

**GENDER INJUSTICE: THE DETERMINANTS OF VIOLENCE AGAINST  
WOMEN AND ACCESS TO HUMAN RIGHTS IN KENYA**

**A CASE STUDY OF MATHARE AND KOROGOCHO SLUMS IN NAIROBI**

**BY**

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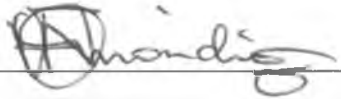
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### DECLARATION BY THE CANDIDATE

I do declare that this is my original work and has never been submitted for examination in any University.

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## **DEDICATION**

This study is dedicated to my late mother, Caren Anyango Ochieng and all the women who expired young while struggling with hardships in communities full of discrimination and in which they were denied access to natural justice.

It is also dedicated to all the men in the universe who have recognized massive potential in our mothers, wives, girlfriends, sisters and daughters and are supporting elimination of all forms of discrimination and violations of rights of women and girls in order to make the world a better place to live in .

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## **Acronyms and Abbreviations.**

<b>AA</b>	Affirmative Action
<b>AIDS</b>	Acquired immunodeficiency syndrome
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>COVAW</b>	Coalition on Violence against Women
<b>CSO</b>	Civil Society Organizations
<b>FGD</b>	Focus Group Discussion
<b>FGM</b>	Female Genital Mutilation
<b>GJLOS</b>	Gender, Justice, Law and Order Sector
<b>GK</b>	Government of Kenya
<b>HIV</b>	Human Immunodeficiency Virus
<b>KNCHR</b>	Kenya National Commission on Human Rights
<b>NCGD</b>	National Commission on Gender and Development
<b>NCP</b>	Negative Cultural Practices
<b>PA</b>	Provincial Administration
<b>SPSS</b>	Statistical Package for Social Sciences
<b>UDHR</b>	Universal Declaration on Human Rights
<b>VAW</b>	Violence against Women
<b>WHRA</b>	Women's Human Rights Abuse

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## **Executive Summary**

This research is an exploratory study that sought to examine the social, economic, cultural, political and legal determinants of violence against women. It further sought to find out factors that impede women's access to and enjoyment of their human rights in the slum areas of Nairobi.

The study was conducted in Mathare and Korogocho slums of Nairobi. Particular attention was given to what causes violence against women; the impact of violence against women at the household with a view to interrogating how violence tear the socio-economic fabric of the families in these slums.

The study population included the women at household level as the primary source of data to provide information on the type, consequences and the impact of violence in their lives and their families' wellbeing. The study also targeted those who have individually suffered and survived the violence and who gave first hand information on their suffering at the hands of the perpetrators, what they did as deterrence to being violated further. Further, caregivers provided crucial data on some of the cases in their areas and why they feel violence increases. They gave account of government attempts at eliminating incidences of women violation and some of the difficulties that these efforts encounter.

Ministry of Gender, Sports, Culture and Social Services; National Commission on Gender and Development; Federation of women Lawyers in Kenya; Coalition on violence against Women; Centre for Rights Awareness and Education; CCGD; ICJ; LSK;

CAUCUS; YWLI; and Groots- Kenya provided data on what interventions they are making in an effort to eliminate the incidences and impact of violence against women in Kenya. Further data was obtained from Kenyatta National Hospital; Nairobi Women's Hospital; City Council Dispensary-Dandora; City Council Dispensary-Huruma; St. Teresa Hospital in Mathare and St. Pius Health Clinic-Korogocho on the records of daily violence related admissions and treatments. Eight focused group discussions were organized, four in each slums to find out what they thought would be the best ways to deal with violence against women in these slums.

The study revealed the women are aware about the fact that their rights are being violated and that majority of the perpetrators are their husbands. Most incidences of violence occur due to patriarchal tendencies in the African societies, which fuel the believe tat women must be disciplined. Other factors revealed in the study include substance abuse, alcohols and poverty. The study further showed that government efforts to cub violence against women exist in the slums, albeit, with myriad weaknesses. Records showed that many women having reported to police, but the legal systems and poverty among women curtail the speedy conclusion of cases while other women choose to withdraw cases owing to fear of being ostracized by the family male members.

The study also revealed that there is lack of a national structure and system to fights the increased women's right's violation. These efforts are also incongruent with interventions by civil society organizations (CSOs). The government has failed to domesticate pertinent articles in the Convention on the Elimination of All Forms of Discrimination

Against Women (CEDAW) that she ratified in 1984. This means that legal provisions remain weak in deterring men from perpetrating violence against women.

In conclusion, the study confirms that numerous socio-cultural and legal factors contribute to increased incidences of women's rights violation. Sex stereotypes, coupled with patriarchal institutions in the society entrench violence at the household level. Culture influences male oppression over females and therefore leads to denial of women's access to and enjoyment of their rights.

Recommendations and way forward is that constitutional amendments be made to remove all gender based discriminatory provisions and to reflect sensitivity towards women and women's rights. Women should be treated with equal dignity in all spheres of life. Cultural practices that undermine the dignity, welfare, interests and the status of women should be prohibited through a strong national policy framework that define and spell out the women's rights, provide for stiffer penalties to perpetrators and provide for education and information dissemination to the public through a national campaign Programme that is targeted at eliminating negative imaging of women through media. Lastly, a strong synergy should be created between the Government's and Civil Society Organization interventions to enable adequate resources to be mobilized for setting up national machinery to tackle violence against women once and for all.

# CHAPTER ONE

## 1.0 Introduction

This chapter outlines the overview of violence against women in Kenya. It also enlists some of the gender relations that the survey revealed. The power relations, poverty, violence and general discriminatory practices prevalent in the Kenyan society are explained. It concludes with short ideas about the existing International and Regional human rights provisions that attempt to reduce violence against women.

## 1.1 Overview of violence against women in Kenya

In recent years, there have been increasing concerns about violation of the human rights of women in general and increased cases of gender based violence in particular, in both developed and developing countries. Not only has violation of these rights been acknowledged worldwide as violation of the basic human rights of women, but an increasing amount of research has highlighted the health burdens, intergenerational effects and demographic consequences of such violence (COVAW, 2005).

Gender based violence occurs across all socio-economic and cultural backgrounds, and in many societies, women are socialised to accept, tolerate, and even rationalise violence being perpetrated against them, while remaining silent about their experiences. Violence of any kind has a serious impact on the economy of a country, because women, being the economic producers, bear the brunt of domestic violence, as well as the health and psychological burdens.

Violation of women continues to manifest itself mostly in the area of domestic and sexual violence against women. In 2005 alone, COVAW received over 750 cases touching on

the violation of rights of women. Analysis of these cases show that 35% of women were abused by close partners through physical, emotional and sexual abuse (COVAW, 2005)<sup>1</sup>. Another observation by COVAW was that 13% of the abused women were unable to access their matrimonial property upon divorce or inherit property following the death of a spouse. The relatives of the spouse ensured that the women did not get any property out of the union, rendering many of them destitute.

The media reports have also showed the grim picture of the rights of women violation. An average of 20 cases were reported every month in the last half of year 2005, ranging from assault, rapes, murder (Daily Nation and East African Standards 2006)<sup>2</sup>. Due to escalating reports of women's rights violation, some efforts were made to ensure greater protection of the rights of women. For instance, amendment of the penal Code that sought to harmonize punishments for rape, incest and defilement (the criminal Amendment Act (2003); the Sexual Offences Act (2005); Children's Act (2001)<sup>3</sup>; establishment of National Commission on Gender and Development (NCGD) to ensure gender equity and respect of the rights of women is realized.

Women's state of freedom or liberation in Kenya, although having gone through series of metamorphosis, is still hampered by entrenched social, cultural, economic, political and legal impediments, some of whose fundamental roots are anchored on historical perspective. The stereotypes, traditions, oppressive attitudes and roles define what a

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<sup>1</sup> COVAW's Human Rights Report to UNIFEM entitled "Advocacy on Legislative reforms against VAW"

<sup>2</sup> Reference made to the Daily Nation of 6<sup>th</sup> July, 2006- page 7; 7<sup>th</sup> July, 2007, -page 28; 9<sup>th</sup> December, 2006-page 7; As well as East African Standard of December 10<sup>th</sup> 2006- page 5; July 5<sup>th</sup> 2006-page 12; July 4<sup>th</sup> 2006-page 6; November 17<sup>th</sup>, 2006- page7; July 31<sup>st</sup> 2006-page9; July 30<sup>th</sup> 2006-page 4; December 12<sup>th</sup> 2006-page 18; July 2<sup>nd</sup> 2006-page 3; August 5<sup>th</sup> 2006-page 5 and 14<sup>th</sup> July 2006- page 19

<sup>3</sup> Part VI of the Children's Act provide for parental responsibility for the protection of the rights of the child. It establishes the children's court to conduct both civil and criminal proceedings on matters involving care, protection of the rights of the child-also see section 127- that makes it an offence for people with parental responsibility, custody to assault, ill-treat or expose the child to any suffering, injury or mental derangement.

woman can engage in, get access to and negotiate over. Women have been overburdened with both domestic and community work that is seldom recognized. Due to this, their participation in the same is unrewarded. Discrimination against women begins at birth, continues through childhood to adulthood up to old age. As a child, a girl is exposed to cultural and social impediments that prevent her from accessing education and even being retained in the school. Owing to urban poverty, the girl-child is the mother's 'beast of burden' doing almost all domestic chores as the mother is away in the market, therefore preventing her from going to school. Because of the lack of education, she fails to get a better paying job and therefore resorts to prostitution, an economic activity, associated with many problems like HIV/AIDS, sexual violence like rape and harassment by law enforcement officers. As an adult, she is unable to take appropriate care of herself and family (she is most likely to be a housewife) and the cycle of dependency become part of her life. At old age, the possibility is that she would not have prepared herself for retirement and therefore, likely to live a destitute life without proper shelter and access to social amenities.

Human rights are natural entitlements that women must enjoy for women are human beings. In the Kenyan law, the Bills of rights contain fundamental rights and freedoms for all individuals who are Kenyan citizens. Section 82(3) provides that "no person shall be discriminated against on the ground of sex". The main doctrine of the law of discrimination based on sex is largely responsible for the ineffectiveness of legal provisions for getting women to access their needs, achieve personal security, self confidence and individualization, respect and dignity, although this is also punctuated with social conditions instituted by culture at birth (Oduol, 2001). Sex based inequalities

are seen in politics, law, social perception and economic sphere merely because a built in tension exist between the concept of equality and sex.

Historically, position of women within the society and specifically at home is dictated by cultural systems of matrilineal or patrilineal descent. But in Kenya, most families are patrilineal, where father is the “head of the family” and the children are linked to the father’s descent and most activities follow patriarchal dictates. This means that issues of inheritance are determined by the man’s family members. The idea of private property ensures that only the boys can inherit the family property. Girls are on the other hand denied the opportunity to inherit their father’s property owing to the belief that she would be married far away into another family where they have a chance to access property. This kind of a situation has led to entrenchment of injustices facing women and girls. All cultures accept this oppression and subjugation of women by men. Women therefore, neither inherit property nor own property even if the male member of the family passes on as this responsibility is transferred to the next male descendant in line (Human Rights Watch Report, 2005)<sup>4</sup>.

In Kenya today, attempts have been made to fusion gender issues into mainstream development processes through influencing women’s access to technology, credit, extension services as a way of reducing the violence and discrimination against women. The main undoing of this process is that it has tended to integrate women in development rather than address the relationship between men and women in relation to how they differently influence the development process. Social and economic factors, for instance, education influences accessibility into the economic and political system. Other women

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<sup>4</sup> Reference made on <http://hrw.org/women-> on 12th July 2006 at 8.53 am. Also see, <http://hrw.org/women/sexual violence>

specific agencies have also emerged with the aim of addressing gender based inequalities and injustices that affect women in Kenya. Although there has been attempts at affirmative action, this has not borne fruit as this has been done to accomplish political satisfaction rather than for reducing social, cultural and legal imbalances between men and women (Atsango, 2006).

## **1.2 International and Regional Treaties on Women Rights violations**

Taken together, below listed International and Regional Covenants represents a comprehensive and powerful articulation of commitments by the Member States to address and eliminate gender based inequity, inequalities and discrimination. These commitments must be honoured and fulfilled. It is imperative for policy makers and those seeking to engage in policy advocacy to understand the International and Regional frameworks within which interventions on violence against women are structured.

**a) UDHR.** The Charter and the Universal Declaration of Human Rights (UDHR) was adopted in 1948. It is the normative framework on which the Human rights Protection is grounded. Many States of the world have, since its adoption, developed (through the UN) comprehensive and legally binding frameworks for the promotion and protection of human rights. It provides the standards for Human Rights such as right of freedom from slavery; Association, opinion, expression, assembly and movement; Thought, conscience, and religion; Torture and cruel inhuman or degrading treatment; Unlawful or arbitrary arrest or detention; Arbitrary interference with privacy, family, home or correspondence. Others are the right to equal protection of the law; right to fair trial; rights to asylum from persecution; right to name and nationality; right to non-discrimination, equality and equity; right to vote and take part in public affairs; right to



life and security of person; right to highest attainment of physical and mental health; right to education; right to just and favourable conditions of work; right to adequate food, shelter, clothing and social security; right to participate in cultural life and right to development.

**b) CEDAW.** The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly on 18<sup>th</sup> December 1979. It came into force in 1981. As of the 13<sup>th</sup> September 2004, 178 Countries had ratified and acceded to CEDAW, which is regarded as the most comprehensive bill of rights of women. Kenya ratified CEDAW on the 9<sup>th</sup> March, 1984 and gives progress report on the implementation of gender equality to the UN Committee on CEDAW. Kenya presented her 5<sup>th</sup> and 6<sup>th</sup> report to the Committee in 2006 and defended its report in July 2007. In Africa, 51 out of the 53 countries have ratified CEDAW. Six African nations ratified CEDAW with reservations (this means that these countries are not bound by certain sections of the CEDAW). Countries like Libya and Algeria entered reservations on the key article of the Convention that is, Article 2, which requires state parties to condemn discrimination and take appropriate action to eliminate discrimination in all its forms. Reservations imply that a government is not ready or is unwilling to undertake commitments to eradicate discrimination as specified under CEDAW. This unfortunately, negates the purpose for which the Convention was adopted and jeopardizes the effective and universal application of the Convention.

The Convention, as adopted, embodies legally binding international standards on the rights of women applicable to all women. CEDAW prohibits discrimination against women, in all its forms, and defines discrimination against women as:

*“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status on a basis of equality of men and women of human rights and fundamental freedoms in the political, social, cultural, civil or any other field” (United Nations, 1981).*

c) **BPFA.** The Beijing Declaration and Platform of Action was adopted in 1995 in Beijing during the 4<sup>th</sup> World conference on women. It addresses issues of women’s rights in all aspects of life for instance, education, economic, political participation, legal issues and opportunities available for women so that their rights are perceived and protected as human rights.

The other covenants that are pertinent in addressing different women’s rights include: International conference on Population and Development (ICPD)-1994; World conference on Human Rights (Vienna Declaration)-1993; Convention on the Rights of the Child -1989; World Education Forum (Dakar Programme of Action)-2000; Millennium Declaration and Development Goals (MDGs)-2000; United Nations Special General Assembly on HIV/AIDS Declaration and Commitment (UNGASS)<sup>5</sup>- 2001

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<sup>5</sup> The General Assembly (GA) of the UN adopted declaration on combating HIV/AIDS during UN Special Session on HIV/AIDS Entitled “Global Crisis. Global Action” on the 25<sup>th</sup>-27<sup>th</sup> June 2001.

### 1.3 Statement of the problem

Looking at cases of violation of women's rights, three facts come out clearly. First, the traditional women-men roles are deeply ingrained and in fact glorified in all societies, languages, in education, mass media, advertising in arts and other public spheres. The society perceives women negatively as 'dependant mothers', whose capabilities within the society are often insignificant. Although we recognize that these sex stereotypes and social prejudices are inappropriate, women continue to be differentiated and considered nonentities.

Secondly, the male dominated structures, being of patriarchal ideology, assume that the violence against women have cultural root and therefore, should not be challenged, and this exacerbate the already delicate life of women. Women today are aware of the prevailing oppressive gender relations but their attempts to challenge these oppressive tendencies are viewed negatively as challenging the male dominance. Since, women in position of decision making in all the available public sphere is limited, issues that affect the women are mostly deliberated on by men who assume that they represent the women or that they understand the female perspective.

Thirdly, almost all the gender based violations and oppression are directed at women. Much of these violations against women take place in the entire life of a woman. While others take place in the open, others are considered crimes of secrecy and often go unreported. Most of the violation of women's rights are linked to the fact that power relations is tilted in favour of the man and he does not have to loose it. It is about control and its perpetuation through intimidation of the female gender. It is about breaking

women down so that they do not challenge the existing authority. Campbell et al, (1997)<sup>6</sup>, in their work entitled “Ending Domestic Violence” indicated that there is nothing about a woman’s personality, about the way she is brought up or about her living condition that makes her encounter abusive life. The only consistent risk factor for these violations is associated with gender, which is her being a woman. It has also been found that violation of women’s rights go beyond social class; it exists against women who live in rich and poor neighborhoods and may be emotional, physical including denial of rights to access a fundamental resource, sexual exploitation and sometimes financial abuse. The above facts clearly demonstrate why the problem of violence against women continues to persist in our society despite many efforts to eradicate it and therefore necessitated this exploration.

The main aim of the research was to determine the factors which influence gender based violence and women’s human rights abuse. It was to document and analyse the nature and interpretation of human rights abuse as encountered by the women and girls in Nairobi. The research was expected to invoke public debate on enjoyment of basic human rights by women as well as to provide a contextual analysis of the impact of women’s human rights abuse and violence on the economic, social and political life patterns of women. The research therefore illustrated how the public experience, conceptualise and act upon negative customary practices in the country as far as of gender based violence is concerned.

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<sup>6</sup> This is a web-based article entitled “Ending Violence” found at [www.arphs.gvt.nz/women-health](http://www.arphs.gvt.nz/women-health) on 3rd December, 2006 at 9.52am

## **1.4 Objectives of the study**

The overall objective of the study was to examine social, economic, cultural, political and legal determinants of violence against women and factors that impede women's access to and enjoyment of human rights in Kenya.

### **Specific objectives are:**

- To explore the cases of gender based violence and how they affect women's lives.
- To investigate the socio-cultural factors that accelerates the increase and institutionalization of violence against women.
- To explore government efforts in reducing inequality and violence against women and girls in Nairobi.
- To spell out workable strategies the government should apply to effectively deal with violence against women.

## **1.5 Study Assumptions**

- Women and girls in Nairobi face various gender based violence in their daily lives due to their lack of awareness of their rights.
- Social, cultural, legal and structural patterns in the society exacerbate violation of women's human rights and deny them access to those rights.
- Lack of political will and weak legal framework has contributed to government's failure to deal effectively with violation of women's human rights and promotion of female empowerment.

## 1.6 Justification of the study

This study on the determinants of violence against women is important in a number of ways. The findings of the study forms a basis upon which evaluation of the prevailing interventions aimed at minimizing gender based violence may be based.

The recommendations drawn from the findings are useful in the formulation of more appropriate policy interventions by the government and NGOs, which can effectively deal with the violence against women and girls. This in turn, can promote Kenya's socio-economic growth through increased production and investment by women, resulting in their improved incomes. The study also provides a basis for further research on the gender discrimination of women and girls.

Despite the existence of international, regional and national covenants and protocols that protect women's rights through the States declarations to condemn all forms of discrimination against women and girls, various rights of women are still being violated. First, policies that are geared towards eliminating violence against women have not effectively been addressed; Secondly, principles of equality and equity between men and women have not been embodied in the national constitution nor are there appropriate legislation or sanctions through which laws related to women rights violation can be realized; Thirdly, an effective legal framework for the protection of rights of women and girls on equal basis with men have not been established; and lastly, actions and practices that entrench violence against women have continued to persist. Public institutions and authorities still do not have adequate framework that obligate them to conform with the protocols and international covenants and effectively deal with laws, customs, practices,

penal provisions and regulations that are repugnant to the advancement and enjoyment of rights by women. The study further reveals impediments to government's interventions in eliminating violence and discrimination against women as well as some of the strategies that will effectively deal with violence against women.

In response to the issues above, the study was therefore necessary to provide database of information on issues that can be used by the Government policy makers, national institutions and civil society organizations to develop legal and policy framework and strategies that adequately addresses incidences of violence against women. The study provides a basis for constitutional amendments targeted at removing all gender based discriminatory provisions and at the same time; help institute those that reflect sensitivity towards women and women's rights. The data will be useful as it will form a basis upon which advocacy materials for propagating women's dignity and public consideration will be drawn. Community members will understand with ease that negative cultural practices undermine the dignity, welfare, interests and the status of women and therefore should be prohibited. The media personalities will use the data to come up with information and positive picture of women as people with rights, dignified and respected.

### **1.7 Limitation of the study**

First, I was faced with limited financial resources and time constraints faced by myself, made a larger sample unattainable. Secondly, many male respondents were uncomfortable with answering questions concerning domestic and gender based violence. This therefore resulted in most respondents being women. The only male respondents that were comfortable with such questions were chiefs, the police officers and those working in CBO/NGOs.

## CHAPTER TWO

### Literature Review

#### 2.0 Introduction

This chapter outlines the literature reviewed during the study. It begins with the review of relevant literature on forms of discrimination that leads to violence. Section two of this chapter deals with the literature that touches on the factors that institutionalise violence against women. Part three of this chapter reviews work that the government is engaged in an effort to reduce or eliminate the cases of violence against women. The last section deals with work around workable strategies to check violence against women. It concludes by talking about the theoretical framework under which this study is anchored.

#### 2.1 Forms of Violence against women

Women in Kenya are faced with varied and horrific forms of rights violation and oppression. Violations of the rights are both physical and emotional. In whatever the form, women face many horrific physical attacks in which severe mutilation of body, acid attack or genitals are severed by men who have been jilted, have their advances spurned or when involved in dispute. The intention of such attacks is to cause as much excruciating pain, blindness, loss of hearing and even killing the victim (BBC, 1999)<sup>7</sup>. The attacks have become increasingly common weapon against women in the recent past not only in Kenya but in many impoverished countries of the world especially Bangladesh (Shil, 1999)<sup>8</sup>. Many of such cases go unreported and therefore, the cases could be as much as 50 percent in Kenya (UNICEF, 1998). It has been reported that

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<sup>7</sup> See <http://news6.thdo.bbc.co.uk>-12<sup>th</sup> July 2006 at 5.00pm

<sup>8</sup> Article found on the Women and Global Human Rights Site: [www.acidsurvivors.org/women-](http://www.acidsurvivors.org/women-) Atrocities of Acid Attacks



many of the cases are associated with a new trend where women have had access to financial power and are therefore seeking independence and high social standing in the society. With this financial independence, many who reject marriage proposals are viewed as not conforming to societal expectation as a wife, thereby inviting backlash from the men (Feminist News, 1998).

The victims of such attacks are viewed as having invited the attacks by refusing to tow the society's rules and expectations (Chung, 1999). He adds that those who survive the attacks face social isolation that damage their self esteem and position. The trauma, unbearable shock of loosing face and social isolation forces the woman to be a pariah in the society. In Kenya, many women are not aware of some violations that are perpetrated against them by the law enforcement officers. For example, the law clearly states that between 6 p.m. and 6 a.m, a woman has the right to refuse to go to the police station, even if an arrest warrant has been issued against her. It is a procedural issue that a woman can not be arrested between 6 p.m and 6 a.m, unless the arresting officer is a woman and she is taken to an all women police station. And if she is arrested by a male officer, it has to be proven that a woman officer was on duty at the time of arrest (Criminal Procedure Cord).

Sexual harassment, any unwanted or unsolicited for behavior or conduct that makes a woman feel intimidated, victimized, uncomfortable, embarrassed and threatened are very common in Kenya. Despite the enactment of the Sexual offenses bill, cases of harassment and rape are still reported daily in both print and electronic media. Many women complain of unwanted advances, touches and request of sexual favors at places of work, in public transport, bars and even in public resting places (NCGD, 2006).

The General Assembly of the United Nations on Declaration on the Rights to Development reinforces the fact that women's human rights are paramount and must be protected and respected. It states that;

*"Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of economic, social, cultural, political and humanitarian in nature, and promoting and encouraging respect for human rights and fundamental freedoms for both men and women without distinction as to race, sex, gender, language or religion"* (United Nations, 1996).

Despite the declaration, it is still clear that women still face oppression within the economic realm. According to Burns work in her book entitled "Women across Cultures: a Global Perspective", she says that women are not doing well at all economically. As the poorest of the poor, women are often in low-wage or are non-wage producers, structurally subordinate and dependent and overwhelmingly poor (Burns, 2000). Even in a booming economy, women are still to be found at the lower level of earning as compared to men and no matter how it is measured; women's earnings continue to reflect the perception and treatment of women by men (Garzia, 2000). Hypothetically, a woman and a man performing the same job should earn the same pay, but, the reality of the injustice is that the man earns as much as double what the woman earns. This pay gap represents a gender discrimination.

Cultural practices also impose certain restrictions to women's rights enjoyment. Female genital mutilation is one of the practices that destroy women's ability to live fully from their youth. Taken as away of initiating the girls into adulthood, FGM denies the girl the

rights to sexual enjoyment through out her life. An Amnesty international report indicated that the side effects of FGM is slow and comes much later in life but the most immediate ones include pain, hemorrhage, shock, damage to the sexual organs. It is possible for FGM to cause urinary tract infections, HIV, intermittent bleeding and abscesses, small benign tumors of the nerve. Other long term effects are chronic urinary infections, stones of the bladder and urethra, kidney damage, reproductive tract infection (due to obstructed menstrual flow), pelvic infections, infertility, scar tissues, keloids and dermoid cysts, tearing , cutting and re-stitching associated with child births, pain during and after sexual intercourse and loss of sexual enjoyment” (Amnesty, 2001). After the FGM, girls are denied an opportunity to lead a normal life as they are immediately married off to often older men. They are forced in to adulthood yet their physical and psychological maturity is not yet gained.

Understanding the role of women in contemporary religious practices is an overwhelming task. Elizabeth Gray in her writing summarizes the difficult circumstances of understanding women’s role in religions with the quote below:

*“As long as men have been spiritual or religious, so, too, have women. But unlike men, however, many women are allowed only an internal spiritual or religious experience and are often denied leadership roles or roles that foster any form of externalization of their faith. Most religious quotations and interpretations continue to place women in a subservient role that demand their silence and obedience” (Gray, 1994).<sup>9</sup>*

For Christians, quotes from the Holy Scriptures make a good example as found in the book of Ephesians. This verse states that;

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<sup>9</sup> This quote by National Catholic Reporter, April 1, 1994 Vol.30, no22 p21 “women want power to imagine and name God- Elizabeth Dodson Gray.

*“Wives, submit to your husbands as to the Lord, for the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Savior. Now as the church submits to Christ, so also wives should submit to their husbands in everything” (Ephesians 5, verse 22-24).*

It is worth noting that while the faith of men and women in the Bible as the word of God has not changed in thousands of years, their roles (men and women) in cultural context have changed markedly. The wonder is why religious people in some religions (particularly Christians) are required to endorse the life styles of women who lived many thousands of years ago under a very different cultural and social context. *The “submissive” fact has been misunderstood to mean “submitting themselves even to the beatings by drunken and abusive husband” (Gray, 1994)<sup>10</sup>.*

Jeremiah Chapter 17, Verse 9 also gives another quotation that has always been used to put women to serve as the keepers of social morality among the people, despite the fact that they are viewed as children who are supposed to follow the will and guidance from men (husbands and fathers). The Catholic Church stresses the non participation of women in any leadership role in church. A verse in the 1<sup>st</sup> Corinthians is being used by the church to deny women a chance in public participation. The verse goes thus;

*“Let your women keep silence in church; for it is not permitted unto them to speak, but they are commanded to be under obedience, as also saith the law. And if they learn anything, let them ask their husbands at home, for it is a shame for women to speak in church, but I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence” (1 Corinthians 14; Verse 34-36).*

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<sup>10</sup> This quote by National Catholic Reporter, April 1, 1994 Vol.30, no22 p21 “women want power to imagine and name God- Elizabeth Dodson Gray.

The role of women in Church continues to be strictly hierarchical. Women are not allowed to preach unless they are the heads of such Churches (as witnessed in the Evangelical Churches in Kenya, which allow women to preach as well as ordain Bishops). Many women though, are fighting to gain traditional male roles in contemporary churches (Murphy, 1998).

## **2.2 Factors that institutionalize violence against women**

Writing in a *Journal of Culture and African Women Studies*, Maurice Amutabi and Mary Lutta-Mukhebi, says that sex stereotypes is the most entrenched obstacle to elimination of violence against women and the most effective propaganda instrument being used by the patriarchal institutions to propagate violence against women in society (Amitabi and Mukhebi, 2001). They add that “traditional female–male roles are deeply ingrained in all societies, languages, education, media, adverts, arts and public that women are perceived as dependent, fertile mothers whose capabilities are virtually unnoticed (ibid). They also argue that sex based violence should not be allowed in Kenyan society today since women and men are not severely differentiated. Male headed households (particularly in urban areas) are diminishing as women are increasingly becoming heads of households (24.7% in Kenya Gender Data Sheet, 2005)<sup>11</sup>. This implies that women should be recognized as playing a big role in family stability and survival.

Women live in societies where men have both higher status and power over them. Therefore, to understand the violence against women, we have to dig deeper into the

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<sup>11</sup> Kenya Gender Data Sheet was produced in 2005 by the Ministry of Gender, Sports, Culture and Social Services through the support of UNFPA, UNIFEM and UNICEF in a joint Programme that was aimed at strengthening the MDGs through collection of gender responsive database.

socio-cultural influences of male dominance over women. Burns, in her work indicate that patriarchal belief is a historic creation that developed over along period of time. She adds that socio-cultural explanations emphasizes how gendered power relations are embedded in culture and passed on socially and that almost every culture has legends, stories and songs that attests to different expectations of male and female behaviour (Burns, 2000). Another study carried out by Halogen in his work states that patriarchal history and culture have continued to influence male oppression over females owing to the fact that both men and women live together within this patriarchal system. He adds that this is why spousal abuse is not only accepted, but also embedded in cultures (Halogen, et al., 1997).

The other reason that promotes violence against women is that cultures teach male dominance and female submission. This belief system is passed on socially through generations; social approval and disapproval is expressed if cultural expectations are not conformed to as pointed out by Burns, in his writing that, in most cultures, teasing, ridicule, shunning and even physical punishments offer backups for so called elimination of social deviate (Burns, 2000).

### **2.3 Government efforts on Violence against women**

The most notable reasons for government's failure to contain level of violence against women is due to lack of political will as well as weak legal and structural framework that should be in place to address violence against women. In response, the government has come up with a National Policy on Gender and Development which was passed into law in July 2006.

This policy paper provides an operational framework for implementing the policy on gender equality and development. It captures and re-iterates government's commitments to fighting various oppressions, injustices and violations being perpetrated against women. The policy provides for the needs, concerns and rights of men, women, boys and girls to equally be addressed in development sphere (Republic of Kenya, 2006). Acknowledgement of women's productive and reproductive role is paramount in understanding gender relations and its resultant effect on the way women are treated in society.

The sessional paper deals with law and justice, particularly legal provisions that deal with the fundamental rights of women. For instance, Chapter 5 (section 70-80 of the Constitution) talks about the fundamental rights for every individual in Kenya. It explains the weaknesses that exist within section 82(3) which excludes discrimination on the basis of sex. It highlights some of the Government efforts towards enhancing women's rights and freedoms. For instance, in 1994, the Government set up a Task Force to review laws relating to women whose mandate was to review the current oppressive laws, regulations, practices, customs and policies that impose injustices and deny women the enjoyment of civil, political and socio-cultural rights (Republic of Kenya, 2006). Other issues highlighted in the Sessional paper include women's access to and participation in positions of leadership and decision making, in judicial processes; issues of gender violence, trafficking of women and children, women's access to education, training and employment, health based issues of women (particularly, HIV/AIDS, malaria and abortion) and media and its effect on the branding of women (Republic of Kenya, 2006; 13-36). It is hoped that the policy will enable the government to deal effectively with

social, economic, political, legal and structural discrimination that exist in the Kenyan society and thereby deal effectively with violence against women.

#### **2.4 Strategies to reduce violence against women**

In many developed Countries, broader socio-cultural discourses have transformed the gender equity and equality. These have meant articulating women concerns within new agendas and emerging policy environments that offer strategic points of intervention in terms of reinvigorating crucial gender debates (Luke, 2003). The debates have illuminated the limitations of the current attempts to address the inequality between men and women in society. According to Darling-Hammond (2003), there has to be evidence-based social policy that can redress issues of historical, economic and cultural marginalization of women. According to Hayes (2003), whole series of possible positive effects can be located by governments pursuing a transformative gender justice. Some of the strategic points for interventions include: One, new and emerging policy environments; According to Luke (2003), a decade's mix of neo-liberal reforms have left no vision of what might count as a just and powerful system in new economic and social paradigm, where complex, risky and unjust transnational contexts hurt women. In terms of shaping a responsive policy reform for a just system, he says, governments and its system should espouse more receptive analysis and insights of gender responsive research that reveals the complexities and conditions facing segments of people in the communities. The policy shift is important for negotiating spaces for gender justice and will transform current pervasive inequality in the society. Two, transformative gender justice; within the framework of various gender policies, many reforms, initiatives and strategies for equality have attempted to redress discrimination, social exclusion and economic marginalization. Most of these have been based on theories of redistributive



and cultural justice, such as, encouraging education of girls, developing gender responsive curriculum, encouraging women to undertake more masculine duties, espousing information technology and role modeling for women. According to Frazer (1997), the challenge, is to bring about an alternative remedies based on the recognition of the women's ability and capabilities. The main aim is to remedy social disadvantage through problematizing and restructuring the underlying framework that generates such disadvantages. Crucially, such transformative policies will recognize and encourage the centrality of restructuring the power inequalities and hierarchical gender dichotomies, thereby eliminating discrimination as well as violence against women.

## **2.5 Theoretical Framework**

Several theories of justice have been developed by many scholars to provide adequate accounts of injustices against women. One of the best theories that is critical to this study is the Feminist Theory. Feminism is defined as a world view that values women and that confronts systematic injustices based on gender, (Chinn and Wheeler, 1985). Feminism provides a way of viewing women from the context of their own experiences. It is through this experience and vision that women acknowledge, know and shape feminism and form theories that explain violence against them. The feminism theory has four main orientations that include; Liberal feminism, Marxist feminism, Radical feminism and Socialist feminism.

This study applied the theory of Liberal Feminism. The liberal feminist view, developed in the 19<sup>th</sup> Century, alludes to women's lack of rights and opportunity as paramount to their oppression. It criticizes social inequalities based on family, gender, race, religion,

and unequal distribution of wealth and opportunities for women (Chinn and Wheeler, 1985; MacPherson, 1983; Speedy, 1987).

Liberal feminist views claim that women can achieve equality within the present economic structure by employing reforms and education, whilst at the same time acknowledging that women currently have little power to change or control anything (Pohl and Boyd, 1993). Liberal feminism encompasses two genres of political thought: the *classical liberalism* and *welfare liberalism*. Classical liberals, thinking associated with John Locke, the 17th C theorist and John Stuart Mills, who believed that ideally, the state should protect civil liberties, but also give individuals the opportunities to determine their own wealth within the market. Welfare liberals, on the other hand believe that the state should focus on economic justice rather than simply on civil liberties. They call on government programmes, such as social security and school loans in order to alleviate huge inequalities within the society. Both classical and welfare liberals, though, believe that government intervention within their personal lives is unnecessary and obtrusive.

Many earlier liberal feminists have denied that women's emotional disposition was due to nature (Wollstonecraft, 1978)<sup>12</sup>. Wollstonecraft, whose initial interest was in women's accessibility to education, believes that the manner in which the women are treated in society is the direct cause of their personality traits. She argues that if men were forced to be faced with the same environment that the women are subjected to, men too, would be over-sensitive, narcissistic, and self-indulgent. She believed that winning the rights to equal opportunity in access to education greatly increased women's battle for personhood.

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<sup>12</sup> Refer to article "Modern Emancipatory Feminism: Liberal Feminism- From Wollstonecraft to Wolf"- page 31. It is found on <http://www.sagepub.co.uk/upm-data/>

Following the passage of women's rights to suffrage, the liberal feminist movement remained active, but the current economic and sexual equality feminists sprouted in the 1960s. The liberal feminists' stress that patriarchy defines women's lives by placing them in "women's acceptable roles" which are in line with feminine ideals. Classical liberal feminists want therefore, to overcome these obstacles by erasing the gender discriminatory laws and policies from all the governance institutions, enabling women to compete equally with men. Welfare liberals, on the other hand want the society to believe that women should be compensated for past injustices, as well as eliminating socio-economic and legal barriers (Tong, et al., 1998).

Liberalists equate justice with fairness. According to John Rawls, a fair distribution of rights and goods is one that everyone would agree to from behind a *veil of ignorance* (which he calls *the original position*) about their place in society. He believes that in the original position, people would support two fundamental positions of justice: First, each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. This implies that freedoms and rights should be equal and there should be as much equal freedom and opportunity as possible. Secondly, Social and economic inequalities are to be arranged so that they are both a) reasonably expected to be everyone's advantage, and b) attached to positions and offices open to all, that is, all inequalities should be avoided if possible, unless they benefit everyone.

### **Strength of the Theory**

The liberal feminist theory was paramount for this study for it has its roots in the African region. Women's oppression has been located in the traditional African Society, in the

colonial system, in the neo-colonial nature of the African state and in the patriarchal ideologies of the post colonial African States. This theory was also important for this study because it explained why oppressive gender relations have prevailed throughout history unchallenged. It enabled the assessment of structural and cultural institutions in relation to women's access to and enjoyment of rights. Such as the patriarchal family, motherhood, housework; government institutions, legal frameworks was analyzed to bring out the extent to which they responded negatively or positively to violence against women. This theory took into account, the problems faced by the women particularly those in the Nairobi's poor settlements. For oppression to be overcome, institutionalized gender discrimination and gender roles must be abolished. The problem with the Liberal feminism is that it does not explain why some forms of violence against women occur, particularly, those emanating from the socio-economic and political structures. I therefore concentrated on the socio-cultural causes and impact of violence against women and left out the effects of the socio economic structures and effect of violence for future exploration, but recognized that these factors are unfavorable to women in slums and may contribute to VAW.

## CHAPTER THREE

### Research Methodology

#### 3.0 Introduction

This chapter begins by describing the study site, research design, methods of data collection and analysis; sampling and the study population, ethical consideration and limitation of the study.

#### 3.1 Study sites

The study was conducted in Nairobi, specifically in Mathare and Korogocho slums. Nairobi is administratively a Province that is situated between four (4) districts, i.e. Kajiado to the South, Kiambu to the North and Northwest; Thika to the Northeast and Machakos to the East and Southeast. Its size is approximately 696.1 sq. km with a population density of 3079 per sq. km. It is divided into 8 divisions namely, Central, Dagoreti, Embakasi, Kasarani, Kibera, Madaraka, Pumwani and Westlands. There are 11 locations namely; Mathare, Huruma, Makongeni, Makadara, Maringo, Viwandani, Mukuru Nyayo, Kariobangi, Korogocho, Ruaraka and Kibera. The locations are also divided into 27 sub-locations that includes Mathare, Mathare 4A, Mathare North, Mabatini, Mlango Kubwa, Kia Maiko, Huruma, Makongeni, Kaloleni, Hamza, Harambee, Lumumba, Mbotela, Ofafa Maringo, Landi mawe, Viwandani, Hazina, Nairobi South, Kariobangi North, Baba dogo, Gitathuru, Nyayo, Utalii, Kibera, Makini, Siranga and Lindi (Kenya Population Census Report, 1999).

Population of Nairobi is fast growing. According to the Nairobi Provincial Statistics Officer, the latest population and housing census (1999) puts the total population at about

2, 143, 254 people with male population of 1, 153,828 while the female population being 989, 426 people. This high population grown is attributed to rural –urban migration. The youth population (ages of 15-35) in Nairobi is 1, 095, 324, (males being 580,013 while females are 515,311) which is about 51.1% of the total population (Kenya Population Census Report, 1999). The study area is inhabited by several ethnic groups, but this ethnic diversity was not a focus of the study.

### **3.2 Research Design**

The study was exploratory research. I chose to carry out an exploratory research because not much study aimed at defining the causes of has been done. The study designed to last for a period of 28 days. The field work took about 15 days while in-depth analysis of issues around violence against women was carried out took about 8 days, while the rest of the days was spent writing the report.

The research attempted to determine the factors which influence gender based violence and women's human rights abuse. It has documented and analysed the nature and interpretation of human rights abuse as encountered by the women and girls in Nairobi. The research was expected to invoke public debate on enjoyment of basic human rights by women as well as to provide a contextual analysis of the impact of women's human rights abuse and violence on the economic, social and political life patterns of women. The research therefore illustrated how the public experience, conceptualise and act upon negative customary practices in the country as far as of gender based violence is concerned.

The research also explored the social, economic, cultural, political and legal determinants of violence against women and factors that impede women's access to and enjoyment of human rights in Kenya.

To locate information, I used local networks and experienced field assistants, some of whom have either lived or/and have worked in Kibera and Korogocho slums for a considerable period of time. Two well known contacts were very instrumental in mobilizing the respondents that included the opinion leaders, community care givers, survivors of violence, NGOs that work in the areas of women's rights. The mobilization of the respondents was done randomly based on the acceptance by the respondents and willingness to participate in the study. The contacts also organized the 8 FGDs, four in each slum. Four health care providers provided statistics on the number of violence related admissions per month within their health care institutions.

### **3.3 The Sampling population and Strategy**

I had various study populations. The first study population included 20 households in which a woman was interviewed per a household. The purpose for this was to find out whether they have experienced violence, what form and how this has affected their lives. The second category comprised opinion leaders in the two slums who have insights of how the community live their lives and therefore was considered knowledgeable about the occurrences of violence cases. Because they shape certain cultural behaviours, they were considered to provide vital clues on community understanding of violence against women and how the same impacts of the community. The total number of these opinion leaders was 12 (six per slum). The third category comprised women who in one way or another have taken care of or have administered any form of counselling services to the

survivors of violence. The focus was to find out who many women they have handled in a period of one month, what cases they handle and the difficulties they face in the course of their work in terms of facilities available, resources required, legal difficulties (if any). This category had a total number of 12 respondents. I also had 11 survivors of violence as respondents. The fourth category comprised 12 NGO/CBO programme officers who were targeted to provide information on their work around reducing violence against women, the challenges and those strategies effectively deal with VAW. The last category comprised 6 health care institutions which were targeted for obtaining factual information on the impact of violence on the households. The details if the fact sheet sought to collect violence related reports, violence related mortality or deaths in each institution's databases for the last five years beginning 2002.

### **3.4 Methods of data collection**

#### **3.4.1 Direct observation**

Simple observation was employed whenever possible in the field to clarify or authenticate the verbal responses. The primary objective was to guard against false information that might have been given by the respondents.

#### **3.4.2 Interviews**

The study employed various interview techniques to support possible observations made during field work. The interviews enable research to explore the views of the women, survivors of violence and opinion leaders on violence cases, prevalent and how the community deal with it.



### **3.4.3 Key informant interviews**

In depth interview with key informants were conducted and covered cases of violence experienced and reported to the opinion leaders, women's experiences with abuse, the impact of violence in women's lives, government's interventions, ease of access to justice if sought.

Five short questionnaires were prepared and administered to each category of the respondents. The respondents targeted by the questionnaire included the district officers, chiefs, assistant chiefs, councillors, opinion leaders, local leaders and care givers The information obtained was basically aimed at augmenting the information obtained through the interview schedule. 15 key informants were interviewed

### **3.4.4 Focus Group Discussions**

Focus Group Discussions (FGD) as a qualitative method was used to obtain in-depth information on concepts, perception and ideal on women's human rights abuse. Eight FGDs, 4 from each slum consisting of 8 people were organised in the two slums focusing on community knowledge of work by policy implementers (public officials) and civil society officials. Key issues discussed during FGDs were:

- Community's experiences of violence against women
- Major problems brought about as a result of VAW to the community.
- Why in their opinion, they think VAW remains prevalent.
- Existence of care services for victims of violence.
- What the Government should do to stem violence against women.
- What role the community should play to combat VAW.

### **3.4.5 Secondary data**

The study also relied on secondary data from books authored by renowned academicians, researchers and authors. Other references were made in various journals, world's organization reports, newspaper reports and web-based information (internet) on violence against women and general women's human rights issues.

### **3.5 Data analysis**

Both qualitative and quantitative methods were used in the data analysis. The results of the questionnaire were coded from which simple frequency tables and bars were generated to summarise the data. The process of doing a data analysis was systematic with reading the recorded information, putting them according to the objectives (thematic areas), coding it, making data entry into the computer and computing information. Other information was detailed information of case histories that were recorded verbatim. Finally, the research provided overall interpretations of the findings, showing how thematic areas relate to each other, exploring how the concepts respond to the original study questions and suggestions made on what the findings mean beyond the specific context of the study.

### **3.6 Ethical consideration**

The research was approved by all the relevant authorities from the ministry of gender as well as the local provincial administration. The members of the community studied were informed in advance about the study by the local contact and their approval and acceptance to participate in the study sought. The study only focused on those who had indicated willingness to participate in the study.

## CHAPTER FOUR

### Findings of the Research

#### 4.0 Introduction

This Chapter describes the general profile of the study population by gender. It also describes the characteristic of the respondents by age, educational status, and marital status. The chapter also presents results of data analysis. The analysis is mainly descriptive which show frequencies, mean, percentage and standard deviation of the variables, The research results are expected to provide useful information on gender discrimination dynamics and feed backs on the implementation of various anti-human rights abuse programs in Kenya. The research result also identifies the major factors which are contributing or rather influencing the gender violence.

#### 4.1 Characteristic of the Respondents

##### 4.1.1 Respondents by Sex

Table 1: Distribution of respondents by sex.

Status	Male	Female	Total	%Female
Survivors	2	9	11	81.8
Opinion Leaders	5	7	12	58.3
CBOs/NGOs	6	6	12	50.0
Individual Households	9	11	20	55.0
Care giver	5	7	12	58.3
Institutions	3	3	6	50.0
FGD Sessions	20	44	64	68.8
Total	50	87	137	63.5

Source: Research survey, 2007

NB: Eight FGD sessions of a total of 64 people were organised and held, 4 in each slum.

Each FGD comprised 8 discussants.

#### 4.1.2 Respondents by age

**Table 2: Distribution of respondents by age.**

Age categories	Total Percentage
18-24 yrs	25
25-31 yrs	32.2
32-38yrs	20.5
39-45yrs	9.4
46-52 yrs	7.9
Above 52 yrs	5

Source: Research Survey, 2007

The above figure represents the total number of respondents for the structured questionnaire. The age categories of the FGD participants were not recorded and are therefore not included in the above matrix.

#### 4.1.3 Respondents by marital status

**Table 3: Distribution of Respondents by Marital status**

Respondents	% of categories				
	Single	Married	Divorced	Separated	widowed
Household	30	40	-	30	-
Survivors	9.1	9.1	36.4	36.4	-
Opinion Leaders	-	66.6	16.7	-	16.7
CBO/NGOs	-	100	-	-	-
Care givers	-	75.1	-	24.9	-

Source: Research survey, 2007

The above figure shows the respondent by marital status. The marital status of the FGD participants and the personnel from the health institutions that filled that health institutions Fact Sheet were not recorded and therefore are not included in the matrix.

#### 4.1.4 Educational level of the respondents

**Table 4. Distribution of respondents by education level**

Respondents	Percentage			
	Non	Primary	Secondary	Graduate
Household	-	51	43	3
Survivors	-	78.4	21.6	-
Opinion leaders	-	3	97	-
CBO/NGOs	-	-	-	100
Care givers	-	58.6	36.4	5

Source: Research Survey, 2007

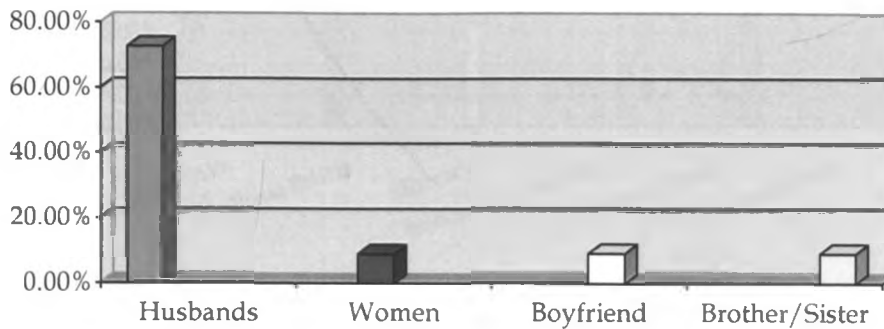
The above figure shows the respondent by education level. The education level of the FGD participants and the personnel from the health institutions that filled that health institutions Fact Sheet were not recorded and therefore are not included in the matrix. This variable was included in the study to show the relationship between the frequency of violence and levels of education of women.

#### 4.2 Community view on violence against women

All the respondents who participated in the study indicated being aware of violence and practices that discriminate against women. All agreed that violence is an offence that is punishable under the penal code of the land.

## 4.2.1 The Perpetrators of Violence

Fig. 1: Perpetrators of violence



### Source: Primary Data

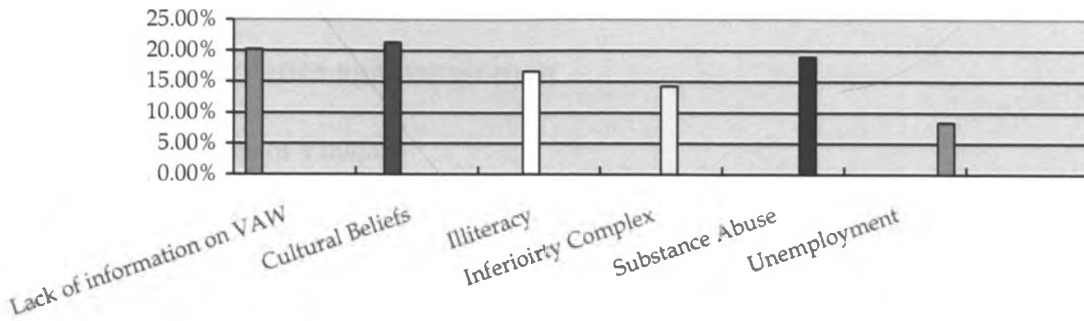
The above figure 1: shows that majority of cases of violence against women is most likely to be perpetrated by the husbands. 72.7% of the respondents indicated most cases of the violence are perpetrated by the husbands. One woman narrated;

*"hapa kwetu Mathare, wanawake wengi hupata matatizo juu ya kupigwa na wanaume wao, hasa, wale wanaokunywa pombe kupita kiasi. Hi hali husababisha madhara mengi kwa wakina mama"* (Here in Mathare, many women suffer at the hands of their males spouses. This is brought about by over-consumption of alcohol and results in untold suffering among the women)

In the analysis, 9.1% of the respondents indicated that they have experienced cases of violence being perpetrated by both women and boyfriends. Equally, a similar percentage of the respondents indicated having experienced violence from either a brother or a sister. From this analysis, it has been evidenced that violence is prevalent among the married couples and that violence is likely to be perpetrated by male against the females.

## 4.2.2 Why Men Violate Women

Fig 2. Reasons why men violate women



Source: Primary Data

On why they thought men are likely to violate the rights of women, 21.4% of the respondents indicated that cultural beliefs make men feel that women are under their care and that it is assumed that it is ok to discipline them. This is supported by another 20.2% of the respondents who said that lack of information on VAW is the reason why men violate women. One of the male respondents had this to say;

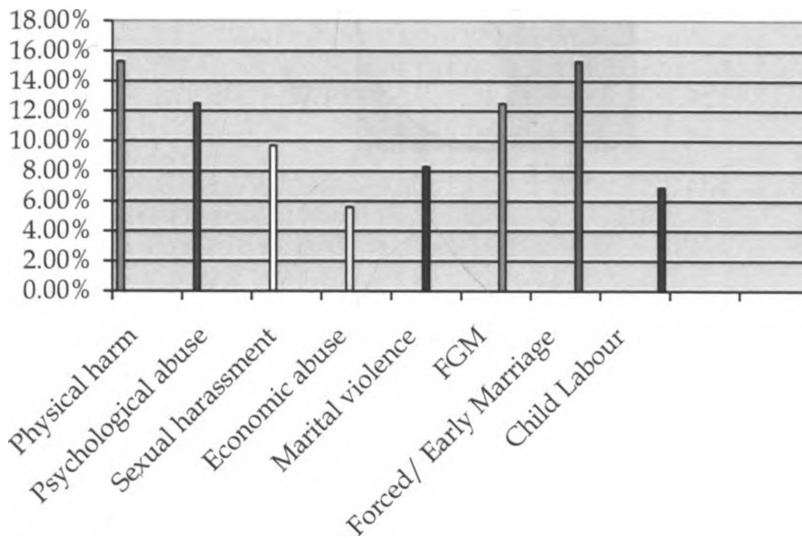
*"Sisi tumelelewa na mila inayo tukubalia sisi kipiga mabibi wakileta ujinga. Maoni yangu kubwa ni kwamba, wengi wetu wanaume bado hatuna marifa juu ya hizi mila hasa kwa watu wenye hawana elimu yakutosha kama sisi"*( Most of us were socialised in cultures that allow us to beat our wives. I believe most of us suffer from lack of knowledge of the negative effects of these cultural practices owing to low educational levels)

16.7% of the respondents indicated that high level of illiteracy and ignorance of rights by women is likely to contribute to violence against women. 19.0% of the respondents said that most men engage in substance abuse and alcohol that impair their thinking and makes them violent. 14.3% of the respondents indicated that men suffer from inferiority complex and this make them fearful of women's challenge and access to power. Only

2.4% of the respondents indicated that most men become violent owing to frustrations that emanate from lack of employment coupled with need to shoulder male responsibilities as a husband and father.

### 4.2.3 Forms of violence against women

Fig. 3: Forms of Violence



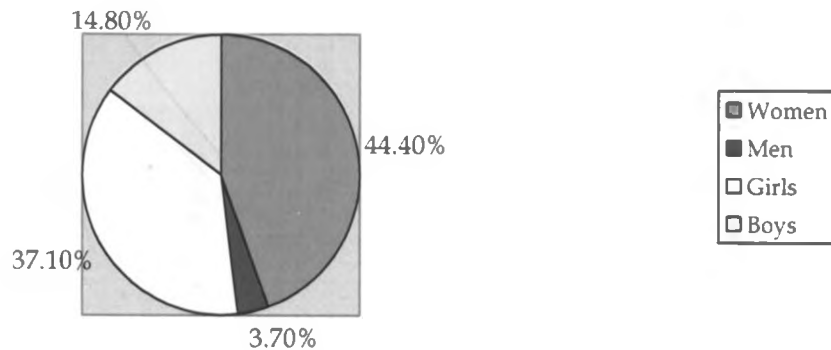
Source: Primary Data

From the survey, several forms of violence were noted. 15.3% of the respondents indicated physical harm as the most prevalent form of violence. Another 15.3% responded that they had been forced to marry at an early age and they felt that their rights to accessing education were violated. 12.5% of the respondents indicated psychological abuse and female genital mutilation as another form of violence that they have experienced. Sexual harassment and child labour accounted for 9.7% of the responses while 8.3% indicated that marital violence was a prevalent form of violence. 6.9% of the respondents indicated that child labour was most prevalent.



#### 4.2.4 Vulnerability in case of violent family and why?

Fig. 4: Vulnerability to Violence

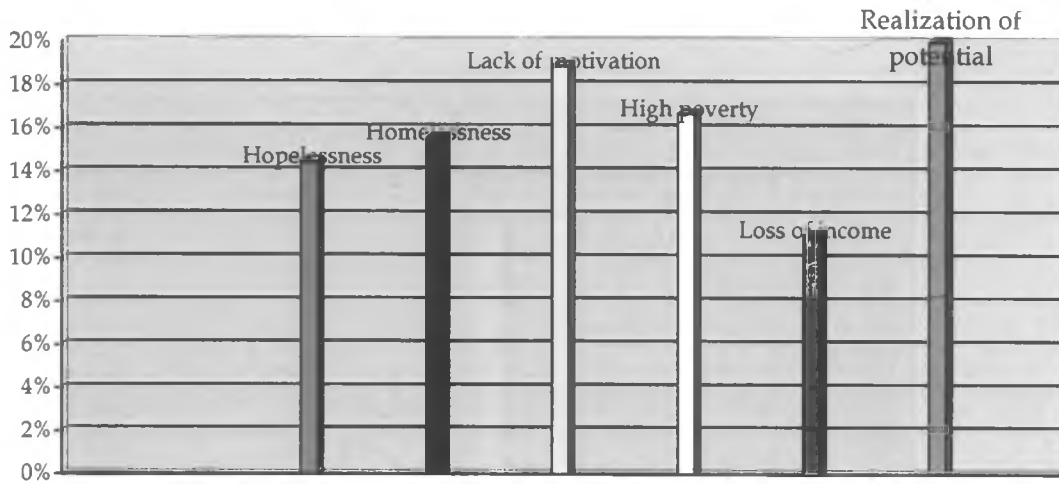


**Source: Primary Data**

From the survey, it is evident that women are more vulnerable. 44.4% of the respondents indicated that women are the ones prone to abuse as compared to men in any family. 37.1% of the respondents indicated that girl-child is more likely to suffer including leaving school to assume family obligations of giving care to the siblings should the mother run away. 14.8% indicated that boys are more likely to become delinquent in case of divorce. 3.7% indicated that vulnerability of men is minimal, but noted that men are likely to become alcoholic, leave work and get into crime in case the wife leaves them. This indicated that the whole family is vulnerable to violence to a differing degree and family prosperity is compromised in different ways.

#### 4.2.5 Effects of violence on the lives of women

Fig. 5: Effects of violence on the lives of women

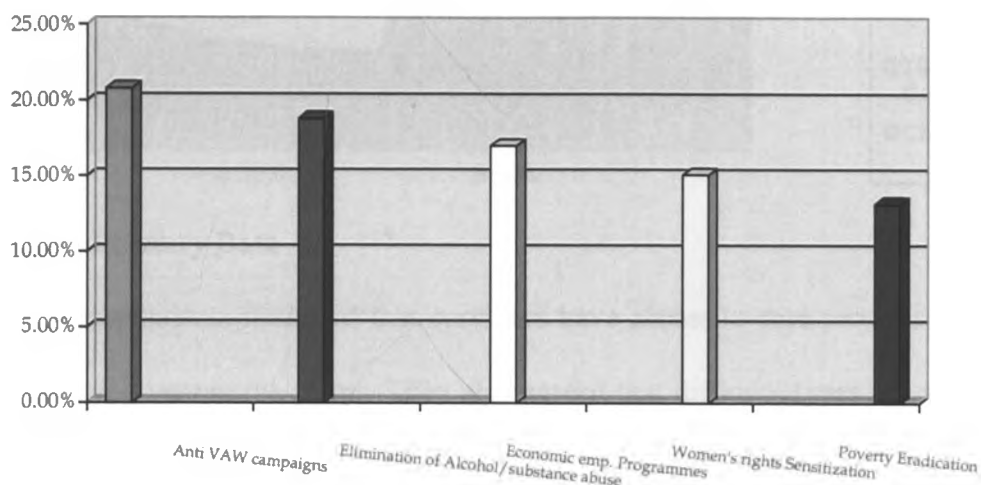


Source: Primary Data

The study also reveals several effects of violence on the economic well being of women victims. 20% of the respondents indicated that women loose self esteem and therefore are unable to realise their full potential. 18.9% of the respondents said women are likely to exhibit lack of motivation at work and performance. 16.7% of the respondents indicated that women survivors are likely to suffer high level of poverty and therefore suffer increased economic hardship. 15.6 % of the respondents indicated that most women suffer homelessness after being chased away by their spouses. 11.1% of the respondents indicated that women encounter loss of income owing to depression, stress and are vulnerable to illnesses that affect their ability to get involved in any income generating activity. Another 14.5 % of the respondents mentioned that women suffer low morale and trauma which brings hopelessness into their lives. Another 3.2% of the respondents said that as a result of the hopelessness they resort to prostitution in order to make end meet and take care of their children. The effect of this is known to be high incidences of HIV/AIDS.

#### 4.2.6 How the women cope with economic challenges

Fig. 6: How the women cope with economic challenges of VAW

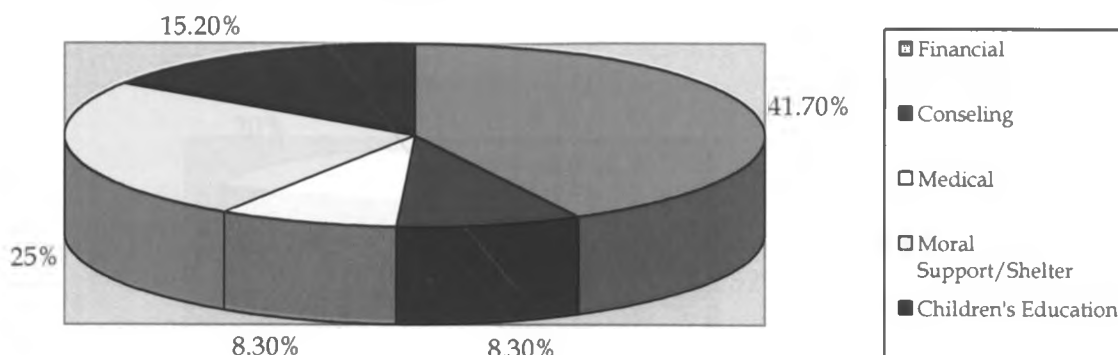


**Source: Primary Data**

From the analysis, 20.8% of the respondents indicated that mounting awareness creation and anti- VAW campaign is the best way out of the economic challenges facing women. 18.8% of the respondents sighted elimination of illegal consumption of alcohol and substance abuse among men as being an effective way to reduce the suffering the women go through. 17.0% of the respondents said that establishing women’s friendly economic programmes to empower both men and women will eliminate the violence and women’s sufferings as income will boost the confidence in men. 15.1% of the respondents indicated that sensitization on women rights among men is a sure way to reduce violence against women while 13.2% of the respondents said that without eradicating the poverty from the midst of the men and women; violence will not be contained effectively.

#### 4.2.7 Care for Violence Survivors

Fig.7: The types of care given to survivors



Source: Primary Data

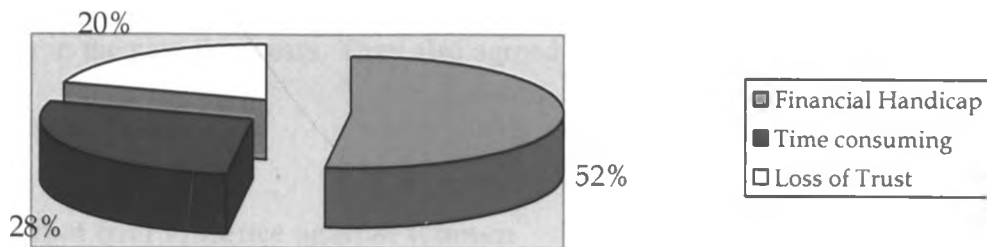
All the respondents indicated that survivors have access to care services being provided by the caregivers in the slums. They also agreed that different types of care exist. 41.7% of the respondents said that they have offered financial services to the survivors while 25% of the respondents indicated that they have offered moral support and shelter to the survivors. One of the care givers narrated how they give care thus;

*“Mimi nime saidia akina mama na wasichana wengi kwa hiki kijiji. Wengi wao huja ma matatizo ya ukosefu ya pesa yakununulia watoto chakula. Saa zingine tunawanunulia watoto wao chakula hata nguo. Mara nyingi, wengine wanataka madawa, pengine kwa sababu ya uchungu ya kupigwa...”* (I have attended to so many women and girls in this village. Many of them want money to buy food for the children, and we are at times forced to buy clothes for their children. Others want medicine to cure body pain suffered as a result of the beating.)

16.7% of the respondents said that they have offered support to the children in form of food and education when abandoned by parents while 8.3% of the respondents indicated having offered medical treatments and nursing care to the abused women and girls.

#### 4.2.8 The challenges of Care-giving

Fig. 8: The challenges of care giving



**Source: Primary Data**

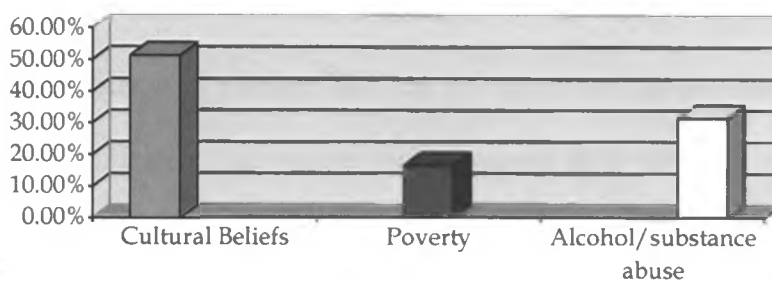
The services offered by the care givers were not without challenges. From the study, 52% indicated that financial handicap is one such big challenge while attending to the victims of violence. This confirmed the fact that most survivors are likely to require financial services to meet their basic needs upon suffering violence. Care givers thus need finances to buy food, clothing and adequate medical supply to sufficiently take care of the victims. 28 % of the respondents indicated that they have to spend a lot of time in caring for the victims, a time that does not translate into monetary benefit for them. 20 % said that they lack trust and openness from the survivors, that it is at times difficult to know whether the victim is the cause of the violence problem.

### 4.3 Institutionalization of violence against women in society

All the respondents indicated that there has been an increased incidence of violence against women in the past five years. They also agreed that violence against women still remain prevalent in Kenya.

#### 4.3.1 Factors that fuel violence against women

Fig.9: Reasons for persistent violence against women



#### Primary data

From the study as shown in the figure 11 above, a number of factors are likely to fuel violence against women. 51.4% of the respondents indicated that cultural beliefs fuelled violence against women. Frequently mentioned, is the belief in patriarchy where men have to exercise power as the head of household. They reasoned that cultural beliefs put women at a subordinate position and deny women a voice to air their economic, social and political issues one woman equipped;

*“Mila ndiyo imeleta ugomvi katika jamii wengi, mwanaume lazima ajionyeshe ya kwamba yeye ndiyo nguzo ya hiyo jamii. Mila nyingi pia imeapa mwanaume uwezo wa kupiga mama wa nyumba kwa kizingisio chakuleta discipline katika jamii”* (Culture has allowed conflicts to penetrate in the homes. Many cultures

have allowed men to beat up members of their households including their wives in the name of disciplining them).

They added that socio-cultural practices, attitudes and bias are the main factors behind violence on women. One of the women survivors asked;

*“Unataka niende wapi? Yeye ndiye ananilisha na watoto! Mimi sina uwezo yeyote na itanibidi nivumilie tu ata kama nitakufa”* (Where do you want me to go? He is the sole provider for me and the Children. I am bound to endure the violence, even if that means death for me)

Another frequently mentioned cultural practice is the paying of bride price, which reduces women to pieces of property that can be owned and used at the pleasure of men. The respondents indicated that men consider women their property because they paid bride wealth and therefore men consider it ok to beat their wives. Other respondents indicated that men’s desire to control women is a contributory factor to VAW since patriarchal system allows men to dominate over and control women. One woman said;

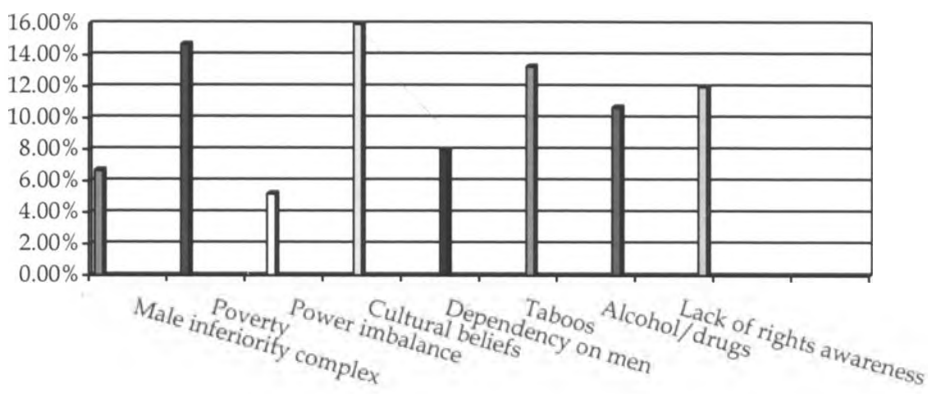
*“Wanaume Wangependa wanawake wawe kama watoto ambao lazima wapewe maagizo. Si Mutu Mzima ambaye ana akili yake na anaweza kuamwa na kufanya apendaye mazuri inayosaidia jamii yote”* (Men would be happy if women remained like children who have to be instructed to carry out any activity. They do not feel happy with women who independently make decisions that benefit the whole family).

16.7% of the respondents indicated that poverty fuels violence. They added that poverty increases anxiety among men. The gap created by the lack of access to economic power by men is replaced by anger and temper that prevents the wife from questioning the deficiency in the man’s ability to provide adequately for the family.

31.6 % of the respondents said that increased consumption of alcohol and substance abuse among the men contributes to increased violence. Most men who drink heavily tend to be abusive.

#### 4.3.2 Why male negative attitudes towards violence does not change

**Fig.10: Reasons why it is difficult to change male attitude towards violence against women**



**Source: Primary Data**

All the respondents agreed that violence and discriminatory attitudes continue to spiral despite the effort against its persistence. From the above figure 10, 16% of the respondents said that cultural beliefs and attitudes about women have made it difficult for men to think and behave positively towards women. 14.7% of the respondents indicated that due to increased poverty levels among men and women, men feel insecure because they can no longer adequately take care of the family and because women work hard to ensure that food is available in the house, most men feel irritated and thus pick up a quarrel at the slightest provocation. As one woman puts it;

*“Bwana yangu alikuwa mzuri sana mpaka siku ile alipoteza kazi uko KCC. Alipo poteza kazi, nikama anaona yakwamba siku hizi simpatii heshima anayo taka.*



*Sasa kitu ikifanyika kidogo, analeta ugomvi na ana anza kunipiga*". (Before my husband lost his job at KCC, he used to be very gentle, but since then, he feels like I am not giving him the respect that he deserves. He therefore picks up quarrels over small issues that lead to my daily beatings"

13.3% of the respondents sighted cultural practices; a case that was sighted was the paying of bride price that makes women to be considered as a man's property. One man said thus;

*"Bibi yangu lazima ati amri yangu, kwa sababu nili lipa mahari kwao kabla hatuja anza kuishi, yeye sasa ni mali yangu, asipo tii amri, lazima afunzwe adabu ama itambidi aende"* (My wife must respect my demands. This is so because I paid bride price to her parents before we began a life together, she is my property and if she cannot toe the line, then I will have no other choice but, to discipline her or send her away).

12% of the respondents indicated that there is lack of awareness of women's human rights and therefore, perpetrators do not know that what they are doing is violating the rights of women. Another 10.7% of the respondents said that men's consumption of alcohol and substance abuse contributes to high incidences of violence against women. 8% of the respondents said that dependency by women on men makes them vulnerable to exploitation and violation, while 6.7% talked about male inferiority complex and fear of losing power to women as contributing to their violence. A woman explained this inferiority complex as:

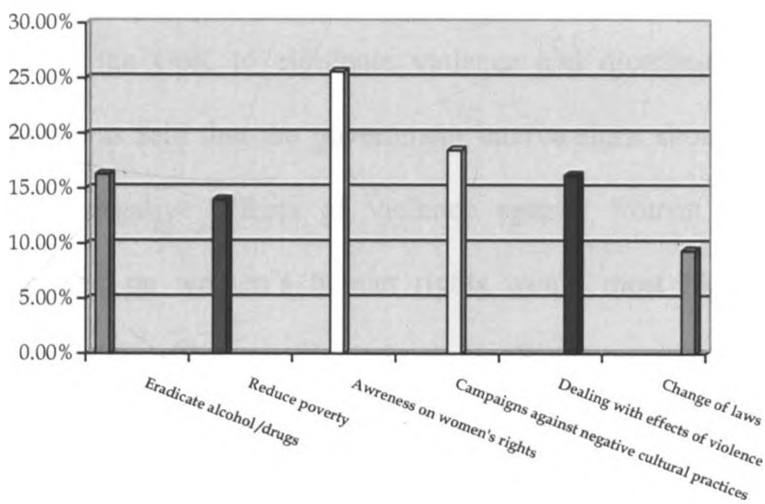
*"Wanaume wanaogopa tutawakalia na hawapendi kuonekana yakuwa wamekaliwa"* (Men fear being seen as "being sat on" in public and will thus do everything possible to exercise superiority).

## 4.4 Government efforts on Violence against Women

According to the key informants, the government has put in place several measures that are geared towards effectively addressing violence and discriminatory practices against women. This has been done after realization that cases of violence against women as well as discriminatory practices are increasing everyday, resulting in lots of social ills including increased poverty levels, low income, high illiteracy, increased number of female headed households and high dependency levels among women.

### 4.4.1 The Government of Kenya efforts in correcting social ills.

Fig. 11: GoK efforts to reduce VAW



Source: Primary Data

To correct the social ills, it is evidenced from the research that measures that government has put in place are anchored within the constitutional, legislative and structural reforms in the country. These include reforms in the constitution, civil service structures and review of discriminatory laws that negatively affect the women rights. There was agreement by all that although Affirmative Action is likely to be effective in dealing with VAW; it has to be accompanied by strategies for its implementation so that it does not just reach the rhetorical level. Other effective strategies include poverty eradication

programmes, awareness creation campaign on dangers of violence and discriminatory practices; Sensitization on women's human rights carried out through the Ministry of Justice and Constitutional Affairs (under the GJLOS); Financial assistance to women and girls (attempt is now being made to engender the funds distribution); Equality advocacy through the Affirmative Action in government recruitments (e.g. the Presidential pronouncement on 12<sup>th</sup> December, 2006)<sup>13</sup> as well as resource mobilization for gender responsive programme for instance the Gender, Human rights and Governance programmes being implemented through the KNCHR<sup>14</sup>.

Asked to shed light on some of the strategies which they think are likely to be effective if used by the GoK to eliminate violence and discriminatory practices, 41.8% of the respondents said that the government interventions should focus on awareness creation on the negative effects of violence against women since the awareness creation campaigns on women's human rights would most likely eliminate violence against women. This effort must include women's human rights education being introduced in schools at primary school level to instil the virtues of respecting human rights in people's way of life while still at tender school going age. 18.5% of the respondents indicated that campaigns against negative cultural practices and beliefs will reduce the incidences of violence while 14.0% of the respondents indicated that eradication of poverty will bring equality in income and therefore reduce the insecurity in men's mind thereby reducing incidences of violence against women. Another 9.4% of the respondents said that the government should change existing negative laws, domesticate international laws that protect women's rights as well as put effective and functional punitive measures against

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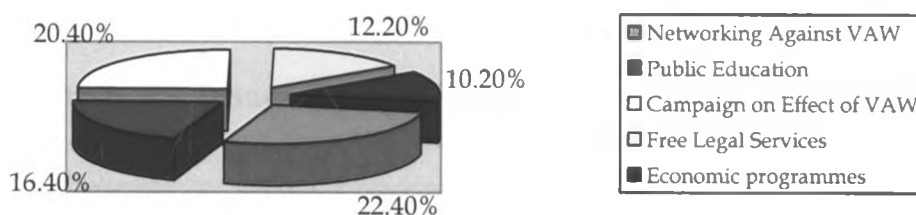
<sup>13</sup> Refer to Daily Nation of December 13<sup>th</sup> 2006.

<sup>14</sup> Draft 5<sup>th</sup> and 6<sup>th</sup> combined report of the Government of Kenya on the International Convention on the Elimination of all Forms of Discrimination Against women, 2006.

those who violate or discriminate against women in all sectors of life. 16.3% of the respondents indicated that eradication of alcohol and substance abuse is a panacea to eliminating violence.

#### 4.4.2 Role of Civil Society Organizations in the fight against gender based violence

Fig.12: CSOs interventions on violence against women



Source: Primary data

The research revealed that the Civil Society Organizations (CSOs) have key role in reducing the incidence of violence against women. 22.4% of the respondents said that the CSOs should network to mobilize resources to concentrate on awareness creation to ensure that communities are aware of human rights and particularly those that affect women. 20.4% of the respondents said that the campaign should centre on the negative effects of the violence and discrimination while 16.4% of the respondents said that CSO need to lead in the public education programmes on laws that protect women. 12.2 % of the respondents said that CSO need to help in offering free legal services for women that are violated and 10.2% said that resource mobilization for economic programme for community members will offer empowerment to both men and women and therefore,

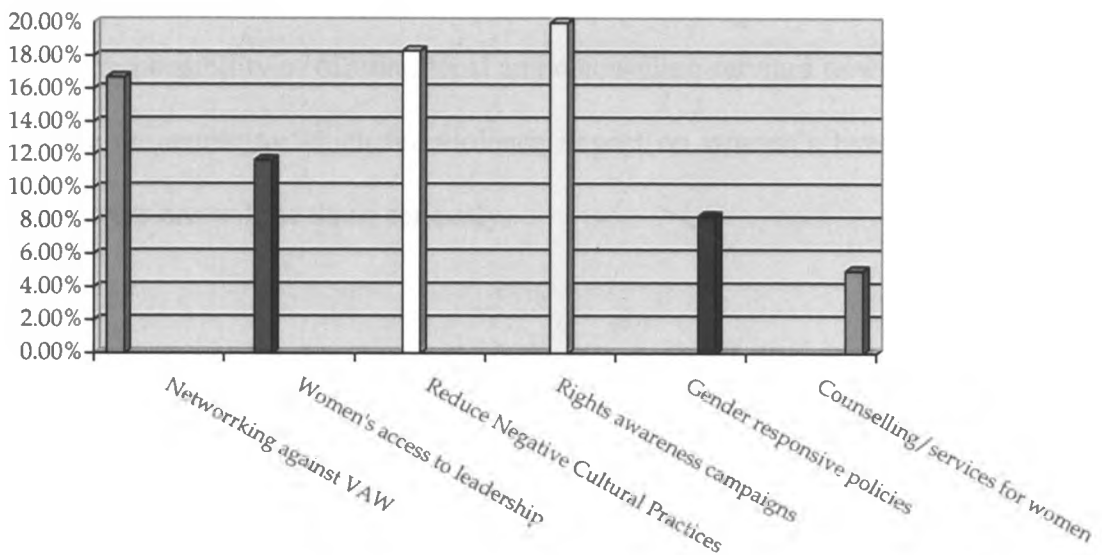
reduce violence which adversely affect women. This gainful investment by women will reduce their economic dependency on men thus reduce chances of violence.

#### 4.5 Effective Strategies for addressing Violence against Women

All the respondents agreed that effective strategies to deal with violence and discrimination against women exist. They also agreed that some of these strategies may succeed while others may just offer lip service to the problem.

##### 4.5.1 Working Strategies against VAW by GoK.

Fig. 13: Strategies being employed to address violence against women



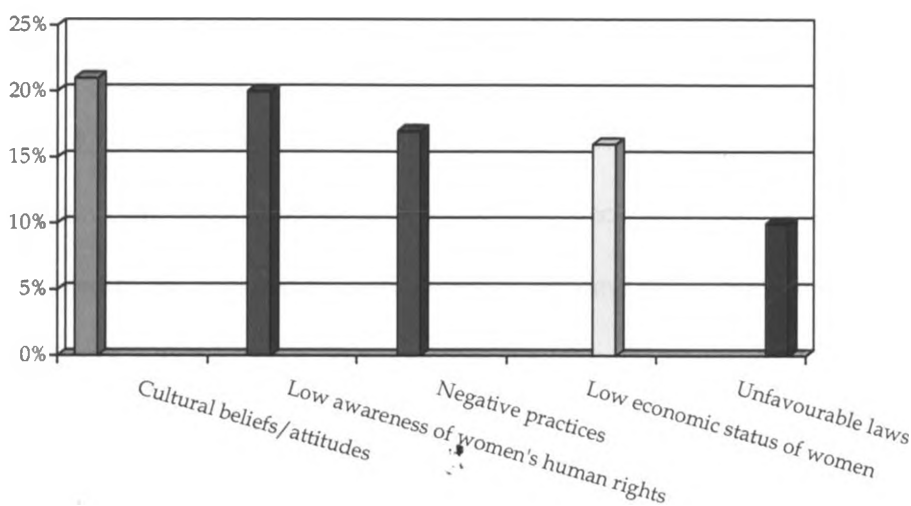
Source: Primary data

From the analysis as shown in the figure 15 above, 20.0% of the respondents had the opinion that a sector wide awareness campaign on VAW should be introduced. In that way, every sector of humanity in the country will have the responsibility of mainstreaming gender sensitive strategies in addressing gender based violence and discrimination within its structures and operations. 18.3% of the respondents said that while the general campaign is essential, the efforts should focus on the prevalent negative

cultural practices that negate the principles of gender equity, for instance, early marriage, FGM, paying of bride price, unequal access to property, particularly, access to and decisions on the means of production like land. 16.7% of the respondents indicated that government must work in collaboration with CSOs in order to come up with solid laws that protect the rights of women. 11.7% of the respondents intimated that women must be allowed to access positions of leadership through an Affirmative Action (AA) so that they can make decisions on matters that affect their lives. 8.3% of the respondents said that the gender responsive policies should be instituted in all departments of the government to eliminate cases where women are discriminated against on the basis of sex or gender. 5.0% of the respondents said that government, through the State law office, should take the responsibility of offering legal and counselling services to women so that they can realise the extent to which the violence impact on women's lives. This way, responsive interventions will be taken seriously.

#### 4.5.2 Challenges faced by the Government's efforts to eliminate Violence against women

Fig. 14 Challenges facing government's interventions



Source: Primary data

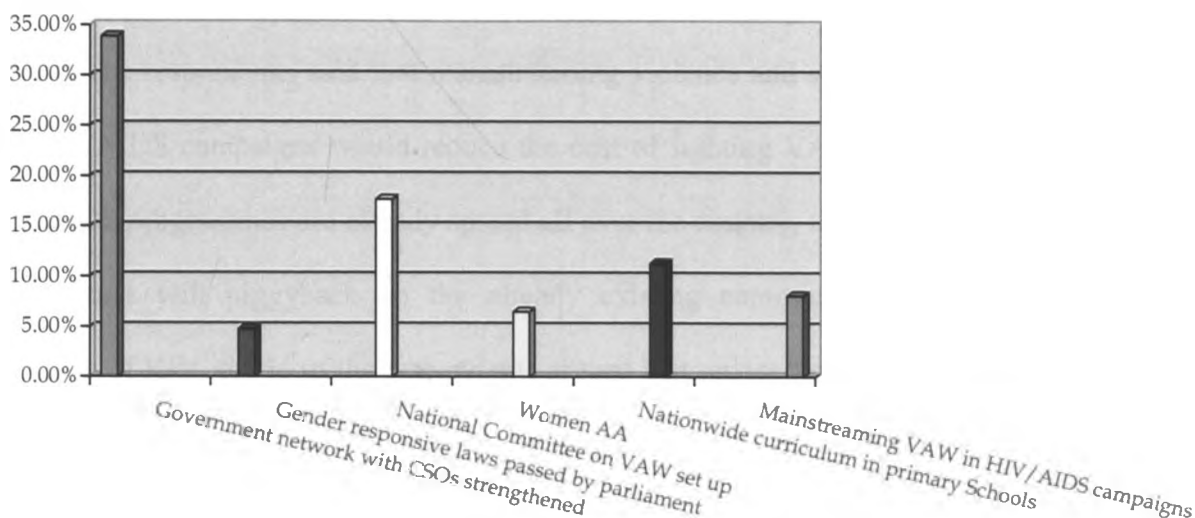
The respondents agreed that government faces numerous challenges in her effort to eliminate VAW. According to the findings, 21% of the respondents said that the government faces an uphill task in dealing with cultural belief systems and attitudes that still reign supreme among several ethnic communities in Kenya. 20% of the respondents indicated that the government need to deal with high number of people whose awareness levels is still very low as far as laws that protect the rights of women are concerned. 17% of the respondents said that Government efforts have to challenge persistent negative cultural practices that condone violence and discrimination against women. 16% of the respondents indicated that the government has to deal with the low economic status of women to ensure that the economic power imbalance between men and women is addressed. This will ensure that dependency of women on men is reduced owing to women's self reliance and therefore chances of violence within families are markedly reduced. 10% of the respondents said that instituting new laws as well as changing the unfavourable laws is very slow and this may affect the speed at which effective punitive measures are realised and become functional. An example was given on the applicability of the Children's Act of 2001 and the Sexual Offences Act, 2006 that took so long to be enacted, but even after they were, these laws are not yet enforceable by Courts. Another example was the slow implementation of the recommendations by a Taskforce appointed to Review the laws relating to women, way back in 1994. The recommendations were forwarded to the President nearly a decade ago and since then, only the Family Court was established and has been catering for the unique needs of the families for effective women's participation in the judicial processes (Primary data, 2007)<sup>15</sup>.

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<sup>15</sup> Information was provided by a respondent from FIDA- Kenya during the research. She also added that the biggest challenge for this court remains the lack of commensurate infrastructure to cope (expeditiously)with the high number of cases being filed daily

### 4.5.3 Mechanisms that strengthen Government's strategies to fight violence against women

Fig. 15: Mechanisms for Strengthening VAW strategies



Source: Primary data

From the study respondents sighted several complementary mechanisms that must be put in place in order for the strategies used against violence against women to be effective. 33.9% of the respondents said that the Government need to collaborate with civil society organizations to carry out an analysis of the situation on the ground. This information will help in developing an effective strategy to deal with violence against women. 17.7% of the respondents indicated that a national committee, with a specific mandate of organising and coordinating campaigns against violence against women should be set up. This would thus augment the already working mechanisms such as lobbying for stiffer penalties against perpetrators of violence. 11.3% of the respondents indicated that a nationwide sensitization and campaigns, particularly through primary schools curriculum should be established. They added that because, violence has so much to do with up-



bringing, it would be strategic to start influencing the behaviour of young people against it when still at tender age. As put across by one of the Chiefs;

*“Miti ina tengenezwa kama bado ni changa”* (You can only straighten a tree when it is still young).

8.1% of the respondents said that mainstreaming violence and women’s rights issues in the HIV/AIDS campaigns would reduce the cost of fighting VAW. This is because the HIV/AIDS programmes are already spread all over the country, therefore women’s rights programmes will piggyback on the already existing community activities targeting reduction of HIV. 6.5 % of the respondents argued that unless women access positions of leadership at all levels, all the efforts to eliminate violence may not be effective. They believe that access to leadership positions is a prerequisite to economic empowerment and vice-versa. This will give women the opportunity to participate equally with men in all spheres of life thereby reducing discrimination and violence. 4.8% said that parliament should debate and pass laws that effectively deal with the perpetrators of violence and discrimination at both the individual as well as at institutional level by defining what constitutes violence and discrimination and a commensurate penalty put in place.

## CHAPTER FIVE

### Summary, Conclusions and Recommendations

#### 5.0 Introduction

This chapter presents a summary of the findings of this study as well as the conclusions drawn there from. It also presents the suggestions on the way forward in the light of the findings and conclusions, and provides a glimpse into the areas for further research on the subject.

#### 5.1 Summary

This research described and analyzed the objective processes and methodologies and brought out levels at which women in these two slums are affected by the violence and discrimination. The characteristics of the respondents brought out the fact that married women are affected by violence more than single and unmarried women. In terms of general discrimination, women irrespective of the generation are affected by discrimination.

The study brought out the different forms of violence that are prevalent in the slums. It further revealed that several factors contribute to violence and discrimination against women including negative cultural practices and belief systems, e.g. patriarchy, bride price, poverty, women's dependency on men as well as women's inability to access decision making positions. Various interventions that target reduction of incidences of women's violation exist in Kenya. However, these interventions have failed to stem the rate at which women's rights are being violated. The Government on the other hand has made various efforts in an attempt to control incidences of violence against women. According to the study, some of these efforts by the government have failed due to lack

of effective strategies. For instance, the government has failed to put in place a rigorous campaign agenda that is comparable to what was done against the spread of HIV/AIDS in the mid 1990s. It is likewise true that the efforts by the government have failed to address cultural and economic factors that lead to abuse of and discrimination against women.

The study revealed that no comprehensive gender responsive strategy has been developed to augment the successes that have been achieved in the fight against violation of women's rights. For instance, the legislative and legal reforms that exist have failed to deal with violence against women due to lack of implementation strategies. The existing reforms have failed due to their inability to address socio-cultural and economic imbalance between men and women. The study revealed that both Government and the Civil Society Organizations have a weak network that has failed to push forward a strong agenda that is geared towards eliminating discriminatory practices that leads to violence against women. Many respondents suggested that such a united front can help alleviate the problems that women and girls are facing due to violence against them. Lastly, there is need to strengthen the levels of rights awareness among the women so that they are able to recognise that their rights are being abused and so that they can seek legal redress whenever this occurs.

## **5.2 Conclusions**

The study confirmed that indeed, high incidences of women rights violation do exist and that there are numerous socio-cultural, economic, political and legal factors that lead to increased incidences of violation against women. Of paramount importance to this study is the sex stereotype that is used by the patriarchal institutions in the society to entrench violence against women. According to the study, it is actually true that patriarchal history and culture influences male oppression over females and therefore leads to denial of

enjoyment of rights by women. In addition to this, culture teaches male dominance and female submission and this result in certain negative practices that lead to violence against women.

There exist social networks in the communities that help the survivors to deal with the effects of violence. These social network interventions ranges from providing financial assistance, offering counselling services, providing medical needs and moral support. Further, the social networks help in paying the schools fees for the children of the survivors of violence. The study reveals that the social networks are faced with difficulties of providing the care to the survivors. These difficulties include scarcity of finances as well as productive time that is consumed in providing care work.

The study revealed that the government, through various machineries have made efforts to reduce inequalities and the rate of violation against women. The most important effort was the establishment of a National Policy on Gender and Development, which was passed into law in July, 2006. This policy paper provides an operational framework upon which gender equality laws can be implemented. The most notable reasons for the government's failure to contain the levels of violence against women, according to the study, is lack of political will coupled by weak legal and structural mechanism for addressing incidences of violence.

The study showed that there is need for strong advocacy work around gender based violence. Capacity building for individuals and institutions for effective monitoring of implementation of domestic, regional and international protocols and treaties that Kenya has signed is vital if we have to succeed in eliminating violence against women. Further,

the country needs to engage the social mobilization as a necessary strategy for pursuing and legitimizing women's rights issues.

### **5.3 Recommendations**

Based on the above, first, constitutional change needs to be effected to remove all gender based discriminatory provisions. Such provisions should be changed to reflect sensitivity towards women and women's rights, for instance, women should be treated equally as men in all aspects of life. Equality should be reflected in political, economic, cultural and social spheres.

Secondly, the legal structures and cultural practices that undermine the dignity, welfare, interest and the status of women should be prohibited. In this way, women will be able to access on equal basis, the opportunities and collectively deal with the constraints of life effectively. In addition, the government should provide the women with reasonable facilities and opportunities to enhance their independence so that they can realize their full potential and advancement economically, socially and politically.

Thirdly, the law enforcement officers including the police and the judiciary should be trained on how to handle the victims of violence. This will create confidence in the victims to encourage them to report to relevant authorities in case they are violated. Further, civil society organizations should engage rural communities in debates on gender equality and equity at the locational levels so that men and women can appreciate the value of each other. This will also eliminate the unnecessary contest between couples, while fostering harmonious relationships in homes.

Fourth, all the negative imaging of women through the media should be eliminated, for instance, portraying women as sex objects, if reduced, can play a significant role in improving the negative image of women. Increasing women participation in the public arena would illuminate women's potential and capabilities.

Fifth, unemployed men should be provided with conducive environment to carry out income generating activities to enable them effectively take care of their families. This will bring down frustrations that occur due to inability to care for the family. Also eliminating alcohol consumption and substance abuse among men could reduce their tendency towards violence.

Lastly, government must work in collaboration with CSOs to come up with educational programmes that inform people about the impact of violence and discrimination against women. Also, punitive measures should be put in place to deter men and women from practising discrimination and being violent against one another.

#### **5.4 Areas for further Research**

This study is exploratory. It focused on the trends of violence against women as well as abuse of women's human rights. Deeper analysis of changes in response to various determinants of the same over time is required. The limitation of time and adequate resources therefore, resulted in the choice of a small study area. The study therefore failed to focus on a comparative study that would have revealed if the impact of violence against women in urban is different to those who live in the rural environments and whether or not they are influenced by the same factors.

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## Appendices

### Appendix 1: Questionnaire

#### a) Household Tool

#### MASTERS DEGREE RESEARCH TOOLS

#### GENDER INJUSTICE: CASES OF VIOLENCE AGAINST WOMEN IN KENYA

#### HOUSEHOLD INFORMATION INTERVIEW GUIDE

1. District \_\_\_\_\_
2. Division \_\_\_\_\_
3. Respondent's Gender: Female ( ) Male ( )
4. Highest Educational Level attained (Please tick (Y) one option).  
Post-Graduate ( )  
Graduate ( )  
Secondary ( )  
Primary ( )  
None ( )  
Any other (Please specify) \_\_\_\_\_
5. Marital Status (Please tick (Y) one option).  
Married ( )  
Single ( )  
Widowed ( )  
Divorced ( )  
Any other (Please specify) \_\_\_\_\_
6. Gender of Head of Household: Female ( ) Male ( )
7. Highest Educational Level attained by Head of Household (Please tick (Y) one option).  
Post-Graduate ( )  
Graduate ( )  
Secondary ( )  
Primary ( )  
None ( )  
Any other (Please specify) \_\_\_\_\_
8. Number of Children: Girls \_\_\_\_\_ Boys \_\_\_\_\_
9. Number of Dependants: Girls \_\_\_\_\_ Boys \_\_\_\_\_
10. Do you have any information on Violence and discrimination against women?  
Yes ( ) No ( )
11. If the answer to *Question 10 above is Yes*, what kind of information do you have?
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
  - c) \_\_\_\_\_
  - d) \_\_\_\_\_
12. If the answer to *Question 10 above is Yes*, what is your source of information?  
You may tick (Y) more than one option.

- Electronic media (Radio; TV) ( )
- Print media (Newspapers; Magazines) ( )
- Posters ( )
- Government publications ( )
- Barazas ( )
- Health workers ( )
- Religious leaders ( )
- Opinion leaders (Women Group Leaders/MPs/Councillors) ( )
- Social workers (DSDOs/CDAs/Peer educators/volunteers) ( )
- NGOs/CBOs ( )
- Others (Please specify) ( )

13. Who is more vulnerable to violence and discrimination in this area?

You may tick (Y) more than one option.

a) Women ( )

Justification : \_\_\_\_\_

b) Men ( )

Justification : \_\_\_\_\_

c) Girls ( )

Justification : \_\_\_\_\_

d) Boys ( )

Justification : \_\_\_\_\_

14. In your opinion, what causes the persistent violence and discrimination? And do people know that discrimination is an offence?

a) \_\_\_\_\_

b) \_\_\_\_\_

c) \_\_\_\_\_

d) \_\_\_\_\_

15. If your offence is yes, then, in your opinion, why do men still practice discriminatory practices against women despite the knowledge that violence and discrimination is an offence? (Probe for reasons for the responses by gender).

a) \_\_\_\_\_

b) \_\_\_\_\_

c) \_\_\_\_\_

d) \_\_\_\_\_

16. What is the effect of violence and discrimination on the socio-economic activities of women in this area? (Probe for effect on the individual, household and community from a social (relations; psychological) and economic (business productivity; education).

Effect of violence and discrimination on the individual woman.

a) \_\_\_\_\_

b) \_\_\_\_\_

c) \_\_\_\_\_

d) \_\_\_\_\_

Effect of violence and discrimination on the household.

a) \_\_\_\_\_

- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

Effect of violence and discrimination on the community.

- a) \_\_\_\_\_
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

17. What suggestions would you give for controlling the violence and discrimination of women in this area? (Probe for means/ways of control).

- a) \_\_\_\_\_
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

b) Opinion Leaders Tool

MASTERS DEGREE RESEARCH TOOLS  
GENDER INJUSTICE: CASES OF VIOLENCE AGAINST WOMEN IN KENYA

OPINION LEADERS' TOOL

1. District \_\_\_\_\_
2. Division \_\_\_\_\_
3. Interviewee's Position/Title \_\_\_\_\_
4. Interviewee's Gender: Female ( ) Male ( )
5. Highest Educational Level attained (Please tick (Y) one option).  
Post-Graduate ( )  
Graduate ( )  
Secondary ( )  
Primary ( )  
None ( )  
Any other (Please specify) \_\_\_\_\_
6. Marital Status (Please tick (Y) one option).  
Married ( )  
Single ( )  
Widowed ( )  
Divorced ( )  
Any other (Please specify) \_\_\_\_\_
7. Have you received any reported cases of violence or discrimination from women in your area of jurisdiction? Yes ( ) No ( )
8. If the answer to *Question 7 above is Yes*, what kind of violence/ discrimination have you received? (Probe for modes of injustices reported).  
e) \_\_\_\_\_  
f) \_\_\_\_\_  
g) \_\_\_\_\_  
h) \_\_\_\_\_
9. If the answer to *Question 7 above is Yes*, from who have you received the reports? You may tick (Y) more than one option (Probe for specifics under each category/source).  
Young Men ( )  
Young Women ( )  
Middle aged men ( )  
Middle aged women ( )  
Government officers ( )  
Health workers ( )  
Religious leaders ( )  
Women Group Leaders/MPs/Councillors ( )  
Social workers (DSDOs/CDAs/Peer educators/volunteers) ( )  
NGOs/CBOs ( )  
Others (Please specify) ( )
10. Who is more vulnerable to discrimination/ violence in your in this area? You may tick (Y) more than one option. (Probe for justification of responses and specific age groups within each category).  
a) Women ( )  
Justification : \_\_\_\_\_  
b) Men ( )  
Justification : \_\_\_\_\_

c) Girls ( )

Justification : \_\_\_\_\_

d) Boys ( )

Justification : \_\_\_\_\_

11. In your opinion, what fuels discrimination/ violence in your this area? (Probe for justifications of responses).

a) \_\_\_\_\_

b) \_\_\_\_\_

c) \_\_\_\_\_

d) \_\_\_\_\_

12. Do you think that people know that it is not good to discriminate against any gender? \_\_\_\_\_

13. If your answer is yes, then in your opinion, why do people still have discriminative attitudes based on gender despite the knowledge that it is bad? (Probe for reasons for the behaviour and note the responses by gender).

e) \_\_\_\_\_

f) \_\_\_\_\_

g) \_\_\_\_\_

h) \_\_\_\_\_

14. What is the effect of violence on the socio-economic activities of women in this area? (Probe for effect on the individual, household and community from a social (relations; psychological) and economic (business productivity; education).

Effect of violence on the individual.

e) \_\_\_\_\_

f) \_\_\_\_\_

g) \_\_\_\_\_

h) \_\_\_\_\_

Effect of violence on the household.

e) \_\_\_\_\_

f) \_\_\_\_\_

g) \_\_\_\_\_

h) \_\_\_\_\_

Effect of violence on the community.

e) \_\_\_\_\_

f) \_\_\_\_\_

g) \_\_\_\_\_

h) \_\_\_\_\_

15. What kind of support is offered to the categories of people listed below affected by violence/discrimination/injustices in this area? (Probe for institutional interventions e.g. by the Government; NGOs; CBOs; Family/Community Support/Care).

a) Women: \_\_\_\_\_

b) Men \_\_\_\_\_

c) Elderly women: \_\_\_\_\_

d) Women with Disability: \_\_\_\_\_

c) CBO/ NGO Tool

MASTERS DEGREE RESEARCH TOOLS

GENDER INJUSTICE: CASES OF INJUSTICE AGAINST WOMEN IN KENYA

CBO/NGO LEADERS TOOL

Name of organization/CBO \_\_\_\_\_

Physical location

District \_\_\_\_\_

Division/town/estate \_\_\_\_\_

III. Effects, Goals, Activities and Evaluation

1. a) How has Violence and discriminatory practices affected social life of women in this community? \_\_\_\_\_  
b) How can these social challenges of violence and discrimination be corrected?-----
2. a) Economically, how has violence and discrimination affected the following groups of people in your area?
  - i) Women \_\_\_\_\_
  - ii) Men \_\_\_\_\_
  - iii) Girls \_\_\_\_\_
  - iv) Boys \_\_\_\_\_
- b) How can these economic challenges of violence and discrimination against women be met?
  - c) What do you think can be done to address the impacts of violence and discrimination against women?
4. What are the goals/objectives of your organization as relates to violence and discrimination against women?
5. What are your strategic activities to address the impacts of violence and discrimination against women?
6. What success stories of interventions to address women survivors of violence and discrimination can you cite in your organization?
7. What major challenges have you faced in your violence and discrimination against women programmes/activities?
8. How have you met the challenges in Q7?
9. What are you future plans aimed at addressing the impacts of violence and discrimination against women in this region?
10. What mechanisms have you put or are putting in place to realize your plans in Q9?



d) Survivor Caregivers Tool

MASTERS DEGREE RESEARCH TOOLS

GENDER INJUSTICE: CASES OF VIOLENCE AGAINST WOMEN IN KENYA

SURVIVOR CARE GIVERS TOOL

1. District \_\_\_\_\_
2. Respondent's Gender: Female ( ) Male ( )
3. Marital Status (Please tick (Y) one option).
  - Married ( )
  - Single ( )
  - Widowed ( )
  - Divorced ( )
  - Separated ( )
  - Any other (Please specify) \_\_\_\_\_
4. If ever married to: (Please tick (Y) one option).
  - a) Polygamous family ( )
  - b) Monogamous family ( )
5. Age of respondent (Please tick (Y) one option).
  - Below 16 ( )
  - 16 - 24 ( )
  - 25 - 49 ( )
  - 50 and above ( )
6. Highest Educational Level attained (Please tick (Y) one option).
  - Post-Graduate ( )
  - Graduate ( )
  - Secondary ( )
  - Primary ( )
  - None ( )
  - Any other (Please specify) \_\_\_\_\_
7. Occupation of respondent \_\_\_\_\_
8. Religious affiliation \_\_\_\_\_
9. a) Are you related to the survivor? Yes ( ) No ( )

b) How are you related to the survivor? (Please tick as appropriate).

Infected	Husband	Wife	Father	Mother	Bro	Sis	Son	Daughter	Other
Husband									
Wife									
Father									
Mother									
Brother									
Sister									
Son									
Daughter									
Other									

9. (c). What type of care are you giving? \_\_\_\_\_
10. For how long have you been giving care? \_\_\_\_\_
11. What prompted you to become a caregiver? \_\_\_\_\_
12. On what terms do you do it? Voluntarily ( ) Pay ( )
13. Do you have any formal training on care giving to the violence survivors? Yes ( ) No ( )
14. a) Who else shares the care responsibility with you? \_\_\_\_\_

b) What areas of care responsibility do they share with you?

---

15. What problems do you encounter mostly in providing care to the survivors?

---

16. What are the possible solutions to these problems?

---

e) Violence Survivor Tool

MASTERS DEGREE RESEARCH TOOLS

GENDER INJUSTICE IN KENYA: CASES OF VIOLENCE AGAINST WOMEN IN KENYA?

SURVIVORS OF VIOLENCE TOOL

1. District \_\_\_\_\_
  2. Division \_\_\_\_\_
  3. Respondent's Gender: Female ( ) Male ( )
  4. Highest Educational Level attained (Please tick (Y) one option).  
Post-Graduate ( )  
Graduate ( )  
Secondary ( )  
Primary ( )  
None ( )  
Any other (Please specify) \_\_\_\_\_
  5. Marital Status (Please tick (Y) one option).  
Married ( )  
Single ( )  
Widowed ( )  
Divorced ( )  
Separated ( )  
Any other (Please specify) \_\_\_\_\_
  6. If ever married to: (Please tick (Y) one option).  
c) Polygamous family ( )  
d) Monogamous family ( )
  7. Age of respondent (Please tick (Y) one option).  
Below 16 ( )  
16 - 24 ( )  
25 - 49 ( )  
50 and above ( )
  8. Sex of Head of Household: Female ( ) Male ( )
  9. Highest Educational Level attained by Head of Household (Please tick (Y) one option).  
Post-Graduate ( )  
Graduate ( )  
Secondary ( )  
Primary ( )  
None ( )  
Any other (Please specify) \_\_\_\_\_
  10. Number of Children: Girls \_\_\_\_\_ Boys \_\_\_\_\_
  11. Number of Dependents: Girls \_\_\_\_\_ Boys \_\_\_\_\_
  12. Occupation of respondent \_\_\_\_\_
- Violence Profile (For Survivors).
1. When did you first know that you were being violated? \_\_\_\_\_
  2. Who was violating you and what kind of violence were you subjected to? \_\_\_\_\_
  3. How did you learn these violations against you were not right? \_\_\_\_\_

4. What was your first reaction? \_\_\_\_\_
5. Whom did you disclose your violations to first? \_\_\_\_\_
6. How did the others react? \_\_\_\_\_
7. Does your partner know how you feel about being violated? \_\_\_\_\_
8. Has your partner gone for any counseling? \_\_\_\_\_
9. Please give an account of how you view your life as a person who lived with constant abuse.

\_\_\_\_\_

10. Have you sought any counseling to change your life conditions? \_\_\_\_\_

11. What changes have occurred after the condition setting?
  - a) Sexual \_\_\_\_\_
  - b) Psychological/ mental \_\_\_\_\_
  - c) Physical \_\_\_\_\_
  - d) Any other feelings \_\_\_\_\_

**Socio - Economic**

1. What roles were you performing for the following before the abuse set in?

a) In the family

\_\_\_\_\_

b) In the community

2. What roles do you perform now after your abuse began?

a). In the family

\_\_\_\_\_

b). In the community

3. How has this change in roles affected your life in general?

4. Are you on any care or treatment?

5. Where do you access it? Government institution ( ) Private institution ( ) NGO ( )

6. How often do you receive this care or treatment in a month? \_\_\_\_\_

7. How much do you pay for the care/ treatment? \_\_\_\_\_

8. How do you meet your care/ treatment costs? \_\_\_\_\_

9. How do the following people relate to you now?

a) Partner \_\_\_\_\_

b) Family members/relatives \_\_\_\_\_

c) Community/religion \_\_\_\_\_

10. Do you think discriminatory practices against women by men are justified?

Yes ( ) No ( ). Please justify

11. Do you think discriminatory practices against men sex by women are justified?

Yes ( ) No ( ). Please justify

12. In what ways has the cases of violence and perhaps violations of women's human rights (in case respondent is relative) affected the home life of:

a) Boys \_\_\_\_\_

b) Girls \_\_\_\_\_

c) Spouse \_\_\_\_\_

d) Community \_\_\_\_\_

13. In violence afflicted families, who would be more prone to withdrawal from school?  
(Please tick (Y) one option). Girls ( ) Boys ( ) Both ( )

14. What do you think can be done to control spread of violence, discrimination and violence against women?

---

## Appendix 2: Fact Sheet for Health Institutions

### MASTERS DEGREE RESEARCH TOOLS

#### GENDER INJUSTICE IN KENYA: CASES OF VIOLENCE AGAINST WOMEN IN KENYA?

##### HEALTH INSTITUTIONS FACT SHEET

The sheet below seeks factual information about each of the two (2) focus areas. You are kindly requested to provide the information required in this fact sheet. The information obtained will be treated with utmost confidentiality and are for purposes of identifying the impact of the violence against women on households in the district. Kindly therefore provide the required information as freely as possible and to the best of your knowledge.

AREA: \_\_\_\_\_

NO. OF HEALTH INSTITUTIONS IN THE AREA: \_\_\_\_\_

PERCENTAGE OF BED OCCUPANCY BY VIOLENCE RELATED CASES IN THE AREA:

ITEM	2006		2005		2004		2003		2002		Total	
	W/G	M/B	W/G	M/B	W/G	M/B	W/G	M/B	W/G	M/B	W/G	M/B
Violence Related Reports by Age												
Below 18 Years												
18 – 45 Years												
46 – 60 Years												
Over 60 Years												
Violence Related Mortality Rate Reported												
Infant Mortality												
1_ 5 Yrs												
Maternal mortality rate												
Violence Related Deaths reported												
Infant Mortality												
1—5 Yrs												
6 – 18 Yrs												
19 – 45 Yrs												
46 – 60 Yrs												
Over 60 Yrs												

Key: W – Women

  M – Men

  G – Girls

  B- Boys

### **Appendix 3: Checklist for Focus Group Discussions**

1. Are women in your locality experiencing cases of violence and in what form?
2. In your opinion, what can you say contribute to increased cases of violence against women in your area?
3. Do care services exist for victims of violence? If so, how easily do they access these services? What are the main impediments to access to care services?
4. What in your opinion, should the government do to stem increased cases of violence against women?
5. What role should the community in your vicinity play in reducing violence against women?