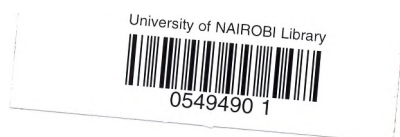


**BARRIERS FACED BY SEXUALLY ABUSED WOMEN IN SEEKING
LEGAL JUSTICE IN KIBERA SLUMS**

BY

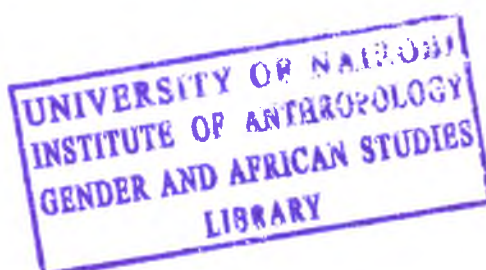
HELLEN LUTTA LUTAINULWA

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**A PROJECT REPORT SUBMITTED TO INSTITUTE OF
ANTHROPOLOGY, GENDER AND AFRICAN STUDIES IN PARTIAL
FULFILLMENT OF THE REQUIRMENTS FOR THE DEGREE OF
MASTER OF ARTS IN GENDER AND DEVELOPMENT STUDIES OF
THE UNIVERSITY OF NAIROBI**

2011



DECLARATION

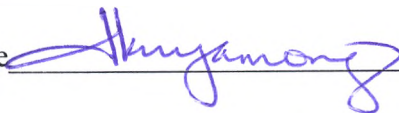
I do hereby declare that this project is my original work and has not been presented for any academic degree in any other university or institution.

Signature 

Date 10TH NOV 2011

Hellen Lutta Luttainulwa

I confirm that the candidate, under my supervision, carried out work reported in this project and has been submitted for examination for the degree of Masters of Arts in Gender and Development Studies of the University of Nairobi with my approval as the university supervisor.

Signature 

Date 11-11-11

Prof. Isaac Nyamongo

DEDICATION

To all women who have struggled to have closure through legal justice system without any significant success.

ACKNOWLEDGEMENT

I wish to express my sincere and unreserved gratitude to my university supervisor, Prof. Isaac K. Nyamongo for his unmistakable academic guidance and brilliant theoretical input in the entire research process. I humbly salute all your efforts to see this process through.

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I am extremely grateful to my dear family especially my mother and sisters for their endless assistance, my siblings for the unquenchable thirst to see me succeed in life, for all the financial assistance, emotional and moral support you have given me be blessed by the grace of God.

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ABSTRACT

This is a cross-sectional exploratory study of barriers faced by sexually abused women in accessing legal justice in Kibera slums. In this study, close assessments of the perceived and actual barriers to accessing legal justice were of keen interest.

Convenience sampling was used to select 50 informants for in-depth interviews to this study drawn from Gatwekera, Laini Saba and Kisumu Ndogo villages in Kibera slums, six key informants were purposively drawn for this study to give insight into perceived and actual barriers to legal justice for the women survivors of sexual abuse in the slums. Finally, six women were purposively selected to give case narrative interviews based on their lived accounts after experiencing sexual abuse and going through the legal system.

The results reveal that sexual violence is perceived by the subjects as act of raping, beating, pushing, and coerced sexual intercourse by someone they are quite intimate with or even a stranger given their experiences. This study also indicates that perceived barriers to seeking legal justice include a non-responsive police system riddled with corruption, gender insensitivity at the police posts, high costs of pursuing court cases and frequent dismissal of cases due to shoddy investigations and lack of evidence which dissuade survivors from pursuing legal justice. The perceived economic dependence and vulnerability of the women within the slum areas also act as a deterrent to seeking legal justice.

Moreover, actual barriers to seeking legal justice are bound within cultures which include among others socialization of men in the society in which they wield more power relative to women, male dominance of the local dispute resolution mechanisms, stigma associated with abuse and consistent intimidation from male perpetrators.

This study recommends the creation of gender-desk points in all police posts within Kibera slums to take care of the sensitive needs of women who have been sexually abused when they are reporting. The study also recommends that the police officers need to be trained on conducting sexual abuse investigations in collaboration with medical personnel to reduce instances of dismissal of cases due to insufficient evidence. Finally, the study recommends the need for heightened community sensitization of the community members on the contents of the Sexual Offences Act and how they can seize the opportunities provided in the same for accessing legal justice.

LIST OF ABBREVIATIONS AND ACRONYMS

AIDS	Acquired Immuno-Deficiency Syndrome
CBOs	Community Based Organizations
CEDAW	Convention on Elimination of all Forms of Discrimination against Women
COVAW	Coalition on Violence Against Women
FGDs	Focus Group Discussions
FIDA-K	Federation of Women Lawyers - Kenya
GBV	Gender Based Violence
GBVRC	Gender Based Violence Recovery Centre
IHC	International Housing Coalition
IPV	Intimate Partner Violence
KHRC	Kenya Human Rights Commission
KNH- GBVRC	Kenyatta National Hospital Gender Based Violence Recovery Centre
MoPND	Ministry of Planning and National Development
NASCOP	National AIDS and STI control Programme
NGOs	Non- Governmental Organizations
NWH	Nairobi Women's Hospital
PEP	Post Exposure Prophylaxis/ Prophylactic
PEV	Post Election Violence
PTSD	Post-traumatic Stress Disorder
SGBV	Sexual Gender Based Violence
SOA	Sexual Offences Act
SPSS	Statistical Package for Social Sciences
STD/I	Sexually Transmitted Diseases/Infection
UN	United Nations
UNFPA	United Nations Population Fund
UN-HABITAT	United Nations Human Settlements Programme
VCT	Voluntary Counseling and Testing
WHO	World Health Organization

CHAPTER ONE: BACKGROUND TO THE STUDY

1.1 Introduction

The incidence of sexual violence is currently on the upward trend. According to WHO Report, globally 1 in every 3 women will have been sexually assaulted in their lifetime (WHO Report, 2009). Sexual abuse is any physical contact of a sexual nature without voluntary consent. According to the U.S. Department of Health and Human Services (2006), Sexual assault includes inappropriate contact by touching, vaginal, anal, or oral penetration. It also includes sexual intercourse, rape, attempted rape, and child molestation plus torturing of the victim in any imaginable sexual ways.

The term sexual and gender based violence (SGBV), in its widest sense, refers to the physical, emotional or sexual abuse of a survivor. It connotes the use of physical violence or psychological pressure to compel a person to participate in a sexual act against their will, whether or not the sexual act is consummated.

However, World Health Organization (2002) defines sexual violence as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic women's sexuality, using coercion, threats of harm or physical force, or otherwise directed, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work.

Under the Sexual Offences Act, 2006, sexual violations include: Rape, attempted rape, gang rape, sexual assault, compelled or induced sexual acts, acts that cause penetration or indecent acts done within the view of a child or mentally disabled person, promotion of sexual offences with a child, indecent act with a child, attempted defilement, defilement, child trafficking, child sex tourism, child prostitution, child pornography, trafficking for

sexual exploitation, exploitation of prostitution, prostitution of persons with mental disabilities, incest by male/female persons, sexual offences relating to position of authority and persons in position of trust, sexual harassment, cultural and religious sexual offences (Kenya, 2006).

Social, economic, and gender issues are increasingly recognized as significant factors in countries of east and southern Africa that underlie the HIV epidemic, keep maternal mortality and fertility rates high, and increase the likelihood that sex will not be safe, voluntary, or pleasurable. Violence against women and children, of both sexes, has gained international recognition as a serious social and human rights concern affecting all societies. Epidemiological evidence shows that violence is a major cause of ill health among women and girls, as seen through death and disabilities due to injuries, and through increased vulnerability to a range of physical and mental health problems (Krug et al., 2002; Mugawe & Powell, 2006). Female survivors of sexual violence not only sustain physical injuries, but are more likely than other women to have unintended pregnancies, report symptoms of reproductive tract infections, have multiple partners, and are not likely to use condoms and other contraceptives (IPPF, 2004; Campbell & Self, 2004). Violence, and fear of violence, severely limits women's contribution to social and economic development, thereby hindering achievement of the Millennium Development Goals and other national and international development goals. Rape and domestic violence account for 5-10% of healthy years lost by women (WHO, 2001). Legal systems throughout the world have historically encoded discrimination against women into penal and civil law.

In many low and middle-income countries, penal codes do not criminalize certain kinds of physical or sexual violence against women; consider sexual violence to be a private offense against “family honor” rather than a criminal offense against the personal integrity of a woman; allow perpetrators of rape to evade criminal responsibility by agreeing to marry their victim; involve criminal procedures that make conviction unlikely; and sometimes punish victims of sexual violence by prosecuting them for adultery or abortion (Mehotra, 1998; Center for Reproductive Law and Policy, 2002). Even when strong legislation exists, law enforcement institutions often fail to enforce the law, and/or inflict additional trauma on survivors of violence through bias and mistreatment (Human Rights Watch, 1997). In many countries, women have limited rights to voluntary marriage, divorce, child custody, and child support, either by law or in practice legal tools that can allow women to avoid or escape abusive situations and may be essential, before they can consider seeking help from law enforcement.

A study by UNFPA (2003) shows that globally at least one in every three women has been beaten, coerced into sex, or otherwise abused in her lifetime. It also reveals that more than 20 percent of women are reported to have been abused by men with whom they live. Furthermore, WHO (2005) show that sexually abused women aged 15-44 years account for more death and disability than the combined effects of cancer, malaria, traffic injuries and war.

In addition, trafficking in women and girls for sexual exploitation is most common among poor women and girls. Women who are victims of domestic violence are 12 times more likely to attempt suicide than those who do not experience such violence.

According to a study done by WHO (2005), 20-66 percent of women did not tell anybody about the violence they underwent before the interview. It also showed that between 55-80 percent of the women did not seek help from anybody due to the limited availability of formal services, financial constraints, empowerment, and fear of stigma (Garcia-Moreno et al., 2005). That notwithstanding, indeed wife battering is prevalent and largely condoned by many communities in Kenya. Traditional culture permits a man to discipline his wife physically and condones spousal rape. A study by WHO (2005) found that 42 percent of women in Kenya were regularly beaten by their husbands.

A survey conducted by FIDA (2002) Kenya revealed that out 1,067 women attending antenatal clinics and emergency care in Nairobi hospitals, 0.4 per cent reported miscarriage caused by domestic violence and 0.7 per cent reported STIs, 56 per cent of the abused women said that they had not reported the violence to anyone, with many stating that violence is considered to be a normal part of life. Only 7 percent reported to some authority such as the chief, the police or a doctor. On the other hand, government statistics in Kenya Demographic and Health Survey (KDHS) demonstrate that at least half of all women have experienced violence since they were aged 15 (CBS 2004'). This is a worrying situation in a country where advocacy groups have continued to base the profile of GBV in policy, media and legal forum.

The statistics by the Kenya Police Crime for 2007 point out that there were 876 cases of rape reported, 1,984 cases of defilement, 181 cases of incest, 198 cases of sodomy, 191 cases of indecent assault and 173 cases of abduction.

Whereas it may be easy to document the number of cases of those suffering from violence, the psychological impact is undoubtedly indeterminate. Mental wounds suffered as a result of violence may never really heal and the psychological scars are undoubtedly never erased.

Government statistics by the Economic Survey by Ministry of Planning and National Development (MoPND, 2008) shows increase in offences committed with immoral intent and other offences against persons by 6.2 percent and by 3.4 percent respectively in 2007. The increase was mainly noted in offences of defilement and incest with 40 and 37.7 percent respectively.

According to the Economic Survey by MoPND (2008), there is a general decline of GBV reported cases from 20,568 in 2004 to 18,424 in 2007 due to improved security and collaboration with the community and relevant stakeholders. On the other hand, on average 2 cases of assault/rape are reported every day to Kilimani Police Station (IEA, 2009).

According to a survey by Liverpool VCT (2006) in three post rape care clinics, 29% of women reported having experienced sexual violence in 2006. Between November 2003 and June 2005, a total of 295 survivors of sexual assault were seen. The majorities (89%) was female and most were very young – the median age being 16.5 years. More than half (56%) were children; the youngest survivor was 16 months old and the oldest was 102 years. One in seven (14%) of the survivors did not present to the hospital within 72 hours of their assault and were, therefore, not eligible for PEP. There is very little awareness, very little information and very little knowledge about PEP following sexual trauma in Kenya, and efforts should be made to increase awareness.

1.2 Problem Statement

While Counts et al., (1992) found that the lowest rates of violence against women occurred in societies that consistently imposed sanctions including legal sanctions on perpetrators among 16 societies studied both in developed and developing countries, some researchers question whether criminal justice approaches can deter violence (Gillegan, 2000). Even within strong legal systems, prosecution is often lengthy, complicated, expensive, traumatic for survivors, and uncertain to result in conviction. Criminal justice is typically focused on punishing perpetrators rather than restoring the safety and wellbeing of women. Criminal sanctions are not necessarily appropriate for women who want physical or sexual violence to end, but who do not want to break up their family (Larraín, 1999). In some settings, women and children have no means of economic survival if a violent partner or sexually abusive parent receives jail time (Parenzee, 2001). For all these reasons, legal aid programmes often find that women express more interest in assistance with divorce, division of marital property, child custody, and child support; the legal tools that make it possible to leave a violent partner rather than in criminal prosecution (Guedes et al., 2002). Nonetheless, most researchers consider criminal justice reform to be a crucial component of reducing violence against women (National Research Council, 2004). Even in countries such as the United States and Australia that have measured declines in rates of intimate partner and sexual violence over the past decade (Rennison, 2003; Dunne et al., 2003), researchers have not been able to determine whether these declines are due to legal reforms, demographic shifts, social and cultural changes, or other factors assuming the trends themselves are correctly identified.

The overwhelming focus, in both research and programmatic interventions, is on researching and alleviating the impact of sexual violence on women. However, the majority of sexual abuse survivors presenting for services are usually children and not adult women who are the target group for whom most services are designed (WHO, 2001). This study will therefore seek to explore barriers faced by sexually abused women in Kibera slum in seeking legal justice. In order to address the above objective, this study was guided by the following research questions in the process of inquiry:

- i. What are the perceived barriers facing sexually abused women in Kibera slums while seeking legal justice?
- ii. What are the actual barriers experienced by sexually abused women in Kibera slums while seeking legal justice?

1.3 Research objectives

1.3.1 General objective

To explore the barriers faced by sexually abused women seeking legal justice in Kibera slums.

1.3.2 Specific objectives

- i. To examine the perceived barriers to seeking legal justice faced by sexually abused women in Kibera slums
- ii. To determine the actual barriers faced by sexually abused women in seeking legal justice in Kibera slums

1.4 Justification of the study

The findings of this study provide prudent and evidence-based information for advocating changes in law and policy including review of penal codes within the constitution to strengthen cruel sanctions against perpetrators of family, domestic and sexual violence with particular experiences of women from low income areas. It also provides an opportunity on ways to break down and create sensitization and awareness among the low income women survivors of sexual violence with respect to the provisions and legal aid channels available in the Sexual Offences Act of 2006.

The study findings and recommendations of this study play a significant role in adding knowledge to the academic bank for any future references for scholars interested in sexual abuse on women and gender based violence experiences at large of significant contribution to the scholarly world are the distinctive perceived and actual barriers, how the internal and external factors interact with the abuser's behaviour to deter women from seeking legal justice when they are abused. Therefore, if the recommendations re adopted by legislative arms of the government and policy advocates they will help to bring into focus the perceived and actual barriers to seeking legal justice and effective advocacy strategies to overcome these deterrents in the society.

1.5 Scope and limitations of the study

This study was carried out among women who had experienced sexual abuse in Kibera slums in Nairobi County of Kenya. It mainly focused on the perceived and actual barriers faced by sexually abused women in seeking justice in Kibera slums.

This is because improving the situation of sexually abused slum women in seeking justice is largely possible when their realities are captured in the immediate settings that reflect their beliefs, values and justice seeking patterns. Given the qualitative nature of this study as well as the sensitivity of the research topic, only a small number of subjects were involved thus limiting the generalizability of the study findings. Moreover, the medical care barriers and lived accounts of sexual abuse survivors in terms of coping strategies were beyond the scope of this study.

1.6 Definition of key terms

Barriers: the social, legal, economic and/or psychologically perceived obstacles believed to deny or delay justice

Sexual violence: Abusive sexual contact that includes intentional touching directly, or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person against his or her will, or of any person who is unable to understand the nature or the condition of the act, to decline participation, or to communicate unwillingness to be touched.

Slums: informal settlements predominantly inhabited by low income earners represented by Kibera in this study

A Survivor: for the purpose of this study, a survivor is described as somebody who has been sexually abused or violated in any way and lives on.

Perpetrator is a person, group or institution that directly inflicts or otherwise supports violence/abuse inflicted on a person against her/his will.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter critically reviewed literature on barriers to seeking legal justice faced by sexually abused women in Kibera slums guided by the objectives of this study. Perceived barriers across laws and policies and the actual barriers across economic and cultural aspects were reviewed. The theoretical framework and assumptions that guided the inquiry process of this study are also presented in this chapter.

2.2. Literature review: Perceived barriers to legal justice

2.2.1 Laws and policy barriers

Governments often fail to budget resources for implementing new legislation. Police often fail to investigate cases or protect women in danger, and the judiciary is often unable or unwilling to enforce the laws. Widespread failures to enforce existing laws have been documented by Human Rights Watch (1997; 1999; 2000; 2001; 2002; 2003) in countries as diverse as Afghanistan, Brazil, Iraq, Jordan, Nepal, Pakistan, Peru, South Africa, Uganda, Uzbekistan, and Zambia.

For example, South Africa passed new legislation in 1998 that strengthened criminal sanctions for violence by intimate partners and other types of perpetrators. It imposed obligations on police to arrange shelter and medical treatment for survivors as well as to provide information about their rights, and included specific sanctions for noncompliance. The law was a significant milestone, but there were delays and difficulties in implementation, and a 2001 evaluation found that the government's failure to allocate sufficient resources to police, courts and support services had undermined the

effectiveness of the Act (Parenzee, 2001). Similarly, Kenya passed a Sexual Offences Act (2006) that imposed heavy penalties on perpetrators of gender based violence. The relevant chapters of the current Kenyan constitution in its section on the Bill of Rights assures every Kenyan citizen unimpeded access to legal redress and that there should be no discrimination whatsoever based on gender, ethnicity and age.

The example of Zambia highlights the need to go beyond legislative reform by strengthening key law enforcement institutions, including police, the judiciary, the forensic medical system, and legal aid. Even in countries with strong legal systems, law enforcement institutions have historically responded to intimate partner and sexual violence with bias, neglect and mistreatment. For example, in Britain, researchers noted that police and judges often minimized the criminal nature of gender-based violence and expressed bias against victims of sexual abuse until serious reform began in the 1970s (Morley and Mullender, 1994). In middle and low-income countries, law enforcement institutions often face a severe lack of resources for personnel, equipment, training, and transportation. Many legal systems are plagued by police corruption, expensive, slow and inaccessible courts, and an unaccountable judiciary (Human Rights Watch, 1997, 1999, 2000, 2001, 2003a, and 2003b).

2.2.2 Training of the justice sector personnel

Throughout the world, organizations have launched efforts to improve the knowledge, attitudes, and practices of justice sector personnel regarding gender-based violence. Police officers are not trained as prosecutors in gender-based violence and many see sexual violence, including marital rape as a private matter.

This has led to a lack of confidence in the law enforcement response to acts of violence against women and thus to the subsequent under-reporting of rape and other forms of sexual violence against women in Kenya. Amnesty International (2002) interviewed many women who stated that with regard to sexual violence and rape “they were reluctant to approach the police and had only reported their case when the violence had become so extreme that they needed intervention to protect their lives”

Some law enforcement institutions organize training internally, as did South Africa following passage of the 1998 Domestic Violence Act (Usdin et al., 2000). In other settings, NGOs such as Rozan in Pakistan (Rashid, 2001), Profamilia in the Dominican Republic (Guedes et al., 2002), and the Musasa Project in Zimbabwe have trained law enforcement personnel on issues related to gender-based violence. Elsewhere, governments have collaborated with the United Nations to provide training and support for the police and judiciary. For example, ILANUD is a joint institute of the government of Costa Rica and the United Nations that works with governmental agencies throughout Latin America to improve the work of prosecutors, judges, lawyers, police and other professionals in criminal justice generally, and gender-based violence specifically (Villanueva, 1999). Most of these initiatives have been evaluated using key informant interviews and pre- and post questionnaires before and after training if they have been evaluated at all. Nonetheless, training appears to be both constructive and urgently needed (Rashid, 2001; Villanueva, 1999).

Other lessons learned include the finding that changing attitudes of law enforcement is a challenging, long-term process. The quality of the content and skills of the trainer are essential.

Training appears to be most effective when all levels of personnel (especially high-level officials) participate, and when training is backed up with changes throughout the institution, such as policies, procedures, adequate resources, and continual monitoring and evaluation.

2.2.3 Special police stations or cells for crimes against women

All-women police stations began in Brazil and were later tried in other countries in Latin America and Asia. As of 2003, for example, Nicaragua had 17 police stations for women and children (called *Comisariás*) operating throughout the country with the help of funding from international donors (Velzeboer et al., 2003). Alternatively, countries such as Zambia have experimented with special police “cells” for women and children, composed of one or more police officers working in a regular station but dedicated to cases of family and/or sexual violence. Much research has evaluated women’s police stations, primarily by gathering data on the number, nature and outcomes of cases reported, and by exploring perspectives of police, judges, NGO staff, lawyers, prosecutors, judges, detectives, and survivors (Thomas, 1994; Mesquita da Rocha, 1999; Brown, 2001; Jubb and Izumino, 2002; Krug et al., 2002; Human Rights Watch, 2002). Special police stations generally appear to increase reporting as well as the likelihood that women will receive services such as forensic exams, counseling, emergency contraception and sexually-transmitted infection (STI) prophylaxis. On the other hand, evaluations have documented numerous problems. Women officers have not necessarily demonstrated better attitudes towards victims of violence simply by virtue of their sex, and special stations are often under-funded and lack equipment, transportation, training, staff or referral services.

Even when stations work well, their efforts are often undermined by law enforcement personnel (forensic doctors, prosecutors and judges) who are unwilling or unable to enforce the law. As a result, conviction rates sometimes remain unchanged. Finally, the creation of women's police stations may encourage regular police stations to abdicate responsibility for crimes against women, which is especially problematic in rural areas where women must travel long distances to reach police of any kind.

Hence, organizations such as Human Rights Watch (2002) argue against separate stations for women as a long-term strategy, in favor of integrating a better response to violence throughout law enforcement.

2.2.4 Judicial Reforms

A host of countries have enacted judicial reforms to address gender-based violence (Center for Reproductive Law and Policy, 2001 and 2002). Special courts for crimes against women and children and/or for family matters have been introduced in Asia, Africa, and Latin America. Other reforms include policies that allow closed court hearings for victims of sexual offenses (Tanzania); closed-circuit television testimony and separate waiting areas for vulnerable witnesses or victims (Zimbabwe and South Africa); and special courts for sexual offenses (South Africa, Ghana). Many countries have revised the rules regulating evidence used for prosecution. For example, Tanzania eliminated the requirement of testimonial corroboration in rape cases in 1998. Unfortunately, much remains to be done, few reform measures have been rigorously evaluated, and little information exists about their effectiveness. Evaluations often highlight challenges rather than successes.

For example, judicial reforms often are poorly implemented, simply because governments lack the resources to educate judicial personnel about the changes (Usdin et al., 2000). In other cases, reform produces unintended consequences or other problems, such as the heavy emphasis on couple reconciliation in Latin American and Indian family courts that often leads judges to pressure women to reconcile with abusive partners in order to preserve the family (Center for Reproductive Law and Policy, 2000; Mitra, 1998). Evidence suggests several reasons why inter-sectoral collaboration is an essential element of law enforcement reform.

First, many women cannot access the justice system unless they first obtain basic information about their rights, about how to report cases to the police, and/or about how to find legal aid services. In response, non-governmental organizations throughout the world have integrated basic referral services and legal services for survivors of violence into community based health programmes, social services, and economic development programmes (Inter-American Development Bank, 2002). Second, increasing women's access to social services may make it easier for police and courts to enforce the laws. For example, an evaluation of the 1998 Domestic Violence legislation in South Africa found that police had difficulty enforcing orders of protection, prosecuting cases, and imposing jail term on perpetrators without adequate community services to assist women and children with emergency shelter, long-term housing and economic support (Parenzee, 2001). The Coordinated Community Response model (first piloted in Duluth, Minnesota, United States) is perhaps the best known and most rigorously evaluated model of ways to increase collaboration between law enforcement, health, social services, schools, and religious institutions.

Studies have demonstrated that this approach significantly improved law enforcement outcomes, such as the numbers of cases reported, the numbers of arrests, prosecution and conviction rates (Pence, 1995; Shepard and Pence, 1999). Similar approaches have been tried in middle-income countries such as Costa Rica and low-income countries such as Nicaragua. Beginning with a National Plan in 1994, Costa Rica aimed to ensure a comprehensive response to survivors by mobilizing collaboration between law enforcement and sectors such as health, counseling, housing, employment, and child welfare services (Villanueva, 1999).

In Central America, the Pan American Health Organization (PAHO) collaborated with governments and NGOs throughout the region to link law enforcement with service providers. Qualitative case studies suggest that this is a promising model of law enforcement reform for developing countries.

2.3 Actual barriers to seeking legal justice by survivors

2.3.1 Cultural barriers to seeking legal justice

GBV is a broad concept, and is present in many different forms within society at any given time. It tends to be mediated by factors such as age, religion, class and disability, and war in particular exacerbates GBV. The recognition of the use of rape and other forms of sexual violence as a weapon of war has increased since the conflicts in Bosnia-Herzegovina and Rwanda, and systematic rape is now defined as a crime against humanity under International Humanitarian Law. Acts of GBV include sexual violence, domestic violence, sex trafficking, harmful practices such as female genital mutilation, forced or early marriage, forced prostitution, sexual harassment, and sexual exploitation

(Irish joint rights consortium, 2005). Although sexual violence is often the most immediately identifiable form of GBV, it also includes the structural violence that results from gendered practices, laws and traditions. Examples of structural violence include laws that prevent women from owning or inheriting property and the endemic poverty that leads women and girls to exchange sex for basic goods. Some forms of GBV specifically affect children, such as violence against girls in school by male teachers or male pupils, including rape and sexual harassment. This may lead to their exclusion from school due to stigma, pregnancy or health complications. As a consequence, girls' capacity to learn and benefit from education is diminished. Both boys and girls are also vulnerable to trafficking, where they can be sexually exploited as well as exposed to child labour. Most fundamentally, GBV is a human rights violation.

Governments and the international community therefore have a responsibility to uphold the numerous international standards that are designed to protect the life and liberty of both men and women.

GBV is inextricably linked to the gender norms and unequal power relations present in any given society, and violence against women is one of the most common manifestations of these inequalities. Whilst women and girls constitute the majority of victims of GBV, men are the most common perpetrators, particularly those in positions of power or authority such as heads of households, teachers, police and army officers, humanitarian workers, or community leaders (Irish rights joint consortium, 2005). It is important to recognize that GBV is linked to social conditioning, which teaches men and women to act in certain ways, and to view certain types of behavior as acceptable.

This gendered stereotyping leads women to be excluded from political and economic decision-making and positions of authority, confining them to the private domestic sphere. The socialization of gender roles also encourages the perception of women as being objects or the property of men, and can lead to linkages between masculinity and violence (Enloe, 2005). It is clear that to tackle GBV at its root, these processes of socialization will need to be challenged.

Often unspoken, these norms offer social standards of appropriate and inappropriate behaviour, governing what is (and is not) acceptable and co-coordinating our interactions with others (Darlauf & Blume, 2008). Cultural and social norms persist within society because of individuals' preference to conform, given the expectation that others will also conform (Lewis, 1969). A variety of external and internal pressures are thought to maintain cultural and social norms (Darlauf & Baum, 2008).

Thus, individuals are discouraged from violating norms by the threat of social disapproval or punishment and feelings of guilt and shame that result from the internalization of norms. Cultural and social norms do not necessarily correspond with an individual's attitudes (positive or negative feelings towards an object or idea) and beliefs (perceptions that certain premises are true), although they may influence these attitudes and beliefs if norms becomes internalized. Cultural and social norms also vary widely; so, behaviour acceptable to one social group, gang or culture may not be tolerated in another.

Different cultural and social norms support different types of violence. For instance, traditional beliefs that men have a right to control or discipline women through physical means makes women vulnerable to violence by intimate partners (Mitra, 2007; Ilka,

2005) and places girls at risk of sexual abuse (Jewkes, 2005). Equally, cultural acceptance of violence, including sexual violence, as a private affair hinders outside intervention and prevents those affected from speaking out and gaining support (Khan, 2008). In many societies, victims of sexual violence also feel stigmatized, which inhibits reporting (Sable et al., 2006). Additionally, strong evidence of an association between alcohol consumption and violent behavior means that cultural and social norms around alcohol use and its expected effects can also encourage and justify violent acts. In a number of countries, harmful alcohol use is estimated to be responsible for 26% of male and 16% of female Disability-Adjusted Life-Years (DALYs) lost as a result of homicide (WHO, 2004). Societies that tolerate higher rates of acute alcohol intoxication report stronger relationships between alcohol use and violence than those where drinking occurs more moderately (Rossow, 2001). Furthermore, alcohol-related violence is considered more likely in cultures where many believe that alcohol plays a positive role by helping people to shed their inhibitions (McAndrew, 1969).

Here, alcohol can be used as a justification for violent behaviour, or consumed to fuel the courage needed to commit violent crimes. Interventions that tackle the cultural and social norms underlying risky drinking behavior surrounding alcohol can help in preventing violence (WHO 2006, 2007)

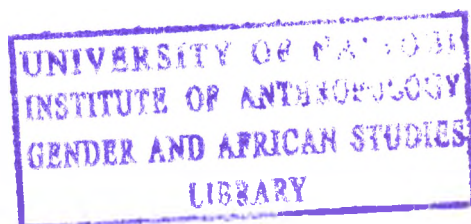
Unless women are asked directly about violence, many do not volunteer information. For example, a survey in Nicaragua found that over one-third of women who had been abused by their partners had never told anyone. Shame was one of the main reasons that women in Nicaragua gave for not disclosing violence; and fear of reprisals was another (Ellsberg et al. 2000).

Finally, in much of the world, women are unable to obtain health care without the knowledge or permission of their spouses or other male family members. Often, men will not allow their wives to visit a health center unescorted, especially if they are going to be treated for injuries due to violence.

2.3.2 Absolute income levels and interpersonal violence

Poverty has been explored in the literature as a cause and consequence of interpersonal violence. It can directly cause violence, or it can create the conditions in which those predisposed to violence will become violent. Poverty has mostly been explored as a societal-level risk factor for interpersonal violence, although some studies have also examined its effects at the individual and relationship or household levels. Gonzales de Olarte & Llosa (1999) explored the relationship between poverty and domestic violence by interviewing 359 women in Lima, Peru. They demonstrated that the percentage of poor women - based on the National Living Standards Survey - who suffered domestic violence, was higher than the percentage of non-poor women. They concluded that "poverty seems to be an aggravating factor in all types of violence", especially domestic violence.

Morrison & Biehl (1999) showed that abused women in Chile had a lower probability of working (and earning) outside the home and earned lower wages than non-abused women. Thus, domestic violence has the potential to negatively affect wages but the effect is not statistically significant or consistent across countries. Gaviria & Velez (2001) studied the burden of crime and violence in Colombia using a number of large-scale surveys covering about 40% of the national population.



They concluded that the greatest burden of crime (mainly property crime) and investments for crime prevention was on the wealthy, the greatest burden of homicides was on the poor, and the greatest burden of domestic violence was on poor, uneducated women. Glaeser (1999) reviewed the Becker model of crime (Becker, 1993) and described how unemployment and poverty can create conditions that reduce the opportunity cost of crime.

2.3.2 Employment and social networks

Gracheva (1999) documented an analysis of the socio-economic factors leading to an increasingly violent society in Russia and explored male on female violence. The paper discussed how post-Communist economic reform removed economic safety nets and caused financial crises for those who depended on them. Thus, the absolute numbers of people in poverty increased, and there was a concomitant inequality developing in the society. These changes were accompanied by an increase in the levels of other existing risk factors (such as alcohol and drug abuse), to make for a high-risk, high-violence society leading to a situation where 20% of female deaths were caused by domestic violence, and 75% of all rapes occurred under the influence of alcohol.

Contrary to studies showing greater levels of interpersonal violence among the unemployed, Gonzales de Olarte & Llosa (1999) showed in their analysis of data from Peru that men who were employed inflicted more violence than men who were unemployed.

They also showed a positive correlation between social support networks and increased subjection of violence. However, no satisfactory explanation of these findings was given although issues of cause and effect were raised by the finding of these associations.

The sociological literature also provided insights into the complexity of such relationships, but usually with crime as the outcome of study.

Devine, Sheley & Smith (1988) tested a model of economic distress (unemployment, inflation), social control policies (imprisonment, deterrence, control) and changes in the rate of crime using USA time series data covering a 40-year period. They concluded that unemployment motivated crime, but that theories exploring the relationship between macroeconomic determinants and crime must also evaluate social control policy issues. Explorations of child homicide rates across countries (Fiala & LaFree, 1988) also demonstrated the impact of women's status accompanied by economic stress in its causation. However, Fiala & LaFree studied the variation in child homicides mainly across more developed countries, so could not provide the same explanation for less developed countries.

Exploring macro-social links in the employment-violence linkage, Shihadeh & Ousey (1998) studied the links between low-skill, entry-level employment in cities and rates of homicide. They evaluated the decline in the availability of such employment in urban centres of the USA with populations of at least 100 000 (and at least 5 000 blacks) from 1970 to 1990 and found that this corresponded with increased homicide rates. Moreover, this association was true for both white and black populations, although the rates of homicides were different in both groups.

They discussed how the loss of specific jobs created economic deprivation, which in turn exerted an upward pressure on rates of violent crime.

2.4 Assumptions of the study

In line with the objectives of the study set and the literature reviewed, this study was guided by the following two assumptions:

- i. There are exist perceived barriers to seeking legal justice among gender-based violence survivors.
- ii. There are actual barriers to seeking legal justice by gender-based violence survivors.

2.5 Conceptual Framework

2.5.1 Barriers to legal help seeking model

This model was developed by Beaulaurier et al., (2008) through working with older women who experience domestic violence (DV). The model illustrates how internal and external help-seeking barriers interrelate with each other and with an abuser's behaviours. The model has twelve thematic areas that show strong relationships with experience of domestic violence and barriers to help-seeking concepts. The resulting model of barriers to help-seeking (MBHS) illustrates how identified internal and external factors interrelate with each other and with an abuser's behaviours to create help-seeking barriers (Figure 2.1)

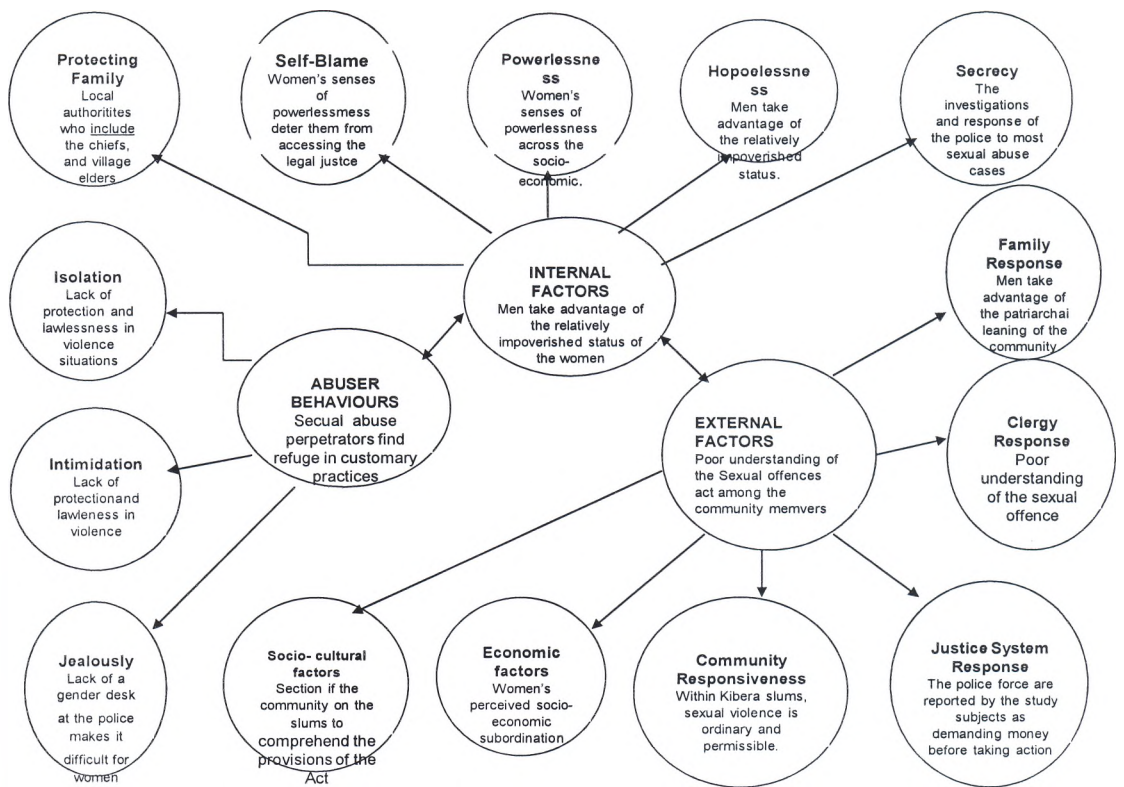


Figure 2.1 Barriers to seeking legal justice for sexually abused women Model

Source: Original to Beaulaurier et al., (2008) but modified to fit this study objectives

2.5.2 Relevance of the model of barriers to help seeking legal justice to this study

The model is explicit with internal and external factors that influence the legal help seeking behaviours of sexually abused women. Within this model, actual barriers under external factors include socio-cultural factors such as family response, systematic factors such as poor legal justice response (police blame on victims, police failure to investigate sexual abuse cases, non-supportive court procedures and lack of legal aid services), economic factors such as poverty and low income levels among sexually abused women

while perceived factors include community response and clergy response. The actual barriers under internal factors include self-blame, secrecy, hopelessness, isolation and intimidation. However, the perceived barriers under internal factors are protecting family, powerlessness and jealousy.

CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter situates the context within which the study was carried out. It gives a description of the research site, both physical and social setting, the study design, study population and unit of analysis, sampling techniques and sample size, data collection methods, data analysis and presentation. The chapter finally looks at ethical considerations and problems experienced in the field during in the course of this study.

3.2 Study Site

This study was conducted in Kibera which is located in South-West of Nairobi, approximately five kilometers from the city centre. Much of Kibera's Southern border is bounded by the Nairobi River and the Nairobi Dam, an artificial lake that provides drinking water to the residents of the city. Kibera is divided into 13 villages, including Kianda, Soweto, Gatwekera, Kisumu Ndogo, Lindi, Laini Saba, Siranga/Undugu, Makina and Mashimoni among others. This study was conducted in three villages of Kibera namely: Gatwekera, Kisumu Ndogo and Laini Saba.

The 2009 Kenya Population and Housing Census reported Kibera's population as 1,170,070 (KNBS, 2009). Kibera slum was previously thought to be one of the biggest informal urban settlements in the world. Several actors had provided and published over the years growing estimations of the size of its population, most of them stating that it was the largest slum in Africa with a number of people reaching over 1 million.

According to Mike Davis (2006), a well known expert on urban slums, Kibera had a population of about 800,000 people. International Housing Coalition (IHC) talked about more than half a million people (IHC, 2007).

3.3 Research Design

This study utilized a cross-sectional exploratory research design, utilizing qualitative methods of data collection so as to guide the exploration of perceived barriers and actual barriers faced by sexually abused women in seeking legal justice in Kibera slums. Ethnographic accounts of personal lived-experiences using in-depth interviews and Key informant interviews were used so as to give information on the barriers faced by sexually abused women in seeking legal justice in Kibera slums.

3.4 Study Population and unit of analysis

The study population included all sexually abused women in Kibera slums living in Gatwekera, Kisumu Ndogo and Laini Saba villages. The unit of analysis was taken to be the individual sexually abused woman survivor.

3.5 Sample size and sampling procedure

The study had a sample size of fifty (50) sexual abuse survivors. Convenience sampling was used to select the sample population from sexually abused survivors in the three locations and or villages in Kibera slum (Gatwekera, Laini Saba, and Kisumu Ndogo). In sum, 50 women sexual abuse survivors who were emotionally stable to give consent to this study were selected. Purposive sampling was used to identify six women sexual abuse survivors as informants for the case narrative interviews, two gender lobbyists

from COVAW, one female lawyer from FIDA-Kenya, three chiefs drawn from three locations were purposively for key informant interviews given their knowledge, professionalism and the chiefs as frequent agents of intervention in the violence within the villages.

3.6 Data Collection Methods

3.6.1 Key Informant Interviews

These were carried out with the two gender lobbyists from COVAW, one female lawyer from FIDA-Kenya and three chiefs drawn locations in Kibera. The key informants were purposively chosen to provide information on legal/policy, cultural and socioeconomic barriers to seeking legal justice across populations and specifically in Kibera slums. They also gave an insight into the judiciary system, law enforcement agencies, and insights on improving access of women to justice system by overcoming challenges. A key informant interview guide was used (Appendix, 3).

3.6.2 Focus Group Discussions

Focus group discussions (FGDs) were conducted with representatives of population sub-groups to glean their different perspectives. Purposive sampling was used to select the participants for FGDs who included middle aged married men and women, unmarried men and women, elderly men and women. The women in the FGDs involved those who had sought legal redress for sexual abuses before and still live in the selected villages for study. A total of 6 FGDs were conducted, at least one FGD for each sub-group across the three villages. FGDs comprised six to twelve respondents.

Consent for participation in the FGDs and taping of the discussions was sought. As an inclusion criterion, none of the participants in the FGDs would be below 18 years of age. The FGDs were important in yielding community perceptions and opinions on barriers to seeking legal justice faced by sexually abused women across the law, cultural and economic domains. An FGD guide was used to guide the discussions (Appendix, 4).

Table 3.1: Number of FGDs conducted

	Total number of women
FGD1- Gatwekera with middle aged women	8
FGD2 - Gatwekera with elderly women	10
FGD3 - Kisumu ndogo with middle aged women	10
FGD4 - Kisumu ndogo with elderly women	7
FGD5 - Laini saba with middle aged women	9
FGD6 - Laini saba with elderly women	12
TOTAL 6 FGDs	56

3.6.3 Case Narratives ✓

Case narratives was important in this study as it provides a richly detailed exploration of individual’s own accounts of their lived-experiences, thereby helped in achieving a holistic understanding of the perceived and actual barriers to seeking legal redress from the informants in Kibera slums.

These informants for the case narratives were purposively selected based on their past experiences with sexual abuse and legal redress system.

The case narratives were finally conducted with six sexually abused women survivors who were willing to share their life experiences with regard to the sexual violence they had undergone and obstacles they faced in seeking legal justice. A case narrative interview schedule was used (Appendix, 5)

3.6.4 In-depth interviews

Fifty in-depth interviews were conducted amongst gender based violence survivors who had reported to local police post and women's support groups or women's NGOs. The interviews comprised of 50 females who were purposively sampled. This was the main data collection instrument for this study. This method was utilized as it provides a richly detailed exploration of individual's own accounts of their lived-experiences, thereby helps in achieving a holistic understanding of the interviewee's situation. The interviews was conducted in a naturalistic setting (survivor's homes) when the survivors were in a relaxed mood other than in the centre. The interviews were conducted with the help of an interview guide containing open-ended questions so as to provide room for thorough probing to elicit detailed information.

It was used to elicit the survivor's perceptions about the nature of violence, risks and barriers to seeking care that they had experienced. An interview schedule was used (Appendix 6).

Table 3.2: A summary of interviews conducted

Data Source	Female	Male
Key Informant Interviews	3	3
In-depth Interviews	50	-
Focus Group Discussions	56	-
Case Narratives	6	-
TOTAL	115	3

3.6.5 Secondary sources

Secondary information collection was duly undertaken to provide contextualized background information on historical and contemporary issues on gender based violence and sexual violence among women in particular. Important reviews with regard to risks of gender based violence and barriers faced by survivors in seeking care were considered to build a case for this study. Information pieces were collected from existing scholarly articles, government documents, working papers and websites and/ or internet sources.

3.7 Data Processing and Analysis

Qualitative data obtained from in-depth interviews, case narratives, FGDs and key informants were transcribed, coded and analyzed thematically. For each of these data, separate code sheets were created in an attempt to establish and interpret the patterns and relationships across the contents of perceived and actual barriers in the **MBHS** framework.

All tape-recorded work was transcribed and translated into English and terms mentioned in English during interview were directly picked and used as they were spoken.

Quantitative data on socio-economic and demographic characteristics of the informants collected during in-depth interviews were coded and analyzed using Microsoft Excel.

3.8 Ethical Considerations

Relevant permission for the fieldwork was sought from different authorities: the Ministry of Higher Education's permit was granted through the National Council for Science and Technology, the Institute of Anthropology, Gender and African studies also cleared the proposal process before the field. At the field level, the local administration was served with the certified copies of the research permit from the Ministry of Education.

Before the interviews were conducted, a statement of consent was read to all subjects in the study, and they were asked for their informed consent to participate in this study. Explanations were given to all the informants and participants concerning the confidentiality issues. The study also ensured privacy and confidentiality by using codes or pseudonyms instead of names to refer to informants/participants of this study.

Confidentiality and privacy were maintained throughout data collection, analysis and dissemination stages. Due to the sensitive nature of this study, informants were given a brief introduction of the study topic and expectations in a consent form, of which they all signed to show their willingness to participate in the study. Respondents were also informed of their rights to disqualify themselves or withdraw at any stage of the study.

3.9 Problems experienced in the field and their solutions

During data collection process, a lot of the informants who expressed reservations about explaining their cases for fear of family retribution had their interviews accrued away from the houses of residence and anonymity and confidentiality provisions of this study invoked for them. This solution was also handy for the women survivors who had reservations about being taped for further transcription in post interviews.

Subjects who had initially agreed to be interviewed but were emotionally overwhelmed in the interview process were conveniently replaced by using the survivors in the fourth household from their places, a problem that occurred five times.

Certain sections of the tools of assessment which were not comprehensible to the subjects were translated in Kiswahili to help build clarity and create precision on capturing the core objectives of the study in subsequent responses.

CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS

4.1 Introduction

This chapter presents the findings and observations of the study on barriers to seeking legal help by sexually abused women in Kibera. The demographic characteristics of the informants are also been presented.

4.2 Demographic characteristics of the respondents

The study targeted only female respondents, comprising 50% of the informants, the youthful informants were aged between 18 and 30 at 30%, those aged 46 years and above at 20%.

The single women account for 20% of the study participants, married women account for 30% while those either divorced or separated account for 50%.

Those who had completed primary comprised 88%, those with incomplete secondary education 11%, while those who completed secondary school comprised 1% of the informants. None of the informants interviewed had any access to tertiary education.

Ninety four percent of the informants earned below Kshs. 2000 a month while the remaining 4% earned between 3000 and 5000 monthly.

On disaggregation by place of residence, 30% of the respondents were drawn from Kisumu Ndogo, 45% from Laini Saba and the remaining 25% were drawn from Gatwekera. The demographic characteristics are summarized in Table 4.1 below.

Table 4.1: Demographic characteristics of the informants (IDIs) (N=50)

Variable	N
Age	
18-30 years	10 (20%)
31-45 years	23 (46%)
46 years and above	17 (34%)
Marital status	
Single	10 (20%)
Married	15 (30%)
Divorced/separated	25 (50%)
Educational level	
Primary complete	39 (78%)
Secondary incomplete	10 (20%)
Secondary complete	1 (2%)
College/University	0 (0%)
Income level	
0-2 000	44 (88%)
3000-5000	6 (12%)
6000-8000	0 (0%)
9000 and above	0 (0%)
Place of residence	
Kisumu Ndogo	14 (28%)
Laini Saba	19 (38%)
Gatwekera	17 (34%)

4.2.1 Perception of sexual violence among Kibera women

The study sought to know from the subjects their understanding of sexual violence as a community. This was necessary in generating an understanding on the topic of study as well as gauging the subjects' knowledge on sexual abuse as a form of gender based violence. Most subjects in this study defined violence as act of raping, beating, pushing, and coerced sexual intercourse by someone they are quite intimate with or even a stranger given their experiences in their environment.

It [sexual violence] refers to rape or even in the home when your spouse wants to have [sexual] relations but you are not interested he will do it by force. **(IDI with a 28 year old mother of three)**

Sexual violence is being forced to have sex by your friend, husband or even by someone you are not familiar with **(IDI with a 30 year old mother four)**.

Sometimes you can even wake up and find your husband busy doing it. That is not good. If a spouse comes home late in the night and is drunk, he will insist because you are married and if you don't oblige he ends up abusing you. **(IDI with 40 year mother of six)**

Consensus from focus group discussions with women survivors¹ of sexual abuse on sexual violence point to situations where lack of consent to any sexual advances from a male amounts to sexual violence:

Our understanding of sexual violence is being used for sexual purposes without one's consent. It is being forced when you were not expecting it. You could be walking on the road and someone fondles your breasts, buttocks or even private parts; a man can rip off your clothes take you to a bush and defile you. **(FGD with women in Laini Saba)**

For majority of women in this study drawn across focus group discussions and in-depth interviews, sexual violence occurs when the victim does not give any consent to the sexual activities. In this case, rape, uninvited touches from opposite sex, coercing spouse for sex against wishes and other forms of physical violence as beating and pushing by opposite sexes amount to sexual violence.

¹ Women survivors in this study refer to the women who had been sexually abused within Kibera slums and sought legal redress before the date of interview irrespective of whether the cases were carried out to their logical conclusion in a court of law.

4.2.2 Causes and spheres of sexual violence

The study sought to find out the causes of sexual violence and spheres where sexual violence occurs within the community. Various informants and participants in the study mentioned insecurity especially among single mothers, alcoholism, and unemployment coupled with severe poverty and indecent dressing by women.

Some people take advantage of the many single mothers in Kibera since they have no one to protect them. Most of those who are raped are those that consume alcohol and end up getting drunk (**IDI with a single mother of three**)

Most of them are single so when she has gone to look for a job like going to wash someone's clothes, people lure them and end up sexually abusing them. It could also be that a person has been admiring you but you have ignored their advances hence they believe the only other way is resorting to force. When women dress scantily and expose parts of their body, they increase their chances of being abused. (**FGD with women in Kisumu Ndogo**)

Some men were said to take advantage of the prevalent poverty situation to trick women into non-existent jobs and/or offer opportunities for that turn into traps for sexual abuse.

The neighbours in whose hands children were left when their parents go to work are also said to take advantage of their positions to abuse the female young children pointing to the appalling of abuse extent within the slum areas. FGD participants concurred that:

In cases where you have to look for odd jobs such as washing people's clothes, it is very easy to be abused. A house occupied only by men uses the front of dirty clothes to trap women and sexually abuse them. It is mostly poverty and unemployment. If a person knows that a child's parents are poor or negligent, they can use it to their advantage and offer them food and money and later on end up raping them. Most women leave their children at home when they go to work and neighbours take advantage of this. (**FGD with women survivors in Kisumu Ndogo**)

From this study, sexual violence was found to be manifest in both the domestic and public spheres. While women and children were mostly the victims of sexual violence,

the study subjects also contended that men were at times abused. According to the informants:

It can be anywhere, even on a bus, where you start touching a woman without her consent, men and even little (young) boys have been sodomised thus sexual violence in this area is not that biased towards females. These people (perpetrators) can rape you anywhere whether on the streets, in the bush or even in the house when you're a single mother and you have no one to protect you. (FGD with women in Gatwekera location)

4.3 Barriers to seeking legal justice for sexually abused women in Kibera

4.3.1 Power relations as a barrier to legal justice

Power imbalance between men and women is the greatest cause of sexual violence and a barrier to seeking legal justice as the findings of this study indicate. Women's perceived socio-economic subordination in different settings within the Kibera slum often makes it difficult for them to get help whether from the police force or the court system itself. Most men in the communities where this study was carried out want to be in control of the environment around their families and perceive any opposition from their women as a threat to their control and culturally bestowed authority as expressed by the subjects in this study. The women interviewed in this study indicated that most men in the community believed that the best way to regain control over their wives is to force them back including use of sexual force. In the event of conflict situations, the respondents stated that the family as a comfort zone even turns tragic where women frequently face double tragedy.

We depend mostly on our men to survive in this community so if you go ahead and report him for sexual abuse then who will feed you? Women are supposed to be subject to men and at certain points we go to the extent of tolerating abuses as a normal part of life because we cannot fight our husbands whether physically or economically. Most men here use violence to silence their women too; they argue

they are the ones who have brought you to the city...you cannot overrule their order and so the abuses continue unabated. **(FGD participants in Laini Saba)**

These cases point to the mental orientation that women are subservient to men, and in this case, men in the slum would take advantage of the relatively impoverished status of the women to perpetuate sexual abuses. The men's position as breadwinners is exploited for sexual violence within the slums.

You cannot resist sexual demands from your spouse, a lot of them will find alternatives in the women living in the neighborhood, and they can even abandon you with your children to make you feel hurt and beg them back...that is the danger of resisting men's sexual advances when you do not have a source of income. Some also argue that they had paid the bride wealth so you have no alternatives in denying them their right (sexual relation). **(IDI with 36 year old woman, mother of four)**

From the findings, men naturally take advantage of the patriarchal leaning of the community in the slum areas to dominate and sexually abuse the females. Women's senses of powerlessness across the socio-economic and political spheres within the slums interact to deter them from accessing the legal justice which they believe is represented and dominated by men. As a rule of the thumb within the slum areas, most women who have been sexually abused would resort to deal with the problems at home.

4.3.2 Lack of economic empowerment for women as a barrier to legal justice

Most women depend on their men for sustenance, and therefore, become vulnerable to male aggression. Men in the slums use their considerably higher economic status to make unnecessary demands on the women and enforce these demands through sexual violence on women. Paradoxically in the slum, women have taken it as their fate to remain dependent on men as observed during the study period:

There is just overdependence on men especially among these young and newly married women on their husbands...men take advantage of that and perpetuate all manners of abuses because the women are giving them the power of being some demi gods in the area. Secondly, men can easily get fast construction jobs with some sort of incomes relative to women so at the end of the day, the man wield high economic say in this kind of set up that makes them to control the first level of authorities where reports are made like the village elders' places and chiefs' camps. **(Key informant interview with a rights body lawyer)**

Poverty within the slum areas both perpetuate sexual abuse and obscures legal aid. In this study, a self-induced poverty makes women in economic dependency to enter and remain in risky relationships in order to ensure continual access to food and shelter. Even in cases of sexual violence, survivors had to choose between withdrawing the charges to secure a means of livelihood or having the perpetrators incarcerated to and bring upon poverty into the family. A key informant interview revealed that:

Poverty situation in the environment where a lot of these women live interact with the long process of law and at certain points, the amount of money needed to open a case file is far above them. This is why some of the survivors of sexual violence resolve to receive meager compensation from abusers rather than go through a process they deem long and expensive. Poverty is naturally a structural barrier that needs to be broken because it obscures the minds of these women to settle for what they are not worth and perennial abusers take advantage of the same especially those who abuse children. **(Key informant a rights activist in the community)**

The police force are reported by the study subjects as demanding money before taking action on the offenders which makes a lot of women to take a backseat given their economically deplorable situation. The continued demands for fuel cash among others has discouraged the survivors from reporting to the police and most survivors opt for local settlements.

They [the police] tend to ask for a lot of money in order to help someone. If you went to report a case and you didn't have money you might end up being the one in trouble. . At times they go for a letter from the chief first but when they get to the police they are told to bribe them or supply money for fuel, which they don't have. **(IDI with 26 year old survivor of sexual violence)**

4.3.3 Culture as a barrier to legal justice

Sexual abuse cannot be understood without a reference to social structures and gender norms that define women's vulnerability to violence. In most cultures, traditional norms, social practices and customs legitimize violence against women. The subordination of women to men results from the generational gender stereotypes that are entrenched in these societies. Within Kibera slums, communities have held unto their rural customary practices to the extent that sexual violence is regarded to be ordinary and permissible. Both study subjects and key informants concurred that traditional stereotypes are reflected more within the slum set ups in the urban areas. With respect to sexual abuse, perpetrators of the offence find refuge in customary practices to chastise their actions. With customs as a reference point, a lot of women survivors of sexual violence do not bother to pursue the legal justice system for any redress, instead, families and community councils are gradually talking shape as violence intervention points. A key informant revealed that survival within the slum areas that predominantly have a certain ethnic community dominate village replicates the rural situation therefore certain things are tabooed to be spoken in public hence they resort for family or indoor settlement.

You do not want to go against the values and modalities of your community that predominantly surrounds you... so you just opt to tolerate and refer abuse cases to the family members and close kinsmen. The problem is that these settlements are based on mutual agreements not some fundamental legal provisions to give a closure to the victims. **(Key informant interview with a local NGO lawyer)**

The scenario helps to explain the cases of underreporting of sexual abuses as well as the seldom pursuing of legal justice process by the women survivors of sexual violence.

4.3.4 Redefining masculinity

The conventional view that men are naturally breadwinners in the families make men turn into aggression that include sexual abuse in order to suppress and make their women subservient including closing the female relations when they feel the economic rise in the women is a threat to the prevalent *status quo*. An informant observed that men in such environment express and determine their masculinity by involving themselves in domineering activities such as raping women or uninvited touching and fondling of women provided it satisfies their egos.

Some of these young boys just want to ascertain their masculinity, otherwise why would a young man in his early twenties go ahead and willingly waylay and victimize a woman as old as his would be grandmother?. It is even surprising that some of the abusers are known to the survivors but they say it is men with real power who dare such acts.... **(Key informant interview with the chief in Laini Saba village)**

The masculinity question has blended with the local authorities who include the chiefs, village elders and the police who more often see women as provoking and overstepping their mandates to invite abuses thus women drop the charge against male perpetrators. The authorities at certain points blame the women survivors for either their scanty dressing or walking in the perceived dangerous spots at night thus inviting gang attacks which end up in rapes to themselves. A key informant observed that; you don't expect these many unemployed young men roaming around at night to spare girls on their way home late at night...in fact they often attack, steal, beat and rape leaving their victims unconscious. **(Key informant interview with chief in Gatwekera village)**

4.3.5 Inadequate legal framework for protection

The Sexual Offences Act of 2006 stipulates penalties for acts of sexual violence including marital rape. However, marital rape is particularly problematic to prove due to lack of witnesses or medical evidence of occurrence. Although some respondents understand Sexual Offences Act but they are not aware of legal penalties and some provisions due to ignorance.

It was [sponsored by Hon. Njoki Ndung'u and] passed in 2006 by [Parliament] and it explains what actions constitute sexual abuse such as rape, attempted rape, child prostitution, child pornography, gang rape, sexual harassment, incest by male or female, child trafficking, attempted defilement, defilement, deliberate transmission of HIV or any STDs and exploitation of prostitution. **(FGD participants on the Sexual Offences Act)**

Informants in the study also concurred with some little knowledge on the Sexual Offences Act that should protect and provide legal justice channels for them. However they had reservations on the extent to the provisions of the act are being enforced:

Yes. I went through it and it stated that whoever sexually abuses someone is subject to punishment according to the type of abuse he has committed. But I often wonder, why officers say that a grown up woman can't be raped and that she agreed to the act. **(IDI with a 40 year old community mobilizer and sexual abuser survivor)**

The absence of community paralegals also emerged as a reason for poor understanding of the Sexual Offences Act among the community members. The legal terms coupled with low level of education, consistent lack of exposure legal seminars fuse to make it difficult for a large section of the community on the slums to comprehend the provisions of the Act as observed by a key informant:

You may want to breakdown the legal terminologies in the Act for a lay person to understand and at the same time they need consistent trainings to be able to actualize the components of the same but given the situation in slums, a lot of these activities have not been effected so majority suffer out of constitutional ignorance. **(Key informant interview with a lawyer from a local NGO)**

4.3.6 Insecurity in the context of violence

During violence like in the post-election period in 2007-2008 Kenya situations, lack of protection and lawlessness fueled sexual violence with women mostly on the receiving end. The police, military officers, aid agents may often turn into perpetrators. This study established from the accounts of survivors that uniformed personnel committed sexual abuses on the women they were supposed to protect. In the vulnerable circumstances of the time, pursuing any legal redress against the government agents was impossible given the low risk of identification.

...many women were raped, the police chased away the men and turned onto women and young girls left behind, most people were raped right in front of their children or alongside their daughters, we did not know the people at all because most of them were in forces' uniforms...we thought they had come to save us but they instead abused us and left us in pain...the subsequent reports to the authorities have yielded nothing to date...that is how bad insecurity has ripped us of our dignity in Kibera. **(Case Narrative with a woman in Gatwekera village)**

A key informant also observed that insecurity in violence situation gives advantage to perpetrators who contend that their identity will be anonymous and that is why instant mob justice frequents any perpetrators who are caught in the act: "The abusers take advantage of the chaos, they loot and rape the perceived enemies depending on your community affiliation at the conflict time, however, when the public catches up with them you do not expect any legal justice to be pursued, they always end up beaten up or at worst killed" **(Key informant interview with an area Chief).**

4.3.7 The police response

The investigations and response of the police to most sexual abuse cases are taken by most subjects in this study to be shoddy, dubious and devoid of professionalism. An informant observed that:

Laxity by the police to dig deep into reported cases, take the samples of clothes for medical test and subsequent use as evidence, the rough handling of the survivors have all come to hamper any positive development in ensuring justice for the sexual abuse victims. **(Key informant interview with a Women's Rights Lobbyist)**

The scenario has resulted into few cases being convicted successfully as observed by a key informant. Thus, so many residents in Kibera slums go for the local; council and village elders to address their issues rather than the police whom they think are not interested in solving domestic violence cases.

The police cannot prosecute their fellows especially cases that came up after the postelection violence even where the survivors could positively identify the officers, their appeals were dismissed as lacking any evidence:

There are those who could identify those who had abused them who were part of the forces that were maintaining security in the villages at the time but no one could act on their cases instead they were being victimized for false allegations with a threat of being jailed or they easily gave up the cases. **(IDI interview with 44 year old woman abused during the post election violence period)**

Some police officers are found to be indifferent to the plight of the survivors perhaps due to their cultural orientation. Specifically, the male police officers are insensitive to women's needs at the station and do not handle the women survivors in a manner that they can open up and present their cases without the fear of being intimidated or sent back to go and resolve the cases with their husbands at home. Lack of gender desks at some of police posts also makes it difficult for women who have experienced consistent

marital rapes to report as they cannot register every case in then formal Occurrence Book as observed by an informant. “Not so many women would want to share a personal lived experience with everyone at the occurrence desk, there is need for a gender sensitive desk for such cases of domestic nature, these people need to be handled with care and erected at the end of the day but it is sad a lot of the police posts re yet to initiate the same”

(Key informant interview Lawyer from a local NGO)

4.3.8 Court systems and dispense of justice

There are clear penalties that have been stipulated within the Sexual Offences Act (2006) with respect to rape, attempted rape, compelled or induced indecent acts and defilement. However, sentencing with respect to sexual violence cases has been left to the discretion of the court. This is more often determined by the prosecutor’s’ behaviour or that of the survivor and has always turned to be lenient. A key informant observed that:

Our laws have loopholes that might really offer stiffer penalties for cases like marital rape that is mostly sexual, so we still need amendments to the Act and met out more defined penalties rather rely on the witness and prosecutors’ accounts in determining the rulings. **(Key informant interview Lawyer from FIDA)**

CHAPTER FIVE: DISCUSSION, SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a detailed discussion of the findings relative to other studies on sexual abuse and barriers in access to justice. Summary based on the study objectives, methodology and findings also presented in this chapter. Finally, the chapter presents the recommendations on overcoming the barriers to accessing legal justice for the women survivors of sexual abuse.

5.2 Discussion

An understanding of the perceived meaning of sexual violence among a group is an important aspect in designing the subsequent intervention programmes. This might be influenced by the environment in which survivors live and experience violence, the extent to which they have been sensitized on manifestations of violence and the lived accounts of offences that they witness in their community. The subjects in this study defined sexual violence as acts of raping, beating, pushing, and coerced sexual intercourse by someone they are quite intimate with or even a stranger given their experiences. This perspective heavily borrows from the Irish Joint Rights Consortium (2005) which in describing the acts of gender based violence included sexual violence, domestic violence, sex trafficking, harmful practices such as female genital mutilation, forced or early marriage, forced prostitution, sexual harassment, and sexual exploitation.

Particularly, the community understands of sexual abuse as uninvited touches, coerced sexual intercourse even if it involves the spouse gives an insight into a mega conceptualization of sexual abuse.

The study subjects further argued that sexual abuse is manifested in cases where men touch the females' breasts or buttocks without the females' consent. This opinion concurs with the U.S. Department of Health and Human Services (2006) that termed sexual abuse as any physical contact of a sexual nature without voluntary consent. According to this department, sexual assault includes inappropriate touching, vaginal, anal, and oral penetration, sexual intercourse, rape, attempted rape, and child molestation plus torturing the victim with many sexual ways.

The study subjects also view sexual violence to be a public and domestic sphere occurrence, a gender blind act though with more girls and women as the victims relative to boys and men who are sexually abused and/or assaulted in Kibera community. This finding confirms earlier findings by the UNFPA (2003) which shows that globally at least one in every three women has been beaten, coerced into sex, or otherwise abused in her lifetime. It also reveals that more than 20 percent of women are reported to have been abused by men with whom they live. While a lot of ailments associated with the abuse are attended to, the stigma, lack of justice for the victims, the economic deprivation and the overall pain of living in post-sexual abuse scenario deeply wound the women which confirm a study by WHO (2005) showing that sexually abused women aged 15-44 years account for more death and disability than the combined effects of cancer, malaria, traffic injuries and war. Similarly, the consequences of sexual abuse especially among the survivors of gang rapes are severe in ill health and consistent treatments for multiple

infections, some of which the sexual abuse survivors might not afford due high poverty burden hindering their access to healthcare coupled with lack of compensation in the long and unpredictable justice system. The study findings thus concur with the epidemiological evidence showing that violence is a major cause of ill health among women and girls, as seen through death and disabilities due to injuries, and through increased vulnerability to a range of physical and mental health problems (Krug et al., 2002; Mugawe & Powell, 2006).

With respect to perceived barriers to accessing legal justice, the study subjects have faulted the government agencies especially the police force for shoddy, corrupt practices through collusion with economically able offenders to dismiss cases as well as ignorance of the provisions and opportunities for legal redress in the Sexual Offences Act (2006). This study indicates a lackluster by the government to devolve resources for sensitizing the community on the contents Sexual Offences Act passed in 2006 and the police are not doing their best to uphold to the contents of this act despite being charged with maintenance of law and order in the society. The study is thus commensurate with the findings of Human Rights Watch which indicated widespread failures to enforce existing laws have been documented by Human Rights Watch (1997; 1999; 2000; 2001; 2002; 2003a) in countries as diverse as Afghanistan, Brazil, Iraq, Jordan, Nepal, Pakistan, Peru, South Africa, Uganda, Uzbekistan, and Zambia. Kenya passed a Sexual Offences Act (2006) that imposed heavy penalties on perpetrators of gender based violence. The relevant chapters of the current Kenyan constitution in its section on the Bill of Rights assures every Kenyan citizen unimpeded access to legal redress and that there should be no discrimination whatsoever based on gender, ethnicity and age.

In essence, the government of Kenya has failed to budget resources for implementing new legislation by sensitizing the people on its provision thus it cannot serve the interest of sexual abuse survivors within Kibera slums given their high level; of ignorance of the Act. Police often fail to investigate cases or protect women in danger, and the judiciary is often unable or unwilling to enforce the laws.

Police as a hindrance to the justice system for the sexual abuse survivors is also manifest where the law enforcement institution often faces a severe lack of resources for personnel, equipment, training, and transportation. The study subjects reported incidences where the police demanded the survivors to provide money to fuel their patrol vehicle to go and make arrests, lack of gender sensitivity in handling domestic cases within the police posts. The net effect of this has been lengthy time taken to bring offenders to justice or at certain points lack of arrests at all making many women survivors of violence interviewed in this study either to resort to local settlement headed by the are chiefs. In similar studies by Human Rights Watch (1997, 1999, 2000, 2001, 2003a, and 2003b) indicated that many legal systems are plagued by police corruption, expensive slow and inaccessible courts, and an unaccountable judiciary. Moreover, police officers are not trained as prosecutors in gender-based violence and many see sexual violence, including marital rape as a private matter. This has led to a lack of confidence in the law enforcement response to acts of violence against women and thus to the subsequent under-reporting of rape and other forms of sexual violence against women in Kibera slums as the key informants confirmed in this study. According to Amnesty International (2002) many women who were interviewed on probability of reporting sexual violence and rape stated that “they were reluctant to approach the police and had only reported

their case when the violence had become so extreme that they needed intervention to protect their lives”.

In Kibera slums based on the accounts of the study subjects, a lot of sexual abuse cases within marriage and highly stigmatized rape are often reported when the situations become unbearable for the victims especially where initial local and family solution to the abuse is ignored by the perpetrator.

Judicial system as a perceived barrier has also played bigger role in preventing the sexually abused women from pursuing justice. The study subjects consider the courts to be bureaucratic, long and costly without a surety of compensating the survivor especially if the proof does not hold enough for the perpetrator to be convicted. Furthermore, there is a general belief among the study subjects that the judiciary officers are manipulated with money to serve the interest of the offenders in which case, the plight of the survivor is not fully attended to hence no justice is seen to be forthright from the judiciary corridors. The subjects in this study expressed the need to constitute a host of judicial reforms with a gender lens to take into account the cases of sexual abuse prevalent within the slum areas especially for the women survivors. With the realization of the inadequacy in the court systems to address gender based violence cases including sexual abuses, a host of countries have enacted judicial reforms to address gender based violence. Special courts for crimes against women and children and/or for family matters have been introduced in Asia, Africa, and Latin America. Other reforms include policies that allow closed court hearings for victims of sexual offences (Tanzania); closed-circuit television testimony and separate waiting areas for vulnerable witnesses or victims (Zimbabwe and

South Africa); and special courts for sexual offenses (South Africa, Ghana) (Center for Reproductive Law and Policy, 2001 and 2002).

This is the direction to be adopted in order to bring on board the interest and faith of the slum dwellers in the legal justice system.

With respect to actual barriers and cultural deterrents in particular, sexual abuse is a broad concept, and is present in many different forms within society at any given time. Sexual abuse tends to be mediated by factors such as age, religion, class and disability. Sexual abuse can be argued to be inextricably linked to the gender norms and unequal power relations present in any given society, and violence against women is one of the most common manifestations of these inequalities. In this study, most offenders are found to be men while women and children often fall victims. The whole aspect of patriarchal dictates where men are the heads of the households, breadwinners and decision makers has helped to perpetuate abuses unabated in Kibera slums. Men have continued to abuse their wives and other females as a form of impacting some sense of discipline while at the same time finding solace in cultural practices that confine the women to the actions of men without challenging authority. This draws from the power imbalances between men and women manifest in the social, political and economic arena. In this regard, men have used their dominance to obscure women's access to justice in Kibera slums especially through economic dominance where they intimidate their victims on abandonment, bribe the authorities or prejudicially compensate their victims to withdraw any charges against them. In a previous study by Irish Rights Joint Consortium (2005), it was found that whilst women and girls are constitute the majority of victims of gender based violence including sexual violence, men are the most common perpetrators, particularly those in

positions of power or authority such as heads of households, teachers, police and army officers, humanitarian workers, or community leaders.

The socialization of gender roles also encourages the perception of women as being objects or the property of men, and can lead to linkages between masculinity and sexual violence. It is clear from the findings of this study that to tackle sexual violence at its root, these processes of socialization will need to be challenged. Thus, individuals are discouraged from violating norms by the threat of social disapproval or punishment and feelings of guilt and shame that result from the internalization of norms. Cultural and social norms do not necessarily correspond with an individual's attitudes (positive or negative feelings towards an object or idea) and beliefs (perceptions that certain premises are true), although they may influence these attitudes and beliefs if norms becomes internalized. In a study to determine the extent to which culture determines individuals' level of violence, Darlauf & Baum (2008) stated that a variety of external and internal pressures are thought to maintain cultural and social norms. Put in Kibera slum context, the economic power wielded by men, the high rate of insecurity, the socio-economic dependency of women on their men and domination of local dispute resolution mechanisms or systems by men all contribute to perpetuation of male dominance and cultural practices that disadvantage women including denying the women the right to report top the authorities when they are sexually abused. Equally, Khan (2008) argued that cultural acceptance of violence, including sexual violence, as a private affair hinders outside intervention and prevents those affected from speaking out and gaining support including that of pursuing legal justice.

Economic deplorability and dependency of women on men both increase incidences of sexual violence and act as barrier to pursuing legal justice in Kibera slums. In particular, previous studies by Gonzales de Olarte & Llosa (1999) indicate that poverty has mostly been explored as a societal-level risk factor for interpersonal violence, although some studies have also examined its effects at the individual and relationship or household levels.

5.3 Summary

This study has assessed the barriers faced by sexually abused women in seeking legal justice in Kibera. In particular, the study has looked at the perceived and actual barriers to seeking legal justice as experience by the sexual abuse survivors in the three villages of Gatwekera, Laini Saba and Kisumu Ndogo.

Understanding barriers to legal justice has been key in this study because it reflects the voices of the people, creates platform for responsiveness from the government agencies and private actors in access to legal services especially for the poor groups and women in particular. Having a gender perspective in access to justice is important because it helps to highlight how culture through gender norms interacts with the living environment to deter women from accessing legal; justice even when they are sexually abused by people they know in the slum community. From the barriers to help seeking model used in this study, it has been realised that culture subsumes the actual barriers because it acts as a main deterrent and form of reference for both the abused and the perpetrators. Economic vulnerability and dependency of women on men also heighten their inability to sustain the long process of legal justice thus affecting the frequency with which sexually abused

women can file and sustain the cases against the offenders in the judiciary system. On the hand, the judiciary system and the police as state agents enforcing the law form a strong backbone to perceived barriers to seeking justice by sexually abused women in Kibera slums thus the model adequately addresses the set objects and assumptions of this study. Ensuring proper justice for sexually abused women require high sensitization of the women on the provisions of the Sexual Offences Act of 2006, high mobilization of community to abandon cultural practices that perpetuate abuse, bringing men on board as agents of advocacy against violence as well as strengthening the judiciary system on gender based violence response for the slum women through special court sessions. Moreover, the police must be trained in various aspects of addressing gender based violence and domestic violence including sexual abuse to avoid the cases of underreporting that have been witnessed either due to police harassment or insensitivity to the needs of the women survivors.

5.4 Conclusion

Conceptualization of sexual violence by slums women is relatively high and commensurate with previous studies that look at violence as a nonconsensual sex, uninvited touches and other forms of sexual harassment.

The study also found low reporting of cases among the sexually abused to the police but high preference for family members, local village elders and women groups in the local set up. Several barriers affect the access to legal justice for sexually abused women in Kibera slums that range from cultural perspectives, poor legal system and justice

dispensations for the abused victims, economic deprivation of the abused, high stigma among abused women and the frequent resort to local dispute resolution mechanism.

5.5 Recommendations

- There is need to strengthen the available gender- desk in police posts and ensure the establishment of gender-desk points in polices posts that have not established them in order to take care of the sensitive needs of women who have been sexually abused when they are reporting.
- The police officers need to be trained on conducting sexual abuse investigations in collaboration with medical personnel to reduce instances of dismissal of cases due to insufficient evidence.
- There is need for heightened sensitization of the Kibera community on the contents of the Sexual Offences Act of 2006 and how they can seize the opportunities provided in the Act for accessing legal justice.

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APPENDICES

Appendix 1: Work Plan

MONTH ACTIVITY	NOVEMBER 2010- FEBRUARY 2011	MARCH 2011	APRIL- MAY 2011	JUNE - AUGUST 2011
Problem Identification				
Review of Literature				
Questionnaire Development				
Questionnaire Pre-testing				
Data Collection				
Data Analysis				
Report Writing Submission & Presentation				

Appendix 2: Individual Consent Form

Hello, my name is Hellen Lutta. I am a student of the University of Nairobi in Gender and Development studies. I am conducting a survey in Kibera to learn about barriers faced by sexually abused women in seeking legal justice. You have been purposively chosen to partake in this study as a resident of this village.

Be assured you that all of your answers are going to be kept absolutely secret. In addition, I will not keep a record of your name or address or any other information that will expose your identity. You have the right to stop the interview at any time, or to skip any questions that you don't want to answer. There is no right or wrong answers. Some of the topics may be difficult to discuss, but many women have found it useful to have the opportunity to talk. Do you have any questions?

(The interview takes approximately (20) minutes to complete). Do you agree to be interviewed? Yes No

DOES NOT AGREE TO BE INTERVIEWED

THANK PARTICIPANT FOR HER TIME AND END INTERACTION.

AGREES TO BE INTERVIEWED.

Is now a good time to talk?

It's very important that we talk in private. Is this a good place to hold the interview, or is there somewhere else that you would like to go?

Appendix 3: Key Informant Interview guide

Hello, my name is Hellen Lutta. I am a student of the University of Nairobi in Gender and Development studies. I am conducting a survey in Kibera to learn about barriers faced by sexually abused women in seeking legal justice. You have been purposively chosen to partake in this study as a resident of this village.

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(The interview takes approximately (20) minutes to complete). Do you agree to be interviewed? Yes No

What is your understanding of sexual abuse in the slum settlements?

Common forms of sexual abuse prevalent in the slums

The Sexual Offences Act and the sexual abuses

The socio-economic context and sexual abuse

Differential experiences of sexual abuse and their causes

The legal procedures for seeking redress when abused

Cultural and economic challenges to seeking legal justice in Kenya

Appendix 4: Focus Group Discussion guide

Hello, my name is Hellen Lutta. I am a student of the University of Nairobi in Gender and Development studies. I am conducting a survey in Kibera to learn about barriers faced by sexually abused women in seeking legal justice. You have been purposively chosen to partake in this study as a resident of this village.

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(The interview takes approximately (20) minutes to complete). Do you agree to be interviewed? Yes No

Understanding of sexual abuse as a community

The prevalence of sexual abuse in the community

Any specific contributors to sexual violence in the community

How does the community deal with incidences of sexual violence?

Is there an understanding of Sexual Offences Act by the community?

Seeking legal redress: the challenges and opportunities perceived by the community

Appendix 5: Case Narratives guide

Hello, my name is Hellen Lutta. I am a student of the University of Nairobi in Gender and Development studies. I am conducting a survey in Kibera to learn about barriers faced by sexually abused women in seeking legal justice. You have been purposively chosen to partake in this study as a resident of this village.

Be assured you that all of your answers are going to be kept absolutely secret. In addition, I will not keep a record of your name or address or any other information that will expose your identity. You have the right to stop the interview at any time, or to skip any questions that you don't want to answer. There is no right or wrong answers. Some of the topics may be difficult to discuss, but many women have found it useful to have the opportunity to talk. Do you have any questions?

(The interview takes approximately (20) minutes to complete). Do you agree to be interviewed? Yes No

Kind of sexual abuse experienced and events surrounding it

Where was the report of the incidence made?

Knowledge of the perpetrator and kind of relationship

Cultural and economic barriers experienced in addressing the abuse case

Any legal procedures instituted against the perpetrator

Life after abuse and community perception

Appendix 6: In-depth interview guide

When the abuse occurred?

Where did you report?

How were you treated/ handled?

Any problems you faced at the reporting centre?

How has the community treated you since then?

Did you face any financial/ economic problems?

How have you coped since the abuse?

Is there enough family/ community support?

