

UNIVERSITY OF NAIROBI
FACULTY OF ARTS
DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

**"DETERMINANTS AND CONSEQUENCES OF GENDER BASED DOMESTIC
VIOLENCE AMONG INTIMATE PARTNERS. A CASE OF NYAMIRA COUNTY"**

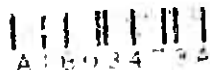
BY

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**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTERS OF ARTS IN
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UNIVERSITY OF NAIROBI**

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DECLARATION

I declare that this research project is my original work and has not been submitted to any other institution for academic award.

Signature:.....

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Declaration by Supervisor

This research project has been submitted for examination with my approval as the university supervisor.

Signature:.....

Date:05/10/2018.....

PROF. EDWARD MBURUGU

DEDICATION

This work is dedicated to all those who supported me in order to realize my dreams:-

To God Almighty who has brought me this far, Amen.

To my fiancée who sacrificially gave her time and support in order to make my studies a bearable moment.

To my dear parents, Peter and Esther who gave a lot of moral support and prayed tirelessly for my success.

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ABBREVIATIONS

ACORD-Agency for Cooperation and Research Development

AIDS-Acquired Immune Deficiency Syndrome

CEDAW-Convention on the Elimination of All Forms of Discrimination against Women

CSO- Civil Society Organizations

FIDA- Kenya- Federation of Women Lawyers, Kenya

GBDV- Gender Based Domestic Violence

GVRC- Gender Violence Recovery Centre

HIV-Human Immunodeficiency Virus

IPV- Intimate Partner Violence

KDHS-Kenya Demographic and Health Survey

KI-Key Informant

SGBV-Sexual and Gender Based Violence

SID-Society for International Development

SPSS- Statistical package for social sciences

UDHR- Universal Declaration of Human Rights

UNFPA-United Nations Population Fund

WHO- World Health Organization

ABSTRACT

Domestic violence is widely prevalent in Kenya and cuts across ethnic boundaries, class, and level of education, income and age. It takes place and exist even where there are strong legal mechanisms. The constitution of 2010 prohibits all forms of discrimination. Many governments have committed themselves to prevent and end Gender violence by ratifying international conventions and declarations. Despite these efforts gender violence is still rampant hence the need to continuously conduct research on it.

The main objective of this research was to assess the status of gender based violence in light of the new constitutional dispensation among intimate partners a case of Nyamira County. In order to achieve this, the specific objectives were: to determine the extent of awareness of laws against gender based domestic violence as provided in the new constitution; to find out if intimate partners have been educated about their human rights and duties by civil society organization and government agencies ; to establish the prevalence of GBDV among intimate partners in Nyamira county; to examine the legal, socio- cultural and economic factors relating to Gender based domestic violence and finally to determine the consequence of GBDV among intimate partners in Nyamira county. A survey of 180 respondents was conducted through the use of systematic random sampling technique. Also, chiefs, village elders, social workers and head of religious organizations were purposively selected as key informants.

The study established 80.8% of the survivors and victims of gender based domestic violence being women. They cited alcoholism, adultery, financial, coming home late among other circumstance being the causes behind such abuses. On knowledge and awareness of laws against gender based domestic violence, the study found that very few members of the communities are aware of their human rights and very few have been educated about the same. Legal factors relating to gender based domestic violence cited included; low level of knowledge, legal cost, reporting authority, traditional justice and witness protection. Social cultural factors cited included substance abuse, infidelity, polygamy among other factors. Finally, economic factors relating to gender based domestic violence cited included poverty, access to cash and credit finance and education,

The study concludes that prevalence of gender based domestic violence among intimate partners is very high due to legal, socio cultural and economic factors that still exist. In addition, very few people have sufficient knowledge on laws and aware them as stipulated by the constitution this is due to low level of civic education that has been conducted in the county. This study recommends that specific awareness and training programs should be developed by the national government, county government, civil society organization and other relevant stakeholder to address the problem of gender based violence among intimate partners.

CHAPTER ONE: INTRODUCTION

1.1 Background of the study

Kenya is party to several international and regional human rights instruments that relate to issues of gender based violence, including sexual violence. Kenya also promulgated a new constitution in 2010 which contains important principles and protections relevant to gender based violence. It is notable that under article 2 of the constitution of 2010, the rules of international law, as well as any treaty or convention ratified by Kenya, form part of the law of Kenya. This is a significant shift from the previous duality approach where Kenya could not apply international conventions that she had ratified until parliament had enacted domesticating legislation. The new approach has positive implications for the promotion of gender equality and the protection of women rights by the courts as it means that international instruments are ratified by Kenya. Kenya now has a constitutional obligation to enact and implement legislation to fulfill its international obligations in respect of human rights and fundamental freedoms (Aura, 2014).

The constitution of 2010 represents victory for human rights, which is seen both in its general orientation and in its specific provisions. The national values and principle of governance on which the state is founded are stated to include human dignity, equity, social justice, inclusiveness, equality, human rights, nondiscrimination and protection of the marginalized. Chapter 4 of the constitution contains an extensive bill of rights which elaborates provisions relating to fundamental rights and freedoms. Notably, the constitution explicitly provides for gender equality and non- discrimination as follows: Article 27 (1) states that every person is equal before the law and has the right to equal protection and equal benefits of the law. Equality includes the full and equal enjoyment of all rights and fundamental freedoms. Article 27 (3) states that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

There are also some specific rights to freedom and security of the person, apart from general principle. Article 29 provides for the right to freedom and security of the person, which includes the right not to be subjected to any form of violence from either public or private sources, to torture in any manner, whether physical or psychological, or to corporal punishment, or to be treated or punished in a cruel, inhuman or degrading manner. Article 28 recognizes the inherent

dignity of every person and the right to have that dignity respected and protected. Another important provision is captured in article 7(1) on schedule 6 that stipulate that all laws in force before that passing of the constitution shall be construed with the alterations, adaptations, qualifications and exceptions necessary must be interpreted in a manner that is consistent with the constitution thus providing a basis for the invalidation of law that is overtly discriminatory.

Odhiambo, Ojieda and Aura (2012) reported that two-thirds of women in Kenya who are physically and sexually abused identify the abusers to be their husbands. Furthermore, approximately 16% of married, divorced, or separated women experience sexual assault by their spouses. These findings are bolstered by the 2008- 09 Kenya demographic and health surveys which showed endemic rates of marital violence, with 13% of married women more than one out of every 10 women reporting being raped by their male partners (KNBS, 2009).

Despite the adverse physical and psychological consequences of intimate partner abuse, little attention is given to it. To begin with, intimate partner violence is largely under reported, many abused women are afraid to report the violence since they rely financially on their husbands for their upkeep and that of their children. There is also fear of retaliation, humiliation and shame, as well as cultural inhibitions against public discussion of issues thereby promoting a culture of silence. Some societies tend to blame victims/survivors of gender-based crimes, especially when it involves sexual violence. Fearing stigma, many victims never report incidents to the authorities (Odhiambo, Ojieda and Aura, 2012).

Community attitudes of blaming the victim are often reflected in the justice system. Women and men who do report crimes of sexual violence often face a secondary victimization, beginning with the police and continuing through the judicial process. Police, prosecutors and judges might consider domestic violence a “private matter” beyond the reach of the law; many sexual and gender-based crimes are simply dismissed or guilty perpetrators given light sentences. In some societies, rape victims or women suspected of engaging in premarital sex have been murdered by their relatives because the violation of a woman’s chastity is believed by some to be an offence to the family’s honor (Seelinger, Silverberg and Mejia 2012).

Factors contributing to violence against women include gender stereotypes as well as negative cultural norms and practices that condone or tolerate violence against women, thus perpetuating the subordinate's position of women in Kenya society. Some forms of domestic practices are still considered normal, or as routine chastisement, and two out of three Kenyan women believe that a husband is justified in beating his wife. In addition, intimate partners violence (IPV) is often perpetrated over a long period and it may be difficult for the victim to keep track of the specific events and dates when the acts were committed, even when such incidents are reported, the police often treat them as domestic matters which do not warrant intervention by the criminal justice system. This is compounded by a slow and inefficient criminal justice system and unavailability of doctors who could provide the necessary evidence for conviction (FIDA-K, 2009).

Sexual violence against women is often not viewed as a crime warranting harsh punishment but rather a mere infraction for which the offender can be mildly reprimanded. This attitude has meant that domestic violence among intimate partners as a wrong is inconceivable particularly in a society where all issues between husbands and wife are largely viewed as bedroom matters and there is general acceptance of a man entitlement to sex. Violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedom and hence is an obstacle to the achievement of equality, development and peace. Sexual violence in whichever form is inconsistent with the exercise of freedom and liberty, as it violates and debases the individual victims, and is also an affront to their dignity (WHO, 2011).

1.2 Problem statement

Domestic violence is widely prevalent in Kenya and cuts across ethnic boundaries, class, and level of education, income, and age. Even though domestic violence is condemned by many societies; the reality is that violence against women continues under cultural practices and norms, or through misinterpretation of religious teachings. Moreover, when the violence takes place within the home, which is often the case, the abuse goes without being reported or is passively ignored by the law enforcement (FIDA- Kenya, 2012).

The Bill of Rights in the Constitution of Kenya 2010 under Chapter 4 thus gives guarantees for a wide range of rights and fundamental freedoms. The Constitution provides the greatest opportunity to the people of Kenya to advocate for their rights founded on the provisions of the Constitution and also welcome in a new era of institutional overhaul. The Constitution further recognizes a number of important general principles that are of importance to gender equality and that have a general bearing on gender-based violence in the Country. These principles were either not given recognition by the previous Constitution or were given inadequate treatment (Aura, 2014).

The Constitution 2010 prohibits all forms of discrimination against women including violence against them. Many governments have committed themselves to prevent and end gender-based violence by ratifying international conventions and declarations, thus acknowledging the seriousness of the problem. Despite these efforts, violence against women is still rampant, hence the need to continuously conduct research in order to expose the hidden problem and suggest strategies that Gender based domestic violence (GBDV) against women and children, but also prescribe how the victims can be compensated and supported (Aura, 2014).

Despite the legislation and programmes addressing sexual and gender based violence (SGBV), there are still some inconsistencies in terms of judicial actions. Women also are not aware of their rights, and that enforcing such rights is thus a huge challenge. Attempts to come up with gender sensitive legislation have received inadequate support due to traditional cultures and practises as well as a male-dominated parliament which is gender insensitive and un-responsive (Society for International Development, 2012).

The enactment of the Sexual Offences Act has not been matched with adequate training and dissemination of the Act to law-enforcement officers and relevant justice system agents. Most of the awareness created on the Act has been conducted by Civil Society Organizations yet it is the government's role to ensure that its citizens are made aware of any new laws. This means that most people are still not aware of the existence of the Act. Furthermore poor investigation of cases results in the lack of conviction of offenders thus denying justice to survivors of violence (Aura, 2014).

The status of Gender based domestic violence among intimate partners' presents a threat to the people of Nyamira County; if unaddressed, the consequences are not only psychological, but also social, cultural and economic. Judicial system is paramount for safeguarding economic, social, cultural and political rights of individuals within the country. It is anticipated that with the new Constitution, ratification of international conventions, new laws, and the reform of the criminal justice system these bestow equal justice to all devoid of any and all discrimination. The research therefore will assess determinants and consequences of GBDV among intimate partners in Nyamira County.

1.3 Research Questions

The study sought to address the following questions:

- i. The extent of awareness of laws against gender based domestic violence?
- ii. The prevalence of GBDV among intimate partners in Nyamira County?
- iii. The legal, socio-cultural and economic factors relating to GBDV among intimate partners in Nyamira County?
- iv. The consequences of GBDV among intimate partners in Nyamira County?
- v. The extent members of the public have been educated about their civil (human) rights and duties by Civil Society Organizations (CSOs) and government agencies?

1.4 Research objectives

1.4.1 Main Objective

The main objective of this study was to assess the status of gender based domestic violence among intimate partners in Nyamira County.

1.4.2 Specific Objectives

The specific objectives of the study were to:

- i. Determine the extent of awareness of laws against gender based domestic violence in Nyamira County.
- ii. Establish the prevalence of GBDV among intimate partners in Nyamira County.

- iii. Examine the legal, socio-cultural and economic factors relating to GBDV among intimate partners in Nyamira County.
- iv. Determine the consequences of GBDV among intimate partners in Nyamira County.
- v. Find out if intimate partners have been educated about their civil (human) rights and duties by Civil Society Organizations (CSOs) and government agencies in Nyamira County.

1.5 Justification of the study

There were several reasons for conducting this study. To begin with, this study aimed at getting data on GBDV in Nyamira County in light of the new constitutional dispensation. Women comprise a huge proportion of those classified as 'poor and vulnerable' in society. They are indeed, the majority of those who are unable to access social justice in its widest sense and legal justice in particular. A study such as this one was therefore, not only useful for exposing the position of women vis-a-vis access to justice, but also for effectively planning, monitoring and evaluation. It was also important, for similar reasons, useful to other like-minded stakeholders, academicians, and policy makers as well the society at large with regards to GBDV in Nyamira County. The study was also important to understand the strides made towards fighting GBDV among intimate partners under the new constitutional dispensation in Nyamira County and identify various flaws that exist and how they can be solved.

1.6 Scope and limitations of the study

The study focused on assessing the status of gender based domestic violence among intimate partner under the new constitutional dispensation in Nyamira County. The study was confined in Nyamira County. Kenya is a big country with geographical, economic, social and cultural differences within the country. Thus, the situation in One County may not be generalized to other Counties of the country. The study was limited to assessing the status of GBDV among intimate partners in Nyamira County. The intimate partners studied were only married adults. To carry out such the study, one needed ample time to cover the area well therefore time was a limitation besides the limitation of financial resources.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter covered and assessed the status of gender based domestic violence among intimate partners in line with study objectives that is, prevalence of GBDV , legal, socio-cultural and economic factors, consequences of GBDV and the role of civil society and government in providing civil education. Further, the study reviewed the theoretical framework relevant to the study. The chapter finalized with a discussion of the conceptual framework. In this section, pertinent and crucial literature on GBDV were reviewed to not only determine the gaps in knowledge on the subject in Nyamira county but also to provide a guide for generating appropriate data collection instruments and a sound theoretical and perspective for discussing and presenting the study findings.

2.2 Prevalence of GBDV

The 2008-09 Kenya Demographic and Health Survey (KDHS) reveals that about 39 per cent of women have experienced some form of SGBV since they were 15 years old. This data further reveals that experience of SGBV in all forms – emotional, physical and sexual – rises with age as well as with the number of living children she has. The survey indicates that the Percentage of women who have ever experienced physical violence since age 15 is as follows: 15-19 (26.9%) 20-24 (37.5%) 25-29 (42.2%) 30-39 (43.7%) 40-49 (43.5%). Analysis by marital status revealed that women who are divorced, separated, or widowed are more likely to be exposed to violence (60%) than their married (42%) and never-married (25%) counterparts.

The survey urges that 39 percent of women have experienced physical violence and 21 percent have experienced sexual violence (UNFPA, 2006). Marital violence contributes to the majority of GBV. Violence that may begin with threats may end in forced ‘suicide’, death from injuries or homicide. Moreover, familial violence is the next biggest contributor to physical violence in Kenya as more than two thirds of women who report abuse, report their abusers to be husbands or other relatives. Women who are employed are more likely to experience SGBV than those who are unemployed

A study undertaken by FIDA- Kenya in 2012 found that up to 74.5 % of respondents indicated that they have been physically abused within the home. The study found that the respondents experienced various forms of violence. This report indicated that the most common forms of sexual violence reported by women who participated in the study were marital rape. The women respondents lamented that their abusive husbands treated them as property and disregarded any notions of consent to sexual activity.

Data analyzed by a recent study on domestic violence in Kenya (FIDA, 2012) also reveals that GBV and intimate partner violence is on an upward trend. The study shows that 74.5% of the respondents interviewed in Coast, Nairobi, Nyanza and Western provinces had been physically abused within their homesteads. Similarly in 2004, a study by the same organization established that 40% of women between the ages of 15 and 49 years had experienced partner violence at least once in their lifetime. The findings also revealed that 52% of women reported physical intimate partner abuse at some point in their lives. According to KDHS (KNBS & ICF Macro, 2010) almost half of Kenyan women aged 15 to 49 years reported having experienced either sexual or physical violence or both. One in five (21%) reported having experienced sexual violence.

The majority of sexual violence occurs within relationships, with two-thirds reporting current or former husbands, partners or boyfriends as the perpetrators and only 6% naming strangers. The survey also showed that 12% of the women reported that their first sexual intercourse was against their will. Of the women who have ever been married, the top three perpetrators were current husbands and partners; former husbands and partners; and mothers and stepmothers. Of women who have never been married, the main perpetrators were teachers; mothers and stepmothers; and fathers and stepfathers. The survey also established that the most prevalent violence, spousal violence, is not a one-time occurrence, but a current and recurring problem for Kenyan women. Of the women who reported having ever experienced physical or sexual violence, 82% reported having experienced it during the 12 months leading up to the survey.

According to KDHS key indicators 2014 report it shows that women are more likely to experience physical violence committed by their spouse/partner than men and that sexual violence committed by a spouse/partner is not as prevalent as physical violence. 38 percent of ever-married women age 15-49 have ever experienced physical violence committed by their

husband/partner, while 23 percent experienced violence in the 12 months prior to the survey. Nine percent of ever-married men age 15-49 have ever experienced physical violence committed by their wife/partner, while 5 percent experienced violence in the 12 months prior to the survey. About 14 percent of women and 4 percent of men have ever experienced sexual violence committed by a spouse/partner, while 10 percent of women and 3 percent of men experienced sexual violence by a spouse/partner in the past 12 months.

According to the same report Women in Western, Nyanza, and Nairobi regions reported higher levels of physical and sexual violence committed by a spouse/partner than women in other regions; approximately one-half have ever experienced physical violence compared with the low reported in North Eastern region (12 percent). Similarly, men in these three regions also reported higher levels of physical and sexual violence committed by a spouse/partner compared with men in other regions.

Nyabuto (2007) showed that various forms of abuse occur against women amongst Abagusii community. Sexual abuse leads with a mean of 58.5%, followed by social abuse with a mean of 45.2%. Financial abuse ranks third with a mean of 43.8%, psychological abuse with a mean of 26.0%, physical abuse ranks last with a mean of 14.8%. The following forms of abuse were identified during the investigation: Sexual abuse: This form of abuse cuts across all categories of women with the divorced women and the widowed women leading with an average of 72.1% and 80.6% respectively. In this form of abuse a woman is forced into sex or watches something sexual without her consent or to have pain inflicted on her during sexual act.

The research revealed that most non-consensual sex takes place among people who know each other, spouse, family members, courtship partners or acquaintances. Sexual abuse ranged between 11% -54%. It also shows that all women in marriage suffer psychological abuse, with the married women leading with an average of 54.0%. The never married women rarely suffer from psychological abuse, and about 11.1% are psychologically abused. In this form of abuse the woman gets threats, insults and put downs which affect her emotionally. Psychological abuse can just be as damaging as physical abuse because they endanger a woman's feelings of self-worth and her ability to control her own life.

2.3 Factors that promote domestic violence

Several factors make women easily susceptible to domestic violence. These factors include cultural predisposition where by some cultures accept male dominance, lack of legal registration that would criminalize domestic violence and economic factors.

2.3.1 Social- Cultural Factors

Most men in Kenya come from ethnic cultural groups where male dominance is accepted and hence expect their wives to be submissive to them and disregard their rights. Men from this cultural background lack alternative knowledge on ways to deal with their family problems other than domestic violence. Cultural ideologies –both in industrialized and developing countries – provide ‘legitimacy’ for violence against women in certain circumstances. Religious and historical traditions in the past have sanctioned the chastising and beating of wives. The physical punishment of wives has been particularly sanctioned under the notion of entitlement and ownership of women. Experiences during childhood, such as witnessing domestic violence and experiencing physical and sexual abuse, have been identified as factors that put children at risk. Violence may be learnt as a means of resolving conflict and asserting manhood by children who have witnessed such patterns of conflict resolution (WHO, 2011).

Cultural factors make it difficult to define exactly what domestic violence means. For instance in some ethnic groups in Kenya, a soft slap on the cheek is acceptable while in others, physical beatings to women is considered normal and a show of love. In these cases, men face social pressure to maintain power and control over the women. Socio-cultural causes, include gender-specific socialization; cultural definitions of appropriate sex roles; expectations of roles within relationships; belief in the inherent superiority of males; values that give men proprietary rights over women and girls; notion of the family as the private sphere and under male control; customs of marriage (bride price/dowry); and acceptability of violence as a means to resolve conflict (Smith, 2011).

SGBV in Kenya, as elsewhere in the world, is a complex issue that has as its root the structural inequalities between men and women that result in the persistence of power differentials between the sexes. Women’s subordinate status to men in many societies, coupled with a general acceptance of interpersonal violence as a means of resolving conflict, renders women

disproportionately vulnerable to violence from all levels of society: individual men, within the family and community, and by the state

The causes of gender-based violence are many, complex and varied depending on the types of violence. Traditional attitudes towards women around the world help perpetuate the violence. Stereotypical roles in which women are seen as subordinate to men constrain a woman's ability to exercise choices that would enable her end the abuse. A study undertaken by Odhiambo (2000) reveals that the causes of SGBV varied and range from political, economic, legal, social and religious dimensions.

Similarly, SGBV is as a result of many socio-economic variables such as the social position, employment, status, financial circumstances and self-concept and personal as well as community values as contributing factors to the violence. From the above statements SGBV is therefore occasioned by and persists due to a number of factors and no single or major cause can be attributed to the prevalence of SGBV against women which transcends class or ethnic or race divisions. According to UNICEF (2000), causes of SGBV can be categorised into four broad categories as being: socio-cultural causes; economic causes; legal causes; and political causes.

2.3.2 Legal factors

Lack of legal support particularly within the sanctity of the home, is a strong factor in perpetuating violence against women. Until recently, the public/private distinction that has ruled most legal systems has been a major obstacle to women's rights. Increasingly, however, States are seen as responsible for protecting the rights of women even in connection with offences committed within the home. In many countries violence against women is exacerbated by legislation, law enforcement and judicial systems that do not recognize domestic violence as a crime. (Human Rights Watch, 2008)

The challenge is to end impunity for the perpetrators as one means of preventing future abuse. Investigations by Human Rights Watch found that in cases of domestic violence, law enforcement officials frequently reinforce the batterers' attempts to control and demean their victims. Even though several countries now have laws that condemn domestic violence, "when committed against a woman in an intimate relationship, these attacks are more often tolerated as the norm than prosecuted as laws. In many places, those who commit domestic violence are

prosecuted less vigorously and punished more leniently than perpetrators of similarly violent crimes against strangers (Human Rights Watch, 2008).

Effective protection can be established only by preventing SGBV, identifying risks and responding to survivors, using a coordinated, multi-sectorial approach. The present protection environment in Kenya is fraught with challenges and filled with opportunities, which should be carefully considered when devising responses. Whereas the Kenyan legal framework provides a mechanism for addressing SGBV, the levels to which the frameworks respond to the plight of the survivors of SGBV is debatable. The legal and policy framework mostly focuses on bringing of the accused person to 'justice' without a corresponding obligation of alleviating the conditions of the survivor of SGBV. In fact, the survivor of SGBV is more of an alien to the criminal justice system because the offence is perceived by the system to have been committed against the state, not against the survivor of the SGBV as an individual (Aura, 2014).

Legal causes include lesser legal status of women either by written law and/or by practice; laws regarding divorce, child custody, maintenance and inheritance; legal definitions of rape and domestic abuse; low levels of legal literacy among women; as well as insensitive treatment of women and girls by police and judiciary. Political causes include underrepresentation of women in power, politics, the media and in the legal and medical professions; SGBV not taken seriously; notions of family being private and beyond control of the state; risk of challenge to status quo/religious laws; limited organization of women as a political force; and limited participation of women in organized political system(Mills, 2008).

SGBV does not only occur during war; it is rampant even where legal systems and institutions are working. Communities uphold, practice and normalize various forms of abuse against women that include SGBV, female genital mutilation, early or forced marriage as well as virginity testing. The value attached to female chastity is so high that even where a woman is a survivor of sexual abuse, the typical community response is to isolate and stigmatize her. The shame and stigma attached to gender-based violence against women, and the lenient penalties meted out on offenders in formal and traditional judicial systems, silence victims (Odhiambo, Ojieda and Aura, 2012).

Kaluyu (2007) found out that most victims (76.25 %) of violence prefer to seek medical assistance but very few (5%) report to police. There is a general fear that reporting a partner to police can trigger more violence. In addition, domestic violence cases are usually handed over to community elders who in turn do not maintain confidentiality. It is also clear from the results that there are no women organizations that support victims of violence in this area. The low percentage (2.5%) was given to Non-governmental organizations can be explained by the fact that there was only one organization, which handled cases of partner abuse.

2.3.3 Economic factors

Lack of economic resources underpins women's and increases their vulnerability to violence and their difficulty in extricating themselves. On the one hand, the threat and fear of violence keeps women from seeking employment, or, at best, compels them to accept low-paid, home-based exploitative labor. And on the other, without economic independence, women have no power to escape from an abusive relationship. Women's increasing economic activity and independence is viewed as a threat which leads to increased male violence. This is particularly true when the male partner is unemployed, and feels his power undermined in the household. Increases in poverty, unemployment, hardship, income inequality, stress, and alcohol abuse has led to increased violence in society in general, including violence against women. (Smith, 2011)

Male control of family wealth inevitably places decision-making authority in male hands, leading to male dominance and proprietary rights over women and Women's economic dependence on men. Limited access to cash and credit. Discriminatory laws regarding inheritance, property rights, use of communal lands, and maintenance after divorce or widowhood. Limited access to employment in formal and informal sectors. Limited access to education and training for women. (FIDA- Kenya, 2009).

Financial abuse can take many forms, from denying access to funds, to making the victim solely responsible for all house hold finances while handling money irresponsibly himself. Money becomes a tool by which the abuser can further control the victim, ensuring either her financial dependence on him, or shifting the responsibility of keeping a roof over the family's head onto the victim (King, 2011). Financial abuse can include preventing the women from activities that may earn them money or from keeping the money, denying sufficient housekeeping finances, forcing the victim to account for every penny spent, denying access to finances and putting all

bills in the name of the victim. The women are also threatened to be made homeless by forcing them out of the house. The perpetrators of domestic violence also force the victims to work while they themselves do nothing. (Brownridge, 2009)

2.4 Consequences of Domestic Violence

Gender-based violence adversely affects victims, family members, communities and states on profound emotional, physical, psychological and economic levels (UNICEF, 1999). Thus the consequences of GBDV can be categorized into: - Aspects of denial of fundamental rights, undermining of human development goals, health consequences, psychological consequences and social isolation.

2.4.1 Denial of Fundamental Rights

One of the consequences of GBDV is denial of human rights to both men and women as enshrined in the new constitution and international instruments. International human rights instruments such as the Universal Declaration of Human Rights UDHR, adopted in 1948, the Convention against Women (CEDAW), adopted in 1979, and the Convention on the Rights of the Child (CRC), adopted in 1989, affirm the principles of fundamental rights and freedoms of every human being (UNFPA, 1999). Both CEDAW and the CRC are guided by a broad concept of human rights that stretches beyond civil and political rights to the core issues of economic survival, health and education that affect the quality of daily life for most people (Cook, 1994). It is therefore legally binding under international law for governments that have ratified with these organizations to protect all People from crimes of violence and to also bring the perpetrators to Justice (Human Rights Watch, 1999).

Article 10 (2) (b) of the new constitution sets out the national values and principles of governance to include, among others, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized. Article 19 (2) states the purpose of recognising and protecting human rights and fundamental freedoms as being to preserve the dignity of individuals and communities and to promote social justice and the realisation of the potential of all human beings. This general proposition is important and relevant to women's struggle for gender equality and gender equity. Further, the Constitution

imposes a positive duty on the State and all State organs to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights

2.4.2 Undermining of Human Development Goals

There is a growing recognition that countries cannot reach their full potential unless both women and men's potential to participate fully in the society are denied (Heisse, 1996). Data on the social, economic and health costs of violence leave no doubt that violence against women undermines progress towards human and economic development (WHO, 1999). Women's participation has become key in all social development programmes, be they environmental, for poverty alleviation, or for good governance. By hampering the full involvement and participation of women, countries are eroding capital of half their populations (World Bank, 1993). True indicators of a country's commitment to gender equality lie in its actions to eliminate violence against both genders in all areas of life (WHO, 1996).

2.4.3 Health Consequences

The consequences of gender violence are far reaching. It impacts on all aspects of family, their health and that of their children, and also on broader society (Finkler, 1997). In addition, there are many ways in which violence perpetuates itself. Violence is sustained by inequality and in turn perpetuates inequality. For example, domestic violence is associated with poverty, but it also perpetuates poverty (United Nations, 1995). For example, by reducing women's opportunities for work outside the home, their mobility and access to information and children's schooling. It impacts on women's ability to care for themselves and their children, and is associated with self-destructive behaviors such as alcohol and drug abuse. Moreover, violence determines men and women's sense of self-worth (Kalat, 1996).

Gender based violence, particularly domestic violence and sexual abuse, has been associated with many negative health consequences. These include: injuries (ranging from cuts and bruises to severe injuries leading to permanent disabilities such as loss of hearing); sexually transmitted diseases; HIV/AIDS; unwanted pregnancy; gynecological problems; chronic pelvic pain, sometimes associated with pelvic inflammatory disease; hypertension; depression; anxiety disorders; post-traumatic stress disorder; headaches; irritable bowel syndrome and various psychosomatic manifestations (UNFPA, 1999). These deaths are dramatic testimony of the limited options for some women facing a violent relationship.

2.4.4 Psychological abuse

Psychological abuse includes threats of physical harm to the spouse or others, intimidation, coercion, degradation and humiliation, false accusations, and ridicule. Stalking may occur during a relationship, or after a relationship has ended. In many relationships, insults are the most tangible evidence of the detailed work of power that aims at controlling, managing and hurting a spouse. Insults are used as a normalizing and punishing technique, and as such, they are an essential part of the discipline that aims at subjugating and dominating the other. More than half of the women in violent relationships report that men have humiliated and put them down with offensive words. In some relationships, insults are used in the power struggle (Nicolson, 2010).

Women in abusive relationships often experience psychological abuse. Psychological abuse is characterized by one spouse exposing another to behavior that is psychologically harmful. The behavior are intended to intimidate and persecute and takes the form of threats, abandonment, social isolation, verbal aggression, constant humiliation and threats to take away custody of the children. Psychological abuse is crippling to the victims. It robs the persons their self-esteem, ability to think rationally, and lack of self-confidence. (Saltzman 2002) Most of the respondents said that the ongoing psychological abuse they had experienced, emotional torture and living under terror was often more unbearable than the physical abuse and took them longer to come to terms and get over the emotional void than the violent episodes. They experienced low esteem and unable to trust, make even simple decisions and it left them doubting their own judgment and gut reaction. In some cases this led to Post Traumatic Stress Disorder (Saltzman, 2002)

2.4.5 Physical abuse

Physical abuse or assault is the most obvious form of domestic Violence, and it is the most visible. Assaults often start small, maybe a small shove during an argument, or forcefully grabbing of the wrist, but over time, physical abuse (or battering) usually becomes more severe, and more frequent, and can result in the death of the victim. (Mills, 2008) Physical abuse includes, pushing, hitting, slapping, choking, using an object to hit, twisting of a body part, forcing the ingestion of unwanted substances, and use of a weapon. Physical abuse also includes traditional practices harmful to women such as female genital mutilation and wife inheritance. (Newton, 2001)

2.4.6 Sexual abuse

Nyabuto (2007) reported that sexual abuse is more rampant in Nyamira district with a mean of 67.7%. However, it ranges between 52.4% to 67.7%. Psychological abuse range between 22.2% to 30.8%, in Kisii central district and Nyamira respectively. The analysis showed that physical abuse is minimal in the three districts, ranging within 11.1% to 19.5%. Social Abuse ranges between 34.2% to 60.4% in Gucha and Kisii central respectively. Financial abuse ranges between 16.8% (Nyamira) to 51.3% (Kisii central).

According to the same study sexual abuse is the highest in the Abagusii community with a mean of 58.3% while physical abuse is the lowest in the Abagusii community with mean of 14.9%. Kisii Central leads in abuse with a mean of 41.08%; followed by Gucha District with a mean of 35.02% and lastly Nyamira District with a mean of 32.72%. The deviation could be due to individual social-economic environment which could be due to different clans or sub-clans with 41 different clan norms. All forms of abuse are interrelated; for instance a physically abused woman ends up with stress disorder which is psychological: A woman who is financially abused suffers psychologically because she cannot support herself (Nyabuto, 2007).

2.4.7 Social isolation

Social isolation is a technique used by perpetrators of domestic violence to control their victims by limiting access and communication with family and friends. Lack of social support increases the women vulnerability to abuse that may render the women to justify the abusive. The women are denied an opportunity to build up social networks they would need to draw on, once they leave the abusive relationship. Social isolation includes confinement to the home, overwhelming surveillance, public humiliation and restricting communication with friends. For the victims, it is very easy for one to be isolated by the perpetrator from social interaction with the outsiders, in this case, home transforms into a space that allows more severe disciplinary practices. There is no one to interfere when such behavior takes place (Saltzman, 2002).

2.5 Management Strategies for Gender Based Domestic Violence

Domestic violence is a complex problem and there is no one strategy that will work in all situations (World Bank, 1993). Violence may take place within very different societal contexts, and the degree to which a community sanctions it will naturally influence the kind of strategy

needed. Due to the dynamism of factors responsible for domestic violence, strategies and interventions, which have been adopted by different communities, are also diverse (UN, 1993). According to World Health Organization (1996), the most basic strategy has been the identification of groups and individuals, which should be involved in planning to eradicate domestic violence. At the level of the family, the stakeholders include: women, men, adolescents and children. Within the local community partnerships have been developed to include traditional elders, religious leaders, community-based groups, neighborhood associations.

Hoffman (1994) added that the justice system such as police and courts, the health care system, parliament, provincial legislative bodies, and the education sector have been useful in attending to issues of domestic violence. Also at the international level, United Nations agencies, the World Bank and regional development banks have not been left behind in resolving domestic violence. Over the years, there have been key intervention areas adopted by these organizations or groups depending on the context of arising domestic problems. According to WHO (1996), these include advocacy and awareness raising, direct service provision to victim survivors, legal reforms, networking and community mobilization. In management of gender based domestic violence, it is certainly important to have both men and women address the issue and to take some responsibility for changing the social norms and values that allow this gross violation of human rights to go on unquestioned (Piot, 1999).

However, at the same time it is necessary to critically assess the approaches being used, and to ensure that resources to address the issue are allocated in the most effective way and are not diverted from the hard-won program efforts of many women's organizations. Over the last twenty years it has been these organizations that have provided basic care and support to women experiencing violence and their children, and increasingly work on prevention and even programs for batterers. The growing interest in men's groups working on violence against women does not always recognize that changing the norms and values of relationships from those of control and dominance to those based on mutual respect and equity requires not only individual but also structural change.

There is also need for sustained public education and awareness- rising on the issues of gender based violence with a view of dismantling of gender stereotypes and negative cultural attitude against women. Both women and men need to be aware of the physical, psychological and

economic harms caused by sexual violence at an individual and societal level. It would be useful to engage traditional and community justice structures in such campaigns with a view to making them more democratic and gender sensitive. In order to effectively deal with the myriad of issues related to SGBV, it is important that all the relevant players participate fully in the process. This means that both government and private entities consistently engage each other in an attempt at eradicating the vice. This has not been the case, however, as there have been disjointed efforts at dealing with issues relating to SGBV. The government has failed to effectively engage the civil society and other private actors in dealing with SGBV, more so at the grassroots level (Fida-K, 2012).

Lack of and/or inadequate resources, both human and financial have led to watered down efforts in terms of dealing with SGBV. Resources, especially manpower and fiscal, are needed to deal with cases of SGBV are more prevalent. This is because there is need to disseminate information through organisation of workshops, training programmes and sponsoring gender-related courses in schools in order to create awareness on the highlights and consequences of SGBV to the entire community. This cannot be done where the resources are either limited or are not there completely (Aura, 2014)

2.6 Theoretical Framework of the Study

Theoretical perspectives that have been used to explain domestic violence among intimate partners were conflict theory, Social learning theory and Feminist Theory.

2.6.1 Conflict theory

Karl Marx is the father of the social conflict theory, which is a component of the four major paradigms of sociology. Other important sociologists associated with this theory include Harriet Martineau, Jane Addams and W.E.B. Du Bois. This sociological approach doesn't look at how social structures help society to operate, but instead looks at how "social patterns" can cause some people in society to be dominant, and others to be oppressed. However, some criticisms to this theory are that it disregards how shared values and the way in which people rely on each other help to unify the society.

Structural functionalism or Functionalism is a framework for building theory that sees society as a complex system whose parts work together to promote solidarity and stability. This approach looks at society through a macro-level orientation, which is a broad focus on the social structures that shapes society as a whole. This approach looks at both social structure and social functions. Functionalism addresses society as a whole in terms of the function of its constituent elements; namely norms, customs, traditions and institutions.

Important sociologists associated with this approach include Auguste Comte, Emile Durkheim, Herbert Spencer, Talcott Parsons, and Robert K. Merton. A common analogy, popularized by Herbert Spencer, presents these parts of society as "organs" that work toward the proper functioning of the "body" as a whole. A criticism for this approach is that it disregards any inequality that exists within a society, which in turn causes tension and conflict and the approach ends up being politically conservative. So in order to focus on this topic, the social conflict theory was made. The theory assumes that conflict is an inevitable part of association, which is characterized by super ordinate and subordinate relationship as well as competing goals. The family is viewed as an arena of confrontation and conflicting interest and so abuse is a likely outcome.

2.6.2 Social Learning Theory

According to the Social Learning Theory, (Bandura, 1986), everything we do has been learned. Much learning in humans, results from observing the behavior of others and from imagining the consequences of our own actions. Often children copy the behavior they have observed from others. Social learning Theory therefore, explains violence as a coping mechanism learned through observation or experience. Modeling is a contributory factor to learning violent behavior as well (Gentlewarrier, 1991). This theory maintains that the likelihood of repeated abusive behavior is contingent upon reinforcement. Intergenerational transmission of violence is one component of social learning theory (Coleman, 1994).

This aspect maintains that children who witness or experience violence in their family of origin are more likely to integrate violence into their behavioral repertoire. Research has been done linking exposure to violence during childhood and the experience of violence as an adult in an intimate relationship. Lie and Gentlewarrier (1991) conducted a correlational study that examines the relationship between witnessing or experiencing violence in the family of origin

and violence in a marriage relationship. Results suggested that participants who witnessed aggression between members of their family of origin were more likely to have been a victim of aggression with a current intimate partner. In this study, the principles of observational learning, imitation, and intergenerational transmission of violence have been used as a guide in understanding the causes of gender based domestic violence.

2.6.3 Feminist Theory

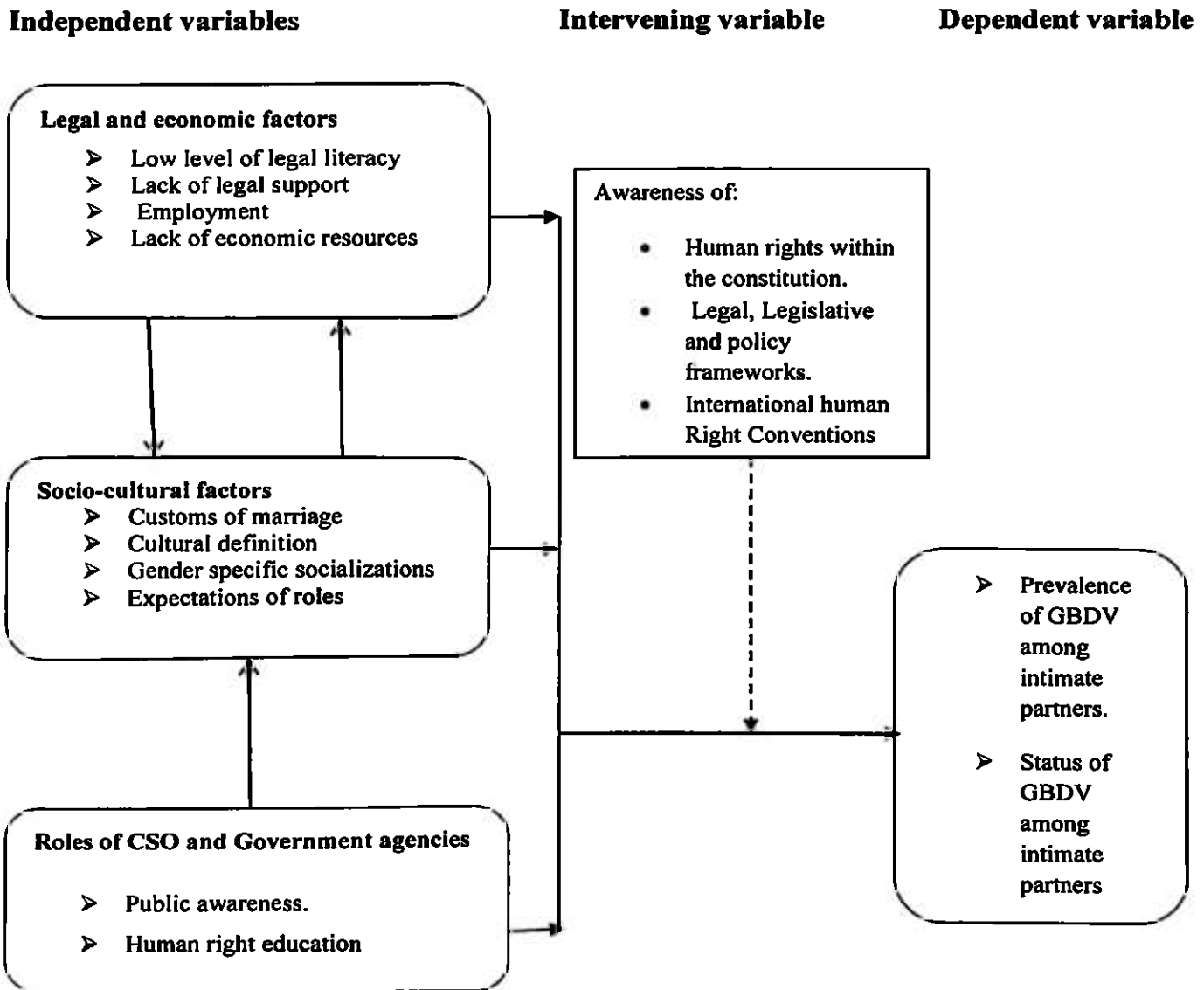
Feminist theory developed out. Thus in the 19th century, the movement had begun to look at women's status and to seek legal protection in case of oppression. Up to 1970's, research and explanations for domestic violence typically blamed the victim (Merrill, 1996). With the growth of the feminists' movement in the United States, feminists have focused on helping women raise their awareness of ascribed gender roles and oppressive social status through social action. According to this theory, domestic violence is a manifestation of gender-based oppression, which promotes rigid family and societal roles, thereby limiting economic opportunity for women. This gender-based theory has been a guide in explaining domestic violence in this study.

Feminist rethinking has concentrated on factors that generate conflicts and struggle within families (Crawford & Ungler, 2000). With differences in power and conflicting interests either between spouses or between spouses and children, gender and generational conflict arise (Renzetti and Curan 1995). Such power differences have been embedded in an ideology and system of patriarchy (Eliot, 1996) which determines through various institutions, women's role and subordinate position in society relative to men. Patriarchy is seen as a system of male domination or social stratification in which rewards and opportunities are handed out according to systematic structures and expectations which are designed to benefit men who hold power and who maintain the status quo. It is therefore a form of social exploitation. Patriarchy is also a form of social ideology of values and norms often embedded in law, religious beliefs, political and economic practices which support the perpetuation of gender discrimination against women.

2.7 Conceptual framework

The Independent variables in this research are the legal and economic factors, socio-cultural factors, consequences of GBDV and the role of CSO and government agencies and the dependent variable is the prevalence of GBDV and status of GBDV among intimate partners in Nyamira County. The constitution, international human right conventions, legislative and policy frameworks are the moderating variable.

Figure 1: Conceptual Framework



Source: Author 2016

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

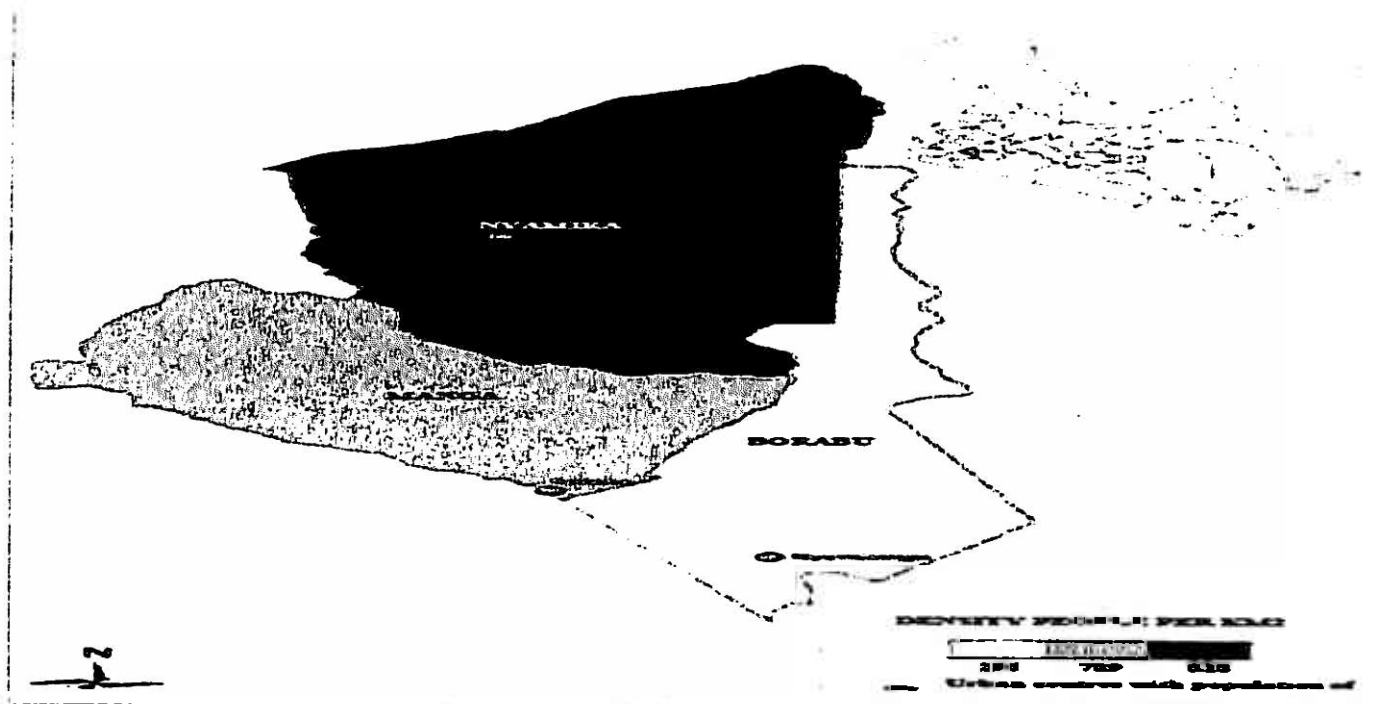
This chapter outlines the overall methodology that was used in the study. This includes the study size and population, research design, sampling design, data collection, data analysis and ethical issues. It also explains the data collection procedures and the tools that were used to collect data. It gives a summary of variables and the tests that were used in data analysis.

3.2 Site Description

The study was conducted in Nyamira County. The county consists of four constituencies, Borabu, West Mugirango, North Mugirango and Kitutu Masaba. Nyamira county is 912.50 Sq. Km, with a population of 598,252 (2009 National Census). 53.6 % of the population has primary education while 30.3% have secondary education while 16.1% have none (KNBS and SID, 2013). Nyamira County is one of the forty seven counties in Kenya. The County borders Homabay County to the north, Kisii County to the west, Bomet County to the south east and Kericho County to the east.

It lies between latitude 00 30'and 00 45'south and between longitude 340 45'and 350 00' east. The total population for Nyamira County has been projected to be 632,046 in 2012 of which 303,252 are males while 328,783 are females with reference to the 2009 Population and Housing Census the population is expected to increase to 667,716 and 692, 641 in 2015 and 2017 respectively (KNBS, 2011). The long and short rain seasons start from December to June and July to November respectively, with no distinct dry spell separating them. The main economic activity in the county is agriculture.

A Map of Nyamira County



3.3 Research Design

This study adopted a descriptive research design since the study intended to gather quantitative and qualitative data that assessed the status of gender based domestic violence in light of the new constitutional dispensation among intimate partners in Nyamira County. Descriptive research portrayed an accurate profile of persons, events, or situations. It allowed one to collect quantitative data which was analyzed quantitatively using descriptive and inferential statistics. According to Mugenda and Mugenda (2003) descriptive research is used to obtain information concerning the current status of the phenomena to describe "what exists" with respect to variables or conditions in a situation.

The researcher considered this design appropriate since it facilitates gathering of reliable and accurate data that clearly assessed the status of gender based domestic violence in light of new constitution among intimate partners in Nyamira area. Descriptive survey research design was used to gather information. This design enabled the researcher to obtain intensive information on GBDV amongst the intimate partners in Nyamira county Community. Data collected on abuse provided insight on various forms of abuse existing in this community. These enabled the

researcher to describe, explain and evaluate various forms of abuse existing among Nyamira county communities.

3.4 Unit of Analysis and Unit of Observation

The unit of analysis is the entity under study and could include people, social roles, or positions and relations. In this study the unit of analysis was married partners in Nyamira County.

Unit of observation refers to the objects that are observed about which information is systematically collected. The unit of observation in this research was gender based domestic violence among intimate partners in Nyamira County.

3.5 Target population

The target population was only married men and women in Nyamira County as represented by the four constituencies. The target population was all married men and women aged 15 to 64 years.

Table 1: Target Population Age 15- 64yrs.

| No. | Name Of Constituencies | Target Population Married (15-64 yrs.) | Male | Female |
|--------------|------------------------|--|----------------|----------------|
| 1 | Kitutu Masaba | 103,034 | 48,696 | 54,338 |
| 2 | West Mugirango | 82,383 | 39,389 | 42,994 |
| 3 | North Mugirango | 62,403 | 29,994 | 32,409 |
| 4 | Borabu | 62,111 | 30,823 | 31,288 |
| Total | | 309,931 | 148,902 | 161,029 |

Source: KNBS, 2012

3.6 Sample size and sampling procedure

3.6.1 Sample size

Sampling means selecting a given number of subjects from a defined population as representative of that population. Any statements made about the sample should also be true of

the population (Orodho, 2002). It is however agreed that the larger the sample the smaller the sampling error (Gay, 1992). The sample was selected from a target population of 309,931 of married men and women age 15-64 years. Frankel and Wallen (2002) recommend that the minimum number of subjects to be 100 for a descriptive study. The sample consisted of 180 respondents in which questionnaires were administered and 6 key informed persons were interviewed to give in-depth analysis of GBDV in Nyamira.

3.6.2 Sampling procedure

This used proportionate random sampling to get 180 respondents from the four constituencies because the different units in the entire population were not proportionately represented in their numbers. To get a proportionate sample from each stratum, we multiplied the total number of units in each stratum by the intended sample and then divide that by the total number of units in the entire population. After that, simple random sampling was done from each constituency. From the center of each constituency the researcher distributed the sample into the four direction of the compass namely, north, east, south and west. Respondents were distributed equally on all four directions for each constituency. From each household only one person from either gender was interviewed. Respondent from the same gender were not interviewed consecutively in any direction of the compass. Simple random sampling was its representativeness of the population.

Table 2: Distribution of the Target and Sample Population

| No | Constituency | Target population (married: 15- 64years) | | | Sample | | |
|----|-----------------|---|----------------|----------------|------------|-----------|-----------|
| | | Total | Male | Female | Total | Male | Female |
| 1 | Kitutu Masaba | 103,034 | 48,696 | 54,338 | 60 | 28 | 32 |
| 2 | West Mugirango | 82,383 | 39,389 | 42,994 | 48 | 23 | 25 |
| 3 | North Mugirango | 62,403 | 29,994 | 32,409 | 36 | 17 | 19 |
| 4 | Borabu | 62,111 | 30,823 | 31,288 | 36 | 18 | 18 |
| | TOTAL | 309,931 | 148,902 | 161,029 | 180 | 86 | 94 |

To get a true picture of gender violence in the Nyamira County among intimate partner's key informed persons in Nyamira County were sampled. A total of 6 key informants were interviewed. Therefore, 6 key informed persons from the county were purposively selected with assistance from area chiefs. The key informant sample consisted local administrator from the four constituencies, religious leaders, elders and representatives from the civil society organization that deal with gender issues in Nyamira County.

3.7 Methods of Data collection

This study used both primary and secondary data to collect information. The data collected was mainly qualitative and quantitative and it was collected through questionnaires and interview guide. The study used mixed methods of data collection. Mixed methods of data collection focused on collecting, Analyzing, and mixing both quantitative and qualitative data in a single study. Primary data was mainly collected through administration of questionnaires to the selected employees. To further enrich the study, a review of literature was carried out; this constituted the secondary data that was used in this report. All this data was carefully analyzed by the researcher. In this study, both the questionnaire and an interview schedule were utilized to collect data

3.7.1 Collection of quantitative data

Quantitative data was mainly collected through administration of questionnaire to the respondents. The primary data was mainly collected and conducted to ensure confidentiality and anonymity. The structured questionnaire was administered to men and women to individual household.

3.7.2 Collection of qualitative data

For qualitative data, interview guide/ schedule were used to the 6 key informants. In depth interviews were conducted to key informants. The interviews were done face to face to get a true picture of gender issues in Nyamira County. The interview technique was to ensure probing information regarding gender based domestic violence.

3.8 Ethical considerations

3.8.1 Informed Consent

All participants were informed about the purpose of the study prior to being asked to give written informed consent to participate. Anyone who was approached to participate in this research was told that participation in this research was voluntary and that s/he could withdraw from the research at any time without any consequences. The researcher took every possible precaution to avoid contributing to any breach in the informed consent process.

3.8.2 Risk

The primary risk of the study was embarrassment or anxiety in answering sensitive questions. Participants were advised that they could refuse to answer any question, or any part of a question, at any time. To minimize any sense of embarrassment, interviews with participants were conducted in a location preferred by the respondent. As described below, various steps were taken to ensure participants protection and confidentiality.

3.8.3 Privacy and Confidentiality

Administrations of the structured questionnaires were conducted in a private setting with no one else present during the process. Respondent names were not entered into any data. All data collected in this study remained fully confidential and no one was being able to link the name of the respondents to the response in the interview. The participation was completely voluntary and the respondent had the right to end the interview at any time.

3.9 Data Analysis

Data was be collected, examined and checked for completeness and clarity. Numerical data collected using questionnaires was coded and entered and analyzed using a computer Statistical Package for Social Scientists (SPSS) programme. Results of interviews went through a critical assessment of each response and examined using thematic interpretation in accordance with the main objectives of the study and thereafter presented in narrative excerpts within the report. Stake (1995) describes this method of data analysis as a way of analyzing data by organizing it into categories on the basis of themes and concepts. Different colors will represent different themes. This is known as coding. The procedure assists in reducing and categorizing large quantity of data into more meaningful units for interpretation.

CHAPTER FOUR: DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter presents and discusses findings of the data collected on the status of gender based domestic violence in light of the new constitutional dispensation among intimate partners in Nyamira County. The findings are presented in reference to the study objectives outlined in chapter one. Among the themes discussed include basic demographic characteristics of the respondents, extent of awareness of laws against gender based violence as provided in the new constitutional dispensation, the prevalence of GBDV among intimate partners, legal, social—cultural and economic factors relating to GBDV and finally find out if intimate partners have been educated about civil rights and duties. In order to illustrate the study findings, figures and tables have been used. However, demographic data of the respondents are also presented. Qualitative data are presented through discussions of views of key informant and emphasis is made through quotations.

4.2 Socio-demographic Characteristics of Respondents

4.2.1 Respondents Sex

The respondents interviewed were sampled from four constituencies (Borabu, Kitutu Masaba, West Mugirango and North Mugirango) of Nyamira County. A total of 180 respondents were interviewed. The data presented in table 3 below shows that out of the total respondents interviewed 41.1% (n=74) were male while 58.9% (n=106) were female. In terms of gender of the respondents from the study, the number of the females interviewed was higher than that of the males.

Table 3: Distribution of respondents by Sex

| Gender of respondents | Frequency | Percentage (%) |
|-----------------------|------------|----------------|
| Female | 106 | 58.9 |
| Male | 74 | 41.1 |
| Total | 180 | 100.0 |

4.2.2 Level of Education of the respondents

The study established that the majority of the respondents (40.5%) had the highest level of education as some secondary school and these was followed by primary complete with (25%). A further (17.8%) were found to have secondary complete while (3.9%) had university degree. The respondents who reported their highest level of education as some primary were (1.6%) and none was (0.6%). Table 4 below demonstrates the distribution of the respondents along various categories of education level. It is expected tha people who are highly educated and understand the value of education should be at the forefront of understanding the new constituions and laws against gender based domestic violence or issues of gender based violence as a whole. it is evident from the study that majority of the respondent had little education. Therefore, the study established that the low literacy level among people in the county. This indicates that people of low level of education tend not to generally get involved in issue of knowledge and literacy.

Table 4 : Education Level of the Respondents

| Education Level | Frequency | Percentage (%) |
|------------------------|------------------|-----------------------|
| Some secondary | 73 | 40.5 |
| Primary completed | 45 | 25.0 |
| Secondary completed | 32 | 17.8 |
| College | 19 | 10.6 |
| University degree | 7 | 3.9 |
| Some primary | 3 | 1.6 |
| None | 1 | 0.6 |
| Total | 180 | 100.0 |

4.2.3 Age of the Respondents

Respondents varied in age with the youngest being 15 years, and the oldest 64 years as shown in Table 5 below. The age bracket with the highest percentage (48.3%) was found to be 25-34 years followed by the age bracket of 15-24 years (31.2%).(18.3%) of the respondents were in the age bracket of 35-54 years and a small percentage of (2.2 %) fell within the age bracket of 55-64

years. For both genders, all the age group from 15 to 64 was represented in the random sample. The distribution across the age group was consistent with the Kenyan population structure that has many young people and few elderly. Majority of the respondents belonged at age group 15-24 years and 25-34 years. The age distribution implies that majority of people who have experienced gender based domestic violence on the hands of the partners are of age 15-35 (See Table 5 below).

Table 5 : Age of the respondents

| Age (Years) | Frequency | Percentage (%) |
|--------------|------------|----------------|
| 25-34 | 87 | 48.3 |
| 15-24 | 56 | 31.2 |
| 35-54 | 33 | 18.3 |
| 55-64 | 4 | 2.2 |
| Total | 180 | 100.0 |

4.2.4 Religion of respondents

Respondents were also asked to indicate their religion affiliation, (see table 6 below) all respondents were christians. 45% of the respondents were catholics while protestant were 55%.

Table 6 : Religion of respondents

| Religion | Frequency | Percentage (%) |
|--------------|------------|----------------|
| Protestant | 99 | 55.0 |
| Catholic | 81 | 45.0 |
| Total | 180 | 100.0 |

4.2.5 Occupation of respondents

The occupation of the respondents varied considerably. 51.7% of the respondents interviewed were farmers. 36.1% of the respondents were Casual laboureres. 7.2% of the repondents are house wives, 2.2% of the respondents were self employed while 1.1% of the non government

employees and 1.1% government employees. Others 0.6%. The figures are shown in table 7 below.

Table 7: Occupation of respondents

| Occupation | Frequency | Percentage (%) |
|--------------------------|------------------|-----------------------|
| Farming | 93 | 51.7 |
| Casual Laborer | 65 | 36.1 |
| Housewife | 13 | 7.2 |
| Self Employed | 4 | 2.2 |
| Government Employee | 2 | 1.1 |
| Nongovernmental Employee | 2 | 1.1 |
| Other | 1 | 0.6 |
| Total | 180 | 100.0 |

4.3 Knowledge and Awareness of laws against Gender Based Domestic Violence

One of the key objective of the study was to understand if people of Nyamira county have the Knowledge and are aware of laws against GBDV as stipulated in the new constitution. These was measured by asking the respondents if they were aware of human rights as stipulated in the constitution, which agencies and individuals are responsible for providing and protecting their rights and finally, respondents were asked their views regarding some statements as stipulated in the constitution that are important towards addressing GBDV.

4.3.1 Awareness of human rights

Respondents were asked if they were aware of their human rights as stipulated in the new constitution in order to understand their knowledge of the human rights under the new constitution dispensation. 34.4% of the respondents reported that they are aware of the human rights. 65.6% of the respondents reported that they are not aware of their human rights. These findings are presented in table 8 below. A social worker a key informant stated that:

“Education on the Bill of Rights especially on the rights of women and children is still lacking in Nyamira. Awareness and implementation of the Sexual Offences Act and laws that punish acts such as raping is very low” (KI1, 28, June 2016).

Table 8: Awareness of human rights

| Awareness | Frequency | Percentage (%) |
|------------------|------------------|-----------------------|
| No | 118 | 65.6 |
| Yes | 62 | 34.4 |
| Total | 180 | 100.0 |

Out of the 34.4% respondents who reported that they are aware of their human rights. 32.3% respondents consider Right of life as fundamental human right ,freedom of expression reported 30.7%, right to basic needs 19.4%, right to information 16 % and right to citizenship 1.6 %. The findings are shown below in table 9. These are in line with some provision in the new Constitution of Kenya promulgated in 2010, Chapter 4 on the Bill of Rights that outlines human, socio-economic and cultural rights, and fundamental freedoms, regarding vulnerable groups that protects, preserves, promotes and fulfills their aspirations under the values of an open and democratic society based on human dignity, equality, equity and freedom.

Table 9: Human rights

| Human rights | Frequency | Percentage (%) |
|-----------------------|------------------|-----------------------|
| Right to life | 20 | 32.3 |
| Freedom of expression | 19 | 30.7 |
| Right to basic need | 12 | 19.4 |
| Right to information | 10 | 16.0 |
| Right to citizenship | 1 | 1.6 |
| Total | 62 | 100.0 |

4.3.2 Responsible Authority and Individual

Respondents also reported on whom and who were responsible to providing, maintaining and protecting those rights as stipulated in the constitution. 20.7% of the respondents said the chiefs, 19.6 % of the respondents said the council of elders, 15.6% of the respondents said civil society organization, 22.9% of the respondents said the police, and 13.4 % of the respondents said the media while 7.8% of the respondents said the county government. These findings are presented in table 10 below.

Table 10: Individuals and agencies

| Responsible person/Institution | Frequency | Percentage (%) |
|---------------------------------------|------------------|-----------------------|
| Police | 41 | 22.9 |
| Chiefs | 37 | 20.7 |
| Council of elders | 35 | 19.6 |
| CSOs | 28 | 15.6 |
| Media | 24 | 13.4 |
| County government | 14 | 7.8 |
| Total | 179 | 100.0 |

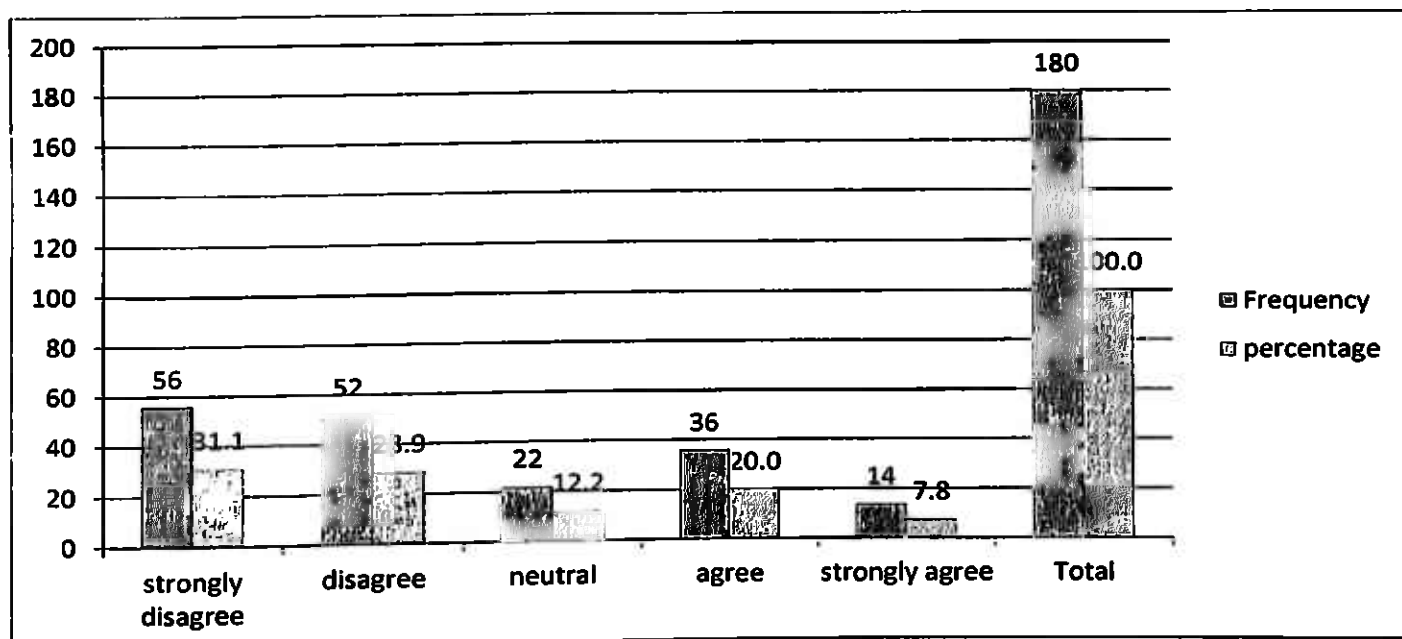
4.3.3 Common beliefs about GBDV in relations to Constituional Provisions.

Respondents were asked to indicate their views with “agree” and “disagree” response to five questions relating to various constituional provisions that are very important towards adressing GBDV .

4.3.3.1 Having sufficient knowledge of laws against GBV

As shown in figure 2 below 31.1% of the respondents strongly dis-agreed that they have sufficient information of laws against gender based domestic violence as provided in the new constituion.28.9 % of the respondents disagreed, while 12.2% were neutral, 20% and 7.8% agreed and strongly agreed respectively that they had sufficient information of laws against gender based domestic violence as provided in the new constituion. Data from the survey shows that most of the respondents believe that they do not have sufficient information of laws against gender based domestic violence as stipulated in the new constituion.

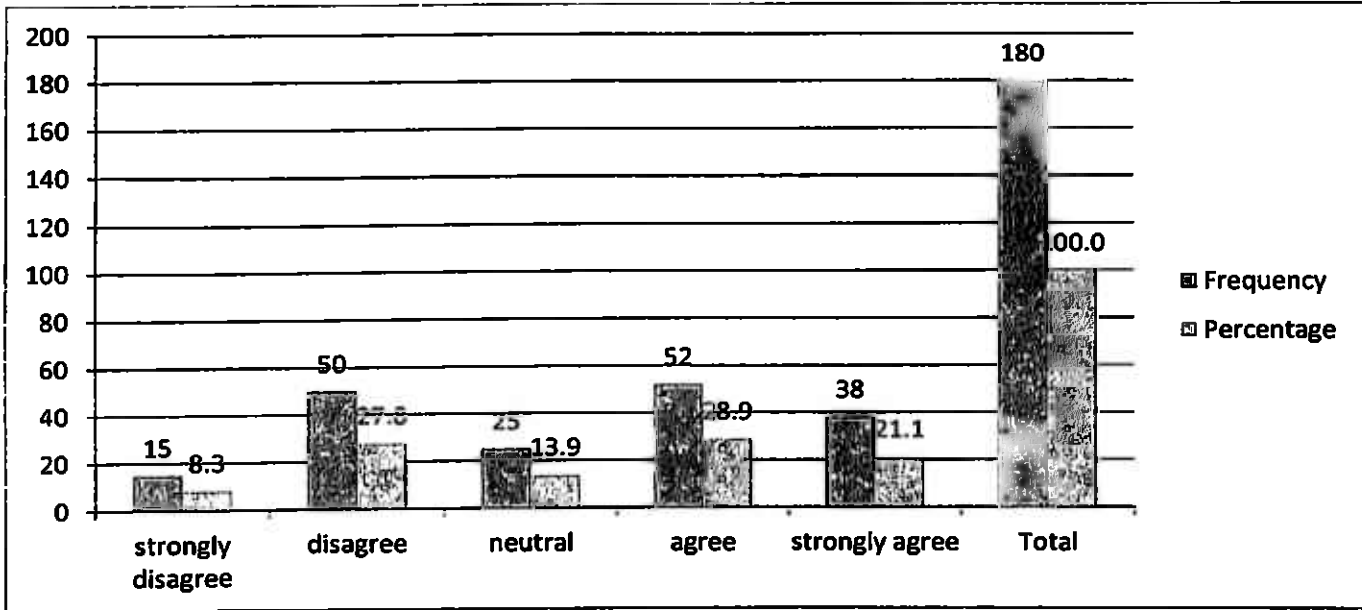
Figure 2: Having sufficient knowledge of laws against GBV (N = 180)



4.3.3.2 Where to report when rights are Violated

As shown in figure 3 below 8.3 % of the respondent strongly dis-agreed that they are not aware where to report if their rights are violated, 27.8 % of the respondents disagreed that they are not aware to where to report, 13.9 % were neutral while 28.9% and 21.1% of the respondents agreed and strongly agreed respectively that they were aware where to report if their rights are violated. Therefore, the data elicited shows that most of the respondents were aware where to report in case their rights are violated. This is in line with a report of FIDA-K(2012) that stated that most victims are aware where to report cases of abuse despite being within a short distance to police station. However, most of the cases and victims never report them.

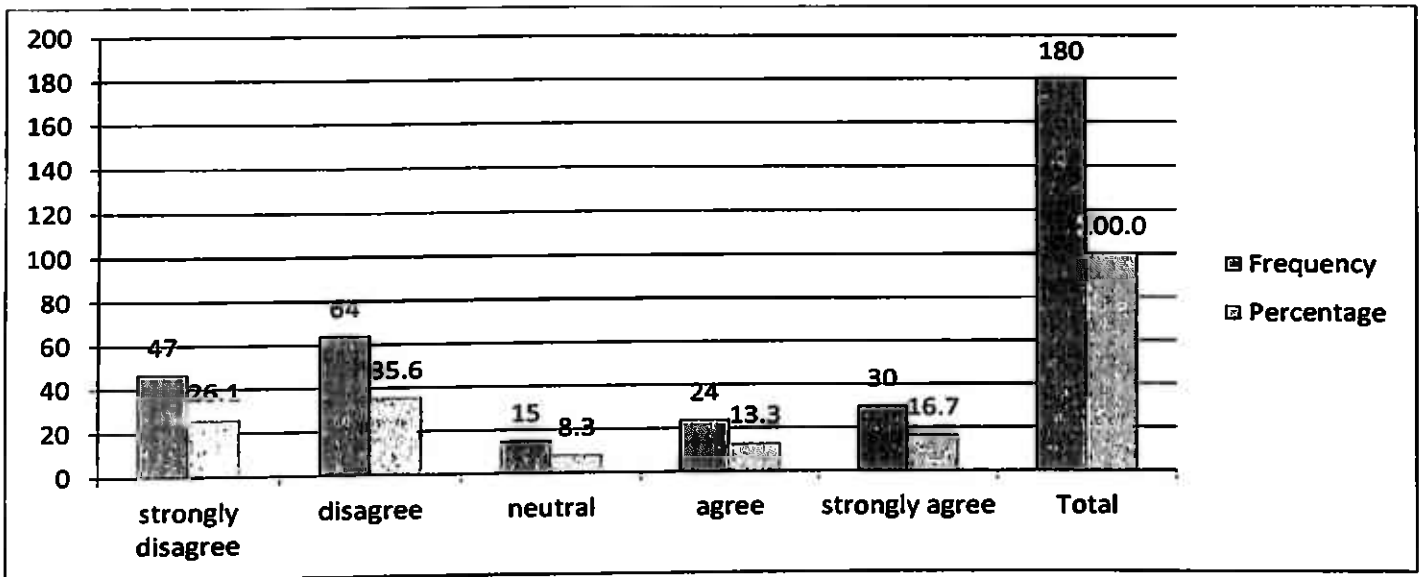
Figure 3 : Where to report when rights are Violated (N = 180)



4.3.3.3 Knowledge of having equal access to justice

As shown in figure 4 below 26.1% and 35.6% of the respondents strongly disagreed and disagreed respectively that women have equal access to justice as much as men. 8.3% were neutral while 13.3% and 16.7% agreed and strongly agreed respectively that women have equal access to justice as much as men. The data from the study shows that most of the respondents do not believe that both women and men have equal access to justice. This is a significant challenge because the belief by both men and women, that women have lesser privileges to access justice is a foundation for men perpetrating GDBV on women and the same women subjugating to the beliefs.

Figure 4: Equal access to Justice (N = 180)

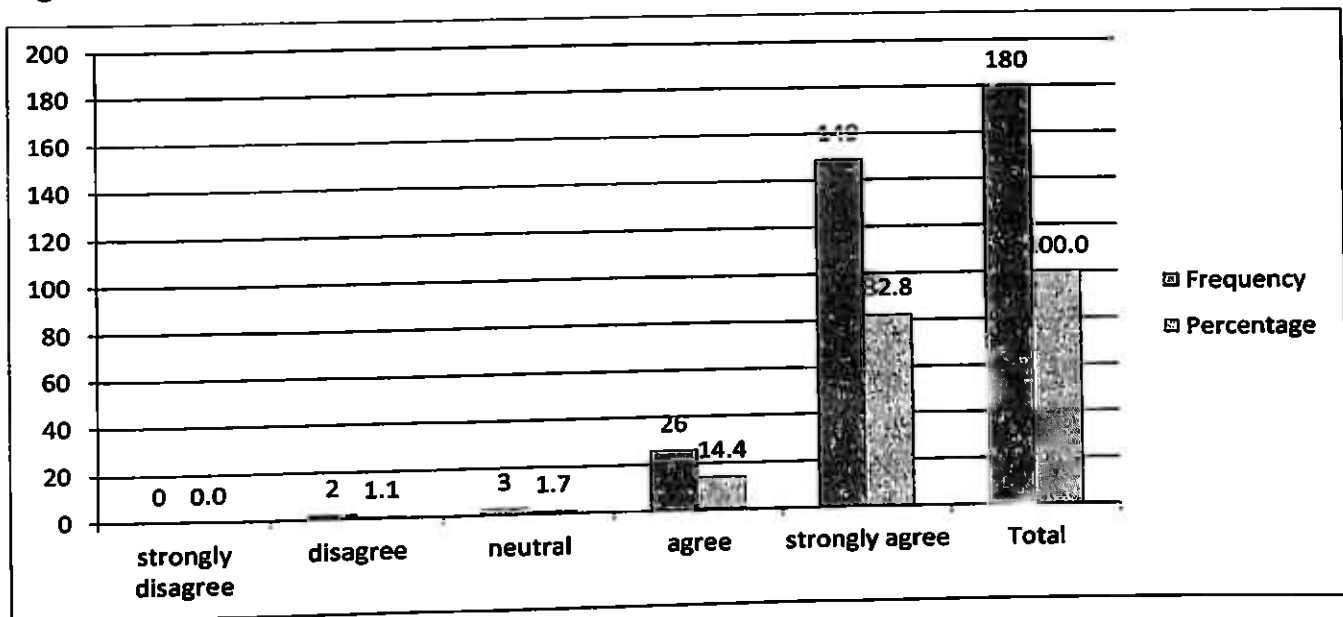


4.3.3.4 State to protect and promote security rights of citizens

As shown in the figure 5 below, 1.1% of the disagreed that the state does not need to protect and promote security rights to protect citizen from violent crimes. 1.7% of the respondents were neutral. 14.4% and 82.2% of the respondents agreed and strongly agreed that the state need to protect and promote security rights to protect citizines from violent crimes. Therefore, from the data collected from the survey most respondnets agreed that it's the duty of the state to protect and promote the security rights and to protect citizens from violent crimes. This is very important especially to victims and survivors of GBDV. Because most of the abuse is less often seen as crime hence need of the state and government to accord it much seriousness.

The findings concur with Human Rights Watch report (2008) which states that until recently, the public/private distinction that has ruled most legal systems has been a major obstacle to women's rights. Increasingly, however, States are seen as responsible for protecting the rights of women even in connection with offences committed within the home. In many countries violence against women is exacerbated by legislation, law enforcement and judicial systems that do not recognize domestic violence as a crime.

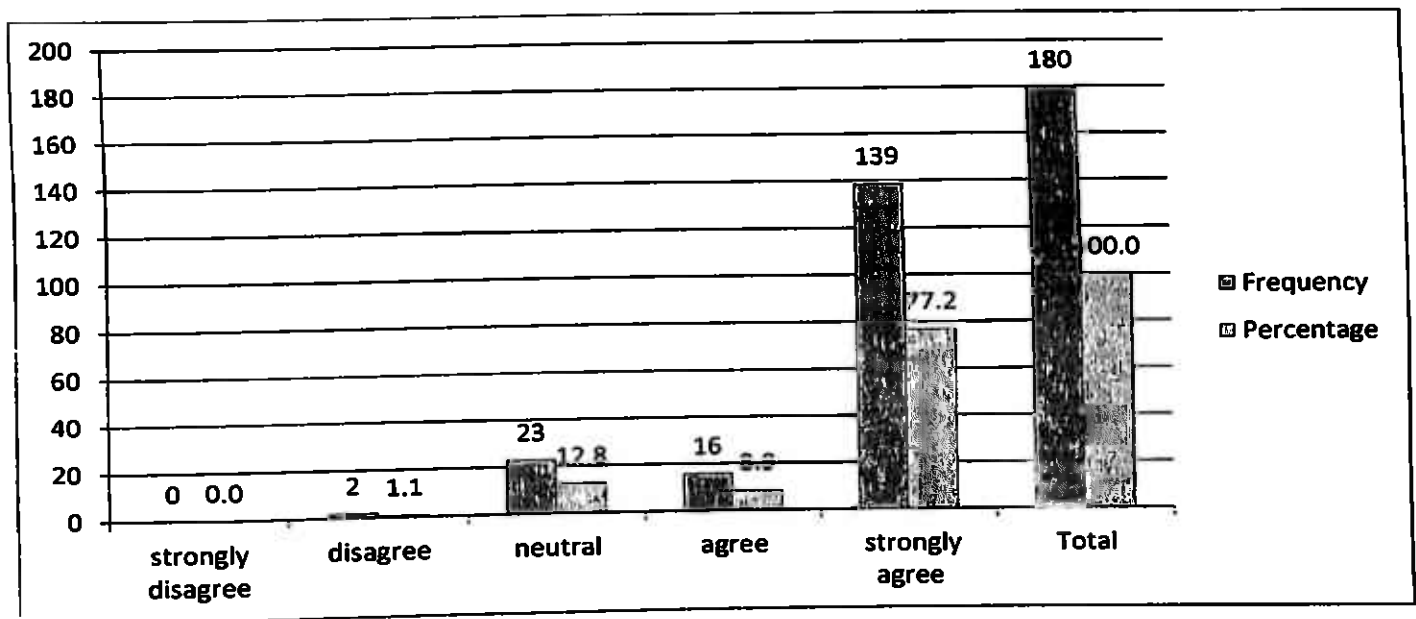
Figure 5: State to protect and promote security rights of citizens (N = 180)



4.3.3.5 State to promote and respect fundamental rights

As shown in figure 6 below 1.1% of the respondents disagreed that the state and state organs need to promote and respect the rights and fundamental freedoms in the bills of right. 12.8% were neutral. 8.9% and 77.2% of the respondents agreed and strongly agreed respectively that the state and state organs need to promote and respect the rights and fundamental freedoms as stipulated in the bill of right. From the data collected majority of the respondents believe that the state and state organs need to promote and respect the rights and fundamental freedoms in the bill of rights. This is important because the constitution stipulates under chapter 4 fundamental rights should be enjoyed for both men and women without discrimination which is not always the case with victims and survivors of GBDV. Therefore, it is important for the state and state organs to promote, educate and respect the fundamental rights.

Figure 6: State to promote and respect fundamental rights (N = 180)

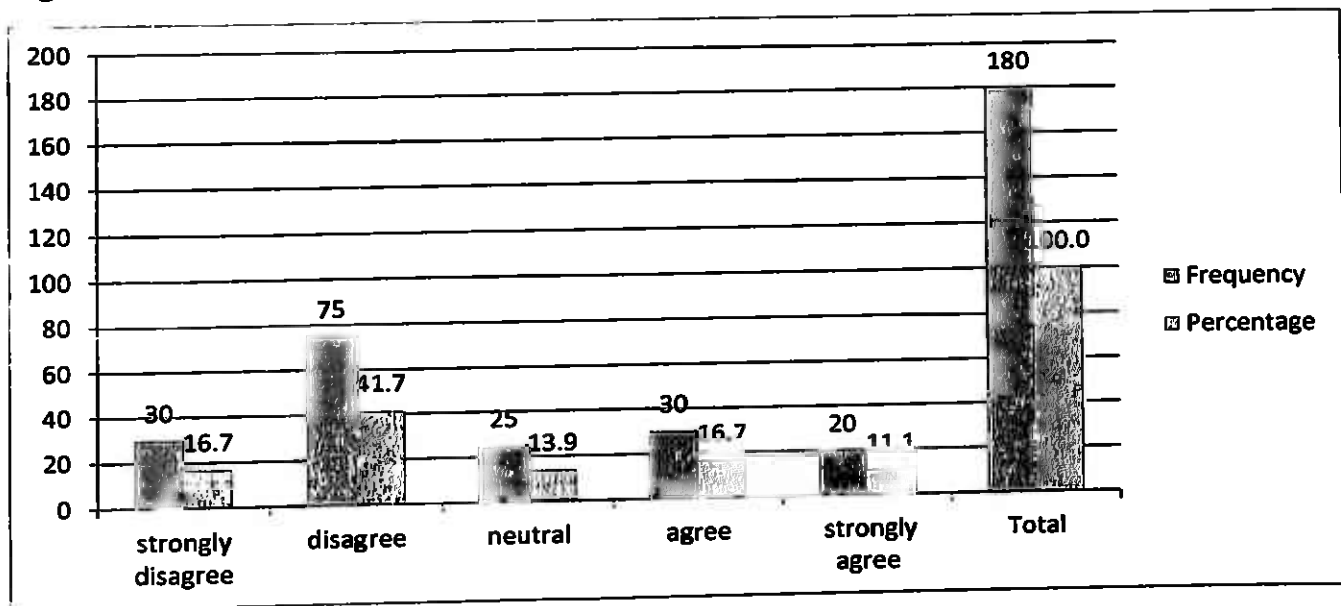


4.3.3.6 Aware of equal rights as stipulated in the constitution

As shown in figure 7 below 16.7% and 41.7% of respondents strongly disagreed and disagreed respectively that they were aware of equal rights that guarantees equal citizenship and non discrimination as stipulated in the new constitution. 13.9% of the respondents were neutral. 16.7% and 11.1% of the respondents agreed and strongly agreed respectively that they are aware of equal rights that guarantees equal citizenship and non discrimination as stipulated in the constitution. Therefore, from the survey data most respondents are not aware of equal rights that guarantees equal citizenship. This is a challenge because that belief that both men and women have no equal rights is a premise and foundation for men perpetrating GBDV among their intimate partners. The above findings were further expressed by the words of a social worker in Nyamira county who observed that:

“The new constitution provides for gender equality and equity. It is a criminal offence and against the constitution for a man to violate the rights of a woman and vice versa. However, most people around here are not aware of that. Both the men and women should be treated equally. All leaders in the community should spread the message and sensitize the community about the same” (KII 30, June 2016).

Figure 7: Aware of equal rights as stipulated in the constitution (N = 180)



4.4 Prevalance of GBDV among intimate partners By type

4.4.1 Knowledge and Awareness of Common forms of GBDV in the community

To measure through perceptions the existence of of GBDV among intimate partners in the community, respondents were asked an open ended question to indicate the main forms of GBDV in their community or areas. As shown in the table 11 below, the commonest forms, battering/beating emerged as one of the most prevalent form of GBDV with a frequency of 26.1%, abusive language 20.2%, Rape 15.7%, Economic abuse 13.1%, Defilement 9.1%, Marital rape 7%, Denial of freedom of movement 5.6% and Isolation From friends 3.3%. (See table 11 below). The findings on forms of GBDV among intimate is clearly highlighted by a key informant. A village elder based in Nyamira county said this:

“Cases of gender based violence among married people are very many in this village. I have witnessed and seen many of them. I have been called to handle some cases where husbands have battered and beaten their wives and children after disagreeing in the family. They disgaree on issues of money and other domestic issues” (KI3, July 3 2016)

In addition, a church elder in Nyamira county had this to say:

“Case of rape and defilement of women and girls are very rampant and they are on an increase in this community . Some of the rape and defilement is done within the family and no one talks about them” (KI4, july 3, 2016)

The above statements of key informants confirm that different forms of GBDV occur in Nyamira county and efforts must therefore be put in place to profile and curb them.

Table 11: Common forms of GBDV In the community

| Forms of GBDV | Frequency | Percentage (%) |
|-------------------------------|------------------|-----------------------|
| Battering/Beating | 150 | 26.1 |
| Abusive Language | 116 | 20.2 |
| Rape | 90 | 15.7 |
| Economic Abuse | 75 | 13.1 |
| Defilement | 52 | 9.1 |
| Marital rape | 40 | 7.0 |
| Denial of freedom of movement | 32 | 5.6 |
| Isolation from friends | 19 | 3.3 |
| Total | 574 | 100.0 |

❖ **The total is 574 due to multiple responses in each item.**

4.4.2 Experience of GBDV from intimate partner

Individual experience of GBDV from an intimate partner was tested with the question asking about if they have ever been abused. The result in the figure 8 below show that 72.2% (n= 130) of the respondents have ever experienced acts of GBDV while 27.8% (n= 50) of the respondent have never experienced any act of the GBDV as shown in figure 9. Out of the 130 total respondents who had experinced atleast one form of GBDV, women had a frequency of 80.8% (n= 105) while Men 19.2% (n= 25) see figure 9 below.

The figure is higher compared to Kenya Demographic and Health Survey (KNBS and ICF Macro, 2010) which indicated that about 45% of women aged 15-49 have experienced either physical or sexual violence. Specifically, the report revealed that 25 percent of women had

experienced physical violence, 7 percent had experienced sexual violence, and 14 percent had experienced both physical and sexual violence. The KDHS report (2010) also indicated that 3% women had perpetrated physical violence against their husbands or partners.

Figure 8: Experience of GBDV from an intimate Partner (N=180)

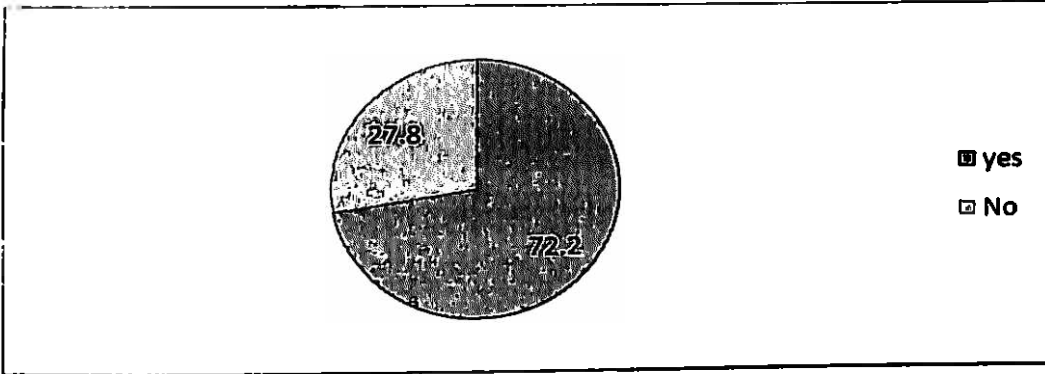
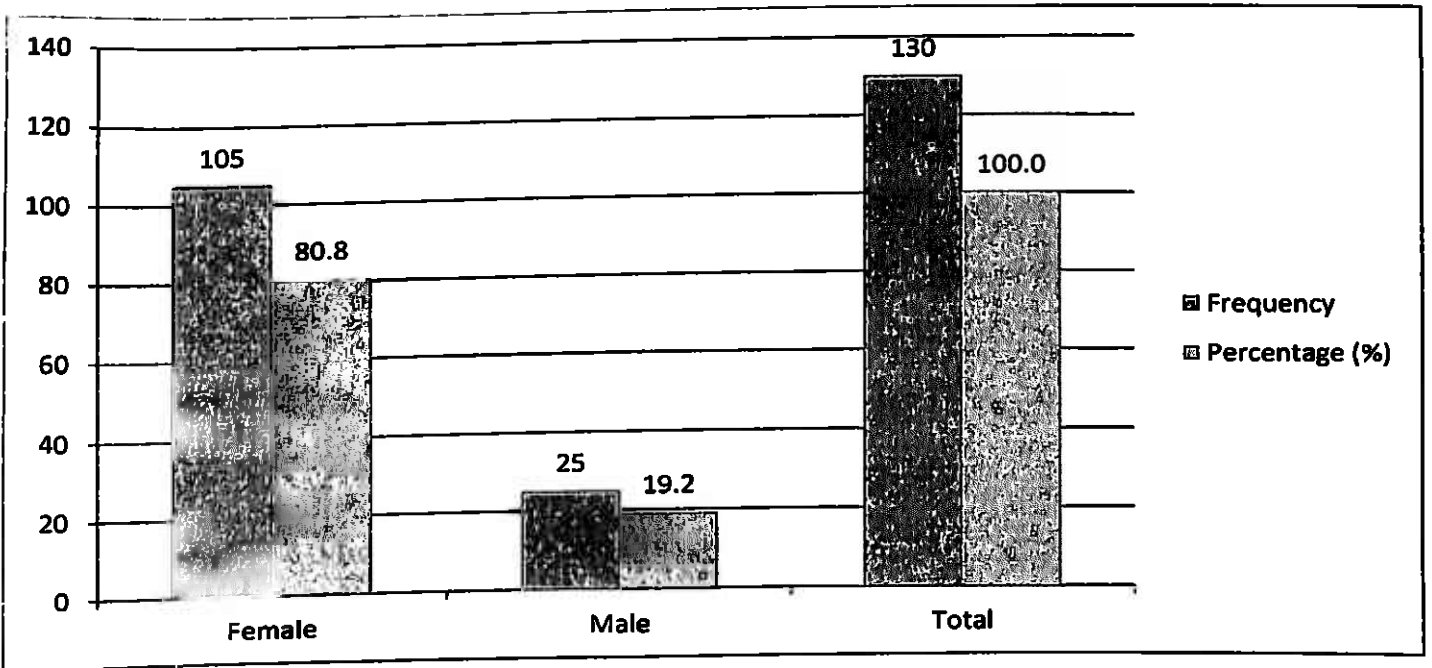


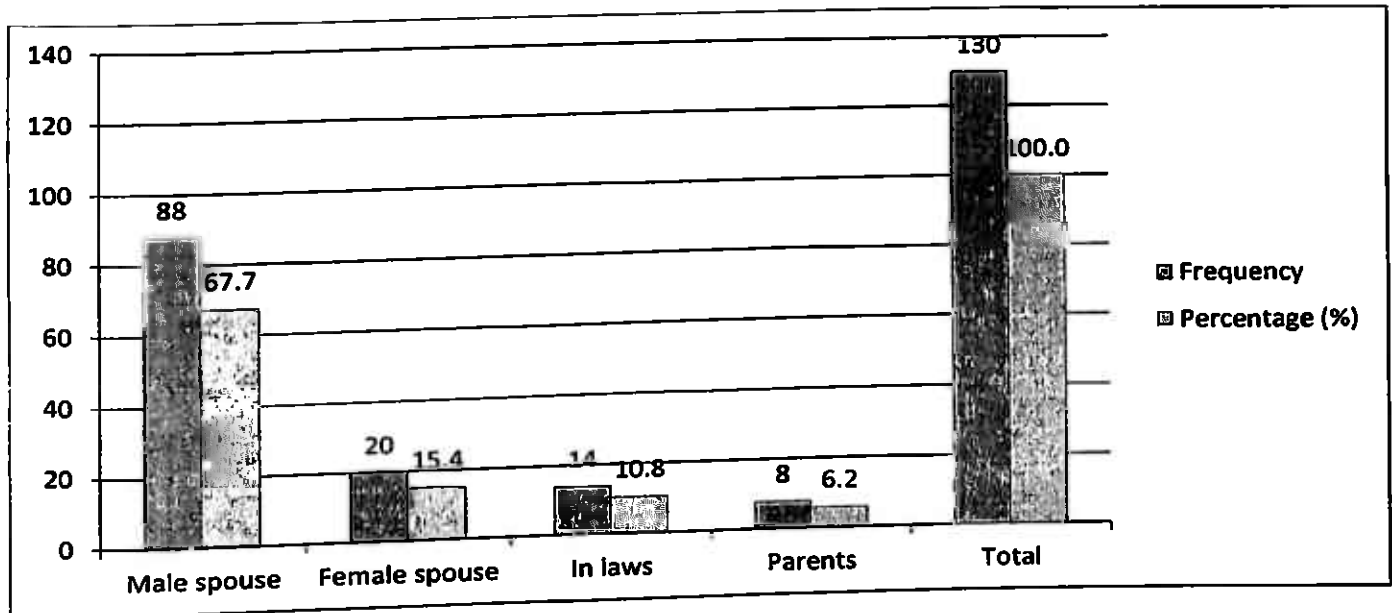
Figure 9 : Distribution of respondents abused by Sex (N= 130)



4.4.3 Distribution of respondents by perpetrators

As displayed in Figure 10 below, men spouses were cited as being the major perpetrators of GBDV by the overwhelming majority of respondents at 67.7%. The respondents who cited female spouses as perpetrators of violence were 15.4% while those who mentioned in-laws and parents as perpetrators only accounted for 10.8 % and 6.2% respectively.

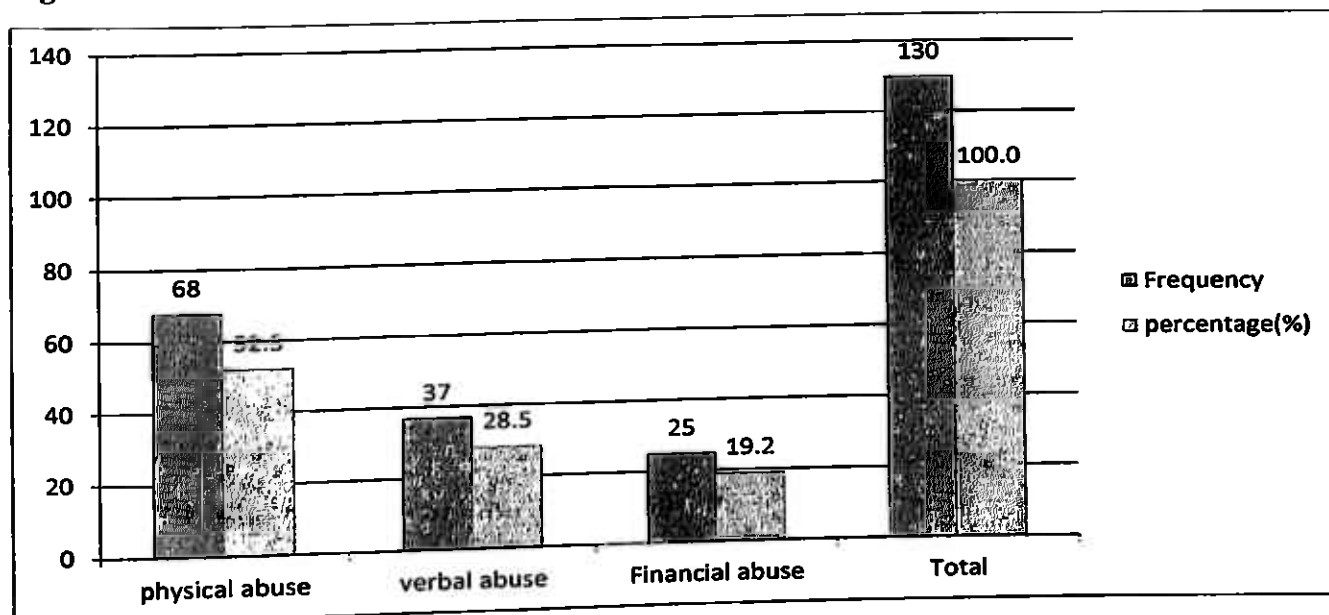
Figure 10: Distribution of respondents by perpetrators (N= 130)



4.4.4 Distribution of respondents by Nature and type of abuse

Of the 130 respondents who had experienced GBDV from intimate partner (28.5%) had experience verbal abuse, (19.2%) financial abuse while (52.3 %) had experienced physical abuse. These findings are consistent with information provided by the FIDA 2012 that noted physical intimate partner violence (IPV) in particular was more commonly reported (and perhaps more commonly experienced) by women than emotional or economic abuse. In addition, the report noted that criminal cases with succinct evidence of physical abuse prove to be rather successful while cases based on emotional or economic abuse are hard to try successfully. This may explain why women are more likely to report and seek legal counsel for physical abuse rather than emotional or economic abuse. (See figure 11 below)

Figure 11: Nature and type of Abuse (N= 130)



4.4.5 Circumstances/causes behind such abuses

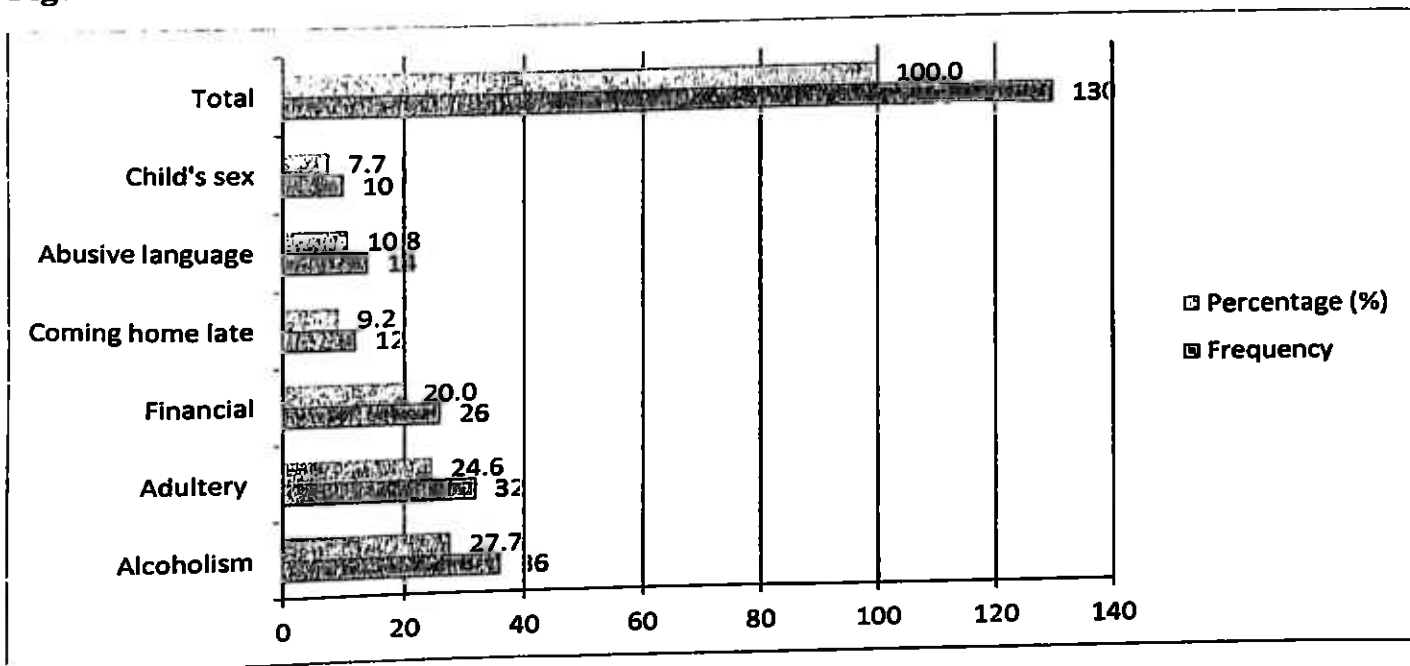
Another key question of the study was to identify factors which contribute to GBDV in Nyamira County. This was measured by examining the factors which led to the incidents of GBDV reported by Respondents in the county. The findings were coded into various categories: Failing to Obey Male Partner, Infidelity and/or Mistrust, Poverty and/or Unemployment, Alcoholism, Child sex and coming home late. The findings are shown in Figure 12 below. 27.7% of the respondents said the main cause of the violence is Alcoholism. 24.6% of the respondents reported Infidelity, 20% reported financial problems, 9.2% reported coming home late, and 10.8% reported failing to obey another partner and 7.7 % reported sex of the child being a factor.

From the graph, it is clear that alcoholism is a major cause of GBDV violence in Nyamira County. This is consistent with the existing literature on the relationship between alcohol taking and spouse abuse. According to Kalat (1996), alcohol has been linked with a high incidence of violence and aggression. Acute and chronic alcohol consumption is associated with high rates of sexual assaults, spouse abuse and child abuse (UNFPA, 1999). In addition, laboratory research has produced evidence of links in the pharmacology effects of alcohol and aggressive behavior (Frenzo, 1996). Disagreements over financial matters are other rampant causes of gender

violence in the study region. According to FIDA (2001), the commonest cause of domestic violence among women in Nairobi is misunderstandings resulting from money matters. Heisse 1996 also noted that women’s economic dependence on men limits their freedom in making financial decisions and this opens a leeway for abuse. One key informant said this:

“Most abuse and violence in the homes are associated with drunkenness, substance abuse, unemployment, poverty, families living apart and presently HIV status. Mistrust and perceived mistrust within marriages is equally a major problem in Nyamira County and it is contributing to cases of GBDV among intimate partners” (KI6, 28 June 2016).

Figure 12: Circumstances/causes behind such abuse(N= 130)



4.5 Factors relating to Gender based Domestic violence in Nyamira county

Another key objective of the study was to identify factors that relate and contribute towards GBDV among intimate partners in Nyamira county. They were categorized to various spheres, namely legal factors, social-cultural and economic factors. The factors were examined by determining the opinions of all respondents in the study.

4.5.1 Legal factors

A key notable legal factor derived from the data gathered is the low levels of knowledge and awareness amongst individual of both genders on their rights with the highest percentage of 47.8%. 17.2% reported legal cost, 15% reported reporting authority, 14.4% reported traditional justice and 5.6% reported witness protection. Some of the findings are in line with Mills 2000 who states that Legal causes include lesser legal status of women either by written law and/or by practice; laws regarding divorce, child custody, maintenance and inheritance; legal definitions of rape and domestic abuse; low levels of legal literacy among women; as well as insensitive treatment of women and girls by police and judiciary.

In addition, a thesis research by Kaluyu 2007, most victims (76.25 %) of violence prefer to seek medical assistance but very few (5%) report to police. There is a general fear that reporting a partner to police can trigger more violence. In addition, domestic violence cases are usually handed over to community elders who in turn do not maintain confidentiality Reporting authority and traditional justice also play a major role as observed by one key informant (social worker):

“Most of the cases that are reported to the police are always referred back to the chiefs and village elders to deal with. Some of the chiefs and village elders are always bribed by the perpetrators who are mostly men hence they are always biased. They ask women to forgive and persevere. Cases that we take for follow up, investigating officers in the police department do a bad job of investigation equally” (KI6, june 28, 2016)

Table 12: Legal factors relating to Gender based domestic violence

| Legal factors | Frequency | Percentage (%) |
|-------------------------------|------------------|-----------------------|
| Low level of knowledge | 86 | 47.8 |
| Legal cost | 31 | 17.2 |
| Reporting authority | 27 | 15.0 |
| Traditional justice | 26 | 14.4 |
| Witness and victim protection | 10 | 5.6 |
| Total | 180 | 100.0 |

4.5.2 Social Cultural factors

4.5.2.1 Social factors

46.7% of the respondents interviewed cited substance abuse as a major factor or cause of the GBDV among intimate partners as indicated in table 13 below. This is in accordance to previous literature as stated by World Bank (1993), that there is a high correlation between the rate of alcohol consumption and the rate of violence in families. Russell (1998) also indicated that a simple direct linear causal relationship exists with regards to alcohol and intimate partner abuse. This is consistent with the existing literature on the relationship between alcohol taking and spouse abuse. According to Kalat (1996), alcohol has been linked with a high incidence of violence and aggression. Acute and chronic alcohol consumption is associated with high rates of sexual assaults, spouse abuse and child abuse (UNFPA, 1999). Infidelity/ mistrust seem to be another social factor that relates to GBDV among intimate partners with second highest frequency of 27.8%. Other factors reported include Lack of communication with 16.1% and Irresponsible partners with 9.4%. (See Table 13 below) A social worker in Nyamira County observed this as social factor of GBDV:

“I do believe alcohol and drug abuse is a major contributing factor of GBDV in this county. Some men use alcohol “Changaa” and use bhang they become very careless and irresponsible. They fail to take care of their families and start beating and battering their wives” (KI6, July 5, 2016)

Table 13: Social factors relating to Gender based domestic Violence

| Social | Frequency | Percentage (%) |
|-----------------------|------------|----------------|
| Substance Abuse | 84 | 46.7 |
| infidelity | 50 | 27.8 |
| Lack of communication | 29 | 16.1 |
| Irresponsible | 17 | 9.4 |
| Total | 180 | 100.0 |

4.5.2.2 Cultural factors

Polygamy had the highest frequency with 22.2% Respondents reported it being the major cause of GBDV among intimate partners in Nyamira county. This is consistent with Armstrong (1994) that in much African tradition, the man is not questioned over extra marital affairs. In fact, a wife is seen as challenging her husband's authority and this in turn can trigger anger and violence. Payment of bride wealth and acceptance of wife beating were other common cultural practices and factors that were reported that contribute towards GBDV among intimate partners with 20% and 14.4 % respectively. According to Bowman 2003, payment of dowry over the years has become an expected part of the marriage transaction. . However, the practice can disadvantage families where the custom of dowry and bride wealth has been corrupted by western consumer culture.

Armstrong (1994) supported these ideas by documenting that dowry payment can lead to demands that escalate into harassment, threats and in extreme cases partners are driven to suicide, divorce or pursuit of another marriage. On the other hand, acceptance of wife beating plays a key role in gender violence among some communities. For example, culture allows men to beat their wives among the Yoruba of Nigeria, the Maasai, Kamba, Luhya and the Kalenjins of Kenya (Mbiti, 1979). The significance of the commonness of this belief is that it is usually the justification for wife beating in some (if not many) cultures in the country.

Cultural roles are another common cause of GBDV among intimate partners with a percentage of 13.3% this is consistent with observations made by Armstrong 1994, that expectations of roles within marriage relationships in patriarchal communities' accord men proprietary rights over women. Failure to adhere to the set roles by a male partner is considered as disrespect, which is mostly punished through physical or verbal abuse. Other cultural mentioned factors are Child sex (10%). The belief is the assumption that the boy child is regarded as more important than the girl child. Inferiority complex (9.4%), property rights (7.8%) and dress code (2.8%) See table 14 below.

Table 14: Cultural Factors Relating To gender based Domestic Violence

| Cultural | Frequency | Percentage (%) |
|----------------------------|------------------|-----------------------|
| Polygamy | 40 | 22.2 |
| Bride wealth | 36 | 20.0 |
| Acceptance of wife beating | 26 | 14.4 |
| Cultural roles | 24 | 13.3 |
| Child sex | 18 | 10.0 |
| Inferiority complex | 17 | 9.4 |
| Property rights | 14 | 7.8 |
| Dress code | 5 | 2.8 |
| Total | 180 | 100.0 |

4.5.3 Economic factors

According to data generated in this study, Poverty is the highest economic factor that cause violence among intimate partners in Nyamira county . It had the highest frequency of 53.3 % . This particular finding ties well with the findings of a study (Domestic Abuse in Kenya) dedicated to FIDA (K),carried out jointly by Population Communication Africa, Ford Foundation, National Council of Women, Kenya (NCWK) and the Canadian International Development Agency, Gender Equity Support Programme (CIDA/GESP) in 2002. In that study 24.3% of respondents acknowledged poverty as a major cause of domestic violence. In addition Fida Kenya 2001 argues that economic issues like financial constraints and unemployment are major causes of gender based violence. 24.4 % of the respondents interviewed said that financial matters as a cause to GBDV among intimate partners. This is implied in the family studies by Kephart and Jedlika (1988) that disagreement on family finance expenditure is one of the causes of violence in many homes of middle socio-economic status. In addition, According to FIDA (2001), the commonest cause of domestic violence among women in Nairobi are misunderstandings resulting from money matters. Heisse 1996 also noted that women's economic dependence on men limits their freedom in making financial decisions and this opens a leeway for abuse. Lastly low level of economic education was sited being a factor with a frequency of 22.3%. Poverty contributes to sexual and gender-based violence. According to

Fleishman (2003) a self-perpetuating cycle of poverty makes girls in the conditions of economic dependency to enter into risky and exploitative relationships in order to ensure access to food, shelter and schooling. An area chief in one of the location in Nyamira County observed that:

“Poverty is the major factor that contributes towards GBDV among intimate partners. Due to frustration of being poor many men turn to their women and children and start beating. In addition because of poor background of the abused women they have no option to leave the abusive men. They only pray that things will be better one day and most of them do not report to the relevant authorities” (KI5, July, 5, 2016)

Table 15: Economic Factors Relating to Gender Based Domestic Violence

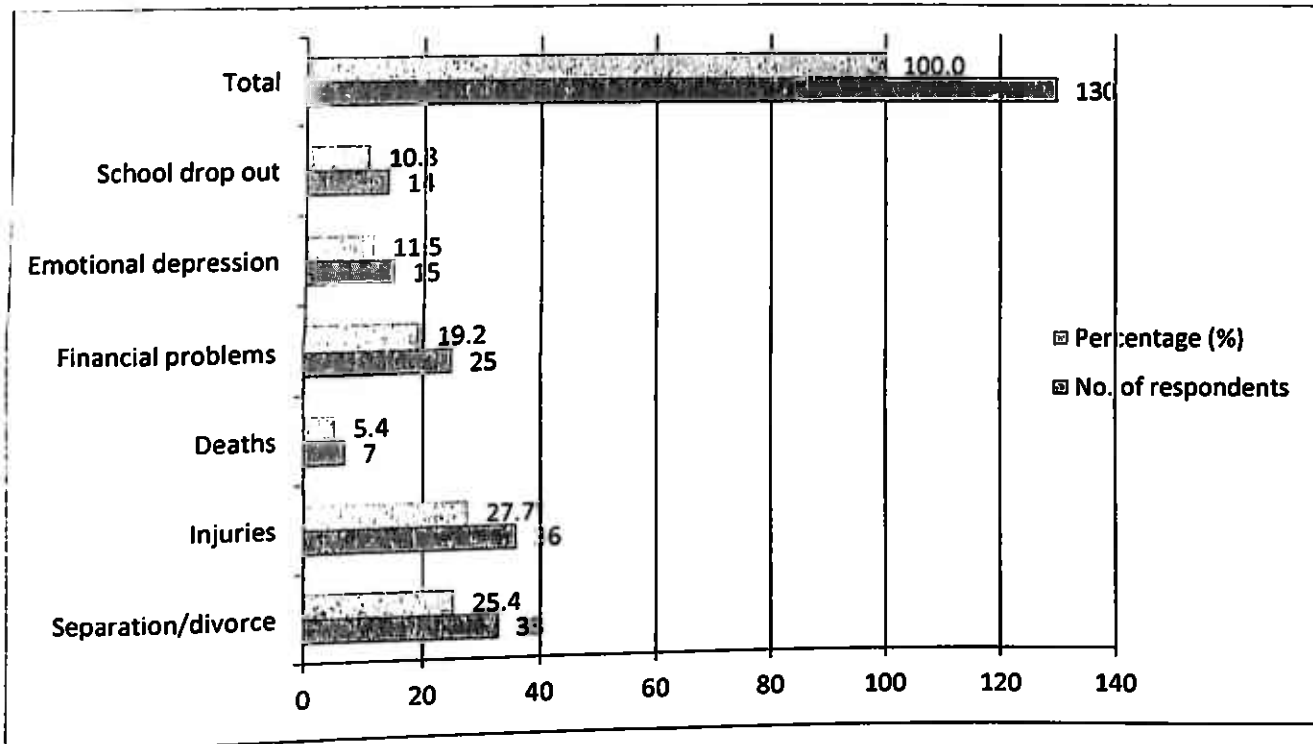
| Economic | Frequency | Percentage (%) |
|-----------------------------------|------------------|-----------------------|
| Poverty | 96 | 53.3 |
| Access to cash and credit/Finance | 44 | 24.4 |
| Education | 40 | 22.3 |
| Total | 180 | 100.0 |

4.6 Major consequences of Gender based domestic violence (GBDV)

The study determined various consequences of GBDV in Nyamira County. Respondents were asked the question on the consequences of the violence. Figure 13 below illustrates the findings. According to survey data, there are various consequences of GBDV including those that have immediate and life-long implications. Respondents reported the major consequences as being emotional depression (11.5%), financial problems (19.2%), injuries (27.7%), separation/divorce (25.4%), Death (5.4%) and school dropout (10.8%). (See figure 13 below)

In this village, I have handled many cases regarding gender violence, from what I have observed I have seen partners with serious injuries, some have separated out of it but the biggest casualties are children, they are left with no one to take care of them and other have dropped from school and started drinking local “Changaa” and doing casual jobs and some of this children are very young, very young” (KI2 June 28, 2016)

Figure 13 : Major consequences of domestic violence (N= 130)



4.7 The Extent of civic Education among the public (Human Rights)

The research study sought to understand if people of Nyamira county have ever received or been educated about their human right and duties by CSO and government agencies in light of the new constitutional dispensation. Respondents were asked if they have ever received civic education and from which agencies, institution or individuals.

4.7.1 Ever received civic education?

Only 11.7% of the respondents reported that they have received and been educated in civic education on human rights. 88.3% of the respondents reported that they have never been educated or ever received civic education on human rights. These findings are shown in table 16 below.

Table 16: Received Civic education

| Ever educated? | Frequency | Percentage (%) |
|-----------------------|------------------|-----------------------|
| No | 159 | 88.3 |
| Yes | 21 | 11.7 |
| Total | 180 | 100.0 |

One key informant person reported and said.

“We have never seen any from of civic education in these area, any from of civic education regarding any other forms of human right. We only saw it during the campaigns of the new constition but after the promulgation and passing of the constituion we never saw it again. People in this area have never been educated about their rights let alone those regarding gender based domestic violence” (KI4, 1, july 2016).

The above statement of key informant and from the findings it confirms that a large population of the county have not been educated and received any form of civic education reagarding the human rights pertaining to gender based domestic violence. 52.4% of the respondents who have received the civic education said they received it through the chiefs barazas.14.3% of other respondents got the civic education through county government. Another 14.3% of other repositdents were educated by the church.19% received the education through the civil society. These findings are presented in table 7 below.

Table 17: Individual and agencies that provided Civic education

| Institutions/Individual | Frequency | Percentage (%) |
|--------------------------------|------------------|-----------------------|
| Chiefs | 11 | 52.4 |
| Civil society | 4 | 19.0 |
| County rep | 3 | 14.3 |
| Churches | 3 | 14.3 |
| Total | 21 | 100.0 |

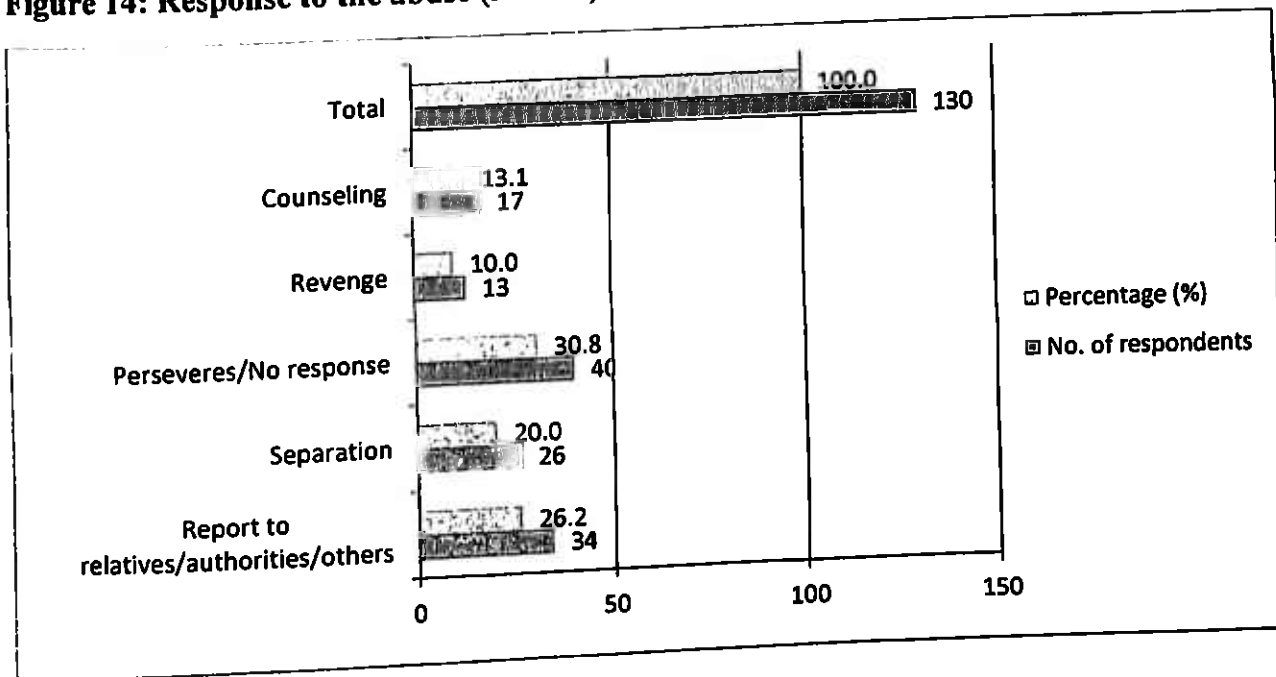
4.8 Management Strategies of Gender Based Domestic Violence

The research study also seek to find out if there are any management strategies adopted by the community to handle GBDV issues in Nyamira County. Questions were asked on how they respond to domestic violence, and if there are any agencies offering support services to victims of violence. Management and responses to GBDV are important in understanding, prevention and control of GBDV among intimate partners. That is, if victims and survivors report and other actor take action then there is possibility and likelihood of handling reducing the GBDV actions and its causes. To understand the management strategies of addressing GBDV, the study focused on: responses of victims to the abuse; Individuals and agencies to report Domestic Violence; Most effective method suggested and Individual and Agencies for addressing Gender based domestic violence

4.8.1 Response to the abuse

According to survey data (See figure 14 below), several methods of addressing GBDV were cited. These include perseverance (30.8%), separating (20%), and revenge (10 %), seeking for counseling (13.1%), and reporting to authorities (26.2%). These findings are consistent with the UNPFA (1999) report that many people suffer GBDV silently or persevere while others tell friends and close relatives. According to FIDA (2002) report on GBDV among women in Nairobi, 79 percent responded by reporting to friends and relatives and only 6 percent reported to the police, despite the fact that most women live within walking distance to a police station.

Figure 14: Response to the abuse (N= 130)

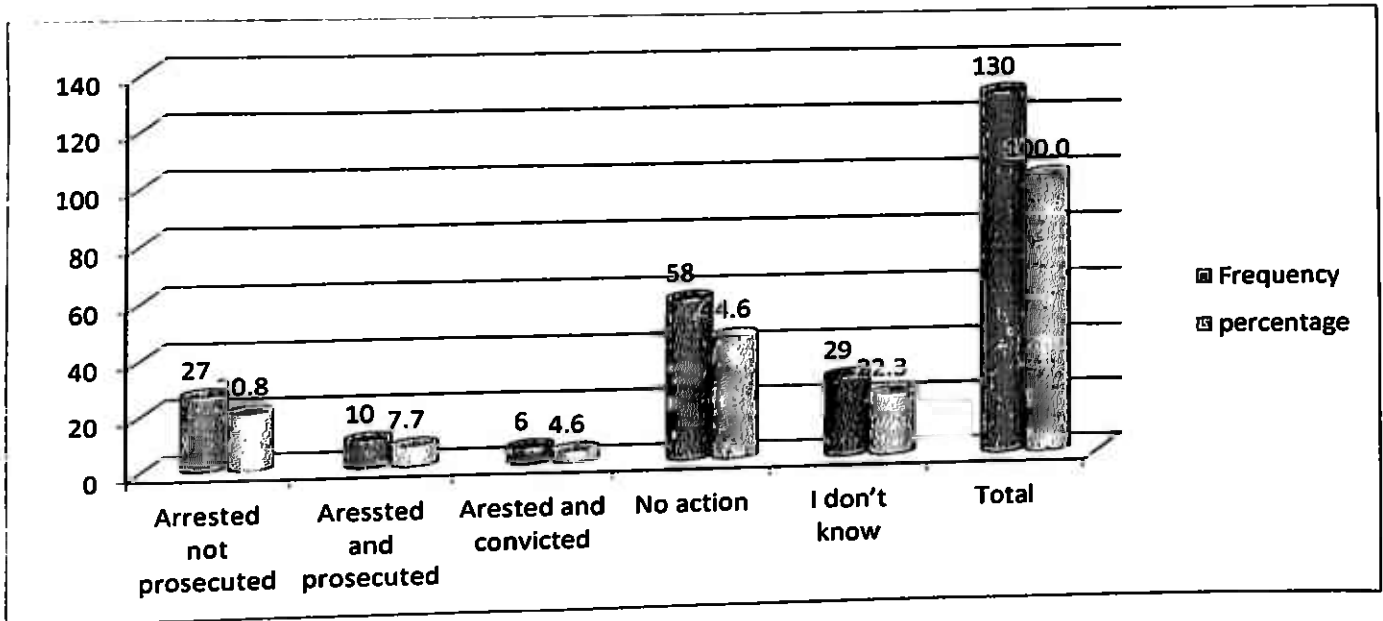


4.8.2 Action taken after report of GBDV is made

A very crucial and important element of GBDV prevention and control is that action is taken against perpetrators and victims are made aware of such action so as to gain confidence in the recipients of reports. Respondents who had reported GBDV among the intimate partners in their experience were asked if they knew what action was taken against perpetrators. As indicated in figure 15 below, only 20.8% of respondents reported that the perpetrators were arrested and not prosecuted, another 7.7% respondents reported that the perpetrators were arrested and prosecuted, 4.6% of the respondents reported that the perpetrators were arrested and convicted. Another 44.6% of the respondents reported no action was taken and 22.3% of the respondents did not know which action was taken. These results show very low levels of institutional response and public knowledge of the action taken. A key informant said this:

“Victims of GBDV acts perpetrated by intimate partners do not always report cases of the abuse to any authority. Even when it is reported they do not follow it up and they are always not willing to testify because they fear the perpetrators, hence most of the cases collapse and no action taken” (KI6 July, 4, 2016)

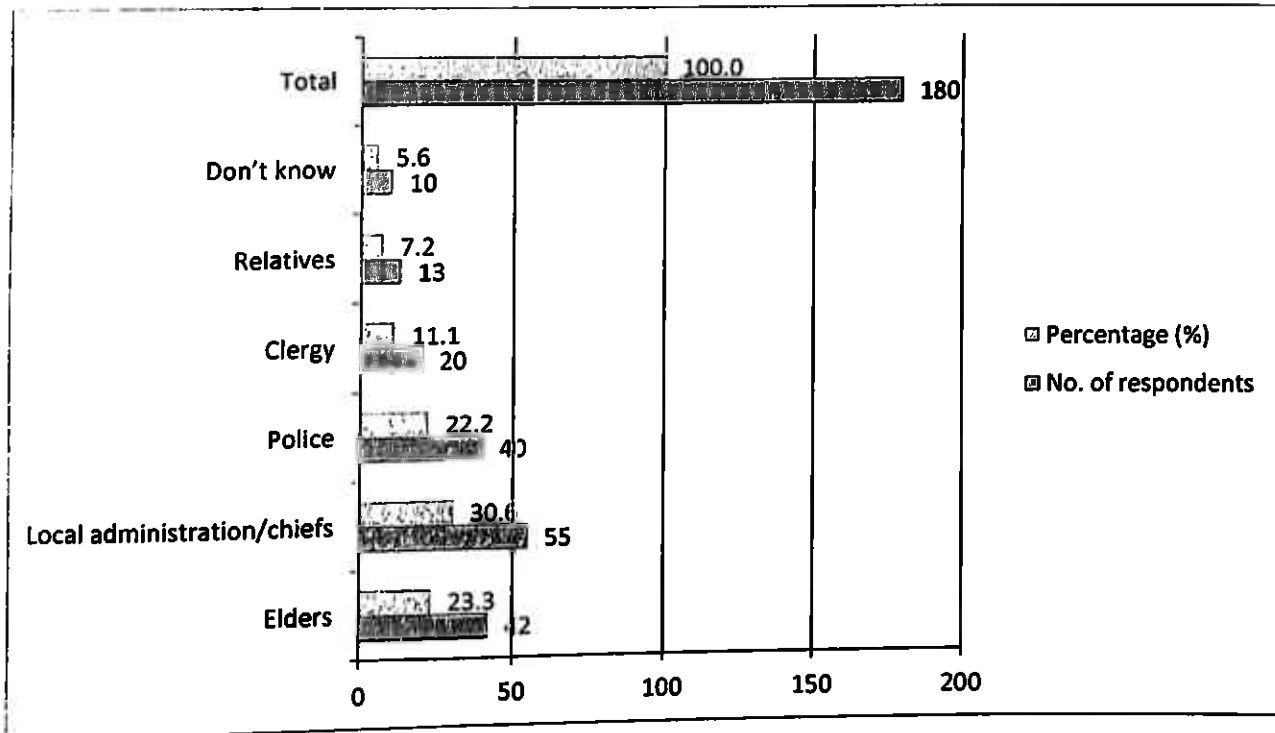
Figure 15: Response to reporting GBDV (N= 130)



4.8.3 Individuals and agencies to report Domestic Violence

The Survey findings also show that majority of respondents, report incidences of GBDV to some entity. In the four constituents selected for this study in Nyamira county, those who are affected by domestic violence reported the incident either to the local administration or community elders and religious leaders at the first level depending on the severity of the violence or complication of the case. Respondents reported that they report cases of GBDV to Relatives (7.2%), clergy or religious persons (11.1%), police (22.2%), local administration/ Chiefs (30.6 %) and elders (23.3%).

Figure 16: Authorities where to report Domestic Violence (N= 180)



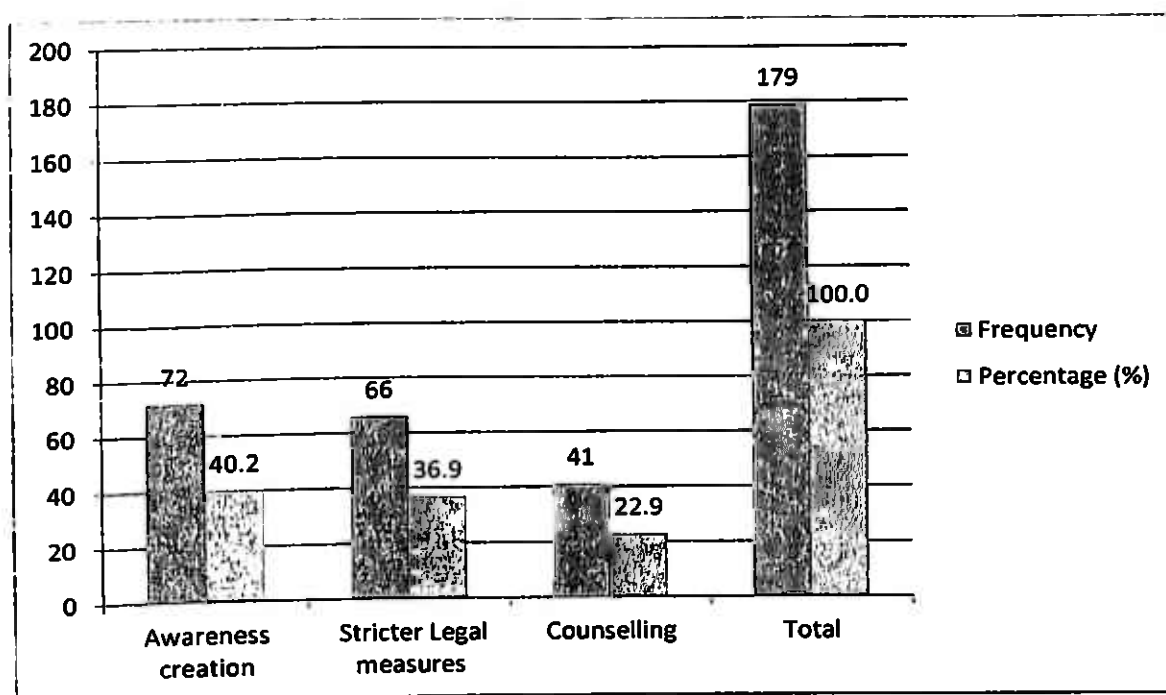
4.8.4 Appropriate policies and programmes for effective intervention

Respondents and key informants were asked to suggest what could be done as a way in improving mechanism of intervention on GBDV among intimate partner in Nyamira county. Based on their information, they proposed the actors and the following intervention for the management and control of GBDV among intimate partner.

4.8.4.1 Most effective method suggested

Figure 17 below shows that 40.2 % of the respondents cited education and sensitization as one of the best approaches to addressing the vice. However, stricter legal measure was an opinion expressed by 36.9% of the respondents. 22.9 % of the respondents reported counseling as the best method of addressing the problem. Education campaigns and creation of awareness on human rights and available support services had a lot of support from the respondents 40.2%. This is in line with the UNICEF (1999) recommendation that a well-informed society is better able to take the correct practical measures against gender violence, and more so victims of violence are able to fight for their fundamental human right as well as seek for appropriate support services.

Figure 17: Most effective method suggested (N= 179)



4.8.5 Individual and Agencies for addressing Gender based domestic violence

The following individuals and agencies were identified as being important towards addressing GBDV in Nyamira county, 23.6 % of respondents cited local administrators, CSOs and FBOs were 20.2%, victims 14.6%, police 14.0%, women leaders 12.4%, religious leaders 8.4%, others had 6.7%

Table 18: Suggested parties for addressing Domestic Violence

| Parties/stakeholders | Frequency | Percentage (%) |
|----------------------|------------|----------------|
| Local administrator | 42 | 23.6 |
| CSOs & FBOs | 36 | 20.2 |
| Victims | 26 | 14.6 |
| Police | 25 | 14.0 |
| Women leaders | 22 | 12.4 |
| Religious leaders | 15 | 8.4 |
| Others | 12 | 6.7 |
| Total | 178 | 100.0 |

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This study sought to assess the status of gender based domestic violence in light of the new constitution dispensation among intimate partners in Nyamira County. The specific objectives of this study were to (i) determine the extent of awareness of laws against gender based domestic violence as provided in the new constitutional dispensation, (ii) find out if intimate partners have been educated about civil rights and duties by civil society and government agencies in light of new constitutional dispensation, (iii) establish the prevalence of GBDV among intimate partners in Nyamira county, (iv) examine the legal, socio-cultural and economic factors relating to GBDV in light of new constitutional dispensation and (v) determine the consequences of GBDV among intimate partners in Nyamira county. This chapter gives a summary of the main study findings and draws conclusions and recommendations based on the research findings.

5.2 Summary of the findings

The study found out that female respondents were more than male respondents. Which is in line with the KNBS demographic data that shows that there many women than men in Nyamira county. The study found that majority of respondents have low level of education hence being illiterate or semi illiterates which is a factors towards them being interested in understanding the laws and being educated about gender based domestic violence. On occupation of respondents, a majority of the respondents who participated in the study are farmers. Due to their occupation and this economic activity being farming families and belief in division of labor among the family members it affects their urge to understand and have knowledge against gender based domestic violence hence little time or have no interest of having it.

5.2.1 Knowledge and awareness of laws against Gender Based Domestic Violence

The study established that most respondents (65.6%) are not aware of their human rights as stipulated in the new constitution. Out of the 34.4% of the respondents that are aware of their rights consider right to life as fundamental human right (32.3%), other rights reported included; freedom of expression (30.7%), right to basic need (19.4%), right to information (16%) and right to citizenship (1.6%). 22.9% of the respondents reported the police to be responsible to providing, maintaining and protecting those rights as stipulated in the new constitution.

Data from the survey showed that most of the respondents believe that they do not have sufficient information of laws against gender based violence as stipulated in the new constitution. Further data elicited from the survey showed that most respondents are aware where to report in case their rights are violated. This is in line with a report of FIDA- K (2012) that stated that most victims are aware where to report cases of abuse despite being within a short distance to police station. However, most of the cases and victims never report them. Most of the respondents from the survey do not believe that both women and men have equal access to justice. This is a significant challenge because the belief by both men and women, that women have lesser privileged to access justice is a foundation for men perpetrating GBDV on women and the same women subjecting to that belief.

From the data collected from the survey, most respondents agreed that's it's the duty of the state to protect and promote the security rights and to protect citizens from violent which is very important especially to victims and survivors. Because most of the abuse is less often seen as crime hence need of the state and government to accord it much seriousness. The finding concurs with human right Kenya report (2008) that's says that states are seen as responsible for protecting the rights of women even in connection with offences committed within the home. From the study majority of the respondents believe that the state and state organs need to promote and respect the rights and freedom in the bill of rights. Finally, most respondents believe that both women and men have no equal rights and equal citizenship as stipulated in the new constitution. This is a challenge because that belief is a premise and foundation for men perpetrating GBDV among intimate partners.

5.2.2 Prevalence of GBDV among intimate partners

Main forms of GBDV in Nyamira that were cited by the respondents included, battering/beating (26.1%), abusive language(20.2%), rape (15.7%), economic abuse (13.1%), defilement(9.1%), marital rape(7%), denial of freedom of Movement(5.6%) and isolation from friends(3.3%). The result from the survey show that 72.2% of the respondents have ever experienced acts of the GBDV while 27.8% of the respondents have never experienced it. Out of the 130 total respondents who have experienced GBDV women had a frequency of 80.8% while men 19.2%. The figure is higher compared to Kenya demographic and health survey (KNBS and ICF Macro, 2010) which indicated that about 45% of women aged 15-49 have experienced either physical or

sexual violence. The data show that male spouses were major perpetrators of GBDV at 67.7%, female spouses were 15.4% while in laws and parents accounted for 10.8% and 6.2% respectively.

Of the 130 respondents who had experienced GBDV from intimate partners 28.5% had experienced verbal abuse, 19.2% financial abuse while 52.3% had experienced physical abuse. These findings are in line with information provided by FIDA 2012 that noted that physical abuse by IPV was most commonly reported and perhaps most commonly experienced by women than emotional or economic abuse. Circumstances behind such abuse included; alcoholism (27.7%), adultery (24.6%), financial problem (20%), coming home late (9.2%), failing to obey (10.8%) and Childs sex (7.7%). This is consistent according to Kalat (1996) that states alcohol has been linked with a high incidence of violence and aggression.

5.2.3 Factors relating to Gender Based Domestic Violence in Nyamira county.

The notable legal factors elicited from the survey are low levels of knowledge and awareness amongst individual of both genders with a percentage of (47.8%), legal cost (17.2%), reporting authority (15%), traditional justice (14.4%), and witness protection (5.6%). Some of the findings are in line with Mills (2000) who states that legal causes include lesser legal status of women either by written and or by practice; laws regarding divorce, child custody, maintenance and inheritance; legal definitions of rape and domestic abuse; low level of legal literacy among women; as well as insensitive treatment of women and girls by police and judiciary.

Some of the social cultural factors cited by respondents include; substance abuse (46.7%), infidelity (27.8%), Lack of communication (16.1%) and irresponsible (9.4%). The findings are in line with World Bank (1993) that state that there is high correlation between the rate of alcohol consumption and the rate of violence in families. Russel (1998) also indicated that a simple linear causal relationship exists with regards to alcohol taking and abuse. Polygamy (22.2%) had the highest frequency under cultural factors which is consistent with Armstrong (1994) that in much African tradition, the man is not questioned over extramarital affairs. Other include; bride wealth (20.0%), acceptance of wife beating (14.4%), cultural roles (13.3%), child sex (10%), inferiority complex (9.4%), property rights (7.8%) and dress code (2.8%).

Poverty was cited as being one of the major factors that contribute to GBDV among intimate partners with a frequency of 53.3%. This finding ties well with the finding of a study by (domestic abuse in Kenya) other factors include; access to cash and credit/finance (24.4%) and education (22.3%).

5.2.4 Major consequences of Gender Based Domestic Violence

The study determined various consequences of GBDV in Nyamira county. Respondents reported the major consequence as being emotional depression(11.5%), financial problems(19.2%), injuries (27.7%), separation/divorce (25.4%), Death (5.4%) and school dropout (10.8%).

5.2.5 The Extent of civic Education among the public (Human Rights)

The research study sought to understand if people of Nyamira county have ever received or been educated about their human rights and duties by CSO and government agencies in light of the new constitutional dispensation. Only 11.7% of the respondents reported that they have received and been educated in civic education on human rights. 88.3% of the respondents reported that they have never been educated or ever received civic education on human rights. 52.4% of the respondents who have received the civic education said they received it through the chiefs barazas. 14.3% of other respondents got the civic education through county government. Another 14.3% of other respondents were educated by the church. 19% received the education through the civil society.

5.2.6 Management Strategies of Gender Based Domestic Violence

The research study also seeks to find out if there are any management strategies adopted by the community to handle GBDV issues in Nyamira County. To understand the management strategies of addressing GBDV, the study focused on: responses of victims to the abuse; Individuals and agencies to report Domestic Violence; Most effective method suggested and Individual and Agencies for addressing Gender based domestic violence.

According to survey data several methods of addressing GBDV were cited. These include perseverance (30.8%), separating (20%), and revenge (10%), seeking for counseling (13.1%), and reporting to authorities (26.2%). Respondents who had reported GBDV among the intimate partners experience were asked if they knew what action was taken against perpetrators. 20.8% of respondents reported that the perpetrators were arrested and not prosecuted, another 7.7% respondents reported that the perpetrators were arrested and prosecuted, 4.6% of the respondents

reported that the perpetrators were arrested and convicted. Another 44.6% of the respondents reported no action was taken and (22.3%) of the respondents did not know which action was taken. The Survey findings also show that majority of respondents, report incidences of GBDV to some entity. Respondents reported that they report cases of GBDV to Relatives (7.2%), clergy or religious persons (11.1%), police (22.2%), local administration/ Chiefs (30.6%) and elders (23.3%).

Respondents and key informants were asked to suggest what could be done as a way in improving mechanism of intervention on GBDV among intimate partner in Nyamira county. Based on their information, they proposed the actors and the following intervention for the management and control of GBDV among intimate partner. 40.2% of the respondents cited education and sensitization as one of the best approaches to addressing the vice. However, stricter legal measure was an opinion expressed by 36.9% of the respondents. 22.9 % of the respondents reported counseling as the best method of addressing the problem. The following individuals and agencies were identified as being important towards addressing GBDV in Nyamira county, 23.6 % of respondents cited local administrators, CSOs and FBOs were 20.2%, victims 14.6%, police 14.0%, women leaders 12.4%, religious leaders 8.4%, others had 6.7%.

5.3 Conclusion

A number of conclusions can be drawn from the findings of this study. First, household characteristics such as occupation, age and education level significantly influence gender based domestic violence among intimate partners under the new constitutional dispensation in Nyamira County. Secondly, very few people in the county have been trained and gone through civic education hence very few have knowledge, aware and understand their human rights as stipulated in the new constitution. This has a bearing towards addressing the menace of gender based domestic violence among intimate partners especially towards the management strategies because very few have knowledge of laws against gender violence as stipulated in the constitution. In addition, the prevalence of gender based domestic violence among intimate partner is very high in Nyamira County despite enactment of various laws that stem from the current constitution. There exists various commonest forms gender violence in the county they include; battering, economic abuse, abusive language among others.

Various factors still remain in place that contributes toward gender violence among intimate partner in Nyamira County. Legal factors such as low level of knowledge, legal cost, Reporting authority, traditional justice and witness protection still remain a barrier towards addressing the gender violence. In addition, social cultural factors are playing a role towards gender violence; they include polygamy, bride wealth, cultural roles, substance abuse, and infidelity and child sex among many others. Finally, economic factors that were identified include poverty, access to cash and credit and education.

5.3 Recommendations

Arising from the above findings and conclusions, the following recommendations were made:

- (i) Human right education should be promoted to empower women and men and this will help in educating the people of Nyamira County and eliminate laws that discriminate against women and strengthen women in leadership and decision-making. Make them understand the constitutions and gender laws especially those strengthen human rights. Conduct workshops and campaigns to de-legitimize violence as a way to resolve conflict or to discipline women. Conduct health campaigns to discourage use of alcohol and drugs.
- (ii) Specific Programs for awareness creation and economic empowerment by the relevant government Agencies county government and by CSOs should be developed and implemented as one way of solving causes that are related to GBDV among intimate partners.
- (iii) Most of the people who reported GBDV did so to the Police, chiefs and village elders and many never report this cases of gender based violence. Therefore, advocacy, education and facilitation for these institutions and others involved in addressing GBDV is needed to strengthen and make them more effective and efficient in identifying, and addressing cases of GBDV cases among intimate partners in Nyamira county.
- (iv) One of the problems to prevention and control of GBDV among intimate partner in Nyamira County was found to be failure to report GBDV cases and lack of cooperation by witnesses. Therefore, programmes aimed at encouraging increased reporting of GBDV to relevant authorities and supporting prosecution of perpetrators by providing witness evidence and ensuring witness protection mechanisms.

5.3.1 Suggestions for Further Research

- (i) This research project focused on gender domestic based abuse in Nyamira County. Further research should be carried on male abuse. This should be looked into to ensure non-violent relationships prevail in the society. This is because men suffer abuse from their partners but rarely do they disclose the same.
- (ii) The problem of gender and violence is complex and broad. The study therefore, recommends further research in the following area. A comparative study on the rate of violence among married partners should be conducted in the four constituents of Nyamira County to see if they reveal substantial differences due to other factors.

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APPENDICES
APPENDIX I
TOOL 1: SURVEY QUESTIONNAIRE

Good morning/ afternoon. My name is Shadrack Oguta a student at the University of Nairobi. I am collecting information from Nyamira residents on gender based domestic violence issues and would appreciate if you would respond to the following questions. Your response will be assured of confidentiality. There are no benefits from taking part but we would be grateful for your participation. Any information you provide will be kept confidential, your name will not be mentioned in the reports that we write. You may choose not to answer any question or stop the interview at any point. If anything I say is unclear. Please ask me to clarify.

Would you like to volunteer to take part?
Do you have any questions for me before I begin?

SECTION A: SURVEY QUESTIONNAIRE

1. Location.....
2. Division.....
3. Constituency.....

SECTION B: BIO DATA

4. Name (Optional).....
5. Gender: (Observe)

Male [] Female []

6. Age:

15- 24 [] 25- 34 []
35-54 [] 55- 64 []

7. Religion:

Catholic [] Protestant []
Tradionalist [] Islam []
Hindu [] other (specify).....

8. **Marital status** :(**Married**) if not, discard the interview.

9. **Level of education:**

- | | |
|-------------------------|--------------------|
| None [] | some primary [] |
| Primary completed [] | some secondary [] |
| Secondary completed [] | College [] |
| University degree [] | |

10. **Occupations:**

- | | |
|-------------------------------------|--------------------------------|
| Farming [] | Government sector employee [] |
| Business woman or self-employed [] | Non-governmental employee [] |
| Housewife [] | Unemployed casual laborer [] |
| Others (specify)..... | Refusal [] |

SECTION C: AWARENESS OF LAWS AGAINST GENDER BASED DOMESTIC VIOLENCE IN THE NEW CONSTITUTION.

11. As a member of the public, have you been educated about civil (human) rights and duties regarding gender laws and justice as stipulated in the constitution?
Yes [] No []

12. If yes, please mention by whom? -----

13. Have the governments (National and County), CSO or the justice system associations Developed and implemented any community legal education initiatives?
Yes [] No []

14. Are you aware of any human right as stipulated in the new constitution?
Yes [] No []

15. If yes, could you please tell me what you consider as your

a) Most important human rights: -----

b) Responsible person for the rights: -----

- i. -----
- ii. -----
- iii. -----
- iv. -----

16. The new constitution tries to promote justice for all. Please indicate to what extent you agree or disagree with the following statements with regards to the rights. Using a scale of 1 to 5 where, 1=strongly disagree, 2= disagree, 3= neutral, 4=agree, 5= strongly agree.

| Statement | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|---|-------------------|----------|---------|-------|----------------|
| I have sufficient information of laws against gender based domestic violence as provided in the new constitution | | | | | |
| I am aware of where to report if my rights are violated | | | | | |
| women have equal access to justice as much as men | | | | | |
| The state need to protect and promote security rights to protect citizens from violent crimes | | | | | |
| State and state organs need to promote and respect the rights and fundamental freedoms in the bill of rights | | | | | |
| I am aware of equal rights that guarantees equal citizenship and non-discrimination as stipulated in the constitution | | | | | |

SECTION D: STRATEGIES FOR ADDRESSING GENDER BASED DOMESTIC VIOLENCE

17. Have you ever been physically abused by your spouse/partner?

Yes [] No []

18. How as an individual do you deal with physical abuses perpetrated by your spouse/partner? (note: if ever abused)-----

19. Have you ever reported an incidence of abuse to anyone, agency or authority?

Yes [] No []

20. If yes, kindly give details including how the matter was resolved?-----

21. Does this community use any method to handle domestic violence?

Yes [] No []

22. If yes, please mention them?-----

23. Suggest the best and most effective way of dealing with domestic violence in your community?-----

24. Are you aware of any public/ Organization that are involved in addressing domestic violence

Yes [] No []

25. If yes, please mention them?-----

26. What in your view is the major challenge in stamping out domestic violence in your community?-----

SECTION F: LEGAL, SOCIAL- CULTURAL AND ECONOMIC FACTORS RELATING TO GENDER BASED DOMESTIC VIOLENCE.

27. Are you aware of any legal factors that relate to gender based domestic violence?

Yes [] No []

28. If yes, please mention them?-----

29. Do you consider cases of GBDV as adequately processed and punished?

Yes [] No []

30. What in your view are the challenges that women and men face in reporting GBDV-----

31. Suggest the best and most effective way of dealing with the legal factors that relate to domestic violence in your community?-----

32. Are you aware of any social cultural factors relating to gender based domestic violence

Yes []

No []

33. If yes, please mention them?-----

34. What are some of the challenges that make it hard to address them?-----

35. In your view, suggest the best way of dealing with them-----

36. Are you aware of any economic factors relating to GBDV?

Yes []

No []

37. If yes, please mention them?-----

38. What are the challenges that make it hard to address them?-----

39. In your view suggest the best way of dealing with them?-----

SECTION G: PREVALENCE AND CAUSES OF GBDV AMONG INTIMATE PARTNERS

40. What are the major causes of domestic gender based violence in your community?-----

41. In your view, which category of people in your community is most affected by domestic violence?-----

42. What form of gender based domestic violence are you aware of?

Rape []

Wife battering []

Female genital mutilation [] others (specify).....

43. Have you ever been a victim of gender based violence? (last 6 yrs)

Yes []

No []

44. If yes, who was the perpetrator? -----

45. Narrate the details of the occurrence giving the specific nature and type of the abuse.-----

46. How often does such an incidence occur (tick only one)

Rare []

Often []

Very often []

47. What are the circumstances that often lead to such abuses (narrate)-----

48. What steps did you take?

Did nothing []

Reported to the police []

Reported to the village elders []

Reported to a religious leader []

Reported to the chief []

Reported to any human right based organization []

Others (specify).....

49. Was any action taken?

Yes []

No []

50. Have you ever been verbally/ emotionally abused within the homestead?

Yes []

No []

51. If yes, who was the perpetrator?-----

52. Narrate the details of the occurrence giving specific nature and type of the abuse-----

53. How often does such an incidence occur (tick only one)

Rare []

Often []

Very often []

54. What are the circumstances that often lead to such abuses (narrate)-----

55. Does your spouse/partner ever give you support to better your livelihood

Yes [] No []

56. If yes, please give details-----

57. Has h/she ever denied you of anything that you feel are your entitlement?

Yes [] No []

58. If yes, please give details-----

59. Has anyone you know experienced either physical or emotional or both types of abuse

Yes [] No []

60. If yes, please narrate the circumstance that led to such abuses?-----

61. How frequent are such incidence

Very rare []

Rare []

Frequent []

Very frequent []

62. What in your view underlines the frequency of such incidence?-----

SECTION H: CONSEQUENCES OF GENDER BASED DOMESTIC VIOLENCE

63. Are you aware of any consequences of gender based domestic violence?

Yes [] No []

64. What are the major consequences of gender based domestic violence that you are aware of?-----

65. In your view, what type of the changes should be made to help fight domestic violence?--

66. Suggest the parties that should be involved while making such changes and in what way?-----

APPENDIX II

TOOL 2: KEY INFORMANT INTERVIEW GUIDE

Good morning/ afternoon. My name is----- a student from university of Nairobi. I am collecting information from Nyamira residents on gender based domestic violence issues and would appreciate if you would respond to the following questions. Your response will be assured of confidentiality. There are no benefits from taking part but we would be grateful for your participation. Any information you provide will be kept confidential, your name will not be mentioned in the reports that we write. You may choose not to answer any question or stop the interview at any point. If anything I say is unclear. Please ask me to clarify.

Would you like to volunteer to take part?
Do you have any questions for me before I begin?

SECTION A: PREVALENCE AND EXTENT OF GBDV/INTIMATE PARTNER VIOLENCE

1. Are you aware of GBDV in the area, their estimation on prevalence and who the main perpetrators are (men/women?)-----

What are the Major reasons/circumstances that usually occasion GBDV violence in the area? (Probe for family-based and other reasons)-----

SECTION B: TYPES AND FORMS OF GBDV AND THE CONSEQUENCES OF VIOLENCE.

a) What are the Nature and common types of GBDV among married couples including psychological/emotional, economic and physical bodily abuse (probe in details the forms violence takes and estimated frequency of such occurrences) in the area?-----

Is there a difference in manifestation under the new constitutional dispensation?
If yes, elaborate-----

The problem of GBDV, has it gotten worse, stayed the same or reduced. What form of GBDV has gotten worse, stayed the same or reduced under the new constitution

dispensation (probe)?-----

What are some of the Consequences of the various types and forms of GBDV violence in the area?-----

SECTION C: STRATEGIES FOR AND CHALLENGES OF ADDRESSING GBDV

2. How do the community, individual women/men deal with GBDV violence in the area (probe)?-----

What are the Types and forms of interventions to GBDV in the area you are aware of in the area?-----

3. What are the Existing community level structures, government and civil society actors in the area that are involved in addressing GBDV (probe on the various initiatives)-----

What are some of the Performance (success/failure stories) of initiatives focusing on GBDV in the area?-----

What do you perceive to be challenges and barriers for success in addressing GBDV in the area?-----

Can you suggest on how to address the identified challenges and barriers to effectively addressing GBDV in the following area in particular (probe for what they perceive as appropriate for every level)?

- i. Individual-----

- ii. Community-----

- iii. Civil society-----

- iv. Government level initiatives-----

4. Who should be involved in processes for addressing GBDV and for what reasons?-----

SECTION D: LEGAL, SOCIAL- CULTURAL AND ECONOMIC FACTORS RELATING TO GENDER BASED DOMESTIC VIOLENCE.

5. In your view and given your experience are the GBDV survivors adequately informed of their rights, procedures and time involved in the legal process?-----

What do you perceive to be legal, social cultural and economic factors that relate to gender based domestic violence and how can they be solved (probe for every factor)?

- i. Legal factors-----

- ii. Socio- cultural factors-----

- iii. Economic factors-----

SECTION E: AWARENESS OF LAWS AGAINST GENDER BASED DOMESTIC VIOLENCE IN THE NEW CONSTITUTION.

6. To what extent members of the public been educated about their of human rights duties specifically among GBDV survivors as stipulated in the new constitution?-----

7. What avenues have been used to raise public awareness of civil rights regarding gender base domestic violence and have such initiatives targeted poor, illiterates or otherwise?--

