billion lack food security intermittently due to varying degrees of poverty (Food and Agriculture Organization, 2003).

During my research, my respondents stated several ways through which various organizations supported them with a view to enhancing their food security<sup>73</sup>. Some of my respondents stated that DWELE linked them to CARE-Kenya; a non-governmental organization that gave them farm tools such as, folks, wheelbarrows, slashers and inputs such as seeds and fertilizers. CARE's organizational mandate as an international non-governmental organization focuses its programmes on assisting the poorest and most vulnerable, either

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<sup>73</sup> Food security is often defined as sufficient access to food at all times during the year and from year to year (International Food Policy Research). It also means "access by all people at all times" to sufficient food for a vigorous healthy life (Coleman, et al., 2015).

The three central ingredients or pillars of food security are: "food availability or adequate food production, economic access to available food and nutritional security" which often depends on: "child care, health care, clean water and sanitation" (Quisumbing, et al., 1995).

through regular development programmes or through relief work (Krantz, 2001). Since 1994, CARE has made use of the Household Livelihood Security (HLS)<sup>74</sup> as a framework for programme analysis, design, monitoring and evaluation. It puts prominence on firming the aptitude of the poor people by empowering them to take initiatives to secure their own livelihoods. It therefore put emphasis on “empowerment” as a central aspect of its approach.

Those who benefited from such a program stated that CARE- Kenya gave them these items in form of vouchers (each voucher was worth Kenya Shillings seven thousand). For those who did not have land to do the farming, CARE- Kenya as an organization liaised with members of the local community and went to an extent of hiring farms for the female survivors so that they are able to farm. Most of the women who cultivated in these farms and planted their crops highlighted how they benefited from such an initiative since most of them at that time did not have food to feed their families as highlighted in chapter five. Others stated that even after CARE- Kenya organization withdrew its support for hiring the farms on their behalf, they continued to hire for themselves since they had already established rapport with the owners and the community.

Pauline highlighted that when she planted in July 2008, she was able to harvest enough food that lasted her family close to a year. She said that the high yields were boosted by sufficient rainfall and the fact that they had been given inputs such as fertilizers for boosting the yields. The food crops that they planted included maize, beans, sweet potatoes and various types of vegetables.

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<sup>74</sup> The concept of “Household Livelihood Security” derives from the classical definition of livelihoods developed by Chambers and Conway (1992) which embodies three fundamental attributes: “the possession of human capabilities (such as education, skills, health, and psychological orientation), access to tangible and intangible assets and, the existence of economic activities” (Krantz, 2001).

Sustainable food production is the primary pillar of food security. That is why organizations like CARE Kenya considered the first initiative by hiring the farms so that the woman could get an opportunity to produce food for sustenance. In each region of developing world but perhaps most in Africa, millions of women work as farmers, farm workers and environmental managers. Women play substantial, if not main, roles in supplying all three elements necessary to achieve food security in emerging nations. However, they play these roles in the face of massive social, cultural and economic constraints. Many studies have shown that plots of land controlled by women have lesser yields than those controlled by men. These lower yields are because of lower use of labor and fertilizer per acre rather than managerial and technical efficiency (Quisumbing, et al., 1995).

Research has established that given the same access to resources and human capital, women farmers can realize yields equivalent to those of their male counterparts, or as some studies indicate, considerably greater (World Bank, 1994). One study estimated that yields among Kenyan women farmers could increase by seven percent if they were given the same levels of age (or experiences), education and inputs as those possessed by the entire sample of male and female farmers (Moock, 1976). Women suffer not only from lower levels of education and lack of access to information but also from a lack of acknowledgment of the skills they have learnt. For example, low literacy levels characterized the study sample of my primary participants, with less than five percent having attained primary level of education.

In the early 1980s, average literacy rates for men in unindustrialized countries were over fifty percent, while over two thirds of women were still illiterate (Seager and Olson, 1986). This gap has grave implications for agricultural productivity. Research has shown that better educated farmers are more likely to embrace new technologies and have access to extension services. For example, a study of coffee, a high-value crop in Kenya found that increasing the primary education of women farmers not only causes them to plant coffee trees more readily, but also increases the adoption of coffee by other women farmers who are likely to copy women than men farmers (Burger and Gunning, 1992). Under-investment in women's

education thus has high opportunity costs. The next session looks at the challenges faced in the implementation of these intervention initiatives discussed above.

#### **7.6. Challenges faced in the implementation of livelihood interventions**

Various challenges were cited as having affected the effective implementation of these interventions. According to Jacinta, traditional skills acquired by the women associated with traditional roles such as weaving, tailoring and designing of mats have not been able to compete equally in the current market due to advancement in technology. The women face stiff competition for their products from high technological advancements employed by other entrepreneurs who are producing better and in bulk hence saturating the market. This means that the market for their products such as the baskets and mats is limited. In addition, these women lack the resources to respond rapidly. Some of the women respondents I interviewed acquired skills of making mats and baskets by use of water hyacinth. Buckley (1997) has argued that access or facilitation of access to credit and market run the risk of being ineffective or even detrimental if they are not supplemented by alterations in the activities directed towards improving the current mode of factors of production.

Another challenge experienced was the status most women had at the time they were receiving loans for businesses (soon after the violence). Most women were facing severe demands such as having to meet survival needs which limited their potential for entrepreneurial behavior. Cheston and Kuhn (2002) have argued that the ability of a woman to transform her life through access to financial services depends on various factors of which some of them are related to her individual situations and abilities. This is not only a characteristic during the conflict but also during peace times; women entrepreneurs have monetary needs or demands that race with business capital, leading to deviation of capital away from business needs. Athanne (2011) has argued that obligation of business women for dependants have constrained prospects to make savings or undertake business growth or divergence. Many women are duty bound to providing for extended family and relatives. Most business financial resources are not customarily secluded from private finances and hence these family errands are met from resources earned from the business. Their loads tend

to severely reduce the savings and income made by the business, since such finances would else have been used in the business for enlargement and growth. In the community, where I carried out my research, the notion of providing for the extended family and relatives is strongly embraced.

Constraints of home production continued to prevent most women from participating fully in their businesses and other income-generating activities. This had implications on the amount of income generated on their investments. In addition, because of familial abandonment most women experienced a double burden regarding family responsibilities; that of having to undertake the production and the reproductive roles as well as venture into the market or business to earn a living. Aoko stated that time she has left for the market is limited due to the many demands of the domestic roles. That is why, she opted to do her business in the evenings once she completes her house work and the children are back from school. She said that she cannot compete with other women or men who have been all day working on their business premises. This implies that she can only make money for survival since the time she invests in her business also determines the output in terms of profitability. Echoing her sentiments, Ahmed et al., (2011) has pointed out that women are burdened with business and family tasks and may not have the time to engage in profitable activities and this automatically limits women in business wings of exploration. In addition, when business training is open, women may not be able to take gain from it because it is held at a time when they are taking care of the family (Zororo, 2011).

Another challenge experienced was that, some of the interventions by the non-governmental organizations such as the micro-finance and agricultural production lacked sustainability. As stated by my respondents, the hiring of farms for farming happened during the subsequent year after elections after which CARE- Kenya as an organization withdrew this kind of programme support. There was the assumption that once relative peace returned to the country, most of those affected by violence had taken off. During the interviews, none of the respondents stated having held a loan from WIFIP; the respondents stated that the

organization informed that donor funding to the micro-credit project had subsided. Most women continued to get small loans from the ROSCAs and relying on the merry-go-rounds from the groups they formed. None of them stated having obtained a loan from a commercial bank due to the stringent conditions involving collaterals such as title deeds and log books which are out of reach of most Kenyan women. In Kenya, women own only one percent of Kenya's land. Five to six percent is held under joint names usually with the husband (Muriungi, 2012).

According to Jacinta, because of the way women were socialized, some women lacked the autonomy of investing the capital they received without involving their spouses. Some feared that if they adopted an autonomous approach, they would not succeed, or they would be termed as being domineering by their spouses. Jacinta stated that because of the culture, some men did not want to give the women the autonomy to operate independently for the fear that the women would get financially empowered and become less submissive. Some men even dictated the kind of businesses the women were to put up. Jacinta added that in the cases where the businesses were not women's choice, success rates were negligible.

According to Cheston and Kuhn (2002), access to resources does not automatically translate to empowerment or equality; instead, for the resources to empower, the women must be able to use them for a purpose that they choose. Kabeer (1999) uses the term *agency* to describe the process of decision making, negotiation and manipulation required for women to use resources effectively. She argues that women who have been left out from decision making for most of their lives often lack this sense of *agency* that allows them to define goals and act effectively to achieve them. However, these goals can be profoundly influenced by the values of the society in which women live and so many times imitate rather than challenge the structures of injustice. The weight of socialization is eloquently expressed by a female activist from Kosovo (2000):

There is socialization in the family: first, you should not speak because you are a girl, then later you should not speak because no one would marry you, and then later you should not speak because you are a new bride. Finally, you might have the chance to speak but you do not because you have forgotten how to.

The impact of society over the array and exercise of choice also means that if we endeavor to promote empowerment, we need to consider factors affecting women's status and rights as a group.

Another challenge that was cited was that some women defaulted paying their loans that they received first from micro-finance projects run by non-governmental organizations such as WIFIP and from informal institutions such as the ROSCAs. Rose argued that one of the challenges they have had to deal with was following up women who took the loans but defaulted for various reasons. Some of the reasons for defaulting included loans not being used up for the intended purposes (not being invested), and assumptions that the lenders would be lenient to them. This was a major challenge because first time defaulters could not stand an opportunity to benefit from credit a second time and hence, continuing to support them to be economically independent became a challenge. This is coupled by the problem that many women are unable to raise huge collaterals demanded by banks as a condition to access loans such as title deeds. A wealth of evidence now suggests that many ostensible microenterprises loans are in fact used for consumption or at least not directly invested in business assets and is repaid out of existing incomes (Sinha and Matin, 1998, Johnson, 1998). Thus, the poor have a strong demand not just from micro-enterprise loans but also for financial services that help them manage liquidity in the household.

Low level of education possessed by most of the women who were my primary participants was a major feature in influencing the kind of business that they invested and even their success. According to Christopher (DWELE), besides limited access to capital, low education

levels pushed many of the women to engage in the informal economy where returns are low, hence making it difficult to break the chains of poverty. Contacting business trainings for the women posed a major challenge with majority of them have barely completed primary level of education. Some women I interviewed did not have any form of schooling.

Low levels of education diminish the chances that women could have to information required to outperform in entrepreneurship. Women are usually less educated than men, making them less well furnished to manage a business. Education and training play a weighty role in stimulating an entrepreneurship spirit and self-employment. While the gender gap in primary education in Kenya has lessened in recent year, the gap remains high at secondary and tertiary levels (Muriungi, 2012). In education, preference is given to boys and when women are relegated in terms of access to education, then it creates a hindrance in accessing training and other business development services for them. In addition, the low levels of education mean that most of the women could not secure employment in the formal sector which stresses on qualifications and expertise. In view of the above challenges, the next session gives some of the recommendations that can be adopted in bringing about a positive change.

### **7.7. Increasing women's economic opportunities**

Approaches should be established towards increasing women's productivity in activities that generate income such as businesses and other forms of paid work. One way would be developing technologies to minimize time spent in traditional home production activities such as fetching water and the provision of child care facilities.

There is need for capacity building and training in areas such as finance, literacy skills and marketing as one of the ways of increasing women's productivity.

Micro-finance systems should embrace a non-gender bias system or environment to inspire women in business to look for finances from them and participate in business.

There is need to invest in education and training for women who do not have physical assets such as land. This may help women acquire employment outside agriculture / farming.

Due to the impact that society has over the range and exercise of choices that women have, there is need to consider factors affecting the status of women and their rights if we strive to empower them.

## **7.8. Conclusion**

In this chapter, I have highlighted the livelihood interventions that were put in place to ensure that the livelihood needs of the women survivors of sexual violence such as food, clothing, shelter and income were met. In doing so, the chapter has established that interventions such as access to credit and savings played an important role in ensuring that the women initiated and promoted their businesses and other income-generating activities to sustain their lives and those of their families. One key finding was that not only did the interventions translate in meeting their material needs but also promoted their non-material wellness such as improved self-esteem (power within). This gave women a voice in their homes by being able to influence the decisions made within the household and promoted their status within the community vis-a vis- the men. The chapter has further established that although several women did engage in businesses associated with women's traditional roles such as vegetable selling, weaving, and working in the farms, hairdressing, tailoring, retail and wholesale shops, others also dared businesses that have long been associated with the male domain such as fishing. It has further established that access to credit was from both formal sources such as micro-finance projects operated by non-governmental organizations and informal organizations such as ROSCAs. Other sources of finance included the government reparation fund for those women who happened to have also been internally displaced persons besides having suffered from sexual violence.

Other interventions that have been highlighted in the chapter include: offering vocational trainings that were aimed at enhancing their life skills as well as foundational opportunities

for their enhanced productivity, agricultural support as well as offering employment opportunities for them. The main players in implementing these interventions were the non-governmental organizations who played complimentary roles.

The challenges that were experienced in negotiating through these interventions included: reliance on traditionally acquired skills such as weaving in their modes of production that cannot equally compete in the current market due to technological advancement, the poverty levels experienced by most women at the time of receiving the loans leading to diversion of loans to meeting family needs instead of investing and defaults in loan repayment. Other challenges included the burden of production and reproductive roles that the women must play, leaving them with little time for investment, low levels of education determining their areas of investment (mainly in the informal sector), early withdrawal of support organizations and socialization of women leading to their lack of autonomy in thinking and decision making. The chapter also gave possible suggestions that can aid in increasing women's economic activities. The next chapter examines the legal interventions that were initiated to aid access to justice for the women survivors of sexual violence in Kisumu County.

## CHAPTER EIGHT

### LEGAL INTERVENTIONS

#### 8.1 Introduction

In the previous chapter, I examined the livelihood interventions that were put in place for the women survivors of sexual violence in Kisumu. This chapter examined the legal interventions that were initiated to enhance access to justice<sup>75</sup> for the same category of women. The ecological model which has been used in this study in evaluating the response of various formal systems in addressing survivors' needs identifies the legal system as one of formal support systems that women survivors of sexual violence turned to for assistance. This model acknowledges the relationships that exist between various levels and systems of interventions. It embodies that interventions at one level are likely to bring about changes at another level. This therefore helped us find out how various stakeholders in various systems related especially in relation to the medico-legal aspect of gathering forensic evidence which is a basic element in the pursuance of justice. Further, it examined the referral linkages between these stakeholders and how their existence or lack of it impacted on the effectiveness of these intervention initiatives. Challenges experienced by the women in accessing legal assistance were highlighted as well as those experienced by the various actors involved in the provision of the legal services. Several possible ways in strengthening legal interventions were suggested.

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<sup>75</sup> Hammergrens (2004) defines access to justice as “the ability to use justice institutions to resolve ordinary conflict, protest, abuse and as a means to claiming other constitutionally guaranteed services and goods which is typically depicted as a basic right for all citizens”.

It entails the acknowledgement that everybody is titled to the “protection of the law and that the conferment of rights” are pointless unless they are reinforced. It comprises several aspects such as: “physical access to the justice institutions, access to and affordability of duty bearers by both the complainants and suspects, and equitable access to legal aid services for all” (Nanjala, 2013).

Justice traditionally denotes prosecution and punishment of the guilty. Nevertheless, impunity for those who perpetrate sexual violence is still prevalent and access to justice for survivors is still inadequate (Schopper, 2014). Permitting survivors to pursue damages for the sexual offence is a significant component of a wide-ranging response. According to Agency for Co-operation and Research in Development (2009), it is equally definite that every sole abuse of one's human rights is lawfully repressible and that the obligation of administration of justice rests with the criminal justice system. The justice system entails a lengthy process which starts from the point where a person seeks help, followed by the implementation of the right until to the point where the case is resolved.

## **8.2. Kenya's legislation on sexual and gender-based violence and its implication on legal intervention**

Although Kenya has made progress in form of legislation and policy development lately aimed at promoting gender equality and protection, most of these developments apparently were initiated after what was experienced during the 2007/08 post-election violence. The key existing legislative framework then; the Sexual Offences Act (Act 3 of 2006) was however in existence by that time. Before the Sexual Offences Act was passed, the laws on sexual violence were scattered over diverse segments of legislation which made matters for victims, the police and the judiciary complex (Association for Women's Rights in Development, 2007). This notwithstanding, the way rape had been defined was very limiting and the law then classified rape as an issue of morality. Moreover, sentencing was also solely at the discretion of magistrates and in many cases the penalty meted on the criminals did not match the crime. The main objective of enacting the Sexual Offences Act (2006) was therefore to make sure that the plaintiffs of sexual offences get justice proportionate to the harm suffered. The sexual offences act was more extensive and contained new features. First and foremost, it introduced fourteen new offences comprising: gang rape, deliberate infection with HIV/AIDS, trafficking for sexual exploitation and child pornography. Secondly, it introduced minimum sentences for specific offences, different from the penal code which only allowed for maximum sentences and left a lot of possibility for discretion in determining sentences (Kamau, 2013). As highlighted in the Kenya Sexual Offences Act, 2006), "an individual

guilty of rape is liable upon conviction for a term which shall not be less than ten years but which may be extended to imprisonment for life; of sexual assault, liable upon conviction to imprisonment for a term of not less than ten years but which may be extended to imprisonment for life; and of gang rape, liable upon conviction to imprisonment for a term of not less than fifteen years but which may be extended to imprisonment for life”. Thirdly, it introduced the formation of a “DNA data bank” and a “pedophile registry” and fourthly, it introduced the criminalization of sexual harassment; the first law in the history of the country to acknowledge sexual harassment as a crime (Aura, 2014). Fifth, it redefined rape to include both males and females as possible victims and perpetrators and recognizes that coercive contexts subtly suggest a lack of consent (Kamau, 2013).

The penal code (Penal Code Cap 63 Law of Kenya) was also in existence. It disallows all forms of violence in its provision although it is inadequate in the way it addresses matters of sexual and gender-based violence which is predominant in Kenya. Key developments in Kenya’s policy framework on sexual and gender-based violence were initiated after what was witnessed during the 2007/08 in terms of sexual violations. These include: (i) The National Guidelines on the Management of Sexual Violence and (Government of Kenya, 2009a) and, (ii) The National Framework towards Response and Prevention of Gender based (Government of Kenya, 2009b).

The National Guidelines on the Management of Sexual Violence in Kenya, unlike the unfriendly process in the P3 Form (as explained in chapter 5), outlines the procedure that medical personnel should follow when handling survivors of sexual violence including ethical issues in handling matters of sexual violence (Aura, 2014). It has ensured that documentation of evidence for sexual offences takes place in a more relaxed environment and that it is more detailed. In summary, it embraces a holistic approach to addressing the problem of bringing on board all relevant stakeholders. Thus, implementing psycho-social intervention within the government health sector was therefore problematic without an existing framework to guide the process. Much of the training in the handling and

management of sexual victims were carried out after these guidelines were established meaning that most staff in the public health facilities did not possess adequate skills to handle and manage the survivors accordingly.

The National Framework towards Response and Prevention of Gender based Violence (2009) is a strategy that was designed to enable coordination of various actors' response to sexual and gender-based violence. It was established based on the recognition that there are numerous actors in the war against sexual and gender-based violence but their activities are uncoordinated. It therefore lays down procedures for fostering coordination among the various stakeholders aimed at eradicating replication and enhancing partnership for effective intervention (Government of Kenya, 2009). It takes cognizance to the fact that sexual and gender-based violence is multifaceted and diverse and thus a multi-dimensional methodology in addressing this problem is required.

The previous constitution before the current one was promulgated in August 2010 was marred with various challenges regarding matters of rule of law, equity and equality (Aura, 2014). However, the current one (the Constitution of Kenya, 2010) is rich and promising especially on its chapter on the Bill of Rights (Chapter 4) which is broad and inclusive in terms of individual rights and fundamentals. It recognizes several ideologies that are important to gender egalitarianism and that touch on issues of gender-based violence in Kenya which were missing in the previous constitution. Articles 29(c), 21(4), 22 (1), Article 27 gives the state more responsibility to combat sexual and gender-based violence. Additionally, the Constitution guarantees the personal safety and protection against all forms of violence (Article 29) implying that women are safeguarded against all forms of violence.

Despite the existence of this comprehensive legislation (the Sexual Offences Act No.3 of 2006) before the post-election violence, its application to ensure that survivors of sexual violence obtained justice was faced by myriad challenges. First, the Act was relatively new to the police and even other law enforcement agencies including the judiciary making its

implementation a challenge. This is since sufficient training and broadcasting of the Act to the police and other actors in the criminal justice system had yet to be done to ensure its effective implementation. Secondly, the existing socio-cultural issues that uphold men and trade upon women has led to sexual violence being overlooked and acknowledged as a custom in the society thus watering down efforts geared towards the enforcement of the Act.

Thirdly, legal literacy is low among the lay people; majority do not know where to obtain legal assistance or lawful information and this lack of education and awareness has been considered as one of the major reasons for discriminations against the marginalized particularly women<sup>76</sup>. This implies that many women who had experienced sexual violence did not have the requisite information on how to go through the whole legal process. Fourthly, lack of inadequate resources (both human and financial) also hampered the effective implementation of this Act to enhance justice for the female survivors of sexual violence. Low technical capacity has been associated with Kenya's police prosecution department. Majority of Kenyan prosecutors come from the police sector and possess very minimal or no legal training (Okuta, 2009); a factor associated with ineffective investigation and prosecution processes of the cases as was witnessed during, before and even after the violence. Sixth, poor coordination and networking among relevant actors also affected the effective implementation of the legal interventions. Even after the enactment of National Guidelines on the Management of Sexual Violence and the National Framework towards Response and Prevention of Gender -Based Violence in Kenya, poor coordination among actors continues to be witnessed.

Kenya still does not have a legislation that makes for provision for the institutionalization of safe homes for survivors of sexual violence. This implies that there are no government shelters for sexual and gender- based violence victims. Safeguarding security for the women

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<sup>76</sup> The 7<sup>th</sup> CEDAW periodic report

whom the home environment was insecure during the violence was a challenge that most actors grappled with in the implementation of the legal interventions including the government. This complicated the situation for the victims who were compelled to tolerate their pain and indignity for lack of temporary shelter.

Even though Kenya is a signatory of several international and regional treaties<sup>77</sup> that oblige states to compensate victims of violence, willpower from the government to domesticate the international law and ensure that a compensation policy is instituted for the survivors of sexual violence is normally a challenge. The Kenyan courts too have not been empowered to institute reparations for victims of sexual violence.

### **8.3. Interventions**

Despite the above challenges in the enactment of Kenya's legislation in aiding justice for the women survivors of sexual violence, the study established that three intervention initiatives were established towards promoting access to justice for the women who had suffered sexual violence. They included: the setting of the Commission of Inquiry into the Post-Election Violence (CIPEV) hearings in Kisumu, provision of free legal services by Federation of Women Lawyers (FIDA) Kenya to the women who testified before Commission of Inquiry

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<sup>77</sup> For instance: 'Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A (III) (UDHR)', 'Vienna Declaration and Programme of Action', 'World Conference on Human Rights (adopted 12 July 1993 UN Doc. Conf. 157/23)'; 'Declaration on Elimination of Violence Against Women (adopted 20 December 1993 UNGA Res 48 /104) (DEVAW)'; UN Resolution on Elimination of Domestic Violence Against Women (adopted 19 February 2004 UNGA Res 58/147); Beijing Declaration and Platform for Action (adopted 17 October 1995, UN Doc A/Conf. 177/20) (BPFA); the Convention on Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA Res 34/180) CEDAW) and regionally, 'African Charter on Human and Peoples' Rights (adopted 27 June 1981 UN Doc CAB/LEG/67/3)' (ACHPR) and Protocol to the African Charter on Human and peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003) (Maputo Protocol)

and, the establishment of the gender desk at Kisumu Central Police Station. In the next session, I examine the setting of Commission of Inquiry into the Post-Election Violence”hearings in Kisumu.

### **8.3.1. Commission of Inquiry into the Post-Election Violence Hearings in Kisumu**

One of the major interventions mentioned by my participants was the setting up of the above stated Commission (CIPEV<sup>78</sup>), also known as the ‘Waki Commission’ which gave the women an opportunity to be heard regarding the sexual violations they went through. The Commission which was set up had some jurisprudential value<sup>79</sup>. It carried out hearings specifically for sexual violence survivors to enable them furnish details on the nature of sexual crimes committed against them, the perpetrators of such crimes, the reasons for being attacked and the response of the justice system to the violence. The Commission; (CIPEV)<sup>80</sup> remarkably established that sexual violence (including rape) substantively took place and thus needed to be factored in equally with other forms of electoral violence. The dimensions

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<sup>79</sup>Commission of Inquiry into the Post-Election Violence (CIPEV), also known as the “Waki Commission” was brought into being on 23<sup>rd</sup> May 2007 by Kenya Gazette Notice Number 4473 vol. cx. NO.4. Its obligation was to probe the truths and conditions surrounding the violence as well as the behaviour of the government and security organizations in responding to the violence and make commendations to these and other matters. It was also the initial enquiry of electoral violence to centre on sexual violence (Government of Kenya, 2008).

<sup>80</sup> It was the first Commission of Inquiry in Kenya to consider the sexual violence consequences of internal conflicts in Kenya. Chapter six of its report is dedicated to sexual violence and is exhaustively shows the Commission’s consideration of factors such as what had occurred to cause the high levels of sexual violence, how sexual violence manifested in this period, its extent and the evidence that proved the violations (Government of Kenya, 2008).

and intensity of it was brought to the mainstream of public attention. Kisumu was one of the regions where the Waki Commission had set up one of its hearings during which several of my primary participants testified. Intervention was taking place at what Bronfenbrenner (1979) in his socio-ecological refers to as the macrosystem level (the policy level) whereby, the women had an opportunity to inform the government with the aim of attaining social justice. This marked the start of a long journey of ensuring that justice was done to the victims (Kirimi, 2014). In October 2008, the Commission gave its report to the Government (Agency for Co-operation and Research in Development, 2009). It recognized that the forms of sexual violence committed included “rape, gang rape, defilement, genital mutilation, sodomy, forced circumcision, insertion of objects and sexual exploitation”.

Monica is one of the female survivors who testified before the Commission. In her testimony, she stated the following:

*I am among those who testified before the Waki Commission. My story was even published in the Daily Nation newspaper. The Chairperson in charge of our women’s group called me and informed me that my testimony had been published in the Daily Nation Newspaper. I had been raped, my husband ruthlessly killed during the violence and our house had also been set ablaze. She later brought me the copy of the newspaper. The story had stated that the government had awarded me one hundred thousand Kenya Shillings to help me re-settle. I was to collect this money through Kenya Commercial Bank. At that time, I did not even know Kenya Commercial Bank (KCB). I tried to follow up the issue, but I did not know what to do; I needed help to get this money, but I did not.*

### ***Nancy***

*Testifying before the Commission was a big privilege to me. Not everyone who was violated got an opportunity to tell their story. I was happy that the government was listening to what we went through and this gave me hope that justice was being pursued*

*for us. However, the government has never come back to us to tell us what they have done about our cases since we testified. It is like our cases ended up with our testimonies.*

The above excerpts show that testifying before the Waki Commission gave the survivors hope that the perpetrators of such acts would be brought to book, and that justice would be found for them. It also shows that they expected the same government to give them feedback so as to be able to know the outcome of their testimonies. According to Bronfenbrenner (1979), provision of information/ knowledge at the macrosystem level of intervention is crucial since it enables the population/ citizens to be aware of the happenings at the policy-making level. Majority of the women I interviewed still had this hope; that justice would be done for them at some point.

The Commission not only acknowledged first hand reports from survivors who had been sexually violated but also from those who had observed the violence being committed against others. It also acknowledged reports from forty organizations which had conducted studies in several parts of the country on the same matter. Its recommendations exposed distinct criminal responsibility of alleged perpetrators of the violence, police reforms, the incorporation into domestic legislation of the Rome Statute of the International Criminal Court and Constitutional reforms (Government of Kenya, 2008). The Commission's crucial endorsement was for the government to form a '*Special Tribunal*', operated by both Kenyan and International judges and prosecutors to probe and indict perpetrators of the violence. If the government failed to put this into effect, the Commission recommended that the cases be brought up to the International Criminal Court<sup>81</sup> (ICC) for investigation and probable charges

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<sup>81</sup> The International Criminal Court (ICC) was formed as a permanent, autonomous institution to indict persons who have coordinated and executed the greatest grave offences of Global Concern, including "war crimes,

in relation to purported crimes against humankind committed during the post-election violence (Human Rights Watch 2015, Agency for Co-operation and Research in Development, 2009). This tribunal was at no time set up after Members of Parliament efficaciously defeated the initiative<sup>82</sup>.

The Commission acknowledged persons, seemingly comprising some of Kenya's most influential politicians, and placed their names in a brown sealed envelope that was later given to Koffi Annan<sup>83</sup>, who vowed to surrender the names to the International Criminal Court should the country fail to indict them. In July 2009, he fulfilled that promise (Weiss, 2010). At the International Criminal Court, only sixty hundred and sixty victims (660) victims were accorded formal acknowledgement; three hundred and twenty- seven (327) in Case One and two hundred and thirty - three (233) in Case two<sup>84</sup> yet reports show that at least three thousand women were sexually violated. Although it is extensively acknowledged that rape was pervasive in all areas of Kenya that experienced violence, it was only Case Two involving Uhuru Kenyatta that had charges linking to rape (Amadi, 2014). Bronfenbrenner (1979) contended that in circumstances of violence, it is the circumstances or conditions at the macrosystem level which may activate the war for instance, failure to enforce or implement public policy factors, existing laws and legislations.

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crimes against humanity and genocide". The Rome Statute, which came into effect on 1 July, 2002, is clear on the obligation of the court in exercising a criminal authority over criminals of these offences (Muriithi, 2013).

<sup>82</sup> In February 2009, parliament defeated a bill that would have created such a tribunal (Weiss, 2010).

<sup>83</sup>As part of the global community's reaction to the crisis, on January 8-10, 2008, Ghana's President and African Union's Chair then John Kufuor" requested prior United Nations Secretary General Koffi Annan to arbitrate as part of a small team comprising of former Tanzanian President Benjamin Mkapa and Graca Machel; the ex-first lady of Mozambique" and the wife of former South African President Nelson Mandela (Weiss, 2010)

<sup>84</sup> Prosecutor v William *Samoei Ruto and Joshua Arap Sang* ICC-01/09-01( Amadi, 2014)

One of the contributing factors advanced for having triggered the 2007/08 post-election violence according to the CIPEV report (2008) was the widening socio-economic inequalities and grinding poverty which had left segments of the populations feeling disillusioned for a long period of time especially the youth. Existing policies for promoting equity in resource distribution had failed to be effective to remedy this situation, resulting to the feelings of hopelessness and apathy among segments of the population. It also contributed to the proliferation of militia's and gangs who happened to have been the main perpetrators of the 2007/08 sexual violence against women.

Historically embedded injustices that have failed to be addressed for years through enforcement of existing laws and legislations were also a contributing factor to the violence which led to massive levels of sexual violence, with women having suffered the most. According to Shackel and Fiske (2016), the state's apparatus' indifference in tackling occurrences of violence was manifest in virtually every episode of violence witnessed during or after general elections. Since Kenya adopted a multi-party-political system in 1992, elections had always been marred with violence. That is why interventions at this level must aim at addressing social injustices. During my research, when I asked the women what justice meant for them, they stated that justice was synonymous to arresting and prosecuting the perpetrators. Even though this is what the women wished for, majority were in a state of despair, stating that they knew that their justice would never be found. Since within the socio-ecological models, individuals are part of a social web of networks and are inseparable from their environments, interventions must therefore factor in the individuals' wider environment which encompasses the social systems and the cultures. This comprises drafting processes marked towards addressing inequalities and putting into effect existing laws and policies geared towards addressing historical injustices.

The World Bank (2000) and Anderson (2003) pointed out that the deprived especially, have inadequate access to lawful institutions and that a situation of "anarchy" badly distresses the poor. Dulo and Tuiyott (2004) argued that women in Kenya are the most economically disadvantaged group. Their economic status is limited by socio-cultural customs and principles which propagate discrimination among men and women. Men utilize traditional

practices to subdue women and unequal power associations are maintained. Women and girls remain to be victimized against in the possession of properties and in right to use social and economic services.

Even though the establishment of the International Criminal Court (ICC) and other global courts has considerably enhanced the global community's capability to prosecute sexual violence and deliver important teachings on how these cases should be indicted (Seelinger, et al., 2011), there are countless challenges involved. Women have been fearful to testify for numerous reasons such as panic of reprisal. As Skjelsbaek (1997) has pointed out, transporting women to The Hague and assuring their safety has been problematic. Besides logistical challenges, Amadi (2014) has further pointed out that International Criminal Tribunals are in short of suitable psycho-social support structures for distressed sexual violence victims who have undergone not just bodily harm, but also other enduring difficulties associated with emotional, societal and financial problems.

Another great challenge she identified is that, usually, individuals charged as defendants before the International Criminal Tribunals are high-ranking government officials, political figures and other highly regarded people in the general public. For example, the Kenyan incident at the International Criminal Court concerning the 2007/08 post-election violence was against President Uhuru Kenyatta<sup>85</sup> and his Deputy, William Ruto.<sup>86</sup> Furthermore, defendants who are arraigned before the international criminal courts do so by virtue of their apparent role in funding or backing up the war from one side or the other, or by failing to act to stop citizens' rights cruelties while in a point of command to do so. They are hardly, if ever, the real sexual violence perpetrators. According to Amadi, the actual offenders are so

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<sup>85</sup> *Prosecutor V Uhuru Muigai Kenyatta* ICC-01/09-02-11 (Amadi, 2014)

<sup>86</sup> *Prosecutor V William Samoei Ruto and Joshua Arap Sang* ICC-01/09-01 (Amadi, 2014)

often the normal populaces or junior security forces such as the police force or militaries; a number of them well recognized by the victims. Victims, hardly, if at all, have an opportunity to appear in these tribunals due to logistical hitches, lack of cognizance or readiness to narrate the real sad incidences or shortage of funds to access the International Criminal Tribunals. Due to the logistical difficulties highlighted, cases at International Criminal Court similarly take much time to be resolved.

National courts as a result continue to be the primary place for execution of justice. The International Criminal Court (ICC) is a court of last option; it may only come in where domestic law courts cannot or will not do so<sup>87</sup>. Luckily, numerous state courts may now exercise control over the comprehensive array of sexual violence offences. For instance, Kenya's International Crimes Act, ratified in 2008 to ensure Kenya's co-operation with International Criminal Court, gives mandate to Kenyan courts authority over "acts of genocide, war crimes and crimes against humanity" committed in Kenya<sup>88</sup>. The Act does not explain these international crimes but instead refers to the Rome Statute. Subsequently, mass rape, sexual slavery, enforced prostitution and other forms of sexual violence that have been recognized as international crimes can now be prosecuted in Kenyan courts (Amadi, 2014). Therefore, the International Criminal Court has not substituted state courts; rather, domestication of the Rome Statute has aided to enlarge the sexual violence criminalities that can be persecuted in them.

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<sup>87</sup> "Article 1 of the Rome Statute' states that the International Criminal Court "shall be complimentary to the national criminal jurisdictions" To give effect to this principle, the International Criminal Court may only exercise jurisdiction where a state is "unwilling or unable" to genuinely carry out the prosecution of an international crime within the court's jurisdiction. Rome Statute". Article 17.

<sup>88</sup> Such crimes can also be tried in Kenyan courts when committed outside Kenya if either the perpetrator or the victims are Kenyans (International Crimes ACT, (2008).

Although the Commission acquired proof from the survivors and never embarked on actual prosecution of offenders, its results on sexual and gender based violence in Kenya and the way it undertook the investigations into the occurrence and its ultimate recommendations is worth noting. The recommendations which have nevertheless been effected are important in appraising the reaction of the Kenyan justice system overall and the judiciary to be precise in sexual and gender- based violence matters and shall be considered therein (Agency for Co-operation and Research in Development, 2009). The forms of sexual and gender-based violence that were prosecuted by several courts following the 2007/08 post-election violence were: rape, attempted rape, defilement, attempted defilement, abduction, incest, false allegation of rape and indecent assault (Agency for Co-operation and Research in Development, 2009).

The Kenyan Constitution 2010 also offers importance to citizens' rights and the principles of gender equality and non-discrimination. Some of the fundamental rights engrained in the Bill of Rights include: the Rights to Equality before the Law, dignity of the person, and freedom and security of the person which includes the right not to be subjected to any form of violence from either public or private sources.<sup>89</sup> This means that the International Instruments such as the Convention for the Elimination of all Kinds of Discrimination against Women (CEDAW) are now directly obligatory on the country. The Constitution thus sets a firm foundation for the safeguarding of equal rights of women and girls in Kenya as well as their human honor and self-respect (Kamau, 2013).

As earlier discussed, one of the Commission of Inquiry's recommendation was that the government takes the obligation of investigating and prosecuting the perpetrators of the post-election violence including those that had committed sexual violence. For the female survivors, having testified before the Commission gave them hope that those who committed such atrocities would be prosecuted. However, the implementation of these recommendations is yet to be implemented. According to Human Rights Watch (2015), the Kenyan government

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<sup>89</sup> (See Articles 27, 28 and 29 of the Constitution of 2010).

has convicted only a few individuals for sex crimes associated with the 2007/08 post-election violence. A report by a ‘Multi-Agency Task Force’ established by the Director of Public Prosecutions in February 2012 to embark on a broad assessment of the situation of investigation and prosecution of cases revealed that, there have only been twenty - three such convictions of sexual violence correlated cases. This number is insignificant compared to the atrocities that were committed against Kenyans and especially the sexual violations that were committed against innocent women and girls. It signified government’s averseness in acting by way of carrying out open and sound investigations in order to sue and reprimand the perpetrators of the violence who included local citizens and state security forces.

### **8.3.2. Provision of free legal aid services by Federation of Female Lawyers Association- Kenya (FIDA-Kenya)**

Legal aid in this study denotes free or subsidized services to eligible individuals or groups mainly poor and vulnerable people delivered as a way of strengthening their access to justice<sup>90</sup> for instance legal information and education, legal advice and assistance or legal representation (Danish Institute for Human Rights, 2011). From a human rights viewpoint, provision of legal aid services can be considered as an affirmation and acknowledgment of the rights of the poor; conveying about fairness before the law. In Kenya, legal aid services have become tantamount to access to justice.

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<sup>90</sup> Access to justice refers to the ease with which participants in the various adjudication forums are able to understand both the substantive and procedural aspects of the law applied in resolving their disputes. It may also refer to the extent to which disputants can afford the costs involved in having their disputes resolved at various forums (Ouma and Chege, 2016).

The “United Nations Development Programme” (2005) defines access to justice as the “ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards.

Kenyan women especially poor Kenyan woman experience more trouble in gaining access to justice than her male colleague (Omamo, 2002). Settings of obtaining justice for women are mired by uncountable reasons such as the way they have been socialized, the fear of being stigmatized by the society in their pursuance of justice and, the hostile and the oblivious criminal justice system. This notwithstanding, in Kenya today, the corridors of all public institutions that are in charge of the administration of justice are deeply underlined by patriarchy thus negating women's equal rights and access to justice (Omamo, 2002). By virtue of being a signatory of various international conventions,<sup>91</sup> the Kenyan Government is obliged to make sure that every Kenyan can access justice including the Kenyan Woman. Omamo further argues that the formal justice system is far-flunged, too expensive and or unfathomable to the average Kenyan woman.

For these reasons, many women particularly those living in remote areas are over and over again compelled to depend on traditional systems for the recognition and execution of their human rights. These systems are intrinsically male controlled, biased and prejudicial to women, and in certain cases assist to deny women's rights bestowed to them by constitutional bylaws or fail to offer them just and operative answers to tenacious lawful hitches (Government of Kenya, 2017)). In such a setting, the poor woman can only be protected from the severities and expenses of such an unfriendly system through legal aid.

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<sup>91</sup> (For instance, "Kenya is a signatory to the Convention for the Elimination of All forms of Discrimination against Women (CEDAW)").

Since independence, however, the Kenyan government has been providing legal aid although limited. At present, legal aid is only accessible by those charged with murder in the High Court, and for juvenile offenders with no other choices for legal assistance (Kameri-Mbote and Akech, 2011). Although there is the alternative of bringing up a claim as a pauper and submitting a ‘pauper brief’, where those in need of legal representation can apply, this is at the mercy of a lawyer ready to agree to take the brief. It is however envisioned that the institutionalization of the Legal Aid Act, 2016<sup>92</sup> will make the situation better by increasing the number of people who can access legal aid.

In a bid to address the above challenges and fill in the gap, the Federation of Women Lawyers (FIDA- Kenya)<sup>93</sup>- Kenya has through its interventions sought to move the notion of justice to stand for perilous elements as a way of giving the Kenyan women a voice. Through its legal aid Centers situated in Mombasa, Kisumu and Nairobi, the Federation of women Lawyers Kenya (FIDA) Kenya endeavors to offer a favorable atmosphere for survivors to state their experiences. Through the self-representation, skills building and counseling, the organization supports the survivor in relating her story and makes her ready to give evidence. Secondly, through its advocacy involvements, it strives to inform survivors’ first points of interactions such as local Chiefs, the police and health organizations (Agency for Co-operation and Research in Development, 2009).

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<sup>92</sup> In order to achieve its constitutional and international obligation towards justice, the Government of Kenya enacted the ‘Legal Aid Act No.6 of 2016’ which became operational in May 2016 (Government of Kenya, 2017).

<sup>93</sup> The Federation of Women Lawyers –Kenya (FIDA-Kenya) is a non-governmental organization dedicated to “the creation of a society that is free of all forms of discrimination against women through the legal aid, women’s rights monitoring, advocacy, education and referral. Its membership is open to Kenyan women lawyers and women law students (Du Mont and White, 2013).

Since women in Kenya form the bulk of the poor, many of them cannot meet the expense of bringing a case to court; the fee of acquiring a lawyer is ridiculously high for them. In Kenya, pro bono (free legal services) legal aid services are generally taken up by private lawyers and the cases are essentially brought up to them by Civil Society Organizations (CSOs) to which advocates have agreed to offer their services (Nanjala, 2013). These organizations comprise of: The Federation of Women Lawyers (FIDA-Kenya), Coalition on Violence against Women (COVAW- Kenya), Kituo Cha Sheria, Children Legal Action Network (CLAN), African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN- Kenya), the CRADLE (The Children's Foundation Organization) and others (World Organization against Torture, 2008).

#### **8.3.2.1. Free legal services for women survivors who testified before the Waki Commission**

As it emerged during the in-depth interviews, the women who testified before the Commission of Inquiry into the Post-Election Violence (CIPEV) received free legal advice<sup>94</sup> and representation<sup>95</sup> by lawyers from Federation of Women Lawyers organization (FIDA-Kenya). They spoke of how the Federation of Women Lawyers (FIDA-Kenya) organization prepared them through counseling and ensuring that as they testified, they were well 'cushioned' legally and even emotionally. They spoke of having been linked to (FIDA-Kenya) by Development Work in Education, Livelihood and Education organization (DWELE) since a majority of them did not know about it and the approach they would have used to reach them. A lot of Kenyans particularly persons in the countryside are not aware of

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<sup>94</sup> Legal advice involves descriptions as to what the law implies and how it can be used in a particular perspective (Nanjala, 2013).

<sup>95</sup> Representation is factored as the most costly legal aid service and thus positioned at the topmost of the legal aid pyramid. Representation involves obtaining the services of a legal practitioner at marginal or no cost to ease the protection and execution of one's rights (United Nations Development Programme, 2011).

their rights and do not understand the legal process as well as entities from whom they can get support (Government of Kenya, 2011).

The following excerpts depict how Development Work in Education, Livelihood and Education organization (DWELE) linked them to Federation of Women Lawyers organization (FIDA) and how FIDA-Kenya intervened in their situations through free legal advice and representation:

***Jane***

*I gave my testimony before the Commission here in Kisumu. I had a lawyer from the Federation of Women Lawyers organization (FIDA) who prepared me before I gave my testimony to the Commission. The lawyers briefed us how to conduct ourselves and how to narrate our testimonies before the Commission without fear since this was one of the ways through which the government was going to ensure that we received justice. Federation of Women Lawyers organization (FIDA) helped us because some of us could not have known what to do before such a Commission. The services we received from the lawyers were absolutely free. Having female lawyers made us feel comfortable.*

The above excerpt shows that free legal aid serves as a vehicle through which access to justice can be made available for those who are unable to afford it.

### **8.3.2.2. Free legal aid for women who chose to take their matters to court**

Kenya's legal system is accusatorial in nature meaning that the system reaches a decision by letting both divergent sides to present their sentiments before an impartial party (Judge/magistrate) to define the facts and apply the law in light of expositions. One disadvantage of such a system is the difficult of ease of access to the indigent<sup>96</sup> (Government of Kenya, 2017). Not all complainants can have similar access to legal representation as the affluent and prominent litigants because the law and the judicial processes are too technical for a person to comprehend. The system can and does scare poor persons consequently causing great injustice.

During my research, a limited number of the women I interviewed proceeded to court for their cases in pursuit for justice. The Federation of Women Lawyers-Kenya through its lawyers as well offered free legal representation to these women. However, their cases could not proceed since police were unable to trace the perpetrators. The cost that comes with legal aid service provision was out of reach for most of the female survivors of sexual violence and the FIDA's indulgence into their plight was such a necessity. The costs in legal aid service provision suffered in the path of justice include: lawyers or paralegal fees, court filing fees, services for summons, transport expenses, communication expenses, witnesses' compensation, photocopying, other overhead costs and other unofficial expenditures (Nanjala, 2013). Entirely these costs are borne by the individuals in quest of justice. This makes justice unreachable for the underprivileged, sidelined and the defenseless in the society (Nanjala, 2013).

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<sup>96</sup> "Section 2 of the Legal Aid Act 2016" defines an indigent person as a person who cannot afford to pay for legal services.

Provision of legal aid by FIDA to the women survivors of sexual violence was in cognizance of recognition of legal aid as a human rights issue as recognized in international legal instruments on legal aid, regional and human rights treaties and Kenya domestic laws on legal aid. Internationally, the world has taken grasp of legal aid as a grave element in accessing justice as demonstrated in several international instruments. For instance, the Universal Declaration of Human Rights is the first international convention to identify the right of the individual to equality before the law and equal protection of the law without discrimination. Universal Declaration of Human Rights (UDHRs) identifies access to justice as one of the rights to which all individuals are entitled (Article 10).

Focusing on the Regional and Human Rights Treaties, the Protocol to the African Charter on Human Rights and People's Rights of Women in Africa (the Maputo Protocol) requires that women have effective access to judicial and legal services, including legal aid. The Kyiv Declaration on the Right to Legal Aid<sup>97</sup> adopted in 2007 also echoes the duty of the legal profession to make sure that the poor and weak have access to legal aid systems. At the national level the Constitution of Kenya Article 2(5) and 6 (allows) for automatic application of International Law that Kenya has ratified. Thus, it follows that all instruments linked to issues of access to justice that Kenya has ratified now form part of the Kenyan legal system and can be used to standardize aid service delivery (Nanjala, 2013).

### **8.3.3. Deployment of more female officers at Kisumu Central Police Station Gender Unit**

Ordinarily, pursuing legal formal justice requires a victim to first report the matter to the police so that formal legal proceedings can begin. However, Seelinger et al., (2011) has

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<sup>97</sup> (Kyiv Declaration on the Right to legal Aid Conference on the Protection and Promotion of Human Rights through Provision of Legal Services. Best Practices from Africa, Asia and Eastern Europe. (Kyiv, Ukraine, 27-30 March, 2007.)

pointed out that beginning the legal process can prove pointless without observant and sensitive law enforcement officers to carry out investigations. Two approaches that have been related with better experience of reporting sex crimes are: (i) having more female police officers in the force and, (ii) establishing specialized gender units within the police stations (Seelinger et al., 2011). The fundamental objective of having more female police officers is to help female victims who feel more comfortable to report sexual violence to a woman than a man. On the other hand, the establishment of specialized gender units within police stations is centered on the notion that these units have more skilled personnel than others to handle sex offences. Remarkably, having more female officers in law enforcement has become precedence in many places.

One of the interventions that the government did was to increase the number of police officers at the gender unit with special training on gender issues so that they could respond to the cases of sexual violence that were being reported at Kisumu police station. A large number of the officers deployed at the gender desks were also females. The unit has now four officers; initially, only one female officer used to manage the gender desk. The Kenyan government has been vigorous in creating gender desks<sup>98</sup> at police stations whereby every police station is expected to have a police woman in-charge of matters of sexual and gender - based violence. A study carried out in Kenya established that those victims who interacted

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<sup>98</sup> Gender desks are special provisions for women that were established in some police stations to make the police more responsive to gender - based crimes. These desks are separate from the main police desk. They were established to enable survivors of rape and sexual violence to report the offence in a more private environment and to police officers trained to interview survivors and investigate the offence in a sympathetic and sensitive manner (Agency for Co-operation and Research in Development, 2009).

In Kenya, the “Gender Desk Programme” was an invention by the Police Department (through the Office of the President) to set up gender desks at certain police stations as a pilot project. The Programme, founded in 2003 aims at solidifying the subject of violence against women. Therefore, each police station is supposed to have a police woman in charge of dealing with cases of gender-based violence (World Organization against Torture, 2008).

with an officer at the gender desk expressed more contentment than those who related with the general police force (Seelinger et al, (2011).

According to Morrison et al., (2007), special police stations or units within police stations seem to escalate reporting of abuse by women and the probability that women will obtain forensic examinations, counseling, emergency contraception and protection against sexually transmitted illnesses. Even with these remarkable, encouraging effects, appraisals have revealed a number of hitches with these units: First, female officers have not necessarily demonstrated better approaches towards female victims merely by virtue of sex. Moreover, these units have been under-funded, officers have received insufficient training and stations have been in short of equipment, transport and other basic resources. That is why the socio-ecological model talks of the interconnectedness among various levels and recommends that levels of intervention work together since changes in one level of intervention have an effect on the outcome of other levels.

For instance, if individuals fail to report due to fear of ostracization and stigmatization at the family or community level as result of existing cultures that view women who have been raped as ‘damaged goods’ then the establishment of female units are unlikely to achieve their goals due to high levels of under-reporting. Consequently, even if victims report and are well handled efficiently at the police female units, other factors at the exosystem level of intervention such as the courts may reduce the effectiveness of this kind of intervention. For example, as shall be discussed herein, adjournment of cases involving sexual violence is a common occurrence in Kenyan courts due various factors such as absence of the doctors to attend court and give evidence. This is mainly due to the limited number of medical personnel handling these cases. That is why, poor co-ordination and lack of proper linkages at all levels of intervention results to poor outcomes and adversely affects recovery process of the victims and leads to poor adjustment. All the same, even if having female officers does not at all times have a subtle reaction to gender-based assertions, mainstreaming gender concerns into the legal system is futile, if not difficult, without it (Seelinger, et al., 2011).

According to my participants at the gender unit -Kisumu central police station, some of the roles that they played in responding to the needs of the female survivors of sexual violence included: rescuing the women and placing them in safe spaces (for those whose home environment was not secure for them to return after reporting), arresting the perpetrators, prosecution (following up cases until they were finalized in court) and, referring the survivors for treatment. However, as it emerged during the interviews, many women faced immense barriers in initiating the first step in pursuing formal justice which is reporting to the police.

#### **8.4 Challenges faced in the implementation of the legal interventions**

The government's objective of increasing the number of police officers serving at the gender desk was to ensure that those desiring to pursue justice for their atrocities would have an avenue through which they would be attended effectively and in a subtler way. However, even when a survivor of sexual violence is willing to follow her case through the formal legal system, a number of hitches can impede the path to justice. The research established that even with the implementation of the numerous initiatives highlighted above, a number of hurdles barred many women survivors from reporting hence, making it problematic in the pursuit of justice.

##### **8. 4.1 Challenges at the Personal Level**

The aspect of having members of the state security forces such as the General Police, the Administration Police and those from the General Service Unit (GSU) as part of the perpetrators prohibited many female survivors of sexual violence from reporting. This had not only caused fear especially among those who had been assaulted by the police officers but the women further specified that they did not also have the confidence that the same police officers would have handled their cases effectively. This fear was coupled with the hatred that some women survivors had developed towards the police force. Ann who was among those raped by police officers expressed her dismay towards reporting in the following excerpt:

*I was raped by a police officer in uniform. I was afraid of reporting to the same officers who abused some of us. I felt that it would have been a waste of time; nothing would have been done.*

The above excerpt shows that where police or other officials may be offenders, victims are left with few or no options on whom to turn to for help. Bearing in mind that most investigating and prosecuting officers are male, most survivors are itchy making reports to them especially in occasions where they already have a negative attitude towards them. Hence, they may not be enthusiastic to speak openly about their cases.

In his study of police accountability in Kenya, Auerbach (2003) established that majority of Kenyans point out that, at best, they lack confidence in the neutrality and effectiveness of the police and that, at worst, they fear the police. Many Kenyans view the interaction with a police officer as an occurrence with unpredictable costs, and hence as a thing to be evaded. According to Human Rights Organizations,<sup>99</sup> in Kenya, if a woman protests of a rape by a police officer, it is very rare for an investigation or prosecution to be started if the crime has to be reported to the local police station where the police are involved. The close colleagues of the suspect may be the investigators. Under such circumstances, it is so likely that survivors will not report for fear of retaliation or inaction. In cases where other witnesses are other police officers, they are habitually averse to testify against a co-worker. In several cases, police officers alleged of, or accused of rape, are relocated to other departments as an alternative of being investigated and brought to justice. Local human rights organizations have accused the police of procrastinating tactics to postpone court hearings in cases which are taken to court such as losing evidence or moving the case to another court. Moreover, police have been accused of being sluggish in taking sexual violence files to court and the

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<sup>99</sup> Kenya Human Rights Quarterly Reports

prosecution regularly withdraws because the law permits it. My experience of working in the criminal justice system attests to the same.

The fear of suffering shame and embarrassment due to the ‘secrecy’ myth associated with the sex issue was hitherto another reason that prevented most women from opening up the legal proceedings. The way in which Kenyan society is ordered (largely male dominated and embracing patriarchy) has a substantial effect on the service seeking behavior for the women who have been sexually assaulted. Socialization has given rise to most cases of sexual violence remaining covered in privacy and silence. The fear of suffering shame and embarrassment is exemplified in Mercy’s excerpt below:

*There is no way I could have reported. If I could not divulge to my family members, how could I have reported? Reporting would have led to my exposure. Hence, I feared the embarrassment and the rejection from my family. I closed up everything unto myself; I just let go.*

The above excerpt indicates that sexual violence is a problem influenced by interaction of numerous factors some of which are socio-cultural in nature. Hence, responding to and averting sexual violence necessitates that the cultural factors that act as an impediment be understood in order to effectively tackle the problem. As stated in previous chapters, rape has historically been viewed as an act that brings dishonor not only to a husband but also to the family and community. For fear of suffering the same, Mercy chose to keep the matter to herself since she perceived that reporting would definitely lead to her exposure and hence the resulting consequences of rejection and stigmatization. The negative response that she envisioned from her close environment; (the family) barred her from seeking support from what Bronfenbrenner (1979) refers to as the formal settings /institutions, in this case, the legal support system. Ahrens et al., (2007) argued that in some circumstances when first confessions were negatively witnessed, victims renounced from more confession and had less probability to look for more help, which was linked to greater, self-suffering.

That is why, the establishment of formal institutions of interventions such as the police units, the hospitals and the courts may in themselves not be sufficient if this is not complemented by changes at other levels, in this case, the macrosystem level where traditions and cultures that view rape as an offence against a man and the society and not the women are addressed. In echoing the above sentiments, Seelinger, et al., (2011) has argued that in most parts of the world, women are regarded as “keepers of the family virtue’ and female sedateness is preserved in law or tradition. She may agonize if she reports a crime or lose her standing in the community or she may be rejected by her spouse (as was the experience of most women who were raped within Kisumu County). She may even be murdered as highlighted in our previous chapter. In addition, where female sexuality itself is a taboo, women fear disclosing such crimes to male officers. Many times, women perceive violence; including sexual violence as an element of life. Under such situations, women at times decide on or are compelled by their kin or societies not to report such offences to authorities (Kelly, 2005). In Bosnia too, it is reported that women were filled with feelings of shame and fear as well and hence were hesitant to speak about their experiences. They were afraid that their families and communities would reject them as well (Niarchos, 1995).

Fear of retaliation by perpetrators was another barrier that prevented some of the women from reporting. Out of this fear, most survivors and witnesses suffered in silence. This was more complicated especially for those who lived close to their perpetrators. In other instances, even non-victim witnesses dreaded talking to investigating officers for fear of their individual safety.

Kenya ratified the Witness Protection Act (2010) which makes allowances for measures to be conferred to witnesses such as, the capability to establish a new identity, relocation, provision of accommodation, means of transporting the witnesses’ property, financial assistance, counseling and vocational training services and such other measures that the Attorney General may deem fit, to ensure the safety and the welfare of the society. However, putting it into practice has been faced with innumerable challenges as ways and means for its

operationalization remain blurred. The law has bestowed too much power to the Attorney General. For instance, he single-handedly can determine who should/ should not be included in the programme as a witness notwithstanding the input of other actors in the criminal system such as the police. The Attorney General can also decide the amount of money to be paid under the witness protection agreement. In such a set-up, the would be witnesses usually chose to desist from giving evidence for fear of their own security and even due to the cost effect that comes with making journeys to the courts.

Another challenge was that, most women could not pinpoint their attackers as most of the rapes involved gang rape and occurred in turns and at night. Hence, they remained apprehensive that reporting would not have been gainful since in a usual setting, there has to be an accused person and a complainant. The following excerpts describe the challenges in reporting:

***Alice***

*It was worthless to report. Several of us were raped at night and therefore we could not state who the rapists were. Some of the perpetrators concealed their identity by putting on long caps and masks. If I were to go to court, it would not have been possible to avail the accused persons to court.*

***Matroba***

*I recognized one of those who raped me but he relocated to an unknown habitation. Most of those who attacked us relocated to other parts of Kisumu town and others in different towns. Tracing them proved a real challenge.*

As highlighted in the above excerpts, in times of political unrest, pursuing justice for the women who go through sexual violence is additionally compounded by the nature of the violence that occurs.

The time-consuming and wearisome procedure of filing a case and going through the court processes was a challenge and therefore a hindrance to many women. The few who reported to the police stations did not wish to go through the hallowing court experiences and chose to end their matter with the reporting. Nancy perceived going to court as having to suffer a double calamity. According to her, the trips to court can be expensive, time consuming and even traumatic. Reporting challenges are compounded by the thorny process for filing a complaint (World Organization against Torture, 2008). In Kenya for example, a woman who has been raped is mandated to produce three documents; a police abstract, a P3 form and a medical report (the Post-Rape Care Form<sup>100</sup>- (PCR1 Form). For an investigation to be commenced, a woman has to report the crime to the police. Her statement concerning the purported abuse should then be documented in the ‘Occurrence Book’ (OB) found in the respective police station (Agency for Co-operation and Research in Development, 2009). The victim is supplied with a P3 Form<sup>101</sup>. The form is not payable and an Occurrence Book (OB)

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<sup>100</sup> The ‘Post-Rape Care Form’ was generated with the purpose of having the medical doctor fill in important information comprising the psychological state of the victim and location of all physical injuries and bruises. It gives space for history taking, documentation and examination. It also facilitates the filling of the P3 form by ensuring that all pertinent particulars are available and were taken at the first contact of the survivor with a health facility.

The Post Rape Care form reinforces the development of a chain of custody of evidence by having a duplicate that can be used for legal purposes and displaying what specimen were collected, where it was sent and who signed for it. The Post-rape Care form can be filled by a doctor, a clinical officer or a nurse. (Government of Kenya 2009, World Organization against Torture, 2008, Seelinger, et al., 2011).

number is given to the survivor. If the survivor has not yet sought medical attention, she is encouraged to do so straight after reporting. Other processes such as “writing a statement” can be done after preliminary medical care has been accorded. The survivor should sign it only when she is contented with what has been put down. The ‘P3 form’ should be filled by accredited medical personnel with reference to the clinical notes found in the Post-Rape Care Form (Government of Kenya, 2009).

Until lately, the victim could only be treated by one government medical doctor designated in every district hospital (now County hospitals) who was also obligated to attend court meaning that most of the times, the doctors were busy. This procedure did not factor in the subtle nature of sexual abuse cases which dictates that the victim cannot take a bath or wash her clothes lest crucial evidence is lost. The unavailability (shortage) of doctors discouraged many survivors of sexual violence because some survivors lacked transport to and from for making several trips to the hospitals (World Organization against Torture, 2008).

In her decision not to initiate her matter through the formal legal system, Catherine stated the following:

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<sup>101</sup> The P3 Form is a legally recognized written proof of physical abuse. It is issued at the police station and is filled by a health practitioner or the police surgeon as evidence that an assault has occurred. It is filled to later verify, validate or even disapprove a purported attack. The P3 form is for all assaults and hence not explicit to sexual violence. It is thus not as thorough as the as the Post-rape Care form. Only recently have P3 forms been made more accessible; the police used to have the monopoly for the forms whereas now, it can be found in hospitals and can also be downloaded online. However, women are still not fully aware of such a form.

*The process of pursuing a case here in Kenya from the police to the court is just too wearisome. These cases never get determined. I have previously seen my friends make infinite trips to court over a case they had and eventually, they were told that the police never did their work. I did not want to go through a comparable process.*

The above excerpt demonstrates that, the protracted court process is an obstacle for people desiring to seek formal legal justice. Biko (2011) and Nanjala (2013) concur with the above sentiment. They have pointed out that cases take too long to be resolved; there are many deferments in between triggered by several reasons such as missing police files, lack of witnesses, and absenteeism of accused or survivor to appear in court. Further, they stated that the distances to court and the expenditures involved bar many survivors from pursuing their cases formally. That is why interventions at the policy level (macrosystem level) should aim at designing and implementing programs that aim at empowering women economically and by providing information so that they are able to actively engage in matters aimed at challenging systems that perpetrate injustice.

At times, survivors are necessitated to cater for the expenditures of their witnesses such as transport. If witnesses cannot appear in court to build up their case (make it water-tight), through their evidence, in such cases, the courts are left with no alternative but to terminate the cases. Hence, sexual cases are often dismissed by the court on account of such technicalities. According to Krug, et al (2002), doctors who are unwilling to attend court also create such problems. Some of the explanations why medical experts opt not to attend court are that the court rosters are unpredictable, with cases often being post-poned at short notice. The long spell of waiting by witnesses who are to give short testimonies also acts as a demotivation. In order to tackle this problem in South Africa for instance, the Directorate of Public Prosecution is stated to have been training magistrates to interrupt proceedings in sexual violence cases whenever the doctor arrives so that testimonies can be taken and witnesses cross-examined without delay (ibid).

Nanjala (2013) pointed out that there is a big buildup of uncompleted cases in Kenya which aided the government to commission a study into the backlog in the judiciary in 1998. The study showed that the Nairobi High Court alone had over twenty thousand pending cases. It also revealed that the typical period of a case in Kenya is between four to five years. As a result of these enormous delays, the confidence by majority of the population towards the judicial system has been dwindling. This has led to the development of other unconventional and adverse extra-legal phenomena that is disreputable to the rule of law; “*mob-justice*” where populations seek justice for themselves by jointly executing accused persons on the spot. Some of the reasons for delays and accumulation of cases identified include: sloppiness of judicial officers due to laid back supervision, congestion in the court registries resulting to loss of files, delays in obtaining the Attorney General’s consent, attendance of expert witnesses such as document examiners and ballistic experts/ firearm examiners. Other reasons include unprepared, late-coming and absentee lawyers which lead to many adjournments and, the yearly ninety (90) days’ vacation of the judges of the High Court.

The perception by members of the public that most police officers are corrupt discouraged many survivors from reporting. Many female participants also echoed that the police are corrupt; that the police were likely to seek bribes even before initiating the legal process. Some women howled that some officers would even ask for a bribe even before starting to record a statement to determine whether they would proceed with it and if they did, how they would proceed. Due to their low socio-economic status, most women are incapable of bribing the police. Notwithstanding, the violence impoverished most of the women survivors further many lost their sources of livelihoods such as business premises which were destroyed during the violence. Others were displaced and, in the process lost their property.

In describing her attitude towards the Kenyan police, Alice exemplified this in the following manner:

*Most police officers are corrupt. Even if one knew the perpetrator, they police would want to be bribed in order for them to arrest the person. This discouraged most of us from reporting.*

Occurrences of law enforcement corruption have often been associated with the legal practice in both developed and less-developed countries. Affirming the above sentiments, Amnesty International (2002) noted that in Kenya, women in need of access to formal forms mandated for medical forensic examinations time and again had to bribe the officers. In their study that involved victims who had reported gender -based violence offences to the police, Institute of Economic Affairs (2009) found out that twenty percent of them had reported having been asked for bribes. A survey conducted by the United Nations Habitat (2002) established that the typical Kenyan believes that half of the members of the police force are corrupt and that a third of all crime committed in the country is linked to police criminality. The degree of public confidence in the National Police Service has been waning due to excessive cases of police cruelty, impunity and malignant cases of corruption in the service (Auerbach, 2003).

In South Africa like in Kenya, ‘lost files’ are a perpetual problem; an occurrence connoting that someone had blocked the case or that the police had asked the survivor for a bribe for the case to progress (Pearce, 2005). Corruption within law enforcement and court sceneries has been related to diminished use of lawful evidence and also interference with effective trial in individual cases (Du Mont & White, 2007, Lievore, 2003). Corruption has been identified as a key problem in many developing economies. For instance, studies by World Bank placed bribery over “one trillion US dollars per year accounting for up to twelve percent of the Gross Domestic Product (GDP) of nations like Nigeria, Kenya and Venezuela” (Nwabuzor, 2005). It is hoped that the ongoing reforms in the police sector in Kenya such as the establishment of the Independent Policing Oversight Authority<sup>102</sup> (IPOA) will bring a difference in the conduct of the police towards the citizens. The Authority, which began its work in November

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<sup>102</sup> In August 2011, the Kenyan Parliament Passed the Independent Policing Oversight Authority Bill (Amnesty International, 2013).

2012, is responsible for carrying out investigations into the excessive use of force and handling complains (International Crisis Group, 2013). It is also responsible for recommending disciplinary action to the National Police Service Commission (Auerbach, 2003).

The hostile and insensitive attitudes of police officers towards women reporting sexual violations were yet another barrier cited by the women as having prevented them from coming forward and pursuing their cases. Mary described police officers as being carefree and negative when it comes to women who have been raped. She developed this perception after one of her friends shared what the daughter had experienced at a police station when she went to report a rape occurrence. She narrated this in the following manner:

*The police look down upon women who have been raped and can ask very demeaning questions. When my friend's daughter reported of having been raped, the police humiliated her like asking her who had witnessed her rape experience. In most cases, they tend to imagine that you contributed towards the rape. They may even fail to believe your story.*

The above excerpt shows women can turn to formal systems and encounter suspicion and blame instead of help which leads to re-victimization. As highlighted earlier, society's response to women who have experienced rape has an impact on their overall well-being. On this note, there is need for sensitization to be carried out to police officers with a view to changing their attitudes towards victims of sexual violence in order to encourage more women to report sexual assault cases. As highlighted previously, the presence of patriarchal attitudes which are attributed to the existence of rape myths not only in the Kenyan society but across other societies in both developing and developed countries shape the way in which women are handled when pursuing services in formal institutions such as the police. Consequently, victims have preferred not to report their assaults or have been sifted out of

criminal justice systems, occasioning in low charge-filing and conviction rates (Du Mont and White, 2007). Depending on the extent to which the detrimental, stereotypical and incorrect notions about raped women and the perpetrators are formally or informally embraced within these institutions that respond to rape, a woman may find little or no support after an assault. Although a small number of rape victims do have their cases prosecuted, Campbell et al. (1999) have argued that it is not clear as to whether this kind of help is actually helpful to the survivors. For instance, Cluss, et al. (1983) established that the rape survivors who had their cases prosecuted were more distressed than those whose cases were not. This explains why the Waki Commission recommended the need for police reforms; accompanied by complete change of attitude in the police service (Government of Kenya, 2008).

Existing literature has established that disdain by law enforcement officers, medical and legal professionals towards women is mutual across both developed and less-developed “nations. A study by Ngondi (2006) on access to justice in Kenya highlighted that the Kenyan police are habitually rough, indifferent and dismissive in their treatment of both litigants and accused persons. The study further established that there have been many reported cases of people being detained when they have gone to report a crime, women being held within police stations, dismissed and humiliated when they have gone to report domestic violence. Extensive episodes of needless delays at police stations and reaction of police to distress calls were also discovered. In 2004, in Philadelphia, it was revealed that police investigators had lowered or snubbed hundreds of sex crimes as well as disregarded relevant evidence (McCoy, 2004). Reacting to these accusations, one retired officer stated: “half of the girls that came in were lying,” labeling the sex-crime service, “The Lying Bitches Unit” (McCoy, 2004). In Pakistan, a section head from government forensic laboratory in ‘Lahore’ told Human Rights Watch (1999) interviewers that “better forensic techniques were required to protect men from false accusations of rape”.

Another challenge stated by the respondents was the way the violence itself disrupted the transport operations. Susan affirmed that the breakdown in general public transport prevented

many from reaching the police stations to report. Susan, a Police Officer at the gender desk-Kisumu Police station described the breakdown of public transport at that time in the following excerpt:

*Many women could not reach the police stations since public transport had been paralyzed. Others were afraid of walking to the police stations. However, some still managed to report.*

Seelinger et al, (2011), argued that, even in peacetime, for victims living in far-off villages, transport to reach the corridors of the legal system may be challenging as well. If the victim's homestead is far from the court or police, distance can be a major impediment. She may not have access to transport and if she has children, she is expected to be liable for their care during the day and hence not even find time to do so.

Another challenge that was expressed by the female survivors of sexual violence was that they felt that the government did not involve them in decision-making process in addressing their plight. For instance, they argued that they were left out in the deliberations that involved the setting up the reparation fund for the internally displaced persons and the criteria derived on who would have been the beneficiaries. According to Lederach (1995), for transformation to take place post-conflict it must be able to respond to the life-on-the-ground challenges, essentials and realities by making sure that people have access to political processes and voice in the decisions that touch their lives. The justification for including women in decision making processes is based on the fact that war itself is gendered. Based on this argument, decisions aimed at attaining democracy and addressing the specific needs of either gender should involve both at all discursive levels. Otherwise, responding to the particular needs of those affected in a transformative way would be problematic. Post-conflict transformation therefore becomes impossible without a gender lens.

#### 8.4.2 Institutional Challenges

Government's inability to institute criminal charges and prosecute the offenders was one of the challenges highlighted by the President due to various reasons. In his "State of the Nation's Address" in March 2015, the President highlighted the challenges in the implementation of the recommendations at the Commission of Inquiry into the Post-Election Violence (2008) report. In his address, he stated that he had received a report on cases related to the 2007-2008 post-election violence from the Office of the Director of Public Prosecutions. In the Report, the Director stated that out of the six thousand (6,000) reported cases, four thousand, five hundred and seventy -five files (4,575) were opened for criminal investigation. However, the President stated that there would be no extra determination to prosecute those alleged crimes due to numerous challenges, including, "lack of evidence<sup>103</sup>, witnesses' fear of reprisals, inability to identify perpetrators and general capacity limitations at the time" (Government of Kenya, 2015). The President delivered an apology on behalf of his government and former governments for the invocations of abuses suffered by Kenyans in the past. He established Kenya Shillings ten billion (approximately \$ 98.7 million) restorative justice fund for purposes of reparation.

However, Thomson and Kihika (2017) have argued that the operationalization of this fund has been sluggish. A year and half passed before the President's Office authorized the Attorney General's Office to form a technical committee to guide the Attorney General and work on victims' registration and verification<sup>104</sup>. The President also gave mandate to the Attorney General to draft guidelines on how to implement the fund. Although this is a change in the right direction, Parliament has not revised present laws to permit judges and magistrates to award recompense to survivors of sexual violence.

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<sup>103</sup> Evidence is the ways by which doubtful facts are attested to be right or false in any hearing in" the court of law" or an organization that operates like a court (Government of Kenya, 2009).

<sup>104</sup>International Center for Criminal Justice (ICTJ) is a member of the technical committee.

Further, there is no formal policy or other lawful measures that would assure reparation to the survivors of sexual violence. The criminal justice system has so far, been firmly centered on the accused person; notwithstanding the implication of the assailant's acts which may include HIV, unwanted pregnancy, death, maiming and other health complications (Biko, 2011). Victims perceive the prosecution of perpetrators as both a reparative and preventive measure, but it has been difficult for them to access justice. The difficulties faced include: lack of confidence from the Kenyan police, negative attitudes by the police towards sexual violence survivors and, ineffective protection of witnesses from retaliations by the culprits (Human Rights Watch, 2015).

A vital element of the criminal justice system is the evidence that is tabled in court. The challenge of lack of evidence as outlined in the Presidential Speech was emphasized during in-depth interviews at the gender desk at Kisumu Central Police Station. According to Halima, one of the problems that they experienced at the time of post-election violence was the difficulty in obtaining forensic evidence from public health facilities. She attributed this to lack of proper forensic equipment to collect and store evidence, yet most survivors reported to public health institutions since the services were either free or highly subsidized as compared to private health facilities. Even though the police were advising them to seek medical care as they reported the assaults, many reached the health facilities when it was late for the medical personnel at the hospital to collect forensic evidence that could stand trial in a court of law. Many reasons that caused delay in seeking medical attention were highlighted in chapter six.

The lack of evidence also resulted to the dismissal of the cases that the Federation of Women Lawyers (FIDA) had filed in court on behalf of the few women who had suffered sexual violence and chose to go through the corridors of justice. Medical evidence of rape under the Kenyan law can only be acquired by inspection of semen deposits, bruises and tears. Lack of this form of evidence renders the prosecution case more problematic to verify (Agency for Co-operation and Research in Development, 2009). Timing is central in collecting forensic

evidence. If possible, evidence should be collected within seventy -two hours after assault; it may be difficult to find if a victim bathes or even uses a lavatory prior to undertaking a medical examination.

Limited communication or poor co-ordination between actors such as the police and the health facilities were amongst other challenges experienced in the implementation of the intervention strategies. According to Susan, a police officer at Kisumu Police station (gender desk) the limitation in communication was as a result of many factors such as low morale within the police force and inadequate resources for communication. This inhibited an effective forensic process. Referring to the information that I obtained during my interviews at the Gender Violence and Recovery Centre (Kisumu), my respondents highlighted that if there was a suspect, for example, police did not make sure that a doctor examined him for corroborative evidence such as Sexually Transmitted Infections (STIs) which is permitted in court as evidence. Many cases were terminated as a result of lack of collaboration.

According Du Mont and White (2013), poor or no co-ordination between the health sector, law enforcement and the criminal justice system acts as an obstacle to the effective use of medico-legal evidence. The two authors have pointed out that vital to effective use of medico-legal evidence is the setting up of a safe chain of custody of evidence<sup>105</sup> so as to prevent it from being compromised before scrutiny and possible court use. This entails the participation of numerous professional bodies. In Kenya, normally, in sexual violence cases, examiners hand over the forensic results to law enforcement officials (usually the police) who are supposed to take the laboratory findings and documented injuries to court as their evidence ( together with those who are sanctioned to testify to them).

Limited or inadequate facilities were identified as one of the challenges that prevented the police from effectively carrying out their work. My respondents at the gender desk (Kisumu Police station) stated that the gender desks are underfunded and under staffed. The resources required to train the officers so that they can manage the desks effectively are inadequate. The gender desk at Kisumu Central did not have enough physical resources such as computers and vehicles. Limited resources made it difficult for the police to discharge their mandate. Susan, a police officer expressed such limitations in the following manner:

*Sometimes the women who had been sexually assaulted would report on time but many times, we could not manage to apprehend the culprits immediately since we did not have enough vehicles to ease our movements and arrest them. In the process of this delay, many perpetrators got the opportunity to escape.*

From the above excerpt, it is evident that insufficient resources can undermine the ability to ensure that police arrest and investigate all sexual violence complaints even if a police officer has increased awareness and sensitivity (see Inter-Agency Gender Based Violence Report, 2008).

Using observation method, I noted that the Kisumu Central Police station gender desk (office) is one open room which was being shared by four officers. This office was inadequate for interviewing gender -based violence victims. In addition, it lacked the privacy since several officers would be attending to different clients at the same time. In Kenya, an analysis of 2005-2009 budget allocation for the Ministry of State for Provincial Administration by the Kenya Institute of Economic Affairs (2009) established that the gender desks lacked enough resources. The study did not find particular allocations for police gender desks. Visits by researchers to gender desks in five police divisions in 2009 found that one trained officer was accountable for each desk. When that officer was absent, victims were handed over to the “general force” (Kenya Institute of Economic Affairs, 2009).

According to Halima who I interviewed at the gender office, numerous transfers affect the functionality of the gender desks since an officer can be transferred from the gender desk but not replaced since there are no enough officers trained to handle gender matters. The policy on transfer within the police force is that every officer is mandated for transfer every three years and this affects steadiness of operations at the gender desks.

Another challenge experienced was that some women survivors preferred that their matters be settled informally (culturally). The reasons as to why they preferred the traditional system is because they overcome the principle impediments that deny many people access to formal justice system. According to Smock (1997) traditional justice systems evade the great costs to individuals and governments that come with official government systems. The final objective of traditional system is mainly the restoration of peace by reuniting the disputed parties and the broader community.

According to Jacinta (from DWELE organization) who has worked in and lived within this community, the women who preferred the traditional justice systems are those whom the perpetrators comprised of members of the complainant's kin. Nevertheless, the traditional system has some deficiencies. While it provokes a paradigm shift in handling cases of sexual violence by awarding direct compensation to the survivors, the awards are far from being adequate; the reparation is commonly so little that it fails to improve the conditions of the survivor. The idea in such systems was that the award was more of a 'benefit' to the survivor's family rather than a means of easing the survivor's situation (Smock, 1997).

Lack of safe homes for referring women whose home environment was not conducive after reporting was a challenge too that was pointed out at the gender desk-Kisumu central police station. According to Susan, some of the female survivors expressed fear of returning to the same environment where the violence had occurred. They felt that since the perpetrators were still at large, there was a possibility that they would experience a repeat of the violence.

However, officers at the gender desk could not secure a majority of them temporary shelters since there is no single safe government run home for adults in Kisumu County. However, some non-governmental organizations such as DWELE converted some of their project offices to temporary safe homes but they were only short-lived; covering the post-election violence period. This only left some survivors with no choice but to return to the risky environment from where the violence had occurred. Susan expressed the challenge of lack of safe homes for adults in the County in the following excerpt:

*Some women were afraid of returning back to the same environment fearing that the perpetrators may attack them again. We could not help much since there are no safe homes for adults in the County. It could be the high time the County government thought of establishing one. We have been advising them to establish safe homes for adults especially for women.*

From the above excerpt, it is evident that access to shelter and safe homes is a critical constituent of accessing justice. In Kenya, most of the victims are at an additional risk of being violated again when they are compelled to return to the place where they were abused due to lack of shelters and safe houses. For this and other reasons, some victims choose not to report or follow up with cases (World Organization against Torture, 2008).

According to Freccero, et al. (2011), the absence of safe homes does hinder women from filing a complaint. Survivors may be afraid of their assailants or the impact the reporting will have on their families. Under such circumstances, safe homes can offer women an opportunity to feel safeguarded. However, there are shortcomings associated with such shelters. Firstly, in most cases, they will not reserve the victim's privacy. Secondly, they cannot keep them for long durations due to limited resources. Thirdly, most shelters will be less likely to admit the women with their children and thus many women will be likely to give preference to their children's welfare instead of going to a safe home.

Shelters for the safety of victims of violence are still basically unavailable in Kenya and these services are mostly provided by Civil Society Organizations (CSOs). In Nairobi, only the Women's Rights Awareness Programme (WRAP) affords shelter for women who have been victims of violence and must be detached from their home situations. However, WRAP is overwhelmed and can only provide for very few women, and even for a very short time. In most cases, women will choose to remain in their violent situations as the center is incapable of providing shelter for a woman and her children and many times going to a shelter will mean separation from one's children (World Organization against Torture, 2008).

### **8.5 Gains by the actors involved in legal intervention process**

Susan at the gender desk (Kisumu police station) identified collaboration between various actors (both from governmental and non-governmental sectors) in the legal fraternity through referral networks, sharing of information and participation in regular workshops/ meetings to have played a crucial role in enhancing the effectiveness of these interventions. Non-governmental organizations such as Plan International have facilitated joint trainings where representatives from the police department, the health sector, and the judiciary have jointly been participating. Plan International has also facilitated the availability of P3 forms at the police station by making copies of the forms for the station. The transformation approach acknowledges that for transformation to occur, several parties must be informed. It also acknowledges the interdependence of parties involved as has been characterized in the provision of the intervention initiatives.

The police working at the gender desks have benefited from further trainings on gender issues by both the government and non-governmental organizations. This was highlighted as one of the ways through which the gender desks have tried to enhance the effectiveness of these interventions. One of the recommendations of the Waki Commission was for the government to initiate policy reforms with a view to increasing their efficiency and changing their attitude towards victims of sexual and gender -based violence. According to Susan who works at the

gender desk- Kisumu Police station, one key reform is that the Police Training College in Kiganjo now offers a common course to all officers joining the service on the subject of gender. This course never used to be offered before the post-election violence of the 2007/08.

#### **8.6. Towards strengthening legal interventions**

Survivors of sexual violence should be motivated to report to the lawful authorities promptly after seeking medical attention. Police should also inspire and support anyone coming to report following rape to visit the nearby hospital soonest; mostly before the legal procedures begin. This is because procedures such as Post Exposure Prophylaxis for HIV and Emergency Contraception lose their effectiveness as time diminishes.

There is need for more training to be done to medico-legal personnel envisioned to eradicate or alleviate the effects of undesirable attitudes towards rape victims and thus improve the excellence of law enforcement, forensic and legal practices.

More sensitization is needed for the members of the public of what should be done in case of sexual assault experience. This is because of the fact that most survivors or the general population are ignorant of the correct procedure to follow after a sexual assault experience (for instance not washing and keeping clothes) and the window of opportunity for medical care for forensic examination.

There is also need for awareness creation and accessibility of legal aid and services. The citizens need to know about organizations, their facilities and processes. Citizens need to be made aware of the organizations that provide free or reasonable legal aid services to help litigants know where they can get help in times of need.

There is need to offer incentives for lawyers to take up *pro bono* work. With better inducements, majority of lawyers would be able to take up *pro bono* work with the circumstantial understanding that some benefits would be allied with this work.

The government should ensure that there is adequate suitable forensic equipment to help gather and stock proof of sexual survivors. Proper management of proof helps in giving reliable evidence to court in order to demonstrate that sexual violence undeniably took place and link the offender to the crime (Government of Kenya, 2009a). In most cases, forensic evidence is the only thing that can connect the offender to the offence for instance in situations where the incidence is reported after a long time or where the survivor was pregnant. DNA samples are documented as the utmost efficient means of showing or refuting a connection to sexual assault. However, this is a costly undertaking and most of the health facilities do not have the capacity resources to offer this service.

In areas characterized by a lack of confidence in the criminal justice system such as the Kenyan situation, victims of sexual violence may prefer to seek medical care than report to the police or seek legal assistance right after an attack. Thus, firming the relations between actors in the medico-legal system can intensify the number of cases that are eventually filed in court (Seelinger, et al., 2011).

The integrated model of medical and legal services which has been adopted at the GVRCs need to be replicated in all public health facilities with a view to improving co-ordination between the medical and legal sectors. At the Gender Violence and Recovery Centre (GVRC), the nurses working there possess the requisite skills such that they are able to first offer prompt medical care to patients who have suffered a sexual assault as well as collect forensic evidence to support probable prosecution. A study of an urban hospital in the United States established that patients seen by Sexual Assault Nurse Examiner were more likely to be tested for sexually transmitted infections (STIs), receive pregnancy prophylaxis and be

referred to a rape crisis Centre. At the Centre, a victim can get information about how to file a complaint and acquire legal aid (Bechtel, et al., 2008).

There is need to establish government run safe homes in all counties for sexual violence survivors as a crisis response mechanism. This is to enhance the accessibility of services to those in need. As highlighted earlier, the existing ones are few, run by non-governmental organizations and only found in urban areas such as Nairobi.

## **8.7. Conclusion**

In this chapter, I have highlighted the legal intervention initiatives that were put in place with the aim of helping the women survivors of sexual violence access justice. The chapter also highlighted the key players that were involved. In addition, it highlighted the challenges that the women faced in accessing these services and those faced by the actors who were involved in the provision of the legal services. Advances by the various stakeholders who were involved in offering legal services to the women and how these gains went along in countering the challenges they encountered have been stated.

The chapter made several suggestions geared towards strengthening legal interventions such as offering more training to law enforcement officers, legal and forensic experts in order to mitigate negative perceptions towards sexual violence survivors and provision of proper forensic equipment by the government to the health facilities for collection and storage of evidence. It has also recommended enhanced collaboration among stakeholders in the criminal justice system by recognizing that successful implementation of the law requires multi-sectoral concentrated efforts such as medical personnel, police, judicial officers and members of the public. The ecological model identifies these multi-sectoral efforts as the formal systems where sexual violence survivors are likely to turn for assistance. The chapter further recommended the establishment of government run safe homes for adults in all

counties as a crisis response mechanism. The next chapter discusses education and sensitization of community members and service providers as an intervention that was adopted with a view to addressing the gender biasness in the community and challenging the negative attitudes towards sexual violence survivors.

## CHAPTER NINE

### EDUCATION AND SENSITIZATION OF COMMUNITY MEMBERS AND SERVICE PROVIDERS

#### 9.1 Introduction

In the previous chapter, I examined the legal interventions that were initiated in order to aid the female survivors' access to justice. In this chapter, I will examine education and sensitization at two levels: the first level involved the sensitization and education of community members while the second level entailed sensitization and education of the service providers. This was vital since rape occurs within a community that upholds certain cultural practices and beliefs. In addition, victims of rape as seen in the previous chapters are likely to interact with various service providers (both formal and informal) in seeking services geared towards addressing their needs. The cultural environment within which survivors of sexual violence live as well as the reaction that they receive from both their immediate and non-immediate environment has an impact on their recovery and adjustment process.

According to Abarbanel (1976), the attitude and behavior the people with whom a victim of sexual violence interacts with, as well as the processes to which one is exposed to, has a direct effect on one's direct trauma. The consequences of rape also go beyond those experienced by the victim her/herself to include those that are experienced by the entire community such as instilling fear as well as destroying the social fabric. Therefore, education, sensitization and training about rape must not only include the individual but the larger community as well. This chapter shall examine various sectors' engagement in carrying out education and sensitization which included: promoting public education through face to face programs to community members and secondly, sensitizing the community through outreach campaigns. It will also examine sensitization and education of various actors who were involved in offering diverse services to the victims of sexual violence. The relationship between the various stakeholders involved will also be highlighted. This is with

the understanding that addressing sexual violence cannot explicitly be addressed through the provision of services in a particular sector. The challenges in the implementation of these kinds of interventions will be discussed as well as recommendations in countering them.

## **9.2. Sensitization and education of community members**

### **9.2. 1. Promoting public education through face to face programs**

In this kind of an approach, information is relayed to individuals on one to one basis and to the community mainly through public meetings and encouraging word of mouth publicity based on the notion that if you assist people, they will inform others. Community education heightens awareness of the implication of rape as a community problem and educates the community entirely about rape and the needs of its victims. The major goal is to increase the cognizance of the community so that it can deal more efficiently with beliefs about rape and attitudes towards women who are raped (Abarbanel, 1976).

As found in much of the feminist work on rape, including war-time rape, the socio-cultural factors including gender norms, the role and position of women in society and the notion of maleness are responsible for rape (Lee and Beattie, 1983). The feminist explanation of rape is that rape is largely an act of male supremacy over women rather than an act driven by sex drive (Brown Miller, 1975). The deeply entrenched social traditions and the male domination in all important spheres of life (socio-economic and political) have led to serious exclusion of women from these circles. As a result, women have been reflected as unequal contestants in interpersonal relationships and at the extreme, they have come to be perceived as possessions over which men compete (Ellis and Bettie, 1983). The explanation behind the feminist work of rape as one of the theories on which this study has been anchored on is that rape that occurs during conflict is actually a continuation of what happens during peace times, the difference being that during war, it is more ruthless, indiscriminate and more mindless (Nikolic-Ristavonic, 1996). The phenomenon is thus engrained in disparity, discrimination, male supremacy and antagonism and the entrenched socialization of sexual myths

(Tompkins, 1995). Consequently, rape has been viewed by many feminists as likely to happen in situations where interpersonal relations occur in an environment in which women are defenseless vis-a vis men (Davis, 1975, Metzger, 1976) or where women are regarded as property (Griffin, 1971, Betries, 1972). Sexual violence against women is therefore a reflection of the patriarchal structure whereby the woman is viewed as a “territory” to be possessed and dominated by the men (Colombini, 2002). Thus, men will rape with a yearning to establish or re-affirm a custom of sovereignty of the male sex over the female sex.

The key informants I interviewed from various sectors such as the health, the police and the non-governmental sector stated that, soon after the violence subsided in 2008 various actors such as non-governmental organizations, human rights groups for instance the Kenya National Human Rights Commission (KNHCR), religious organizations together with various government departments recognized that there was need to include the whole community in addressing matters of sexual violence that had occurred. As a result, they organized joint public meetings such as *Chief Barazas* (meetings) to sensitize the community based on the understanding that sexual violence cannot be understood in isolation from gender norms and social structures that affect women’s susceptibility. The non-governmental organizations involved included the Civil Society Organization Network, DWELE organization and Plan International organization. Religious organizations included the Church such as the Anglican church of Kenya and the Methodist Church-Kisumu branches. Government departments involved included the Police, the Ministry of Health, the Provincial Administration and the Judiciary.

Awareness was done on the gendered nature of the violence. Other matters that were addressed included the prevailing myths that propel sexual violence and ways in which they determine how victims of sexual violence are treated. Preventive measures were also discussed as well. Small groups participated during such meetings in which these issues were discussed. This was significant since socio-cultural factors which include attitudes and beliefs about sex play a major role in how communities respond to incidences of sexual violence

(Freccero et al, 2011). According to Fonow et al., (1992), rapes are tolerated by beliefs and practices within the larger society that underlie the power differential between men and women. Moreover, macrosystem factors such as culture that defend rape and support rape myths<sup>106</sup> form a difficult socio-cultural context for victims of sexual violence to recover.

According to Susan, (a police officer who participated in such meetings), several issues emerged during the discussions. These included factors that fueled sexual violence such as apathy and lawlessness within the community as precipitated by high poverty levels, formation of gangs and local militias within the community and laxity of the security forces to address matters of insecurity within the community. Other factors pointed included the perception of men towards women in the community; that women are considered inferior to men and hence with such an existing notion, men took advantage to abuse women during the 2007/08 post-election violence. Following their dominance in all crucial spheres of politics and economics men perceive themselves as superior vis-a-vis women. Feminists theorists of rape therefore propose that in order to eliminate rape, disparities that exist between both sexes in matters of socio-political and economic power must be eradicated (Hilberman, 1976, Clark and Lewis, 1977). Therefore, interventions aimed at upholding gender equality and the empowerment of women and girls were proposed such as enhancing equal opportunities to education, justice, political and economic arenas between both sexes.

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<sup>106</sup> A myth is a traditional story with an ostensibly historical content that is neither a total fabrication nor the only story that can be told. The rape story may feel comfortable to some because it allows them to disavow themselves as potential rapists or as potential victims and because it fits with other cultural beliefs and familiar structures of oppression (Fonow et al., 1992).

Cultural factors prevailing in the community such as wife-inheritance and discrimination against women who had been raped due to existing rape myths and beliefs were also discussed. Other matters raised included the negative attitude by staff at government departments towards victims of rape, HIV/AIDS prevalence within the community, increase in female-headed households as a result of wives being deserted by husbands after learning that they were raped and, increased poverty levels within the community. Organizations such as the Kenya Human Rights Commission sensitized members of the community on their rights and the proper channels that should be followed in order to pressurize the government to uphold citizens' rights, address matters of impunity as well as conform to international rights and standard of which Kenya is a signatory. Members of the community together with the stakeholders in service provision deliberated the way forward in responding to matters of sexual and gender-based violence during peace and conflict times.

Although Kisumu is a cosmopolitan city, the Luo ethnic community is the most dominant. Rape that took place was indiscriminate, meaning that it was not directed towards a certain ethnic group, displaying a sexual manifestation of aggression as argued by Seifert (1994). However, by virtue of the Luo ethnic community being prominent in Kisumu, most rapes happened to have been precipitated among women belonging to this ethnic community. The Luo culture, as in most Kenyan cultures is deeply patriarchal and has its unique traditions and beliefs such as widow inheritance. Polygamy is also widely practiced and culturally accepted within this community. On this basis, most husbands who learnt that their wives were raped went for the option of taking another wife. As depicted in earlier excerpts, in those instances where the husband chose to stay, he neglected the wife by refusing to have sex with her. Ideally, in patriarchal arrangements, the female is "devalued". Research has revealed that men who are brought up in patriarchal families have a higher probability of becoming violent adults and to rape women allies than men raised in democratic homes (Heise, 1998). Further, he argued that a relationship between patriarchal family structure and violence may in part be catalyzed by macro level norms that favor male supremacy in the family.

During the violence, Kisumu experienced one of the highest casualties in the country. Many women were widowed and culturally, a widow is supposed to be inherited by a brother-in-law or a suitable next of kin as approved by the elders. This cultural practice is believed to be one of the leading factors of HIV/AIDS transmission. During the sensitization meetings, members of the community were sensitized regarding individual human rights; that women had a right to choose as to whether they preferred being inherited or not. Matters relating to how victims of sexual violence were being handled at the community featured predominantly due to the prevailing cultural practices and myths. One of the myths held in this community is that a woman who has been raped can bring a bad omen to her husband's family besides being a dishonor to him and the community. Following much abandonment and rejection of such women in the community, members of the community and stakeholders involved in dealing with matters of sexual violence were sensitized on the importance of offering adequate social support to this category of women.

Using the ecological approach, Lori (1998) put forward that the cultural, social and gender norms of a community often make it hard for a victim to receive support or achieve recompense. Therefore, in order to respond to matters of sexual violence effectively and provide suitable support to victims, the socio-cultural environment in which offences are committed must be reflected. The subordination of women to men in most societies is a consequence of the generational gender stereotypes embedded in these societies. Usually, it is women who mainly have borne the impact of offensive cultural practices that propagate sexual violence. The victim's degree of recovery affects and is affected by all her relationships and experiences including the attitudes and beliefs of the community. Adverse attitudes towards the woman who has been sexually assaulted inflict on the victim a further assault. Open discussion concerning rape lessens the shame associated with it and, in so doing, inspires victims to seek support.

Education and sensitization also occurred through referrals. As stated in previous chapters, women interacted with various service providers who sensitized them on the options

available at every stage of case management. At the police station, those who had not sought medical treatment we advised to do so while at the hospital, those who had not reported to the police were encouraged to do. However, it remained at their discretion as to whether they would pursue their matters formally or not. Development Work in Education, Livelihood and Education (DWELE) organization, as previously stated linked the women survivors to various organizations from where they were able to receive various forms of support.

In addition, members of the community were sensitized through home visits conducted by the psycho-social workers. In instances where family members had witnessed rape and openly spoke about it, the psycho-social workers from DWELE organization sensitized them by giving them information on where they could seek psychological support. As highlighted in chapter five, witnessing rape can be as traumatic as the rape itself. That is why family members who witness rape need to be supported in order to deal with the trauma experienced. In explaining her role of offering sensitization at the family level, Rose, one of the psycho-social workers at DWELE organization stated that the following:

*Some of the family members were witnesses of the rape episodes and had been traumatized too. However, many were afraid to speak out as a result of fear and shame that in most cases accompanies such disclosure. Others did not know where to seek help as well. Even though we did offer them psychological support to a certain extent, we also provided them with the necessary information on where they could seek more support in order to deal with the trauma they had experienced. We also sensitized them on how best to interact with members of their families who were direct victims of rape.*

This sensitization was essential since rape can disintegrate a family. As previously highlighted, most women found themselves stigmatized and discriminated upon not only by their very own family members but by the community at large. As argued by Josse (2010),

traditional dogmas and biases are used to validate their state of degradation in the eyes of the community.

DWELE as an organization realized that as a result of the prevailing cultural beliefs within the community, some women experienced positive reaction from their family members whereas for others, it was the opposite. The psycho-social workers in such instances had an opportunity to sensitize and educate members of the victims' families on the importance of offering continuous support to the already psychologically distressed women. According to socio-ecological model of intervention, microsystem factors such poor community support that takes place through victim's direct interactions with family or associates make it hard for sexual victims to recover.

Rose, the psycho-social worker stated that the purpose of such sensitization exercises was to enhance positive interactions between the women survivors and others in their immediate settings who mainly included close family members. Susan describes the impact of sensitization of her family members in the following excerpt:

*The social worker sensitized my mother and sisters during her home visits. As a result of this process, I received immense support from my family. Possibly, had she not continuously engaged them as well, my story would have been different. May be, I would have run away from home.*

Emerging from the above excerpt is that such an intervention provided those with an opportunity to relate confidently with the rest of the family members without feeling that they were the odd ones out. According to Campbell et al (2009), at this level therefore, programs targeting informal support providers need to sensitize them about the diverse responses that

victims may unveil. Such programs should additionally stress that affirmative responses for example psychosocial help and concrete assistance are useful for recovery and adverse responses for instance labeling and blame could outdo any helpful intervention adopted.

Despite the challenges they faced in some instances in passing their message across, Rose was confident that such education was necessary countering the negative attitudes that the community had on women who have been raped. This perception was affirmed by Moraa, a psycho-social worker too who stated that the culture worked against women by allowing the men to move on while rejecting their women who had been sexually assaulted and also leaving them overburdened with family responsibilities.

The sensitization of the community members through joint public meetings by the various stakeholders was important in addressing the socio-cultural conditions that fuel sexual violence within the community such as emphasis of male dominance and female subordination. Through education, members of the community received education on facts of sexual violence with the aim of demystifying the existing rape myths in the society As argued by Kibwana (1996), one reason that enables men to think that they are entitled to violate women (including raping them) is that, men are socialized into myths and pretexts that are used to validate and vindicate violence against women.

Some of the much- held myths are that women are inferior to men, so a woman is voiceless. Secondly, a woman who has been raped brings a curse upon her family; that rape is a sign of bad omen; a belief that led to rejection of most rape survivors by their families and the community. Other common rape myths (also referred to as conventional beliefs about rape) include the belief that women provoke men's sexual aggression, "the way a woman dresses or acts" indicates that "she wanted it", women assert to have been raped because they were "jilted" or regret having sex and want to be compensated ( Ajuwon et al, 2011), women could avoid rape by an anonymous person if they actually wanted ( Ajuwon et al., 2001, Erulkar,

2004 and, that rape occurs “because men cannot control their sexual impulses” (McMahon 2007, Burt 1980). These rape myths ordinarily transfer the liability from the culprit to the victim and continue to perpetrate male supremacy (Burt, 1980).

Kibwana (1996) further advances that a man who associates with these mythologies that support the maltreatment and abuse of women and begins to demystify and refute them gains an opportunity of mounting an apt attitude and affiliation towards women; an association which cannot allow commission of violence. Such meetings therefore aimed at overly changing the community’s attitude towards women who had experienced sexual violence.

Cross-cultural literature has revealed that one of the greatest relentless macrosystem aspects that uphold violence against women is a cultural definition of manhood that is associated with dominance, toughness or male honor (Sanday, 1981). In instances where masculinity is associated with dominance and male honor, rape and sexual coercion are more common.

According to Jacinta, a staff a DWELE, during these meetings, community members played an active role; they participated in group discussions and gave their views on all the subject matters that were raised. The reason why the stakeholders chose to actively engage the community members was that they are well versed with the social and the economic as well as the health status of their community. According to World Health Organization (1997), one such strength of actively engaging the community is that, they are conscious of the needs and even resources within their community that can best address the causes and effects of sexual violence as well as implement sufficient and relevant programmes and projects. A study on the *impact of rape-education strategies on American college student’s attitude* established that within the limits of the study, rape-education intervention works in altering some attitudes about rape for both men and women students (Fonow et al., 1992).

### 9.2.2. Public outreach/ education campaigns

This kind of intervention being preventive in nature aims at changing public attitudes and is done with the view that these approaches may reduce sexual violence in the long run. Although campaigns can either be general or specific, the main objective is that of increasing awareness and understanding of specific issues associated with violence against women (Donovan, 2005). General campaigns target the community at large while specific campaigns overtly or subtly aim at definite sub-groups who experience, see, execute or come into contact with these groups or are otherwise affected by violence against women . For instance, some may explicitly center on inspiring women to seek assistance after assault while others may inspire friends, family members to support somebody they are aware of who is undergoing violence, or to support someone committing it to find support to halt their behavior. Others may target men with specific messages such as stressing on the undesirable consequences of violent behavior and endorsing criminal sanctions.

Assessment of programs has suggested that it is easier to intensify awareness and transform attitudes than to alter violent behavior (Morrison et al., 2007). Feminist researchers have argued that “we are living in a [rape culture] in which our fundamental attitudes and values are supportive of gender stereotypes and violence against women” (Buchwald et al., 1993). In their argument, one feature of living in such a culture is the backing for rape myths<sup>107</sup>.

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<sup>107</sup> Burt (1980) defined rape myths as “prejudicial stereotyped or false beliefs about rape, rape victims and rapists”. Lonsway and Fitzgerald (1994) later described them as “attitudes and beliefs that are generally false yet widely and persistently held and that serve to deny and justify male aggression against women”. High preferences of rape myth attitude (RMAs) may facilitate sexual aggression because they may act as “psychological neutralizers’ that allow men to turn off social prohibitions against using force in sexual interactions (Bohner et al., 2006; Burgess, 2007).

In line with the feminist theory of rape in this study, Ellis and Bettie (1983) alleged that rape should be linked with sexual differences in social status and power and that rape is primarily driven by a desire for power and dominance rather than a desire for sex. They also hypothesize that those who commit rape should hold less equal and more pre-rape attitudes towards women than non-rapists. Outreach crusades that were conducted by various stakeholders in Kisumu were therefore aimed at sensitizing the community against factors that perpetuate violence and urging the community to take an active stance in fighting violence against women. The topics covered included the emphasis on male dominance due to the patriarchal nature of the community, adherence to sexual myths and drug and substance abuse especially amongst the youth.

As was stated by my key informants, governmental, non-governmental, and civil society organizations (CSOs), human rights bodies as well as religious organizations played an essential role in speaking about the issue of sexual violence at the grass root level. The state departments including the police force, the judiciary and the health sector intensified their outreach campaigns in the community after the violence. These campaigns were geared towards countering negative attitudes towards victims of sexual violence with a view to reducing stigma of rape, HIV and other effects such as traumatic fistula. They mainly disseminated information through the use of the flyers to the public with relevant messages, and also collaborated with some of non-governmental organizations in the pursuit of the outreach campaigns.

The civil society organizations included DWELE organization, Kenya Human Rights Commission and the Civil Society Organization Network. These organizations held road shows calling on the government to ensure that justice prevailed for the citizens who had suffered harm and loss from the violence as well as to ensure that impunity that was associated with the 2007/08 elections ended. They also organized drama activities by involving the youth with the theme of sexual violence besides other themes such as pursuing peace. Besides, they conveyed such information through the media for instance through local

radio stations such as “Ramogi FM”; a major radio station which primarily uses the Luo ethnic local language.

Efforts to modify public attitudes towards sexual violence using the media have included putting adverts on billboards, in public transport and on radio and television. For instance, South Africa and Zimbabwe have effectively used television (Krug, et al., 2002). The South African Prime-Time television series *Soul City* has immensely been involved in spearheading mass media campaigns on health and social issues predominantly violence against women. It has particular proficiency on “edutainment” strategies that entail television and radio dramas (Dovaan, 2005, Krug, et al., 2002). In Zimbabwe, Musasa, one of the key organizations focusing on gender-based violence has been conducting awareness raising campaigns for the wider public. Some of the ways through which it has conducted its campaigns include the use of public meetings and debates, theatre and television series whereby survivors of violence have had an opportunity to narrate their experiences (Tsitsi, 2016, Krug et al., 2002). The campaigns by Musasa are reported to have led to increased reporting of cases of violence against women. The number of women and children seeking shelter and provision is also reported to have increased.

In Kenya, the Coalition on Women against Violence (COVAW) - a non-governmental organization has been instrumental in spearheading the campaign aimed at eradicating *all forms of violence against women* and supporting women’s human rights (COVAW, 2008). For instance, in recognition of the violence that had taken place in 2007/08 general elections during which over one thousand, five hundred women were raped and infected with HIV, the organization petitioned the government to set up mechanisms aimed at preventing recurrence of gender-based violence during the general elections for March 4, 2013 (Kenyan Woman, 2013). COVAW launched a campaign with the slogan: “*Use the ballot, not my body*” to campaign against “sexual and gender -based violence’ ahead of the 2013 general elections. The petition sought one million signatures from the people of Kenya in order to support an election that was free from violence. COVAW holds that it was on the strength of that

campaign that the country experienced the lowest rates of sexual and gender based violence incidences in any voting exercise which had ever been conducted in Kenya since the country gained independence.

Other avenues through which the service providers used in carrying out the campaigns included occasions of national day celebrations for the country and international days such as “the Sixteen Days of Activism against Gender Based Violence”<sup>108</sup>. Jacinta from DWELE organization stated that during such events, representatives from different sectors are usually invited by the event organizers during which they are able to address various issues touching on the community. The following excerpts by various stakeholders concerning their outreach campaigns attest to this.

***Jacinta***

*The campaigns afford us an opportunity to widely cover sexual related aspects such as stigma surrounding sexual violence and the importance of seeking help such as immediate medical treatment that can later be used as evidence during prosecution. We sensitize citizens on the available services in the community and also encourage victims to seek help whenever they are in need. We also dwell on retrogressive cultural values embraced within the community such as widow inheritance; (a common practice within the Luo ethnic community) and false beliefs that contribute in treating survivors of sexual violence in unsympathetic ways.*

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<sup>108</sup> Sixteen days of Activism against gender based violence is a global campaign to challenge violence against women and girls. The campaign takes place “every year from 25 November; the International Day for the Elimination of violence against women to 10 December; Human Rights Day”.

***Susan (GVRC)***

*We mainly capitalize on national days' celebrations usually held at the Sub-County levels by ensuring that our representatives in the meeting address matters related to sexual violence since it is a gross issue in this region. Through the campaigns, we are able to sensitize both women and men on being effective allies for rape survivors. We also work towards fostering a culture of community responsibility for preventing violence. In addition, we join hands with other stakeholders especially the non-governmental sector when they are carrying out their campaigns as well. This has proved to be an effective strategy.*

***Faith (a staff at GVRC)***

*The Gender Violence and Recovery Center (GVRC) usually organizes outreach campaigns. In most cases, we do it in partnership with other stakeholders such as Aphia Plus; a non-governmental organization in the medical field. During the campaigns, we address the roots and consequences of violence, what a person should do if sexually violated, what to anticipate in a health facility and, ways of preventing sexual violence.*

According to Jacinta who works at DWELE organization, a deliberate effort is made to ensure that men are also involved in these campaigns because mostly, it is them who mainly perpetuate violence while at the same time are reluctant in attending the campaigns. Flood (2011) has argued that constructions of masculinity play a crucial role in shaping violence against women at individual level, in families and relationships, and, in communities and societies as a whole. A wide range of studies have established that men's observance to sexist, patriarchal and or sexually hostile attitudes is "a key predictor of their use of violence against women" (Murnen, et al., 2002, Sugarman and Franklen, 1996).

Therefore, the non-governmental sector is crucial in addressing the issue of sexual violence at the grass root level especially when government involvement is absent or not sufficient (World Health Organization, 2007). They fill the gaps not only in advocacy but also in-service provision and victim support. My participants pointed out that non-governmental organizations such as Plan International, Civil Society Organization Network and Development Work in Education, Livelihood and Environment (DWELE) organization were at the forefront in carrying out the outreach campaigns.

Religious institutions mainly the churches were also reported to have participated in outreach campaigns in sensitizing the community on matters of sexual violence with reference to the 2007/08 post-election violence. The Methodist Church and the Anglican Churches of Kenya (Kisumu) were cited as having been on the forefront in sensitizing the survivors and the internally persons on matters relating to their rights, peaceful ways of pursuing justice and on peaceful co-existence with emphasis on forgiveness. Churches can shape community attitudes towards sexual violence either positively or negatively. For instance, spiritual leaders who confess doctrines that intensely back male supremacy and have an undesirable impact on sex roles and indirectly perpetrate gender bias (Reuther, 1974, Neal, 1979).

Salazar et al., (2003) has argued that people's attitudes towards the justice system and government institutions are important in influencing social norms about violence against women. On this note, it would therefore be prudent that these campaigns involve all elements of the justice system (such as the Attorney General) and within the government (Gadomski, 2001). Such an inclusive campaign would boost women's confidence that if they report, their issues would be treated with utter seriousness and effectively in order to re-assure them of their protection and guarantee them their continuous security.

Donovan (2005) has contended that in order for public communication campaigns to be effective in minimizing violence against women, they must constantly function at two levels: individual and societal. At individual level, the campaigns must continue to call on women to

find assistance, encourage men using violence to pursue formal support in order to alter their behavior and also inspire friends and family to get involved and illustrate to them how to do so. Advocacy interventions must then follow these campaigns with the aim of pursuing players in the criminal justice system to wholly enact laws and act in the best interest of women experiencing violence. At societal level, the campaigns should aim at altering the socio-cultural setting of standards, attitudes and opinions that help men to adopt violence against women by disregarding such behavior. The campaigns must also focus on changing the socio-cultural values that hinder members of the society and institutions from intervening and from promoting change. In order for them to function optimally, campaigns at these levels ought to run simultaneously for purposes of strengthening each other.

### **9.3. Sensitization and education of service providers in the formal setting**

Besides sensitizing the community, several civil society organizations were not only involved in reaching out to the general community but also used sensitization method to address potentially harmful beliefs and attitudes of rape among key service providers such as the police, the judiciary and health care providers. Moreover, the service providers be it health, judicial or the police share similar defaming attitudes as the population at large and there can thus be severe obstacles towards enhancing the quality of care for victims of abuse (Ellsberg, 2006, Heise, 1998). Furthermore, in most cases, they live within cultures where these false notions of rape exist and if they are mainly not challenged, they can refute and validate male sexual violence against women. Some providers may also have a history of violence as victims or abusers. Those experiences and attitudes certainly impact on the way they will react to persons living with violence (Ellsberg, 2006).

Attitudes portrayed by professionals concerning sexual violence and survivors play a crucial role in providing support including their pursuit of justice (Ferdowsian, et al., 2016). These relations need the impartial involvement of many professional sectors to help the survivor, take her through the system and bring the case to justice. However, how these professionals

engage survivors is vital. Professional beliefs about sexual violence and their attitudes towards sexual violence survivors affect these interactions (Ferdowsian et al., 2013). The empathy exhibited by professionals could impact on how much victims disclose and whether survivors are traumatized again through their engagements with them.

In one study in the United States, sixty four percent of rape victims' advocates reported that police, medical professionals or both were a basis of re-traumatization (Maier, 2008). Few studies which have examined the relationship between service provider beliefs and survivor outcomes indicate that a professional's failure to take sexual violence seriously and negative attitudes towards sexual violence victims are fairly common (Du Mont, White and Mc Gregor, 2009, Ferdowsian et al., 2013, Martin et al., 2007)

One study conducted in the Democratic Republic of Congo, Ethiopia, Jordan and Kenya showed negative beliefs about sexual assault (including refusing to believe victims and victim blaming) were shared among health professionals and did not significantly improve even after training (Ferdowsian et al., 2013). In rural Western Kenya, a 2013 study that used focus group discussions among the general community and male and female health care professionals showed widespread victim blaming. In this study, about half of the participants were likely to blame the woman victim unconditionally for the rape.

Susan from the gender desk at Central police station expressed that organizations such as Plan International; a non-governmental organization has been involved in sensitizing police officers on various issues such as human rights through organized workshops/ seminars with a view to enlightening them and changing their attitude towards rape victims. As stated in the previous chapter, one of the commendations of the Commission of Inquiry into the Post-Election Violence (CIPEV) was that there was need for police reforms but this had to be accompanied by change of attitude in the police force. The aspect of negative attitude by Kenyan Police office has been highlighted in literature as seen in the previous chapter.

Police officers in many societies play a “gate-keeping” role when determining whether or not a crime took place and if so, how to categorize and probe it. Seelinger (2011) has stated that in societies where women have very little social status, it is important that police are educated about sexual violence and victims’ rights if women’s access to justice for crimes is to become a reality.

In other instances, my participants expressed having held joint education and comprehensive sensitization meetings among professionals of sectors for instance the health care, psycho-social and legal sectors to prevent sexual violence. As earlier pointed out, addressing matters of sexual violence requires a multi-sectoral approach whereby survivors obtain support and perpetrators are brought to justice as a result of coordinated activities across numerous sectors (The United Nations Children’s Fund/ United States Agency for International Development, 2006). Collaboration is also important since it leads to more efficient use of resources by sharing expenses, reducing the duplication of efforts, fostering co-ordination among groups and increasing the overall impact (Davis et al., 2006).

#### **9.4. Bolstering public education and campaigns**

Public education and campaigns should be undertaken to sensitize communities not to provide safe havens for the perpetrators of sexual and gender - based violence. Efforts should be geared towards co-opting community leaders, traditional healers, chiefs and school authorities in educating communities about their responsibilities in the envisaged broad approach to eliminating sexual and gender - based violence and reducing the stigma that surrounds the survivors.

There is need to speak out regarding myths that uphold sexual violence; a factor that could aid in victims' recovery and adjustment. Although interventions should be planned with sensitivity and respect for culture and tradition, promoting and protecting women's rights will invariably involve challenging the normative social values that promote sexual violence.

## **9.5. Conclusion**

This chapter set out to examine education and sensitization of community members and service providers as one of the interventions in Kisumu County in responding to the needs of the female survivors of sexual violence. From the data, it emerged that intervening and providing information to survivors at individual level was crucial in informing the survivors of the available options for obtaining various forms of support. It also emerged that campaigns at micro level aimed at encouraging social support to survivors from family, friends and peers was helpful for their recovery. Contrary, negative attitudes towards the women survivors of sexual violence were associated with one's psychological distresses. Sensitization of formal service providers within the legal and medical fraternities with whom the survivors had contact with was carried out with goal of altering existing negative attitudes among professional towards rape survivors. This is due to the fact that negative experiences within formal systems have been found to have detrimental effects on survivors' physical and psychological wellbeing (it leads to re-victimization).

It also emerged that various actors from both the government, non-governmental and religious institutions were involved in educating and sensitizing the community. Socio-cultural factors such as gender norms, existing attitudes and beliefs about sex in the community where I carried out my research determined its response towards the women survivors of sexual violence. Hence, education and sensitization aimed at altering these negative attitudes towards women who had been raped and challenging retrogressive cultural values working against them. Prevention through education and sensitization work on sexual

violence and abuse was also aimed at reducing its occurrence in order to protect the public and reduce the harm and suffering that are direct consequences of these terrible crimes.

The following chapter wraps up the thesis by giving a summary of the findings, key contributions of the study and suggestions for further research.

## CHAPTER TEN

### CONCLUSIONS AND RECOMMENDATIONS

#### 10.1. Introduction

This was an exploratory study on the intervention efforts that were put in place in helping women survivors of sexual violence in the aftermath of the 2007/08 post-election violence in Kisumu County, Kenya. The reason for choosing Kisumu as the study location was that Kisumu was one of the cities that was hit the worst by the violence that occurred during Kenya's 2007/08 elections. Consequently, it was also one of the towns where women suffered gross sexual violations perpetrated by local militias, members of state security forces and the community at large who included relatives, neighbors and even supposed friends. Kisumu is politically volatile and has remained a strong opposition zone since Kenya's attainment of independence.

Literature reviewed established that similar works on interventions addressing short and long-term needs of women who have suffered sexual violence in conflict countries such as the Democratic Republic of Congo, Sudan, Liberia, Rwanda, Sierra Leone and other countries which have experienced conflict have been done. This study investigated Kenya's context from a gender perspective. Moreover, most countries where these interventions have been implemented have / had been characterized by ongoing cases of civil war. However, in the Kenyan context, the violence experienced is mainly electoral meaning that it is usually experienced around or during election times as was with the case during the 2007/08 elections. Although the study was situated in Kisumu County, nevertheless, the women's narrations and experiences, perceptions and expectations reflect environments that have experienced similar violence not only in Kenya but in Africa and beyond.

In establishing the effectiveness of the interventions, the study relied heavily on the perceptions of the women who had suffered sexual violence and other key informants by using qualitative data. The study adopted the feminist theory of rape, the conflict transformation approach and the socio-ecological model of intervention. Under the feminist theory of rape, the study establishes that rape that was committed to women in Kenya was rooted in existing unequal gender relations that have characterized Kenya's context ever since the pre-colonial period. In justifying this assertion, most women pointed out that as long as one was a woman (minor, of age, or elderly), the men raped. The feminist theory of rape that views men who rape as not being driven by sexual desires but by a desire to exert dominance upon women and assert their masculinity enabled this study to examine how women are perceived or treated by men not only during times of peace but also during times of conflict. The conflict transformation approach was equally useful in this study which required a perspective in understanding the root causes of conflicts and the path that societies transitioning from conflict to peace should adopt.

The study made use of purposive sampling in selecting the thirty - five primary participants. A semi-structured interview guide was utilized. An entry organization (DWELE) was used to aid access to my primary participants and some of my key informants. The key informants from the entry organization included the organization's Executive Director, a board member, a male staff working with the organization and two psycho-social workers. These key informants gave useful information on how the interventions that they adopted as an organization contributed in meeting the needs of the women survivors of sexual violence, the challenges they face and also key recommendations in addressing survivors' needs in a more effective way. Two key informants based at the gender desk-Kisumu Police Station provided valuable information on the role that the police played in assisting women who had been sexually assaulted, the challenges they faced and how they compared service delivery at the stations before and after the establishment of the gender units at Kenyan police stations. The study also obtained information from two other key informants based at Gender Violence and Recovery Centre (Kisumu) based at Jaramogi Oginga Odinga Referral and Teaching Hospital (formerly Nyanza Provincial Hospital). They were perceived to possess crucial information

about sexual violence survivors' seeking behavior during and after violence, the role of government health facilities in responding to cases of sexual violence, the challenges the women faced in seeking these services as well as the challenges that they faced in delivering these services.

The study also utilized focus group discussions whereby two focus groups were held for the women survivors of sexual violence. In cognizance that sexual several actors were involved in providing various services to the women who had been sexually violated in Kisumu, the study unearthed the collaboration efforts that existed among the various actors, challenges faced in their collaborations and how they navigated their way in countering the challenges. The study adopted thematic analysis technique that depicted the key issues as well as identifying relationships between the themes.

## **10.2. Study Findings**

One of the findings established in this study was that sexual violence had devastating physical, psychological and socio-economic impact not only to the female survivors but also their families and the community as a whole. It further revealed that in the process of seeking services geared towards alleviating their suffering, women interacted with various formal and informal support systems. The informal support systems included: the immediate family members, peers, friends, work mates and even church members. This level of interaction is referred to as the micro-system level in the socio-ecological model of intervention. The formal support systems included the medical, psychological, legal and financial institutions; the mesosystem level of intervention in the socio-ecological model. Although women expected a positive reaction from the support systems that they approached, in some instances, women received negative reaction from both informal and the informal support structures. At the micro level system of intervention for instance, women experienced familial abandonment by spouses, family members and even the community.

What this study further established was that societal and cultural factors operating at the macro-system level of intervention such as rape myths, subordination of women and emphasis of male domination played a key part in shaping the behavior and response of those whom the women interacted with. Emphasis of female honor, the acceptance of rape myths and emphasis of female subordination in the community where I carried out my research was a key contributor to the negative reaction that women received from both the informal support systems. The formal institutions as well were not immune to the cultural and societal factors; women too experienced negative reactions from institutions such as the police sector, public health facilities, courts and formal financial institutions. The same societal factors shaped the attitudes and perception of some of the staff working at these institutions. After all, a majority of the staff that women interacted with in these institutions happened to be males. Other factors that contributed to negative response towards the survivors of sexual violence in these institutions included low staff morale. From the findings, negative reactions at all levels of the socio-ecological model contributed to more suffering as alluded by the women and where women were positively embraced, it resulted in better adjustment.

The study also established that the government, religious institutions, non-religious organizations and community support groups intervened in one way or other in addressing the needs of the women who had suffered sexual violence. Even though majority of the women were dissatisfied by the government's degree of intervention into their plight, nevertheless, they stated that they believed that the government is mandated to take the lead in addressing their needs. One of the ways in which the women expressed their dissatisfaction was the way in which the government allocated and dispersed the reparation fund to help resettle the internally displaced persons. For the majority of the women, the disbursement of the funds was skewed in favor of the regions that leaned towards the government that was ruling whereas strong opposition holds benefited the least and yet they perceive themselves as having suffered the worst. This problem was compounded by the fact that there is still no reparation policy for survivors of sexual violence in Kenya and therefore one only qualified for such a fund if she was an internally displaced person. Nevertheless, not all internally displaced persons benefited from this fund due to the complex nature of classifying and

identifying who the really comprised the internally displaced persons. It is believed that some people who were not displaced benefited from the fund while the real beneficiaries were left out.

Despite the existence of both international conventions and accords which now explicitly acknowledge the role of the state regarding human rights' violations coupled by a vibrant Kenyan constitution, the study revealed that most women have given up on the realization of justice for their cases. The study revealed that at the very initial stages, most women were optimistic that the government was committed towards ensuring that justice is realized for them especially with the setting up of the 'Commission of Inquiry into the post-Election Violence Commission' in 2008 which was followed up by the presentation of Kenyan cases at the 'International Criminal Court'. However, this hope seems to have dwindled away for the majority of them. With the closure of the Kenyan cases at the 'International Criminal Court' at The Hague which was followed by an apology from the government for the atrocities that had been committed against innocent Kenyans, most women have lost hope as far as realizing justice for their cases is concerned.

Kenya is a signatory of several international and regional conventions such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) that oblige states to desist from indulging in "violence as well as to punish and compensate victims of violence" (Aura, 2014). For instance, CEDAW provides that states be faulted for failing to display 'due diligence' in preventing or punishing those who perpetrate violence both in the public or private domain. Article 2(5) and (6) of the Kenyan Constitution which came into effect in 2010 provides that the common rules of 'International Law' as well as any treaty that Kenya has ratified forms part of the Kenyan law implying that it becomes directly applicable by the Kenyan courts regardless of whether the government has ratified that particular implementing legislation to include the international law at hand (ibid). The study revealed that the existence of these conventions coupled with the existence of International Criminal Tribunals has not necessarily translated into realization of justice for the victims of

sexual violence who mainly equate justice to apprehension and prosecution of perpetrators. This situation is not only unique to Kenya but applies to many other conflict situations where widespread sexual violence has occurred. In situations where convictions and punishment have occurred through the intervention of the International Criminal Tribunals, the numbers have been insignificant compared to the magnitude of the atrocities committed against women in forms of sexual violence (See Binaifer, 2005). As Amadi (2014) states:

“Case law from International Criminal Tribunals has failed to demonstrate that sexual violence against women in conflict situations is recognized as amongst the gravest of offences committed during armed conflict and should therefore be punished accordingly.”

In addition, the Constitution has enshrined several key common principles that are of significance to gender egalitarianism and have an implication on matters of sexual and gender-based violence in the Country. However, the normalization of sexual violence during times of peace makes it even more difficult to probe and make perpetrators accountable during times of conflict. The experiences of these women also show case that the domestication of the intentional, regional and even local legislation on prevention and addressing the women’s rights violations remains aloof for various reasons such as lack of political will.

Further, the study revealed that rape that occurred in Kisumu was indiscriminate. Through the concept of the feminist theory of rape, rapes committed depicted that they were to a great extent engrained in philosophies of male sexual entitlements and male supremacy. The rapes that occurred in Kisumu illustrated that they were rooted in inequality, discrimination and male dominance. They were therefore an act of misogyny whereby men treated women as goods that they could access and use at their own will.

Another key finding established was that, women's marginalization, discrimination and subordination is not a new occurrence in the Kenya; it existed in the indigenous Kenyan society. Women were excluded from leadership positions during pre-colonial, colonial and post-colonial Kenya which meant that they did not occupy key positions through which they could influence the policy-making process and address matters that concern women such as *sexual and gender-based violence*. Consequently, women suffered sexual violence which continued during the colonial and persisted through the post-independence Kenya. The attainment of independence did not translate into gender equality despite the role that women played in the struggle for independence. This meant that women continued to be excluded in the most important spheres of life such as the economic, social and political arena. As a result, women came to be perceived as unequal entities in interpersonal relations and hence viewed as men's possessions over which men compete (Ellis and Bettie, 1983). It is this inequality, discrimination and male supremacy that fuels rape according to the feminist theory of rape; that rape is a phenomenon entrenched in inequality, discrimination and male dominance (Brownmiller, 1975, Tompkins, 1995).

Established in this study was that, sexual violence against women cannot be delineated from the social and cultural context in which it occurs. Consequently, addressing sexual violations therefore necessitates that interventions designed takes into consideration the socio-cultural factors inherent in the society in order for them to be effective and sustainable. The study findings established that in societies where definition of manhood is strongly associated with dominance and toughness, rape and sexual intimidation are common.

In addition, it also found that female survivors of sexual violence were bitter of the fact that, quite a number of organizations had interviewed them, portrayed their stories on local and international media, most at times without their consent on the pretext that they were helping them. Some of the women told me that many organizations were "trading" with the narratives that they collected from them so that they may acquire donor funding for their own personal gains.

It was established in this study that most women were unaware of where to find services especially those based at government institutions such as psycho-social support services.

Another finding was that, although sexual violence shattered the lives of the women in various ways as indicated in this study, the women were nevertheless able to adopt several coping mechanisms that enabled them to re-establish their lives. It emerged that by forming social support groups, women were able to receive group therapy services for their moral and psychosocial support. As stated by the women, during the group meetings, women shared their experiences and encouraged each other which become a source of strength.

They also adopted livelihood coping strategies by forming associations like Rotating Savings and Credit Associations (ROSCAs) that enabled them to obtain credit and engage in meaningful sources of livelihood. Besides having been in a position to earn and control their own income, placing money in their hands also boosted their self-esteem. Using Rowland's (1997) conceptualization of power, the livelihood coping strategies that they adopted not only gave them power with (ability to collaborate and associate with others), power to (the ability to engage in income-generating activities) but also power within (their self-esteem and confidence was boosted). Following their enhanced levels of self-esteem, women earned respect and recognition not only within their families but also in the community. They were able to play an active role in families' decision-making processes and due to this empowerment, they were in a position to challenge some of the prevailing power structures which define women as passive participants especially in family decision-making processes. The income they earned also enhanced their families' well-being; their children were well fed, attended school and their overall well-being improved.

### **10.3. Study contributions**

Previous studies have not paid much attention on intervention initiatives that have been established for female survivors of sexual violence during politically instigated violence in Kenya. This study puts emphasis on women due to the intensity of harm that women

experience in situations of violence. The way in which sexual violence is meted on women is influenced by factors such as unequal gender relations which emphasize male dominance and the acceptance of rape myths accentuated during the process of socialization. By using the feminist theory of rape, this study is able to illustrate how rape was experienced by women in Kisumu County as a result of the existence of inequalities between men and women in all important spheres of life, discrimination, male domination and hostility. It was also an expression of misogyny. This was clearly demonstrated in the findings of this study that illustrated that women were targeted for the virtue of being women but not because they belonged to the side of the “enemy”. This therefore shows that attempts to address sexual violence both in peace and violent times must address factors that heighten inequalities between men and women, foster discrimination against women and those that emphasize male dominance.

The study contributed by illustrating the significance of the implementation of intervention initiatives by diverse agencies aimed at addressing the needs of the female survivors of sexual violence post-conflict. Women encountered various challenges in their path of seeking services from some of the agencies. This diversity therefore gave women an opportunity to acquire similar services that they were otherwise unable to receive from other agencies due to factors such as fear of negative reception or even distance.

The study also contributed by focusing on Kisumu County, by illustrating how the cultural environment impacts on the survivors’ seeking behavior as well as the support that women survivors are likely to receive not only from their immediate environment but also from the larger community. While women highlighted their fear of being isolated or rejected by their immediate family members including their spouses once they got to be known that they were raped, the men who got to know that their wives were raped were rejected. The community’s beliefs where I carried out my research dictate that a woman who has been raped is a dishonor to the man and can also bring with them a bad omen to the man and his family. The men also feared how the community would treat them if they got to be known that they

continued to associate with the women who had been raped. The interpretation here is that, the men safeguarded their spaces with respect to the overall cultural environment.

Another key contribution made by this study was that of bringing in the gender perspective in the implementation of the intervention initiatives especially by the governmental sector that were made to address the plight of women who had suffered sexual violations. The study highlighted how female survivors were neglected in decision-making processes and how the whole compensation or reparation idea was blanketed under the Internally Displaced Persons' compensation plan instead of instituting a separate reparation policy for the women survivors of sexual violence. The study also shows how women as a result of their gender which traversed with other dynamics were treated at various agencies as they sought various services by virtue of being women.

The study has contributed by demonstrating a relationship between women's empowerment and service seeking behavior. Of great significance was how some women feared seeking services such as reporting to the police or seeking treatment for the fear of being known by their spouses and hence being rejected. For the women who entirely depended on their husbands for sustenance, they feared their inability to support themselves economically and the children in the event that they were abandoned. The study has demonstrated how empowerment and lack of it influences the decision-making process of women.

The work has made a contribution by illustrating how agencies respond towards addressing the needs of women who have undergone sexual violence during times of conflict. This was clearly demonstrated in the study findings whereby a lack of continuity of offering these services normally occurs especially once a country goes back to a state of relative peace, leaving most women in an unstable state health wise, (physically, psychologically and mentally), socially and economically.

Further, the study has made a contribution by attempting to bring about women's experiences of sexual violence and how they were able to re-establish their lives by embracing the intervention initiatives that were put in place to address their needs. From the study findings, most women were rejected by their immediate family members, supposed friends, peers and the community generally for the virtue of having been raped. The same study too illustrated how women navigated through such experiences for instance by women drawing support from each other through the support groups that they formed and from the initiatives that were initiated. It has also shown how others ventured into livelihood strategies that have been associated with the male domain, hence deviating from the societal established norms that assign economic activities according to gender.

#### **10.4. Recommendations and suggestions for future research**

##### **10.4.1. Recommendations**

The study recommends enhanced collaboration among actors involved in responding to the needs of women survivors of sexual violence during and post-conflict. Fragmentation in the provision of services only acts to derail individual/ institutional efforts in their way of intervention. Competition amongst actors should therefore be discouraged since they all aim at achieving a similar goal; that of alleviating the suffering of women who have experienced sexual violence during conflict.

Further, the study recommends the institutionalization of a reparation policy in Kenya for female survivors of sexual violence during times of conflict. This would ensure that the unique and devastating experiences that women survivors go through are handled in a more effective way.

Social-cultural factors are key determinants of how sexual violence is perpetrated against women not only during times of conflict but also times of peace. In cognizance of this fact, the study recommends that various players for instance the state, non-state actors, religious organizations and community support groups should ensure that education and sensitization to the citizens is done at the community level in various ways. This includes public meetings, education and sensitization campaigns and also through the media such as television, radio by use of a language that can be understood by all. The aim is to educate the community on how sexual violence is entrenched in unequal gender relations as well as enlightening them on their legal rights. It would also aim at altering negative attitude of the members of the community as well as the actors by demystifying the negative cultural beliefs that foster sexual violence. The government of Kenya should take a lead role in the awareness campaigns. Literature reviewed coupled with the study findings have demonstrated that provision of services to women who have undergone sexual violence including sensitization efforts has mainly been dominated by the non-governmental sector and religious institutions. This was also well depicted in the Kenyan situation during and after the 2007/08 post-election violence. As Bouta et al., (2005) has argued,

There is no substantial evidence to show that post-war governments have taken the opportunity to use the obvious socio-political content of sexual violence in war to challenge in public forums, the socio-cultural values and political values and practices that legitimate violence against women.

The study findings have illustrated that education and sensitization campaigns have shown encouraging results where they have been adopted.

Further, the study recommends that any effort focusing on meeting the needs of women survivors of sexual violence post-conflict should aim at addressing the long-standing patriarchal traditions that perpetuate discrimination against women.

There is need to strengthen public institutions such as the judiciary, the police and others that the society looks up for upholding justice, transparency and accountability in order to win public trust and also avoid incidences of impunity as what was experienced during Kenya's 2007/08 post-election violence. On this note, the government should ensure that factors that erode this confidence such as corruption and low staff morale due to poor working conditions are addressed accordingly.

Stern measures should also be taken against those who perpetrate sexual violence as well as those who fail to prevent such atrocities from being committed against innocent citizens by virtue of their authority regardless of their social status.

Priority should be given to efforts that aim at preventing sexual violence through a multi-sectoral approach (by involving the government, non-state organizations, researchers, community-based organizations, donors) instead of intervening after violence occurs. This could involve programs that aim at addressing the causes of sexual violence and those that aim at promoting gender equality in all vital spheres of life (social, economic and political).

Deliberate efforts should be made to involve men through organizations or institutions involved in the fight against sexual violence in their education activities, campaigns, trainings and workshops. Literature reviewed has indicated that where men have been actively engaged, the fight against sexual violence has been more effective and sustainable.

The Kenyan government should ensure that domestication of international law and enforcement of existing domestic legislation on gender issues is effectively carried out in order to ensure that atrocities such as violence against women are addressed accordingly.

For effective prevention of sexual and gender -based violence, efforts should start at the lower levels for instance incorporating it in school curricula way from primary level of education all through to the higher institutions of learning.

Training and sensitization on sexual and gender-based violence should be mandatory on all service providers who handle matters relating to sexual violence.

Continuous support should be accorded to survivors of sexual violence after a country relapses to a status of peace since just like the way rape causes short and long-term effects on individuals, the intervention process too requires long-term measures so as to be able to address the effects that manifest even years after the incidences.

Even though the inclusion of gender crimes in the International Treaties such as the Rome Statute of the International Criminal Court (1998) is a move in the right development, International Courts should enhance their effectiveness in prevention and trial of conflict-related sexual violence crimes.

#### **10.4.2. Suggestions for future research**

The research focused on Kisumu County even though there were other Counties in which sexual violence occurred. I would therefore recommend further research that focuses on experiences of women in other regions who were sexually violated, their coping mechanism as well as interventions that were initiated towards addressing their needs.

The study focused on female survivors of sexual violence. There were also men who were sexually violated during the 2007/08 post-election violence. Hence, there is need for research that would focus on men's experiences and their ways of coping. It would be fascinating to unveil how gender influences the type of interventions put in place and how men's response would be towards the initiatives implemented geared towards addressing their needs following sexual violence.

There is need for a study on the experiences of the children who were sexually violated during the 2007/08 post-election violence. Given the likelihood that some have transitioned to adulthood, it would be interesting to learn/ hear from them regarding how they have moved through their stages of development into adulthood, the challenges they have faced, how they have overcome them and how they would wish their needs would be addressed.

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## APPENDICES

### Appendix I: Interview schedule for women survivors of sexual violence- English version

My name is Esther Makau, a postgraduate student in department of Gender Studies, University of KwaZulu- Natal, Pietermaritzburg Campus. I am carrying out a study on the *Effectiveness of the intervention efforts in combating sexual violence in the aftermath of the post – election violence in Kenya: A Case Study of Kisumu County*. I am interested in interviewing you so as to share your experiences and observations on the subject matter. I would highly appreciate your patience and time spent on answering the following questions. The information you give will be treated in confidence and with strict confidentiality.

### Interview schedule for women survivors of sexual violence

#### A. Interview details:

- (a) Authorizing Officer (Name).....
- (b) Date.....
- (c) Place: .....
- (d) Time.....
- (e) Researcher.....

#### B. Biographic Details:

- (a)Code Name.....
- (b) Age.....
- (c) Level of education.....
- (d) Date of crime.....
- (e) Marital status.....
- (f) Address/ origin.....

### **C. Questions**

1. Please describe the effects you suffered as a result of being sexually violated during the post –election violence (2007/08).
2. What you understand by programmes for survivors of sexual violence in the aftermath of the post- election period?
3. Who do you think should be responsible for ensuring that these programmes are in place?
4. Please highlight some of the programmes that you are aware of that were put in place to assist survivors of sexual violence.
5. How did you learn about them?
6. In line with the effects that you have just highlighted, how would you describe the effectiveness of these programmes in addressing your needs as a survivor of sexual violence?
7. What factors do you think have contributed to the effectiveness of these programmes in addressing your needs as a survivor of sexual violence?
8. What factors do you think have contributed to the lack of effectiveness of these programmes in addressing your needs as a survivor of sexual violence?
9. What are some of the challenges that you are facing as a survivor of sexual violence in having your needs met?
10. In view of the above challenges, what coping mechanisms have you been employing in ensuring that you are able to carry on with your life?
11. How did you become a member of Development Work in Education, Livelihood and Environment (DWELE) organization?

12. Please give details of how Development Work in Education, Livelihood and Environment (DWELE) as an organization has supported you as a survivor of sexual violence in the aftermath of the post- election violence.
13. Apart from Development Work in Education, Livelihood and Environment (DWELE) where else are you receiving support as a survivor of sexual violence?
14. What do you think have been the main obstacles to survivors of sexual violence in benefiting from the programmes that were put in place to assist them meet their needs?
15. What do you think should be done in order to ensure that these programmes that you highlighted effectively address the needs of the survivors of sexual violence in the aftermath of the post –election period?

### **Swahili Version**

#### **Utangulizi**

Jina langu ni Esther Makau, mwanafunzi katika idara ya Jinsia, chuo Kikuu cha Kwazulu-Natal – Tawi la Pietermaritzburg. Nafanya utafiti ili kubaini ni kwa ubora gani jinsi miradi amabayo imewekwa kukumbatiana na mambo ya dhuluma za kimapenzi baada ya vita vilivyohusishwa na upigaji kura wa mwaka wa elfu mbili na saba / nane kumalizika: Kaunti ya Kisumu. Ni ombi langu niweze kukuhoji ili uweze kuelezea maoni yako kuhusu jambo hili. Nitashukuru sana subira yako na muda wako ambao utatenga ili kuweza kuyajibu haya maswali. Ujumbe/ maoni ambayo utapeana yatakuwa ni ya muhimu na yatawekwa kwa siri.

#### **Maswali kwa wanawake ambao walidhulumiwa kimapenzi.**

#### **Maswali ya utangulizi**

- (a) Afisa anayeidhinisha ( Jina)
- (b) Tarehe
- (c) Mahali
- (d) Saa

(e) Mwenye kufanya utafiti

**Maswali ya ubinafsi**

- (a) Jina (kodi)
- (b) Miaka
- (c) Kiango cha Elimu
- (d) Tarehe ya Uhalifu
- (e) Haali ya Kindoa
- (f) Anwani yako/ mahali pa Kuzaliwa

**Maswali**

- (i) Tafadhali, unaweza kuelezea ni maafa gani amabyo uliyapata kutokana na kudhulumiwa kimapenzi kutokana na vita vilivyohusishwa na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane
- (ii) Je, unaelewaje kuhusu miradi ambayo imewekwa kwa ajili ya wale waliodhulumiwa kimapenzi baada ya vita vilivyoambatana na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane?
- (iii) Ni nani, kwa maoani yako, amabaye anafaa kuhakikisha ya kwamba miradi hii imewekwa ama imetekelezwa?
- (iv) Tafadhali, unaweza kutaja baadhi ya miradi ambayo unajua na ambayo iliwekwa kwa ajili ya kuwasaidia wale ambao waliweza kudhulumiwa kimapenzi?
- (v) Ulijuaje kuhusu miradi hii?
- (vi) Tukizingatia maafa ambayo uliyoyapata kutokana na vita hivi, unaweza kuelezea vipi kuhusu ubora wa miradi hii katika kufikia mahitaji ya wanaoishi kutokana na dhuluma za kimapenzi waliopata?
- (vii) Ni mambo gani, ambayo kwa maoni yako yamechangia ubora wa miradi hii katika kufikia mahitaji ya wanaoishi kutokana na dhuluma za kimapenzi walizopata?
- (viii) Ni mambo gani ambayo, kwa maoni yako, yameadhiri ubora wa miradi hii na kusababisha kutofikia mahitaji ya wananoishi kutokana na dhuluma za kimapenzi walizopata?
- (ix) Ni changamoto gani ambayo unapitia kama mmoja wa wanaoishi na ambao waliadhirika kimapenzi katika kuyakimu mahitaji yako ya kila siku/ ama kujimudu kila siku?
- (x) Tafadhali, unaweza kuelezea ni maafa gani amabyo uliyapata kutokana na kudhulumiwa kimapenzi kutokana na vita vilivyohusishwa na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane?
- (xi) Ulijiungaje na Shirika hili ya DWELE?
- (xii) Tafadhali elezea kwa undani jinsi DWELE (kama Shirika) imekusaidia kama mmoja wa wale wanaoishi kutokanana na dhuluma za kimapenzi baada ya vita vita vilivyohusishwa na upigaji kura kumalizika?

- (xiii) Kando na Shirika hili la DWELE, ni wapi pengine ambapo unapata usaidizi kama mmoja wa wale wanaoishi kutokna na dhuluma za kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xiv) Kwa maoni yako, ni mambo gani ambayo yamekuwa ni vizuii kwa wanaoishi kutokana na dhuluma za kimapenzi kutonufaika na miradi ambayo iliwekwa ili kuwasaidia kifikia mahitaji yao?
- (xv) Kwa maoni yako, ni mambo gani ambayo yanastahili kuzingatiwa ama ni mikakati gani ambayo inafaa kuwekwa ili kuhakikisha ya kwamba hii miradi amabyo umezungumzia inafikia vilivyo mahitaji ya waliodhulumiwa kimapenzi baada ya vita vita vilivyohusishwa na upigaji kura kumalizika?

**Appendix II: Interview schedule for women survivors of sexual violence (focus group discussions)-English version**

My name is Esther Makau, a postgraduate student in department of Gender Studies, University of KwaZulu- Natal, Pietermaritzburg Campus. I am carrying out a study on the *Effectiveness of the intervention efforts in combating sexual violence in the aftermath of the post – election violence in Kenya: A Case Study of Kisumu County*. I am interested in interviewing you so as to share your experiences and observations on the subject matter. I would highly appreciate your patience and time spent on answering the following questions. The information you give will be treated in confidence and with strict confidentiality.

**Guiding questions for the Focus Groups**

**A) Interview details:**

- (a) Authorizing Officer (Name) .....
- (b) Date.....
- (c) Place.....
- (d) Time.....
- (e) Researcher.....

## **B. Biographic Details:**

- (a) Code Name.....
- (b) Age.....
- (c) Level of education.....
- (d) Date of crime.....
- (e) Marital status.....
- (f) Address/ origin.....

## **(C) Questions**

1. What is your understanding of programmes for survivors of sexual violence of the post-election violence 2007/08?
2. What are some of the programmes that you are aware of that were put in place in order to address the needs for survivors of sexual violence in the aftermath of the post –election violence?
3. How would you describe the effectiveness of the programmes you have highlighted in addressing the needs of survivors of sexual violence in the aftermath of the post- election violence?
4. Who do you think is responsible for implementing these programmes?
5. In your own view, what do think are some of the factors that have contributed to their effectiveness in addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?
6. In your own view, what do think are some of the factors that have contributed to the lack of effectiveness of these programmes in addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?
7. The 2007/2008 post – Election Violence is described to have caused adverse effects especially to the survivors. Would you kindly describe some of the problems you have suffered as a result of the sexual violence you experienced during the post – election violence 2007/08?

8. People adapt various coping strategies when confronted with negative occurrences. What would you say have been some of the coping mechanisms you have been employing in order to counter the problems that you have just mentioned?
9. In what ways has Development Work in Education, Livelihood and Environment (DWELE) as an organization assisted you in addressing the problems you have just described above?
10. There are possibly other agencies that have been giving you support as survivors of sexual violence in the aftermath of the post – election violence apart from Development Work in Education, Livelihood and Environment (DWELE). Would you kindly state them? What kind of assistance have you been receiving from them?
11. Would you describe some of the challenges that you have been facing in having your needs effectively addressed by Development Work in Education, Livelihood and Environment (DWELE) as an organization.
12. What other agencies or stakeholders are you aware of that have been involved in addressing the needs of the survivors of sexual violence in Kisumu County?
13. What kind of programmes have these other agencies put in place in order to address the needs of the survivors of sexual violence in Kisumu County?
14. Kindly describe the main challenges that you feel have hindered the effective implementation of these programmes by the various stakeholders.
15. In your own opinion, what do you think can be done in order to increase the effectiveness of the programmes that have been put in place in addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?

### **Swahili version**

#### **Maswali ya kikundi kwa waadhiriwa wa kimapenzi**

#### **Maswali ya utangulizi**

- (f) Afisa anayeidhinisha ( Jina)
- (g) Tarehe
- (h) Mahali
- (i) Saa
- (j) Mwenye kufanya utafiti

#### **Maswali ya ubinafsi**

- (g) Jina ( kodi)
- (h) Miaka
- (i) Kiango cha Elimu

- (j) Tarehe ya Uhalifu
- (k) Haali ya Kindoa
- (l) Anwani yako/ mahali pa Kuzaliwa

- (i) Je, unaelewaje kuhusu miradi ambayo imewekwa kwa ajili ya wale waliodhulumiwa kimapenzi baada ya vita vilivyoambatana na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane?
- (ii) Tafadhali, unaweza kutaja baadhi ya miradi ambayo unajua na ambayo iliwekwa kwa ajili ya kuwasaidia wale ambao waliweza kudhulumiwa kimapenzi?
- (iii) Unaweza kueleza kuhusu kiwango cha miradi hii katika kufikia mahitaji yenu?
- (iv) Ni nani, kwa maoani yako, amabaye anafaa kuhakikisha ya kwamba miradi hii imewekwa ama imetekelezwa?
- (v) Ni mambo gani, amabayo kwa maoni yako yamechangia ubora wa miradi hii katika kufikia mahitaji ya wanaoishi kutokana na dhuluma za kimapenzi walizopata?
- (vi) Ni mambo gani ambayo, kwa maoni yako, yameadhiri ubora wa miradi hii na kusababisha kutofikia mahitaji ya wananoishi kutokana na dhuluma za kimapenzi walizopata?
- (vii) Tafadhali, unaweza kueleza ni maafa gani amabyo uliyapata kutokana na kudhulumiwa kimapenzi kutokana na vita vilivyohusishwa na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane
- (viii) Tafadhali, unaweza kueleza ni maafa gani amabyo uliyapata kutokana na kudhulumiwa kimapenzi kutokana na vita vilivyohusishwa na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane
- (ix) Tafadhali eleza kwa undani jinsi DWELE (kama Shirika) imekusaidia kama mmoja wa wale wanaoishi kutokana na dhuluma za kimapenzi baada ya vita vita vilivyohusishwa na upigaji kura kumalizika
- (x) Kando na Shirika hili la DWELE, ni wapi pengine ambapo unapata usaidizi kama mmoja wa wale wanaoishi kutokana na dhuluma za kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xi) Ni changamoto gani ambazo mmeweza kupata wakati mnafikia usaidizi wenu kutoka shirika la DWELE?
- (xii) Ni mashirika yapi mengine ambayo unajua yanaowasaidia wanawake waliodhulumiwa kimapenzi wakati wa vita vilivyohuzisha na upigaji kura wa elfu mbili na saba na elfu mbili na nane?
- (xiii) Ni usaidizi wa aina gani ambao haya mashirika yanapeana kwa hawa waadhiriwa?
- (xiv) Ni mambo yapi ambayo yameidhinisha uhusiano huu baina yenu na haya mashirika mengine ambayo yanashughulikia mahitaji ya wanawake waliodhulumiwa kimapenzi wakati wa vita vilivyohusishwa na upigaji kura wa miaka ya Elfu mbili na saba na elfu mbili na nane?
- (xv) Kwa maoni yako, ni nini inastahili kufanywa ili kuboresha uhusiano baina ya mashirika haya ili kuboresha jinsi mahitaji ya hawa waadhiriwa yanafikiwa?

### **Appendix III: Interview guide for management staff (DWELE) - English version**

My name is Esther Makau, a postgraduate student in department of Gender Studies, University of KwaZulu- Natal, Pietermaritzburg Campus. I am carrying out a study on the *Effectiveness of the intervention efforts in combating sexual violence in the aftermath of the post – election violence in Kenya: A Case Study of Kisumu County*. I am interested in interviewing you so as to share your experiences and observations on the subject matter. I would highly appreciate your patience and time spent on answering the following questions. The information you give will be treated in confidence and with strict confidentiality.

#### **Interview schedule for management staff, Development Work in Education, Livelihood and Environment (DWELE) organization.**

##### **(A) Interview details:**

- (a) Authorizing Officer (Name).....
- (b)Date.....
- (c) Place: .....
- (d)Time.....
- (e)Researcher.....

##### **(B) Biographic Details**

- (a) Code Name.....
- (b) Level of education.....
- (c) Length of service.....

##### **(C) Questions**

1. What prompted you to focus on women survivors of sexual violence?
2. What problems have women survivors of sexual violence experienced in the aftermath of the post –election violence?
3. How has your organization been able to deal with these problems/ address their needs? 4. What support programmes do you have for assisting them meet their needs as a result of the violations that they experienced?
4. How would you describe the degree of effectiveness of the programmes you have put in place in addressing the needs of the women survivors of sexual violence experienced in the aftermath of the post –election violence?
5. What factors do you think have contributed to the effectiveness of the programmes you have put in place in addressing the needs of the survivors of sexual violence in the aftermath of the post –election violence?
6. What do you think could have contributed to the ineffectiveness of the programmes you have put in place in addressing the needs of the survivors of sexual violence in the aftermath of the post –election violence?
7. What are some of the challenges that women survivors of sexual violence face in accessing the support programmes that you have put in place for them?
8. As an organization, what are some of the challenges that you have faced in implementing the intervention strategies/ support programmes for the survivors of sexual violence in the aftermath of the post –election violence?
9. How have you responded to these challenges?
10. What kind of assistance or support would you require in order to counter the challenges that you have just highlighted?
11. Apart from what your organization is doing to assist the survivors of sexual violence in the aftermath of the post – election violence, what other intervention strategies are you aware of that were put in place to help address their needs?
12. What other stakeholders/ agencies are you aware of that are supporting women survivors who were sexually violated during the 2007/08 post –election violence?
13. What kind of support are they offering to the survivors of sexual violence in the aftermath of the post –election violence?
14. What linkages exist between your organization and other stakeholders who are addressing the needs of the survivors of sexual violence of the 2007/08 post – election violence?
15. What factors have promoted the inter-linkages between your organization and these other agencies who are addressing the needs of the survivors of sexual violence of the 2007/08 post – election violence?

16. What factors have hindered the inter-linkages between your organization and these other agencies who are addressing the needs of the survivors of sexual violence of the 2007/08 post – election violence?

17. What do you think should be done to foster networking among various stakeholders in order to effectively address the needs of the survivors of sexual violence of the 2007/08 post – election violence?

18. In your opinion, what do you think should be put in place in order to effectively address the needs of the survivors of sexual violence of the 2007/08 post – election violence?

### **Swahili version**

#### **Maswali Kwa viongozi wa Shirika la DWELE**

##### **Maswali ya utangulizi**

- (a) Afisa anayeidhinisha (Jina)
- (b) Tarehe
- (c) Mahali
- (d) Saa
- (e) Mwenye kufanya utafiti

##### **Maswali ya ubinafsi**

- (a) Jina ya kukodi
- (b) Kiwango cha Elimu
- (c) Muda wa kufanya kazi

##### **Maswali Kuu**

- (i) Ni jambo gani ilifanya lengo lako liwe ni wanawake ambao walidhulumiwa kimapenzi baada ya vita vilivyohusishwa na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane kumalizika?
- (ii) Ni shida gani ambazo wanawake waliodhulumiwa kimapenzi wamepitia baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na eli fu mbili na nane kumalizika?
- (iii) Ni vipi ambavyo Shirika lenu limeweza kukumbatiana na hizi shida ambazo umetaja?

- (iv) Ni miradi gani ambayo kama Shirika mmeweka ili kufikia mahitaji yao kutokana na dhuluma ambazo walipata?
- (v) Unaweza kuelezea vipi ubora wa miradi hii ambayo mmeweka katika kuyafikia mahitaji ya wanawake wanoishi kwa hizi dhuluma baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?
- (vi) Ni mambo gani, kwa maoni yako, ambayo yamechangia kwa ubora wa hizi miradi ambayo mmeweka katika kufikia mahitaji ya wanawake wanoishi kwa hizi dhuluma baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?
- (vii) Ni mambo gani, kwa maoni yako, ambayo yamezuia miradi iliyowekwa katika kufikia mahitaji ya wanawake wanoishi na hizi dhuluma baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?
- (viii) Ni changamoto gani ambazo hawa wanawake waliodhulumiwa kimapenzi hupata katika kufikia /kupata usaidizi wa miradi ambayo mmeweka kwa ajili yao?
- (ix) Kama Shirika, ni changamoto gani ambazo mmeweza kupata katika kutekeleza miradi hii ya kuwasaidia wanawake ambao walidhulumiwa kimapenzi baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?
- (x) Ni kwa njia zipi ambazo mmeweza kutumia ili kupambana na hizi changamoto?
- (xi) Ni usaidizi wa aina gani ambao mngelitaji kama Shirika ili kupambana na hizi changamoto ambazo umetaja?
- (xii) Kando na jinsi Shirika lenu linafanya kazi ili kuwasaidia hawa wanawake waliodhulumiwa, ni miradi gani iningine ambayo unajua iliwekwa au kuanzishwa ili kufikia mahitaji yao?
- (xiii) Ni mashirika yapi mengine ambayo unajua yanaowasaidia wanawake waliodhulumiwa kimapenzi wakati wa vita vilivyohuzisha na upigaji kura wa elfu mbili na saba na elfu mbili na nane?
- (xiv) Ni usaidizi wa aina gani ambao haya mashirika yanapeana kwa hawa waadhiriwa?
- (xv) Ni uhusiano upi ambao upo kati yenu na washika dau wengine/ mashirika mengine ambayo yanashughulikia mahitaji ya wanawake waliodhulumiwa kimapenzi wakati wa vita vilivyohuzishwana upigaji kura wa miaka ya Eflu mbili na saba na elfu mbili na nane?
- (xvi) Ni mambo yapi ambayo yameidhinisha uhusiano huu baina yenu na haya mashirika mengine ambayo yanashughulikia mahitaji ya wanawake waliodhulumiwa kimapenzi wakati wa vita vilivyohusishwa na upigaji kura wa miaka ya Eflu mbili na saba na elfu mbili na nane?
- (xvii) Ni mambo gani ambayo yamekuwa ni vizuizi kwa uhusiano baina yenu na haya mashirika mengine ambayo yanashughulikia mahitaji ya wanawake waliodhulumiwa kimapenzi wakati wa vita vilivyohusishwa na upigaji kura wa miaka ya Eflu mbili na saba na elfu mbili na nane?

- (xviii) Kwa maoni yako, ni nini inastahili kufanywa ili kuboresha uhusiano baina ya mashirika haya ili kuboresha jinsi mahitaji ya hawa waadhiriwa yanafikiwa?
- (xix) Kwa maoni yako, ni mambo gani ambayo yanafaa kutekelezwa ili kufikia mahitaji ya waadhiriwa wa kimapenzi wa vita zilizohusishwa na upigaji kura wa miaka ya Elfu mbili na saba na elfu mbili na nane?

**Appendix IV: Interview guide for psycho-social workers (DWELE)- English version**

My name is Esther Makau, a postgraduate student in department of Gender Studies, University of KwaZulu- Natal, Pietermaritzburg Campus. I am carrying out a study on the *Effectiveness of the intervention efforts in combating sexual violence in the aftermath of the post – election violence in Kenya: A Case Study of Kisumu County*. I am interested in interviewing you so as to share your experiences and observations on the subject matter. I would highly appreciate your patience and time spent on answering the following questions. The information you give will be treated in confidence and with strict confidentiality.

**Interview schedule for the psycho-social assistants working with the survivors of sexual violence**

**(A) Interview details:**

- (a) Authorizing Officer (Name) .....
- (b) Date.....
- (c) Place.....
- (d) Time.....
- (e) Researcher.....

## **B) Biographic Details**

- (a) Code Name.....
- (b) Level of education.....
- (c) Length of service.....

## **(C) Questions**

1. What is your understanding of intervention initiatives for survivors of sexual violence of the post –election violence 2007/08?
2. Kindly highlight some of the intervention strategies for the survivors of sexual violence of the post- election violence (2007/08) that you are aware of?
3. Who do you think should be responsible for implementing these strategies?
4. Please describe the problems that have been experienced by women survivors of sexual violence in the aftermath of the post- election violence in Kisumu County.
5. What support programmes are in place in your organization to help address the various needs of the women survivors that you are dealing with?
6. As a psycho-social assistant, what is your role in ensuring that these women who were sexually violated are able to re-establish their normal patterns and routines?
7. In your opinion, how effective are the psycho-social support programmes in your organization in assisting the women survivors move on with their daily lives?
8. What are some of the challenges that you are facing in addressing the psycho-social needs of the women survivors of sexual violence?

9. How have you been able to overcome these challenges?
10. What further support would you require in order to counter these challenges in a more effective way?
11. Apart from addressing the psycho-social needs of these women, in what other way (s) are you assisting these women in realize their self-worth?
12. What other stakeholders / agencies are you aware of that are addressing the psycho-social needs of the women survivors of sexual violence within Kisumu County?
13. What linkages (s) exist between your organization and these other agencies in relation to addressing the needs of the women survivors of sexual violence?
14. What factors would you say have facilitated the linkage (s) between your organization and them?
15. What factors would you say have hindered the linkage (s) between your organization and them?
16. What do you think should be done in order to promote inter-linkages between organizations or various stakeholders that address the needs of the survivors of sexual violence in the aftermath of the post –election violence?
17. In your opinion, what do you think are some of the challenges associated with implementing the intervention strategies for survivors of sexual violence (2007/08 Post-election violence) by various stakeholders?
18. What do you think needs to be done in order to ensure that the intervention strategies in place effectively address the needs of the survivors of sexual violence in the aftermath of the post – election violence?

#### **Swahili version**

**Maswali kwa wasaidizi wa Kisaikologia ambao wanafanya kazi na waadhirwa**

### **Maswali ya utangulizi**

- (a) Afisa anayeidhinisha (Jina)
- (b) Tarehe
- (c) Mahali
- (d) Saa
- (e) Mwenye kufanya utafiti

### **Maswali ya ubinafsi**

- (a) Jina ya kukodi
- (b) Kiwango cha Elimu
- (c) Muda wa kufanya kazi

### **Maswali Kuu**

- (i) Unaelewa vipi kuhusu miradi ya kuwasaidia waadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?
- (ii) Tafadhali, elezea baadhi ya miradi ambayo unaifahamu na ambayo iliwekwa kwa ajili ya waadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?
- (iii) Kwa maoni yako, ni nani amabaye anafaa ajumuike / ni jukumu la nani kuhakikisha ya kwamba hii miradi imetekelezwa?
- (iv) Taafadhali, ellezea matatizo ambayao wanawake waliodhulumiwa kimapenzi wanapitia baada ya vita vilivyohusiana na upigaji kura wa miaka ya elfu mbili na saba na elfu mbili na nane?
- (v) Ni miradi gani katika Shirika lenu ambayo mmeweka/ kuanzisha ili kufikia mahitaji ya hawa wanawake ambao mnashugulikia?
- (vi) Kama mwanasaikologia msaidizi, ni ni jukumu lako ili kuhakikisha la kwamba hawa wanawake waliodhulumiwa kimapenzi wanaweza kuendelea na shughuli zao za kawaida na kujikimu kimaisha?
- (vii) Kwa maoni yako, ni kwa kiwango kipi hii miradi ambayo Shirika lenu limeanzisha imeweza kusaidia hawa wanawake kuendeleza maisha yao ama shughuli zao za kila siku?
- (viii) Ni changamoto gani ambazo unapitia unapohakikisha ya kwamba umeyafikia mahitaji ya hawa wanawake ama kuwahudumia?

- (ix) Ni njia gani au mbinu gani ambazo umweza kutumia ili kupambana na changamoto ambazo umeelezea hapo awali?
- (x) Ni usaidizi gani ambao ungehitaji ili uweze kukumbatiana vilivyo na hizi changamoto ambazo umeelezea?
- (xi) Mbali na kuyaashughulikia mahitaji ya Kisaikologia ya waadhiriwa hawa, ni kwa njia gani zingine ambazo mnatumia ama ni usaidizi gani mwingine ambao mnawapa ili kuinua hali yao ya kimaisha?
- (xii) Ni washikadau wengine ambao unajua ama ni mashirika mengine yapi ambayo unajua yanaowashughulika na shida za Kisaikolojia za wanawake ambao waliweza kudhulumiwa kmapenzi katika kaunti ya Kisumu?
- (xiii) Ni uhusiano gani ambao upo baina ya Shirika Lenu na haya Mashirika mengine katika kushughulikia mahitaji ya wanawake hawa ambao walidhulumiwa kimapenzi?
- (xiv) Ni mambo gani ambayo yamejumuisha uhusiano baina la Shirika lenu na haya mashirika mengine?
- (xv) Ni mambo gani ambayo unaweza kusema yamezuia uhusiano baina ya Shirika lenu na haya mashirika mengine?
- (xvi) Kwa maoni yako, ni nini ambalo linafaa kutekelezwa ili kuboresha uhusiano baina ya mashirika ambayo yanashughulikia mahitaji ya wanawake waliodhulumiwa kimapenzi baada ya vita vilivyohuzishwa na upigaji kura kumalizika?
- (xvii) Kwa maoni yako, ni jambo gani ambalo linafaa litekelezwe ili kuhakikisha ya kwamba miradi ambayo iliwekwa kwa ajili ya kuhudumia wanawake waliodhulumiwa kimapenzi imefikia vilivyo mahitaji yao?

## **Appendix V: Interview guide for men working in the organization (DWELE)**

### **A) Interview details:**

- (a) Authorizing Officer (Name) .....
- (b) Date.....
- (c) Place.....
- (d) Time.....
- (e) Researcher.....

## **B. Biographic Details:**

- (a) Code Name.....
- (b) Age.....
- (c) Level of education.....
- (d) Date of crime.....
- (e) Marital status.....
- (f) Address/ origin.....

## **(C) Questions**

1. What is your understanding of programmes for survivors of sexual violence of the post-election violence 2007/08?
2. What are some of the programmes that you are aware of that were put in place in order to address the needs for survivors of sexual violence in the aftermath of the post –election violence?
3. How would you describe the effectiveness of the programmes you have highlighted in addressing the needs of survivors of sexual violence in the aftermath of the post- election violence?
4. Who do you think is responsible for implementing these programmes?
5. In your own view, what do think are some of the factors that have contributed to their effectiveness in addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?
6. In your own view, what do think are some of the factors that have contributed to the lack of effectiveness of these programmes in addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?
7. The 2007/2008 post – Election Violence is described to have caused adverse effects especially to the survivors. Would you kindly describe some of the problems that women survivors suffered as a result of the sexual violence they experienced during the post – election violence 2007/08?

9. In what ways has Development Work in Education, Livelihood and Environment (DWELE) as an organization assisted them in addressing the problems you have just described above?

10. There are possibly other agencies that have been giving support to the women survivors of sexual violence in the aftermath of the post – election violence apart from Development Work in Education, Livelihood and Environment (DWELE). Would you kindly state them? What kind of assistance have they been receiving from them?

11. Would you describe some of the challenges that you have been facing as organization in order to effectively address the needs of women survivors of sexual violence?

12. What other agencies or stakeholders are you aware of that have been involved in addressing the needs of the survivors of sexual violence in Kisumu County?

13. What kind of programmes have these other agencies put in place in order to address the needs of the survivors of sexual violence in Kisumu County?

14. Kindly describe the main challenges that you feel have hindered the effective implementation of these programmes by the various stakeholders.

15. In your own opinion, what do you think can be done in order to increase the effectiveness of the programmes that have been put in place in addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?

## **Appendix VI: Interview guide for staff at GVRC- Kisumu**

### **Interview schedule for the staff, Gender Violence Recovery Centre- Kisumu Provincial Hospital.**

#### **(A) Interview details:**

(a) Authorizing Officer (Name) .....

(b) Date.....

(c) Place.....

(d) Time.....

(e) Researcher.....

## **B) Biographic Details**

- (a) Code Name.....
- (b) Level of education.....
- (c) Length of service.....

## **(C) Questions**

1. In your opinion, what are some of the intervention strategies that have been put in place to assist survivors of sexual violence in the after-math of the post – election violence?
2. Kindly describe the role of the Gender Recovery Violence Center (GRVC) in relation to the survivors of sexual violence in the after- math of the post- election violence.
3. How was the hospital handling survivors of sexual violence in the after-math of the post – election violence before the establishment of the Gender Recovery Violence Center (GRVC)?
4. How has the hospital been handling survivors of sexual violence in the after-math of the post – election violence after the establishment of the Gender Recovery Violence Center (GRVC)?
5. How effective would you say the Gender Violence Recovery Centre (GVRC) has been in addressing the needs of the survivors of sexual violence in the after-math of the post-election violence?
6. How do you compare the handling of the survivors of sexual violence after the establishment of the Gender Violence Recovery Centre (GVRC) and before it was established?
7. What factors would you attribute to the effectiveness of the Gender Violence Recovery Centre (GVRC) in handling the survivors of sexual violence in the aftermath of the post – election violence?
8. What factors would you attribute to the lack of the Center’s effectiveness in handling the survivors of sexual violence in the aftermath of the post – election violence?
9. What challenges are you facing in handling the cases of sexual violence of the 2007/08 post- election violence?
10. What suggestions would you propose in order to increase the Center’s effectiveness in handling survivors of sexual violence in the aftermath of the post –election period?

11. What linkages exist between the Gender Violence Recovery Center and other stakeholders at various levels in addressing the needs of survivors of sexual violence of the 2007/08 post- election violence?
12. What factors have promoted these linkages with other stakeholders?
13. What factors have hindered these linkages with other stakeholders?
13. In your opinion, what do you think should be done in order to promote the linkages between various stakeholders in addressing the needs of the survivors of sexual violence in the aftermath of the post - election violence?
14. Has this hospital been partnering with Non- Governmental Organizations (NGO's) working in the health sector as proposed by Commission of Inquiry into the Post- Election Violence (CIPEP, 2008)?
15. If yes, what factors have enhanced this kind of partnership?
16. If not, what do you think have been the main hindrances to this kind of partnership?
17. Generally, what do you think have been the major challenges in the implementation of the intervention initiatives made to address the needs of survivors of sexual violence in the aftermath of the post- election violence?
18. What suggestions would you give in order to increase the effectiveness of these intervention strategies in addressing the needs of the survivors of sexual violence in the aftermath of the post - election violence?

### **Swahili version**

#### **Maswali ya wafanyikazi katika kituo Cha Kushughulikia mahitaji ya Kijinsia- Hospitali kuu ya Kisumu**

#### **Maswali ya utangulizi**

- (a) Afisa anayeidhinisha (Jina)
- (b) Tarehe
- (c) Mahali
- (d) Saa

(e)Mwenye kufanya utafiti

### **Maswali ya ubinafsi**

- (a) Jina ya kukodi
- (b) Kiwango cha Elimu
- (c) Muda wa kufanya kazi

### **Maswali Kuu**

- (i) Kwa maoni yako, ni miradi gani ambayo ipo ili kuwasaidia wanawake waliodhulumiwa kimapenzi baada ya vita vilivyohusiana na upigaji kura wa Eflu mbili na saba na elfu mbili na nane?
- (ii) Tafadhali, elezea matakwa ya kituo hiki kuhusiana na waadhiriwa wa kimapenzi baada ya vita vilivyohusiana na upigaji kura wa Eflu mbili na saba na elfu mbili na nane
- (iii) Ni kwa njia gani ambazo hospitali hii iliweza kuwashughulikia waadhiriwa wa kimapenzi baada ya vita vya upigaji kura kumalizika kabla ya kituo hiki kuanzishwa?
- (iv) Ni kwa njia gani ambalo hospitali hii imewashughulikia waadhiriwa wa kimapenzi baada ya kituo hiki kuanzishwa?
- (v) Ni kwa ubora upi ama ni kwa kiasi kipi ambacho unaweza kusema kituo hiki kimekuwa kikiwasaidia waadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (vi) Unaweza kulinganisha vipi jinsi waadhiriwa wa kimapenzi wanavyohudumiwa baada ya kituo hiki kuanzishwa na kabla yake kuanzishwa?
- (vii) Ni nini unaweza kusema imechangia ubora wa kituo hiki katika kuyashughulika mahitaji ya waadhiriwa baada ya vita kumalizika?
- (viii) Ni mambo gani ambayo unaweza kusema yameadhi ubora wa kituo hiki katika kuyashughulikia ama kuyatekeleza mahitaji ya waadhiriwa wa kimapenzi baada ya vita kumalizika?
- (ix) Ni changamoto gani ambazo mnapitia katika kushughulikia waadhiriwa wa kimapenzi kutokana na vita vilivyohusiana na upigaji kura wa miaka elfu mbili na saba na elfu mbili nane?
- (x) Kwa maoni yako, ni mambo gani ambayo yanaweza kuchangia ubora wa kituo hiki katika kushughulikia mahitaji ya waaadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xi) Ni uhusiano gani ambao upo baina ya kituo hiki na mashirika mengine ambayo yanashughulikia waadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xii) Ni mambo gani ambayo yameboresha uhusiano huu?
- (xiii) Ni mabo gani ambayo yameadhi uhusiano huu?

- (xiv) Hospitali hii imekuwa ikishirikiana na mashirika yasio ya kiserikali ambayo yanaengemea upande wa afya jinsi ilivyopendekezwa na Tume ya kufanya uchunguzi kuhusu vita vilivyohusiana na upigaji kura wa miaka elfu mbili na saba na elfu mbili na nane?
- (xv) Kama ushirika huu umekuwepo, ni mambo gani ambayo yamechangia kuuboresha?
- (xvi) Kama haupo, ni mambo gani ambayo yamekuwa ni vizuizi kwa ushirikiano huu?
- (xvii) Kwa ujumla, nini imekuwa kizuizi/ vizuizi katika kutekeleza miradi mbayo inashughulikia mahitaji ya waadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xviii) Ni mambo gani ambayo ungependekeza yawepo ili kuboresha zaidi miradi hii katika kuyatimiza mahitaji ya waadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?

**Appendix VII: Interview schedule for the staff, Gender Unit, Kisumu Police Station.**

**A) Interview details:**

- (a) Authorizing Officer (Name) .....
- (b) Date.....
- (c) Place.....
- (d) Time.....
- (e) Researcher.....

**B) Biographic Details**

- (a) Code Name.....
- (b) Level of education.....
- (c) Length of service.....

**(C) Questions**

1. What is your understanding of intervention initiatives for survivors of sexual violence of the post –election violence 2007/08?
2. What are some of the intervention initiatives that you are aware of that were put in place in order to address the needs for survivors of sexual violence in the aftermath of the post – election violence?
3. Who, in your opinion is mandated to implement these strategies?
4. One of the recommendations of the Commission of Inquiry into the Investigation of the Post – Election Violence 2007/08 (CIPEV) was to have a gender unit (desk) established in every police station. What has been the role of the gender units with relation to addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?
5. Have you undergone any specialized training in handling sexual violence cases?
6. How would you describe the police environment in terms of handling cases of sexual violence in a way that ensures safety of the victims?
7. In your opinion, what are some of the factors that have possibly influenced police effectiveness in handling cases of sexual violence in the aftermath of the post- election violence?
8. What do you think should be done in order to increase police effectiveness in addressing the needs of the survivors of sexual violence in the aftermath of the post – election violence?
9. What other stakeholders are you collaborating with in order to effectively address the needs of the survivors of sexual violence in the aftermath of the post – election violence?
10. How would you describe the degree of collaboration between the police and these other agencies?
11. What factors do you think have enhanced this collaboration between the police and other stakeholders engaged in addressing the needs of survivors of sexual violence in the aftermath of the post – election violence?
12. What factors do you think have hampered this collaboration between the police and other stakeholders engaged in addressing the needs of survivors of sexual violence in the aftermath of the post – election violence?
13. In your opinion, what do you think should be done in order to enhance the level of collaboration between the various agencies/ stakeholders that are engaged in addressing the needs of survivors of sexual violence in the aftermath of the post – election violence?
14. Generally, what do you think have been the major challenges in the implementation of the intervention initiatives made to address the needs of survivors of sexual violence in the aftermath of the post- election violence?

15. What suggestions would you give in order to increase the effectiveness of these intervention strategies in addressing the needs of the survivors of sexual violence in the aftermath of the post - election violence?

### **Swahili version**

#### **Maswali ya wafanyi kazi wa sekta ya jinsia- Kituo Cha Polisi (Kisumu)**

#### **Maswali ya utangulizi**

(a) Afisa anayeidhinisha (Jina)

(b) Tarehe

(c) Mahali

(d) Saa

(e) Mwenye kufanya utafiti

#### **Maswali ya ubinafsi**

(a) Jina ya kukodi

(b) Kiwango cha Elimu

(c) Muda wa kufanya kazi

#### **Maswali Kuu**

(i) Unaelewa vipi kuhusu miradi ya kuwasaidia waadhiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?

(ii) Ni miradi gani ambayo unaifahamu iliyotekelezwa ili kuwasaidia waadhiriwa ya kimapenzi baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane kumalizika?

(iii) Kwa maoni yako, ni jukumu la nani kuanzisha au kutkeleza miradi hii?

(iv) Mojawapo ya pendekezo la Tume ya uchunguzi kuhusiana na vita vilivyohusiana na upigaji kura wa miaka ya elfu mbili na saba/elfu mbili na nane ilikuwa ni kwamba kila Kituo cha Polisi kianzisha ofisi ambayo inahusika na mambo ya kijinsia. Ni ni imekuwa ni majukumu ya ofisi hii hasa katika kuyashughulikia mahitaji ya wale waliodhulumiwa kimapenzi baada ya hizi vita kuisha?

- (v) Ushawahi kufanya masomo spesheli ambayo yanakuwezesha kushughulika kwa ubora zaidi wale wanaodhulumiwa kimapenzi?
- (vi) Unaweza kuelezea vipi hali ya kufanyia kazi ya Polisi katika kushughulikia kesi za wale waliodhulumiwa kimapenzi kwa njia ambayo haitishii maisha yao?
- (xix) Kwa maoni yako, ni yapi ambayo yamechangia jinsi polisi wanashughulikia kwa ubora / vyema wale ambao walidhulumiwa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xx) Ni jambo gani ambalo linastahili kufanywa ili kuboresha jinsi polisi wanavyoshughulika mahitaji ya wale waliodhulumiwa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xxi) Ni akina nani ambao mnashirikiana nao ili kuhakikisha ya kwamba mahitaji ya wale waliodhulumiwa kimapenzi wameshughulikiwa vilivyo baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (vii) Unaweza kuelezea ushirika ambao upo baina ya polisi na haya mashirika mengine?
- (xxii) Ni mambo gani ambayo yamechangia uhusiano huu baina ya polisi na haya mashirika mengine katika kuyashughulikia mahitaji ya wale waliodhulumiwa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xxiii) Ni mambo gani ambayo yamekuwa ni vizuizi baina ya polisi na haya mashirika mengine katika kuagazia vilivyo mahitaji ya wale waliodhulumiwa kimapenzi kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (xxiv) Kwa maoni yako, ni jambo gani ambalo linafaa litekelezwe ili kuboresha uhusiano baina ya polisi na haya mashirika mengine ambayo yanashughulika mahitaji ya waliodhulumiwa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (viii) Kwa ujumla, ni mambo gani ambayo unaweza kusema yamekuwa ni changamoto katika kutekeleza miradi ambayo inafaa kwa ajili ya kushughulikia mahitaji ya wale waliodhulumiwa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?
- (ix) Kwa maoni yako, ni jambo gani ambalo linaweza kuboresha jinsi miradi hii inashughulikia mahitaji ya waadhiiriwa wa kimapenzi baada ya vita vilivyohusishwa na upigaji kura kumalizika?

## Appendix VIII: Informed consent letter- English version

School of Social Sciences,  
College of Humanities,  
University of KwaZulu-Natal,  
Pietermaritzburg Campus,

Dear Participant

### INFORMED CONSENT LETTER

My name is Esther Mwongeli Makau (215000310). I am a Gender Studies PhD candidate studying at the University of KwaZulu-Natal, Pietermaritzburg campus, South Africa.

I am interested in exploring the intervention efforts in combating women's sexual violence in the aftermath of the 2007/2008 Post- Election Violence in Kenya: A case study of Kisumu County. To gather the information, I am interested in interviewing you so as to share your experiences and observations on the subject matter.

Please note that:

- Your confidentiality is guaranteed as your inputs will not be attributed to you in person, but reported only as a population member opinion.
- The interview may last for about 1 hour and may be split depending on your preference.
- Any information given by you cannot be used against you, and the collected data will be used for purposes of this research only.
- Data will be stored in secure storage and destroyed after 5 years.
- You have a choice to participate, not participate or stop participating in the research. You will not be penalized for taking such an action.
- The research aims at seeking your opinion on the extent to which the intervention initiatives have been effective in addressing the needs of the women survivors of sexual violence in the aftermath of the Post- Election Violence in Kisumu County.
- Your involvement is purely for academic purposes only, and there are no financial benefits involved.
- If you are willing to be interviewed, please indicate (by ticking as applicable) whether or not you are willing to allow the interview to be recorded by the following equipment:

	Willing	Not willing
Audio equipment		

Photographic equipment		
Video equipment		

I can be contacted at:

Email: [esthermakau@yahoo.com](mailto:esthermakau@yahoo.com)

Cell: +254 721994994 or +27623550542.

My supervisor is Dr. Janet Muthuki who is located at the School of Politics, Pietermaritzburg campus of the University of KwaZulu-Natal.

Contact details: email: [Muthuki@ukzn.ac.za](mailto:Muthuki@ukzn.ac.za) Phone number: +27 (0) 332606462.

You may also contact the Research Office through:

P. Mohun

HSSREC Research Office,

Tel: 031 260 4557 E-mail: [mohunp@ukzn.ac.za](mailto:mohunp@ukzn.ac.za)

Thank you for your contribution to this research.

**DECLARATION**

I..... (full names of participant) hereby confirm that I understand the contents of this document and the nature of the research project, and I consent to participating in the research project.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNATURE OF PARTICIPANT

DATE

.....

.....

## Swahili version

Shule ya Sayanzi ya Kijamii

Chuo Kikuu Cha KwaZulu

Natal

Tawi la Pietermaritzburg

Kwa Mhusika Kwenye Utafiti

### **Barua ya kuidhinisha kuhusika kwenye utafiti**

Jina langu ni Esther Makau (215000310). Mimi ni mwanafunzi katika Idara ya Jinsia katika Chuo Kikuu Cha KwaZulu- Natal, Tawi la Pietermaritzburg, Afrika Kusini.

Ningependa kujua kwa undani kuhusu miradi ambayo iliwekwa ili kukumbatiana na maafa ambayo wanawake ambao walidhulumiwa kimapenzi walipata baada ya vita vilivyohusishwa na upigaji kura wa elfu mbili na saba na elfu mbili na nane.

Ili niyafahamu haya, ningependa kukuhoji ili uweze kutoa/ kuelezea maoni yako kuhusu jambo hili ambalo tunalizungumzia.

Tafadhali, tilia maanani ya kwamba:

- Maneno utakayozungumzia yatakuwa ni siri na yataripotiwa kwa ujumla kama mojawapo ya maoni ya wengine ambao pia watahojiwa
- Mazungumzo baina yetu yanaweza kuchukua lisali moja na yanaweza kugawanywa kulingana na jinsi ambayo ungependelea
- Taarifa/ ujumbe ambao utapeana hauwezi kamwe kutumiwa kinyume nawe, na ujumbe wowote ambao utaelezea utatumika kwa ajili ya utafiti/ masomo peke yake
- Ujumbe utawekwa mahali salama na kuharibiwa baada ya miaka tano
- Uko na uwezo/ uhuru wa kuamua kuhusika ama kutohusika kwenye utafiti huu ama kusimamisha kuhusika kwenye utafiti huu

- Lengo la utafiti huu ni kupata maoni yako kuhusu kiwango ambacho miradi iliyowekwa kuwasaidia wanawake waliodhulumiwa kimapenzi inafikia mahitaji yao katika Kaunti ya Kisumu
- Kuhusika kwako ni kwa ajili ya masomo peke yake na hakuna faida yoyote ya kipesa
- Kama ungependa kuhojiwa, tafadhali onyesha ( kwa kuweka alama ya kukubali mahali panapostahili) kama ungependa au haungependa mazungumzo haya yawekwe kwenye rekodi kwa vifaa vifuatavyo

	Kukubali	Kutokubali
Vifaa vya sauti		
Vifaa vya upigaji picha		
Vifaa vya video		

Naweza kufikiwa kwa anwani ifuatayo: Barua pepe: [esthermakau@yahoo.com](mailto:esthermakau@yahoo.com)

Simu ya mkononi: +254 721 994 994 ama +27 623550542

Mwalimu wangu msimamizi ni Daktari Janet Muthuki ambaye anapatikana katika Shule ya Sayansi za kijamii, Tawi la Pietermaritzburg, Chuo Kikuu Cha KwaZulu-Natal.

Anwani yake: Barua pepe ni: [muthuki@ukzn.ac.za](mailto:muthuki@ukzn.ac.za) Nambari ya simu ni + 27 (03) 33 2606462

Unaweza pia kufikia Ofisi ya utafiti kupitia kwa:

P. Mohun

HSSREC Ofisi ya Utafiti

Nambari ya simu: 031 260 4557. Barua pepe: [mohunp@ukzn.ac.za](mailto:mohunp@ukzn.ac.za)

Asante kwa kujitolea ili ukaweza kuhusika kwenye utafiti huu.

## Idhinisho

Mimi..... (Majina yangu kamili) naapa ya kwamba nimeelewa maelezo yote yaliyoko katika barua hili na lengo la utafiti huu na nimeamua kuhusika katika huu utafiti.

Naelewa ya kwamba niko na uhuru wa kujiondoa kuhusika katika utafiti huu wakakati wowote nitakavyo amua.

Sahihi ya muhusika

Tarehe

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**Appendix IX: Gatekeeper's letter**



**DWELE**

DEVELOPMENT WORK IN EDUCATION, LIVELIHOOD AND ENVIRONMENT

P.O. Box 2300 Kisumu Tel: +254 57 21593

Cell: 0733 474792 / 0720 806519

E-mail [dwele@ksmpop.swiftkisumu.com](mailto:dwele@ksmpop.swiftkisumu.com)

[admin@dwele.org](mailto:admin@dwele.org)

June 22, 2015

Ms. Esther Makau Miriago  
University of Kwa-Zulu Natal,  
School of Social Sciences, Pietermaritzburg Campus  
Private Bag X01, Scottsville, 3209,  
**South Africa**

Dear Esther,

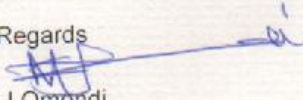
**Re: Request to DWELE to be Your Point of Contact to Carryout Research Project**

With reference to the above subject and the telephone discussions on the same, the Development Work in Education, Livelihoods and Environment (DWELE) officially grants your request to serve as point of contact as you carry out the study.

The organization will strive to create complementary linkages for you to reach the survivors of PEV GBV although most of them have moved to their respective original homes and some demised from the impacts of the consequences of sexual GBV. However, you will be directly responsible for all relevant costs that appertain to your studies in the field and/or office.

We take this opportunity to welcome you and wish well in you noble study, which will directly inform our programme work on Women and Gender.

Kind Regards

  
Mary J Omondi  
Managing Director  
**DWELE**

**CC:**

Dr. Janet Muthuki,  
University of Kwa-Zulu Natal, School of Social Sciences  
E-Mail: [muthuki@ukzn.ac.za](mailto:muthuki@ukzn.ac.za)

**Appendix X: Ethical clearance form**



27 May 2016

Ms Ester Mwangali Makau 215000310  
School of Social Sciences  
Pietermaritzburg Campus

Dear Ms Makau

Protocol reference number: HSS/1738/015D

Project Title: Exploring the intervention efforts in combating women's sexual violence in the aftermath of the 2007/2008 post-election violence in Kenya. A case study of Kisumu County

**Full Approval – Full Committee Reviewed Protocol**

In response to your application received 27 November 2015, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

**PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Dr Shamila Naidoo (Deputy Chair)  
Humanities & Social Sciences Research Ethics Committee

/pm

Cc Supervisor: Dr Janet Muthoni Muthuki  
Cc Academic Leader Research: Professor Sabine Marschal  
Cc School Administrator: Ms Ms Nancy Mudau & Stella Shulika

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**Humanities & Social Sciences Research Ethics Committee**

Dr Shenzuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag 254001, Durban 4000

Telephone: 127 (C) 31 200 456/45504557 Facsimile: +27 (0) 31 200 4600 Email: [siribap@ukzn.ac.za](mailto:siribap@ukzn.ac.za) / [nymanm@ukzn.ac.za](mailto:nymanm@ukzn.ac.za) / [oshung@ukzn.ac.za](mailto:oshung@ukzn.ac.za)

Website: [www.ukzn.ac.za](http://www.ukzn.ac.za)



Faculty Campuses: Durban Westville Edgewood Howick College Medical School Pietermaritzburg Westville

