

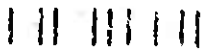
**REPORTING RAPE CASES AT POLICE STATIONS IN KENYA: HUMAN RIGHTS
DIMENSIONS OF SURVIVORS EXPERIENCES IN NAIROBI COUNTY "**

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C53/61379/2013

**A Research Project Submitted in Partial Fulfilment of the Requirements of the Award
of the Degree of Master of Arts in Human Rights of the University of Nairobi**

2019


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DECLARATION

This is to certify that this research project is my original work and has not been presented for a degree award in any other university or institution of higher learning.

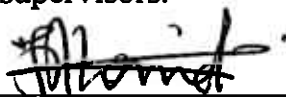
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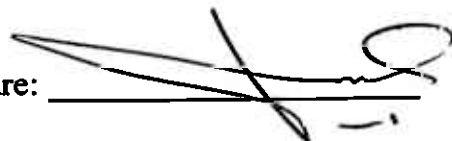
This research project has been submitted for examination with our approval as the University of Nairobi supervisors.

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DEDICATION

I would like to dedicate this study to my late father, Mr. Kalisto Evan Ndubi.

ACKNOWLEDGEMENT

Without the support and invaluable guidance of my dedicated supervisors, Dr. Khamati Shilabukha and Dr. Wafula Muyila, this accomplishment would have been impossible. I also appreciate the guidance of all the lecturers in the Department of Philosophy and Religious Studies at the University of Nairobi.

I am also grateful to the resilient respondents who took time to give us feedback despite this being a sensitive topic of research. Thank you for making this study successful and for your immeasurable insights.

I would also like to thank the Key Informants who gave vast contributions which further enriched this study.

I also acknowledge my classmates who encouraged me throughout as well as my family and friends who pushed me to forge forward.

I owe it all to the Almighty God who made this come to fruition.

ABSTRACT

This project presents findings of the study on the human rights dimensions of the experiences of those who report rape cases in Nairobi County, Kenya. The main objective was to explore how rape cases' reporting at police stations is conducted, the survivors' experiences and how this affects their human rights. The study assumed that the procedures for reporting rape are not followed and the human rights of the survivors were violated. Descriptive research design was adopted. All adult survivors of rape living in Nairobi County formed the population. The study employed the Theory of Planned Behaviour (PBH) which uses attitudes, social norms, perception behavioral control (PBC) as model factors to assess their relationship with intent to report a crime. The relevance of the theory to this study was the fact that it facilitated an understanding of what could influences rape survivors resolve to report or not to report rape ordeals. The Snowball sampling was used to select 100 survivors of rape who were involved in the study. The study used the survey method with a semi-structured questionnaire as the tool to collect data from the sampled subjects. The questionnaire was supplemented by key informant interviews. Quantitative data obtained from the questionnaire analyzed through computation of descriptive statistics like mean, standard deviation, percentages and frequency distributions. Graphical and tabular presentation of the findings was used. Qualitative data was organized systematically under various themes. Information collected from the key informant interviews was transcribed, analyzed thematically, and presented in a narrative form. The study found that majority of the respondents who reported their cases to the police as advised by their family and friends to whom they initially reported to but overall, most did not proceed to report or gave up on the process. The main finding was that during reporting, the survivors felt that their rights were infringed upon because of the treatment they received from the police at the station. The study also found that the reporting procedures were ineffective and discriminatory hence discouraging for the survivors to seek justice to its logical conclusion. The study also found that majority of those who did not report were male survivors of rape. It is recommended that proper structures and investment be put in place to empower and enable the law enforcers to handle cases of rape as well as other forms of sexual violence professionally. Additionally, it is recommended that further research is conducted on this topic and on male survivors of rape.

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LIST OF ABBREVIATIONS AND ACRONYMS

CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CREAW	Centre for Rights Education Awareness
DCI	Director of Public Prosecutions
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
KDHS	Kenya Demographic and Health Survey
NCRB	National Crime Records Bureau in Kenya
OB	Occurrence Book
PBC	Perception Behavioural Control
PRC	Post Rape Care
TPB	Theory of Planned Behaviour
UDHR	Universal Declaration of Human Rights
UN	United Nations
WHO	World Health Organization
WSOC	Wynberg Sexual Offences Court model

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CHAPTER ONE: BACKGROUND TO THE STUDY

1.1 General Introduction

Despite rape being a crime violating key human rights, studies indicate that it is underreported globally (Golding, 2016; Walker, 2009; Dickinson, 2009; Reid et al. 2018). The underreporting is due to threats by the abusers, stigmatization by society, slow process of resolution and skepticism (Golding, 2016; Walker, 2009; Dickinson, 2009). Despite the global underreporting being high, Kenya experienced an increase (87.3%) in reported cases from 1971 to 2015 (NCRB, 2016). The actual number of instances of rape is however far from being recorded since the unreported number of cases is extremely high despite the establishment of the gender desks and the increase in rape cases.

Rape has been defined in various ways in different contexts. For instance, the World Health Organization (WHO) defines rape as sexual assault/penetration without consent, by force or with minors. In Kenya, rape is defined as forceful, sexual penetration without the consent or through intimidation. Rape violates rights as enshrined in various laws, both domestic law and international human rights framework. The KDHS (2009) indicates that at least 21% of Kenyans have been raped at a certain point in their lives (KDHS, 2009). There were increased cases of rape during the 2007 general elections due to the violence experienced in the period especially in Nairobi and Mombasa (CREAW, 2010). According to CREAW (2010), only 23% of the residents of Kibera who were raped in the period reported to the police after the post-election violence.

Globally, rape is a severely under-reported crime with surveys showing dark figures of up to 91.6% going unreported (Italian National Statistics Institute (ISTAT), 2016; Golding, 2016; Walker, 2009; Dickinson, 2009). A study by the National Research Council found that rape might also be grossly under-reported in the United States (National Research Council, 2013). The rate of reporting rape cases is very low in Africa with 98.12% of rape cases going unreported (WHO, 2016; Gartner & Macmillan, 2015). Kinyanjui (2015) also found rape to be the most under reported violation of human rights. It was found that only 5% of the rape survivors of rape report to the police with only 16% going to the hospital after the incident.

The unreported number of cases is extremely high despite the establishment of the gender desks in police stations and the increase in rape cases (Mwangi, 2012).

One of the drivers of this scenario of rape being underreported could be cultural norms and beliefs around sexuality. In addition, some of them are optimised in myths and misconceptions. Burt (2010) stated that in contexts where cultural myths are largely accepted there are more rape cases. In many cases, the norms perpetuate a scenario of trivialising rape and culture of blaming the victim. These contexts usually lead to the violation of the rights of the survivor in whichever way one looks at it (Shilabukha, 2007). The situation is exacerbated if the survivor is a man, due to the stereotypical explanations and expectations on men in a patriarchal society such as Kenya. In such cases, it is believed that men cannot be raped.

Ideally, a survivor of rape is supposed to report the incidence at the nearest police station, preferably after seeking medical attention. The statement is then recorded by the police and signed by the survivor/witness upon satisfaction. Once received at the hospital, the health worker completes the P3 based on the Post Rape Care (PRC) form. Therefore, the relationship of the rape cases with the police defines how the survivors perceive the prosecution (Jordan, 2002).

By virtue of Kenya's Bill of Rights as enshrined in the Constitution the rights of survivors of rape, including the right to report are inherent. If survivors face challenges when reporting then their rights to access medical care, right to health and right to seek justice will be infringed upon. That is why the Police Act Cap 84 of the Laws of Kenya mandates the police officers to, among other things, apprehend offenders and ensure the enforcement of all the laws including the Constitution. The Act goes further to emphasize that the police officers should not subject any person to torture or to any other cruel, inhuman or degrading treatment, which are all violations and which, as some of the studies shown, are what some survivors of rape went through when they reported (Jordan, 2002; Shilabukha, 2007; Mwangi, 2012).

1.2 Statement of the Research Problem

One of the key findings of the Kenya Demographic Health Survey (KDHS, 2014) was that for the population aged between fifteen and forty-nine years, 14% females and 6% male had been sexually assaulted at least once. The experiences in rape has been found to vary with gender and age. The young females below 19 years reported rape cases more than older females. The survey showed that 17% of the females below 15 years reported compared to 7% of the females above 30 years in the period of 1 year. The level of reporting is low among unmarried females professing the Muslim faith. This is shown by less than 6% (KDHS, 2014).

10% of the females who had experienced rape had only acquired education below secondary education, with 5% of those who were assaulted having attained secondary education and higher. KDHS (2014) showed that the level of rapes cases is low among females from the wealthy families (6%) compared to those from poor background (11%). Earlier in 2009, the KDHS found out that 21% of the females in Kenya had been sexually assaulted at least once with more than 12% having had first time sex through force, intimidation or manipulation, the implication being that experience was against their will.

In order to increase reporting of rape cases of sexual and gender-based violence, police stations saw gender desks plus guidelines on sexual violence established in 2009. Based on these measures that have been put in place to encourage reporting, this study was designed to examine whether survivors are reporting under the existing systems in Nairobi and to bring out the human rights violations that they may experience when so doing.

1.3 Objective of the study

The objectives of the study are outlined below;

1.3.1 General objective

The main objective of the study was to find out how reporting of rape to police was conducted and how this affected the human rights of the survivors in Kenya.

1.3.2 Specific objectives

1. To analyze the procedures the survivors go through when reporting rape cases at police stations in Nairobi County.
2. To determine how the survivors perceive the reporting of rape cases in police stations in Nairobi County.
3. To examine the impact the reporting process has on the human rights of survivors of rape.

1.3.3 Research Questions

The study aimed at answering;

1. What procedures are in place when reporting rape cases at police stations in Nairobi County?
2. How do survivors of rape perceive the reporting processes and how this influences their decision to report at the police stations in Nairobi County or not?
3. How does the reporting process of the offence of rape in police stations impact on the human rights of survivors?

1.4 Assumptions of the Study

1. Perception of the survivors on the process of reporting influences their following up of the cases to a logical conclusion.
2. The procedures of reporting rape cases at police stations are not followed.
3. The reporting process of rape cases has an impact on the human rights of the survivor.

1.5 Significance and Justification of the study

This study will build on the existing body of knowledge hence benefitting scholars and fellow researchers in the field of reporting cases of sexual violence and human rights. If adopted by policy makers, the study will provide a basis for policy development of reporting mechanisms and structures for cases of sexual violence in general as well as the recovery of survivors.

1.6 Scope and limitations of the study

The research seeks to show rape survivor experiences during reporting rape cases to police. The study included adult survivors of rape in Nairobi County, both male and female, who were the main source of primary data. Key informants such as chiefs and sub-chiefs and sexual and gender-based violence officers were involved.

Since rape is a sensitive topic, getting people to talk about their rape ordeals openly was hard. Feedback from the respondents was critical for this study. This limitation could have affected the number of people who were interviewed thus affecting the overall findings, analysis and presentation. This limitation was overcome by full disclosure before and during interviews so as to make the respondents comfortable to enable the data collection process. Empathy was shown to the survivors. The survivors were assured of confidentiality throughout data collection, analysing and the presentation of findings.

1.7 Definition of terms

Consent: Permission for something to happen or agreement to do something.

Evidence: The term evidence in this study refer to the information or anything presented to the police or adduced in court in order to substantiate the occurrence of a crime, in this case, rape.

Experience: What people encounter or undergo in an event or occurrence. In this study it refers to what the rape survivors go through when reporting to police stations.

Gender: The social construction and definition of men and women in different cultural and social contexts

Gender desks: These are desks that are situated at police stations to enable survivors of sexual and gender-based violence to report any incidences freely and to trained personnel.

Human Rights: These are basic rights and freedoms which are inherent to all human being and they are inalienable.

Human rights dimensions: The ways in which human rights are frames, defined, perceived and then defended or violated in given contexts.

P3: Form given by the police to people reporting a case for them to fill. This is a form which the survivor is issued with at the police station after reporting a rape case. The P3 form is meant to be completed by an authorized health worker.

Post Rape Care (PRC) Form: Form adduced as evidence of rape in a court of law. Notes on this form are used in filling P3 form. This PRC form is what is adduced in court as evidence making reporting of rape a very critical step towards the attainment of justice.

Rape: Sexual penetration against person's consent. In this study it covers forceful penetration for adult males and females.

Reporting: The scope of this definition in this study is the act of presenting information to law enforcers at the police station after an offence has been committed.

Sexual consent: Agreement between or among competent adults to engage in sexual behaviour or activity

Sexual violence: Is an all-encompassing, non-legal term that refers to crimes like sexual assault, rape, and sexual abuse.

Survivor: This is a person who survives after an event or ordeal. In this study it refers to people who have survived a rape ordeal.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

The section discusses the reporting processes, perceptions and experiences of survivors during the process of reporting and the human rights of rape survivor. The section further presents and discusses the theoretical framework used to guide the study as well as its relevance to the study.

2.2 Reporting Procedures

The procedures of reporting of rape cases may vary depending on the country. In the USA, it moves from the decision to visit the police station, recording of statement, collection of evidence, opening a case and investigation (Minot, 1998). In the USA, survivors mainly report to police while others preferred to report to friends and family (Minot, 1998). Heenan and Murray (2006) found that recording statements was the most important element of the reporting process.

Pino and Meier (1999) found that police officers usually sent rape victims to the hospital immediately after reporting. The processing of new cases is supported by the existing records of rape at a procedural level. Heenan and Murray (2006) found that 50.7% of the previous rapists in the custody of Victoria police were prosecuted for rape with 15% rapists with no previous rape cases charged. 5.8% of the rape victims withdrew their cases against rapists with previous cases compared to 15% of the overall sample.

Kara (2013) in her critique gave a procedure followed in reporting of crime cases like rape in Kenya. The findings were based on reporting of defilement cases in police stations. The researcher noted that the procedure followed in reporting sexual violence like rape included recording of the complaint, issuance of P3 forms, handling of requests to withdraw cases, the charging decision, and bonding of witnesses. Wolitzky-Taylor et al (2011) found that 16% of the women in America reported their rape assault to the authorities especially the police.

A rape survivor should ideally start by reporting to the police. Due to the sensitivity of rape, a gender desk is supposed to be set up in police stations to handle such cases in Kenya. According to Kinyajui (2015), in Kenya, a person who has been raped needs an examination by a medical officer to ascertain the level of injuries and infections. The medical officer fills a P3 form where he or she records the findings on the level of injury and penetration. Upon satisfaction, the police file the case in court with charge sheets which commences the legal process. Upon review of the charge sheet a hearing date is set by the court when the prosecutor brings the witnesses through summons. In Kenya the police are ideally supposed to be trained on how to handle cases of rape. The police are trained on how to handle gender and human related cases facing them (Kara, 2013). They are also trained on how to handle the survivors of sexual assault practically.

The rape victims find themselves withdrawing cases at a certain point in the prosecution process (Feist, 2017). This mainly happens during investigation due to the tiresome process and the need to go on with their lives. In cases where the survivor knows the culprit, they may not report their cases and if reported, they would prefer withdrawal of the case. This is due to the fear of attack by the perpetrator (Pretorius & Louw, 2005). Majority of the rape cases involving adults do not go beyond the investigation stage with the under-18s having their cases being heard in court irrespective of the time taken to report. The time taken before reporting also determines the filing of rape cases. The survivors over 16 years reporting within a few hours had higher chances of their cases being filed in court compared to those who reported days later.

Despite the police needing to keep the survivors informed, rarely are the survivors informed on the progress of their cases. Ahrens, Cabral and Abeling (2009) in their study found that majority of the victims had a contact who was expected to keep them informed. Despite the police officers assuring the victims of continuous update on the case only 10% of the victims were called by their contact police officer at the stations. Identification parades can be done to identify the culprits. Garrett (2011) found that identification parades to enable the survivor or witness to identify the culprits. This was done in order to collect evidence. However, the parade is tiresome and consumes the survivors and witness's time which makes many

survivors withdraw cases. Behrman and Davey (2011) found that 73% of witnesses identified the same suspect when presented in an identification parade.

2.3 Perceptions and experiences of survivors when reporting rape

The survivors perceive the police and the whole justice system based on their experiences. The reaction of the police and the society to rape cases defines the decision of the survivor to report and pursue justice and investigation on his or her case. The perception towards the justice system and the violence towards the survivors also defines the reaction of the survivors towards reporting and pursuant of investigation (Gartner & McMillan, 2015). The reactions are mainly seen through the interaction between the police and survivors. A rape case is more likely to be reported if the rapist is unknown to the victim with something stolen during the ordeal (Pino & Meier, 1999). There is a higher chance that the cases will be reported where the rapists caused injuries to the survivor and where the survivor has to go to hospital due to the injuries inflicted upon them. The reporting of rape cases is also determined by the gender of the victims with women reporting more compared to men based on the social context.

Christofides et al. (2013) in their research found that the number of rape victims from the study were less than those who reported to the police. The survivors indicated their reasons for not reporting as disbelief, fear of attack by the rapist, low access to police, lack of support from the police and believing that the case would not go anywhere after investigations and in court. The women also see themselves as the cause rather than victims of rape because of sustaining an injury and experiencing violence during the rape ordeal. They would report if the perpetrator is unknown to them (Pino & Meier, 1999). Sometimes the police involve the morality of the victim which makes the victims blame themselves hence under reporting especially among women (Madigan & Gamble, 1991). The police also focus on the procedures other than the experiences of the victims which makes it hard for the victims to pursue justice (Jordan, 2001).

According to Brown (1998), the gender of the police at the gender desk is critical to the investigation of a rape case. Women being the major group experiencing rape, it is

recommended that the gender desks should be manned by qualified and trained women who are able to handle the victims. Gender stereotypes define the perceptions and experiences of women who have experienced rape with women assumed to be caring while men are assumed to be competent. Brems and Wagner (1994) hypothesized that men would not understand the victims reporting rape ordeal to the police with the women assumed to show sympathy to rape survivors.

The rape victims should be handled with care and should be attended to and given a listening ear since that rape is very sensitive issue (Jordan, 2001). They should also be informed by the police on how their cases have progressed through continuous contact with the survivors (Stanton et al., 1997). The most important thing in handling rape cases is the level of belief that the police have and the extent to which they can validate the assault as perpetrated by the rapist and the traumatic experience by the survivors (Jordan, 2001). Wemmers (2004) found that the expressions by the survivors showed the desire to be continuously informed on the case progress while at the same time be treated with friendliness, fairness and consideration for self-worth. It was found that how the survivors were treated by the police inversely affected the obligation to follow the law. This makes the police key to influencing the survivor's perceptions and the investigations of rape cases (Jordan, 2001). More important, is the impact of the police on survivors with the police attitudes assisting in the restoration of the survivor's confidence in the investigation process (Jordan, 2001).

In a study done by Aryanyijuka (2008) in Uganda, on reporting of rape cases to the police, the researcher found that police officers are insensitive towards rape cases. It was found that the victims were treated unfairly during reporting. The victims preferred not to report or pursue the case to the end due to the unfair justice system and poor training of police officers in handling rape cases. Likewise, Lisa et al., (2014) found that the encouraged group was more likely to report to police. 57% did not consult with others about reporting, and 79% of non-consulting women did not report their rapes. Among those who did consult, friends, parents, other family members, or partner made more than 50% to report.

2.4 Human rights of survivors of rape

The Constitution of Kenya Bill of Rights (Article 27) protects the rights of victims and survivors of rape. The Constitution advocates for equal treatment and without discrimination on any ground, including basis of gender, and this includes a right to be equally protected by the law. Article 20 provides that everyone has a right to be treated with dignity and respect and this can be interpreted to including survivors when reporting rape. Additionally, Articles 29 and 53 go further to state that everyone has the right to be free from violence and to be protected from all forms of violence and abuse. Rape is a form of violence and survivors need to be protected from this and this can start through proper reporting and logical conclusion of cases.

By virtue of Article 2 (5) (6) of the Constitution, all conventions relating to human rights has ratified treaties become part and parcel of the Constitution. The first international instrument to recognise the rights of women as human rights is The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 which Kenya is a signatory to. Kenya's commitment to protection victims and survivors of rape and other forms of sexual violence can also be evidenced through the ratification of other international conventions such as The Declaration on the Elimination of all forms of Violence Against Women (1003), The UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment Or Punishment, The Beijing Platform for Action, The 2000 Millennium Declaration, The International Covenant on Economic, Social And Cultural Rights and the UN Convention on the Rights of the Child.

Stanton et al. (2007) found that 51.2% of the women in South Africa were dissatisfied with the police service delivery during the reporting of rape. The study also found that the 45% of the women were not believed by the police and were taken to be liars. This resulted to the blame lying on the survivors and dropping of cases especially where the women knew the culprit personally. This also led to wastage of the survivor's time where they have to report to other police stations and repeating the statement once again. The women were not given any reasons for such attitudes and behaviour from the police as they were humiliated, not given privacy, and were disrespected.

Given that majority of the police officers work without a partner or supervisor, it is hard for them to be fair to all, all the time (Skogan et al, 2004). The key decisions of police officers in sensitive cases like rape are defined by various factors and variables (LaFree, 1989; Avakame, et al., 1999; Lundman & Kaufman, 2003). Such factors relate to relationship between victim and rapist, police officer involved, nature of the neighbourhood, the nature of the victim and suspect like race, gender and social class (Skogan et al, 2004).

The Universal Declaration on Human Rights states that “Everyone has the right to life, liberty and security of person” and everyone is equal before the law and is entitled without any discrimination to equal protection of the law. This includes survivors of rape when reporting their ordeal at police stations. The Constitution of Kenya under the Bill of rights also provides for the protection of all citizens by providing that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Researchers argues that police departments discriminate against rape victims (Brownmiller, 2015; Burt, 2010). In addition, several studies find correlations between attitudes of police officers to rape complaints and victim’s age, race, education, and occupation (Klemmack & Klemmack, 2016; Feild, 2018).

2.5 Theoretical Framework

This study used the Theory of Planned Behaviour (TPB) theory which was proposed by Icek Ajzen in 1980 to improve on the predictive power of the theory of reasoned action by including perceived behavioural control.

2.6 Relevance of the Planned Behaviour Model to the Study

TPB model factors, that is, attitudes, social norms, perception behavioural control (PBC) that are used to assess their relationship with intent to report a crime (Senn et al., 2014). The relevance of the theory was reinforced by the fact that it facilitates an understanding of what could influences rape survivors resolve to report or not to report rape ordeals at their first point of contact with the law i.e. the police. This first point of contact, is essentially, supposed to be the first step towards attainment of justice.

The relationship between the study variables can be conceptualized through a conceptual framework. Factors considered to affect reporting of rape cases, as the independent variables, were studied. In this study, it is believed that the reporting process, decision to report, have a direct bearing on the behavioural outcomes of those who visit police stations to report rape. Similarly, since rape is a human rights issue, the same reporting process has a bearing on the human rights issues surrounding privacy and confidentiality. Adherence to these tenets in the circumstances will not only give the survivors the impetus to come forward to report cases but will also motivate them to share their experiences with others who may then gain the courage to come forward to report similar cases.

Moreover, with such systems in place, the culture of trivialising rape will slowly be eroded. The implication is that norms and beliefs around rape will also change for the better. As McInturff (2013) has noted, this encourages normative behaviour towards rape to change. The result is the way handling of the reporting of rape cases is also bound to change by duty bearers and survivors alike. This in effect will affect the way rape survivors handle their predicament when making the decision to report and statement-taking and how the police react and handle the survivor. The study postulates that there will be an increase in the reporting of rape cases as measured by the number of reported cases. The relationship between the independent and dependent variables can be summarised in the conceptual framework captured in Figure 2.1 below.

Independent Variables

- Process of reporting
- Decision to report
- Recording statement
- Police reaction

- Reporting and human rights
- Inhumane treatment
- Discrimination
- Privacy

Survivor perceptions

Dependent Variable

Reporting rape cases at police stations

Intervening Variable

Figure 2.1: Theoretical Framework

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

Research methods adopted are discussed in this section.

3.2 Research Site

The research took place in Nairobi County. Nairobi experienced one of the most rapid growths in urban centres, which led to increased rape cases (Kara, 2013). The site is shown in figure 3.2 below;

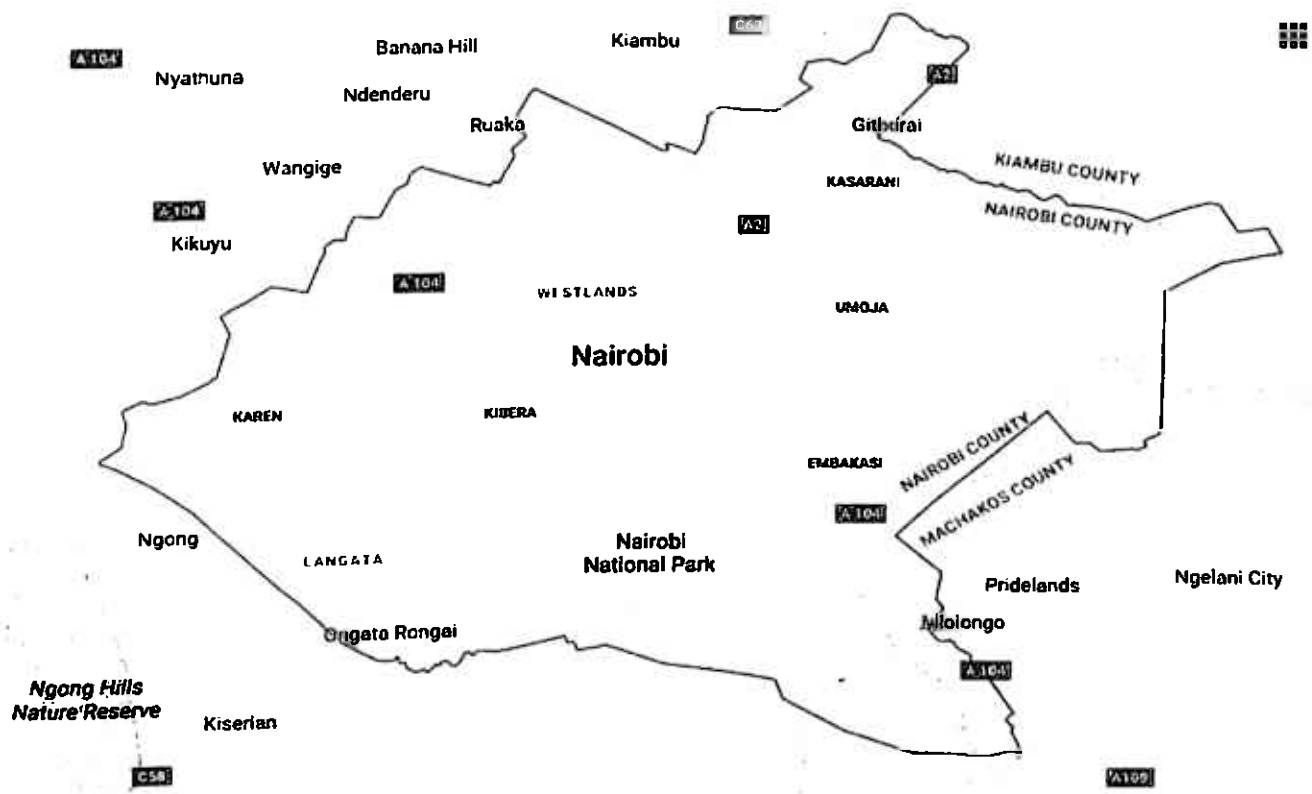


Figure 3.2: Map of Nairobi County.

Source: Google maps, 2018

3.3 Research Design

Descriptive design was adopted. The design enabled the researcher to gather data that described and led to the understanding of the existing status of reporting of rape cases at police stations and the experiences of rape survivors while reporting. This design also helped identify the various human rights of the survivors that were infringed throughout the reporting process.

3.4 Target Population

All adult survivors of rape (18 years and above), male and female, living in Nairobi County were targeted. The unit of analysis was the adult rape survivors who have reported or thought of reporting their ordeal at a police station in Nairobi.

3.5 Sample and sampling procedures

To select 100 survivors of rape who were involved in the study, researcher used snowball sampling. This involved the use of local administration like chiefs in the areas, human rights organizations, community leaders and activists to lead the researchers to the rape survivors in the area. These survivors included both men and women in Nairobi County.

3.6 Data collection methods

The study employed various methods to achieve this objective. They included survey questionnaire, interviews, case studies and secondary data.

3.6.1 Survey method

Survey was the main method and the instrument used were questionnaires with structured as well as open-ended items that captured both qualitative as well as quantitative data from the survivors who had reported their cases. Apart from background demographic characteristics, the questionnaire also gathered information on their experiences when reporting rape and challenges they encountered.

3.6.2 Key Informant Interviews

Research used interview guide to collect data from the key informants. They included officers from Directorate of Public Prosecutions, SGBV officers working in non-governmental organizations.

3.6.3 Case Studies

In the course of the study, the research encountered survivors with peculiar experiences and anecdotal information regarding reporting of rape cases. These were treated as case studies to provide more personal insights into the study. They were interviewed separately for that information.

3.6.4 Secondary Data Sources

This was used to augment the primary sources and included published as well as well unpublished material relevant to the study.

3.7 Data Analysis

The quantitative data was analysed through descriptive statistics like the mean, standard deviation, percentages and frequencies distributions. The findings from the analysis were presented as tables or graphically. Qualitative data was organized systematically under various themes. Information collected from the case studies and key informant interviews was transcribed, analysed thematically, and presented in a narrative form.

3.8 Ethical Considerations

All information collected was confidential. The name of all respondents was concealed. Respondents were briefed of the purpose of the study before data collection so as to give them an opportunity to make informed consent before providing information for the study. The voluntaries of the respondents to share information were respected. For those who chose to proceed with the study, the interviewers treated them with utmost respect and privacy. The anonymity of all the individuals when analysing and reporting was maintained and respected. This ensured that they gave the required information without feeling exposed.

CHAPTER FOUR: PRESENTATION AND DISCUSSION OF FINDINGS

4.1 Introduction

This chapter gives the findings and discusses results within the set framework of the research. Demographics like age, gender, marital status, education, occupation, place of residence, and length of time in Nairobi are described.

4.1.1 Response rate

100 questionnaires were issued to rape survivors in Nairobi. Out of the 100 questionnaires issued, 79 were duly filled and returned. This was 79% response which is higher than the recommended rate of minimum 60% and just slightly lower than the higher threshold of 80% for most surveys. The response rate raised were not only representative of the sample but also minimised the non-response bias, which would have affected the findings of the study. The response rate is shown in figure 4.3:



Figure 4.3: Response rate

4.2 Demographics

In social sciences research the background and demographic characteristics of respondents are very significant to the responses. Occupation, age, gender, level of education, place of residence and the period of time they had lived in Nairobi were examined and presented in

this section. As such the respondents were asked to indicate their age, gender, marital status, education, occupation, place of residence, and length of time the survivor had lived in Nairobi.

4.2.1 Age of the respondents

Age guides the views on a particular subject. This makes age important in this research.

Table 4.1: Age of the respondents

Age	Frequency	Percent
Below 20 years	4	5.1
20-30 years	23	29.1
31-40 years	24	30.4
41-50 years	18	22.8
51 years and above	10	12.7
Total	79	100.0

Most of the respondents as shown by 30.4% fell between ages 31-40 years. 29.1% fell between ages 20-30 years, 22.8% fell between ages 41-50 years, 12.7% were above 51 years old and while 5.1% said they were 20 years or below. The study was focusing on adult survivors of rape and this could explain the low percentage of respondents who were below 20 years old compared to those aged 20 and above.

4.2.2 Respondents' Gender

The variable of gender was central to this study.

Table 4.2: Respondents' gender

	Frequency	Percent
Male	15	19.0
Female	64	81.0
Total	79	100.0

From table 4.2, 81% were female with 19% being male. Higher proportion of female could be based on the fact that there are many female survivors of rape who are known to human rights organizations, local administration and activists compared to the male survivors.

4.2.3 Marital Status

Marriage is one of the most important social institutions. In a developing country like Kenya, marriage has undergone many changes. The perceptions and attitudes of the person can also differ based in their marital status. Given the dynamics of rape and circumstances surrounding its reporting, marital status was also an important variable in the study.

Table 4.3: Marital status of the respondents

	Frequency	Percent
Married	8	10.1
Single	44	55.7
Divorced	11	13.9
Separated	4	5.1
Widowed	12	15.2
Total	79	100.0

From table 4.3 on marital status, 55.7% were single. 15.2% indicated that they were widowed, 13.9% were divorced, 10.1% indicated married while 5.1% indicated separated. This could mean that majority of the people who reported in Nairobi are single. Only 10.1 % of the respondents who reported we married and this could also be attributed to the fear of being ridiculed or embarrassing the family as some of the victims stated.

4.2.4 Level of education

Table 4.4 Respondents highest level of education

Level	Frequency	Percent
No formal education	35	44.3
Primary	26	32.9
Secondary	12	15.2
College	4	5.1
University	2	2.5
Total	79	100.0

From table 4.4, 44.3% who were survivors of rape and they had either reported or contemplated reporting to the police indicated that they had no formal education. 32.9% who

indicated that they had attained primary school education, 15.2% had attained secondary school education, 5.1% of the respondents had attended college and only 2.5% of the respondents had attained university degree. These findings could either mean that that most of the rape survivors in Nairobi had no formal education or the more educated survivors of rape are, the more they shy away from reporting.

4.2.5 Occupation

Occupation of an individual defines the level of understanding of particular phenomenon. The respondents were hawkers, shoemakers, waiters, watchmen, tailors, casual labourers, students, housewives, and civil servants.

4.2.6 Place of residence

Some parts of Nairobi could potentially have higher prevalence of violent crime compared to others, including rape. Closely related to this is the propensity to report the rape. It is with this in mind that the respondents were asked where they lived in Nairobi. The respondents indicated that they lived in Kibera slums, Mukuru slums, Kiambiu slums, Githurai, Majengo, Mathare, Huruma, Korogoco, Dandora, Ngara.

4.2.7 Number of years living in Nairobi

The number of years an individual spends in an area could be key to understanding a particular problem facing the people in the area. In research, especially social research, number of years lived in an area is critical. The findings of the number of years the survivor has lived in Nairobi are shown below.

Table 4.5: Number of years spent living in Nairobi

	Frequency	Percent
Less than 1 year	2	2.5
1-5 years	15	19.0
6-10 years	45	57.0
More than 10 years	17	21.5
Total	79	100.0

From table 4.5, 78.5 % of the survivors had lived in Nairobi for more than 6 years whereas 21.5% had lived in Nairobi for a period not exceeding 5 years. Only two (2) respondents represented by 2.5% had lived in Nairobi for less than a year.

4.3 Procedures the survivors go through when reporting rape cases at police stations

The first objective of the study was to analyze the procedures the survivors go through during reporting when reporting rape cases at police stations in Nairobi County. Rape survivors go through various procedures when reporting their cases to the police. The procedures relate to reporting, the person who advised the survivor to report, waiting time before recording the statement, recording of the second statement, dropping cases, medical attention, referrals by police, updates on the progress of the case and attending an identification parade. In order to establish the procedures that rape survivors go through when reporting their cases to the police stations, the respondents were asked whether they reported rape cases to the police.

They were also asked to indicate who advised them to report, the time taken waiting time to record statement, whether they recorded a second statement, whether they were asked to drop their cases, whether they were advised to drop their cases, and whether they were referred to medical centre. They were also asked to indicate whether they were updated on the progress of the case or whether they contacted the police at any time as well as whether they attended an identification parade.

A Key Informant pointed out that the police are mandated to receive complaints from survivors and that *"the survivors are expected to cooperate in recording of statements and identification of the accused person if known. In some police stations there are specific gender officers who follow up on cases on behalf of the survivors but others do not."*

4.3.1 Whether they reported the rape case to the police

It is important to know whether the respondents report rape cases to the police or not as this is the basis of the study. This will enable the researcher to understand the reporting procedures being followed and to gauge whether the survivor understands the procedures that are supposed to be followed when reporting a rape case. The survivors who have not reported to the police may not understand the procedures followed when reporting to the police.

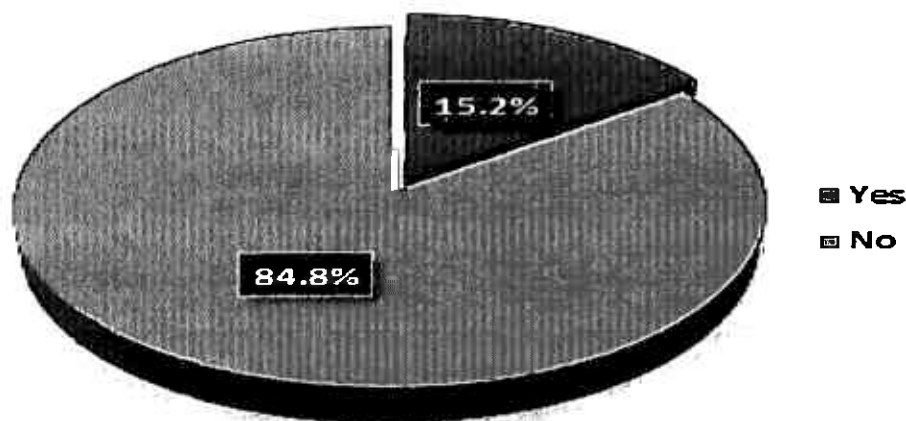


Figure 4.4: Whether the survivor reported the rape case to the police

As the findings in figure 4.4 indicate, less than a fifth (15.2%) of the respondents had reported to the police. However, 84.8 % never reported. For the respondents who did not report to the police they indicated that they reported to their family and close friends. Others reported to NGOs, doctors, activists, colleagues, counsellors, area chief, village or community elders.

The Key Informants had experience working with survivors of rape and their responses were unanimous that most survivors did not report at police stations. *“I work with many survivors in my organization and most of them mainly report in the first instance to a trusted family member or a close friend, not to the police.”* Another Key Informant added that the decision to report depended on the structures available. *“It all depends on the structures available and known to the community members in any given location. Some would report to village heads, assistant chiefs, chiefs, and police.”* As Heenan and Murray (2006) have found out, recording statements is a critical element in the process of reporting any kind of cases.

Table 4.6: Analysis of Reporting of Rape Cases against Demographics

				Reported rape case		Total
				Yes	No	
Age	Below 20 years	Count	2	5	7	
		% within Age	28.6%	71.4%	100.0%	
		% within reported rape case	16.7%	7.5%	8.9%	

		% of Total	2.5%	6.3%	8.9%
	20-30 years	Count	1	22	23
		% within Age	4.3%	95.7%	100.0%
		% within reported rape case	8.3%	32.8%	29.1%
		% of Total	1.3%	27.8%	29.1%
	31-40 years	Count	2	22	24
		% within Age	8.3%	91.7%	100.0%
		% within reported rape case	16.7%	32.8%	30.4%
		% of Total	2.5%	27.8%	30.4%
	41-50 years	Count	5	13	18
		% within Age	27.8%	72.2%	100.0%
		% within reported rape case	41.7%	19.4%	22.8%
		% of Total	6.3%	16.5%	22.8%
	51 years and above	Count	2	5	7
		% within Age	28.6%	71.4%	100.0%
		% within reported rape case	16.7%	7.5%	8.9%
gender	Male	% of Total	2.5%	6.3%	8.9%
		Count	1	14	15
		% within gender	6.7%	93.3%	100.0%
		% within reported rape case	8.3%	20.9%	19.0%
		% of Total	1.3%	17.7%	19.0%
	Female	Count	11	53	64
		% within gender	17.2%	82.8%	100.0%
		% within reported rape case	91.7%	79.1%	81.0%
		% of Total	13.9%	67.1%	81.0%
marital status	Married	Count	0	12	12
		% within marital status	0.0%	100.0%	100.0%
		% within reported rape case	0.0%	17.9%	15.2%
		% of Total	0.0%	15.2%	15.2%
	Single	Count	3	41	44
		% within marital status	6.8%	93.2%	100.0%
		% within reported rape case	25.0%	61.2%	55.7%
		% of Total	3.8%	51.9%	55.7%
	Divorced	Count	2	5	7
		% within marital status	28.6%	71.4%	100.0%
		% within reported rape case	16.7%	7.5%	8.9%
		% of Total	2.5%	6.3%	8.9%
	Separated	Count	2	2	4
		% within marital status	50.0%	50.0%	100.0%
		% within reported rape case	16.7%	3.0%	5.1%
		% of Total	2.5%	2.5%	5.1%
	Widowed	Count	5	7	12
		% within marital status	41.7%	58.3%	100.0%
		% within reported rape case	41.7%	10.4%	15.2%
		% of Total	6.3%	8.9%	15.2%
education	No formal education	Count	4	31	35
		% within education	11.4%	88.6%	100.0%
		% within reported rape case	33.3%	46.3%	44.3%

Primary	% of Total	5.1%	39.2%	44.3%
	Count	5	21	26
	% within education	19.2%	80.8%	100.0%
	% within reported rape case	41.7%	31.3%	32.9%
Secondary	% of Total	6.3%	26.6%	32.9%
	Count	2	10	12
	% within education	16.7%	83.3%	100.0%
	% within reported rape case	16.7%	14.9%	15.2%
College	% of Total	2.5%	12.7%	15.2%
	Count	0	4	4
	% within education	0.0%	100.0%	100.0%
	% within reported rape case	0.0%	6.0%	5.1%
University	% of Total	0.0%	5.1%	5.1%
	Count	1	1	2
	% within education	50.0%	50.0%	100.0%
	% within reported rape case	8.3%	1.5%	2.5%
Total	% of Total	1.3%	1.3%	2.5%
	Count	12	67	79

From table 4.6 those who reported to the police were aged between 41-50 years (41.7%). Only 25% of those who reported were aged below 30 years. Further analysis of the data shows that majority of those who reported were female compared to the men. Out of the 15 male respondents, only one indicated that he reported to the police. This could be an indication that most male would rather not report rape cases and most preferred to keep it to themselves.

Most of the respondents who reported to the police were widowed 41.7% as analysed within the reporting and marital status followed by those who were single at 25%. Majority of the respondents were single. Further, none of the married actually reported to the police. Reporting was also very low, among those with no formal education (8.3%) and those who had only attained primary education (33.3%).

4.3.2 The person who advised the survivor to report

More often than not, reporting of cases to the police is not a personal decision. This means that other people convince the survivors to report to the police. The reason given is that rape is a sensitive topic, therefore, many survivors may opt to remain silent instead of having to talk about their ordeal. The person who advises the survivor to report is a very critical component in ensuring the case is reported. The respondents were asked to indicate the

person who or entity which advised them to report. As per the data collected and analysed in the previous tables, most survivors preferred to report to their family and close friends. As the first contacts of the survivors, the same individuals are the ones who advised the survivor to go ahead and report to the police.

Table 4.7: Advisor of the survivor to report

	Frequency	Percent
Family	29	55.8
Friend	11	21.2
Myself	8	15.4
Other	4	7.7
Total	52	100.0

From table 4.7, 55.8% were advised by family members to report the rape case to the police. 21.2% were advised by friends, 15.4 % indicated they took it upon themselves to report while 7.7% indicated others like workmates, colleagues, activists and area chief.

Key Informants also had the same views, indicating that it was important for the survivors to report rape cases to the police station. They believed that is that once the case is at the police level the chances of the perpetrator being apprehended was high. Mark, a Key Informant, noted that reporting rape cases to the police station enhanced access to justice and that they should facilitate medical assistance. Karen said *“For security purposes and protection of lives it’s important for rape victims to report to police stations”*. She further indicated that *“police stations usually have gender desk where survivors can report rape cases. Most gender desks are manned by lady officers as the survivors, most of whom are women are more comfortable approaching and opening up to them.”*

The findings from the Key Informant interviews also show that it was very important to report to the police because rape is a criminal offence and the police are mandated to investigate, arrest and ensure that the perpetrator is arraigned in court. Reporting is also critical since the police issue the survivor with a P3 form to assist them seek medical attention if they have not yet done so.

Table 4.8: Source of advice to report against demographics

			Adviser to report				Total
			Family	Friend	Myself	Other	
Age	Below 20 years	Count	4	2	1	0	7
		% within Age	57.1%	28.6%	14.3%	0.0%	100.0%
		% within adviser to report	8.3%	9.1%	20.0%	0.0%	8.9%
	20-30 years	Count	13	8	1	1	23
		% within Age	56.5%	34.8%	4.3%	4.3%	100.0%
		% within adviser to report	27.1%	36.4%	20.0%	25.0%	29.1%
	31-40 years	Count	17	5	1	1	24
		% within Age	70.8%	20.8%	4.2%	4.2%	100.0%
		% within adviser to report	35.4%	22.7%	20.0%	25.0%	30.4%
	41-50 years	Count	10	4	2	2	18
		% within Age	55.6%	22.2%	11.1%	11.1%	100.0%
		% within adviser to report	20.8%	18.2%	40.0%	50.0%	22.8%
	51 years and above	Count	4	3	0	0	7
		% within Age	57.1%	42.9%	0.0%	0.0%	100.0%
		% within adviser to report	8.3%	13.6%	0.0%	0.0%	8.9%
Gender	Male	Count	11	4	0	0	15
		% within gender	73.3%	26.7%	0.0%	0.0%	100.0%
		% within adviser to report	22.9%	18.2%	0.0%	0.0%	19.0%
	Female	Count	37	18	5	4	64
		% within gender	57.8%	28.1%	7.8%	6.2%	100.0%
		% within adviser to report	77.1%	81.8%	100.0%	100.0%	81.0%
Marital status	Married	Count	7	3	2	0	12
		% within marital status	58.3%	25.0%	16.7%	0.0%	100.0%
		% within adviser to report	14.6%	13.6%	40.0%	0.0%	15.2%
	Single	Count	28	10	2	4	44
		% within marital status	63.6%	22.7%	4.5%	9.1%	100.0%
		% within adviser to report					

		marital status						
		% within	58.3%	45.5%	40.0%	100.0%	55.7%	
		adviser to						
		report						
	Divorced	Count	4	3	0	0	7	
		% within	57.1%	42.9%	0.0%	0.0%	100.0%	
		marital status						
		% within	8.3%	13.6%	0.0%	0.0%	8.9%	
		adviser to						
		report						
	Separated	Count	1	2	1	0	4	
		% within	25.0%	50.0%	25.0%	0.0%	100.0%	
		marital status						
		% within	2.1%	9.1%	20.0%	0.0%	5.1%	
		adviser to						
		report						
	Widowed	Count	8	4	0	0	12	
		% within	66.7%	33.3%	0.0%	0.0%	100.0%	
		marital status						
		% within	16.7%	18.2%	0.0%	0.0%	15.2%	
		adviser to						
		report						
Education	No formal	Count	21	10	3	1	35	
	education	% within	60.0%	28.6%	8.6%	2.9%	100.0%	
		education						
		% within	43.8%	45.5%	60.0%	25.0%	44.3%	
		adviser to						
		report						
	Primary	Count	18	5	0	3	26	
		% within	69.2%	19.2%	0.0%	11.5%	100.0%	
		education						
		% within	37.5%	22.7%	0.0%	75.0%	32.9%	
		adviser to						
		report						
	Secondary	Count	6	4	2	0	12	
		% within	50.0%	33.3%	16.7%	0.0%	100.0%	
		education						
		% within	12.5%	18.2%	40.0%	0.0%	15.2%	
		adviser to						
		report						
	College	Count	2	2	0	0	4	
		% within	50.0%	50.0%	0.0%	0.0%	100.0%	
		education						
		% within	4.2%	9.1%	0.0%	0.0%	5.1%	
		adviser to						
		report						
	University	Count	1	1	0	0	2	
		% within	50.0%	50.0%	0.0%	0.0%	100.0%	

education % within adviser report	2.1%	4.5%	0.0%	0.0%	2.5%
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Further analysis shows that most survivors were encouraged by close family members to report regardless of their marital status, age, education or age.

Despite being advised to report, most survivors especially men did not report. According to the findings, 22.9% of the male respondents were advised to report by a family member and 18.2% were advised by close friends. 81.1% of the female respondents were advised by their friends to report compared to 77.1% who were advised by a family member. This analysis shows that is likely that most survivors prefer to report to family and friends as opposed to the police. These findings could also be an indication that male survivors actually open up to close family.

The findings of this study are in contrast those of Minot (1998) who found that majority of victims reported to the police while others prefer to report to friends and family.

4.3.3 Time taken before recording a statement

The amount of time one takes to record a statement is important in establishing the reporting procedures of rape cases. This could ensure quality of information gathered. Table 4.7 shows the findings of how long the respondents waited before recording their statement. The waiting time is crucial in any research especially where reporting of cases is involved. The amount of time taken before the survivor is given a chance to approach the desk and report could potentially inform the survivor's decision to either continue waiting and report or leave the station all together.

Table 4.9: Time taken before to record statement

	Frequency	Percent
Less than 10 minutes	6	14.3
10-30 minutes	24	57.1
More than 30 minutes	12	28.6
Total	42	100.0

From table 4.9, 57.1% had waited for 10-30 minutes to report their cases. 28.6% indicated that they waited for more than 30 minutes while 14.3% waited for less than 10 minutes. Feist (2017) found that time between offence and report was a significant predictor of getting a case to court for rape victims. This finding could mean that the respondents waited for long and some were discouraged despite the attempt to report.

4.3.4 Recording a Second Statement

A second statement in any case is very crucial. This backs up the first statement to establish whether the reporter of the case is genuine or consistent. The respondents were asked whether they were given a chance to make a second statement. The findings are shown by figure 4.5.

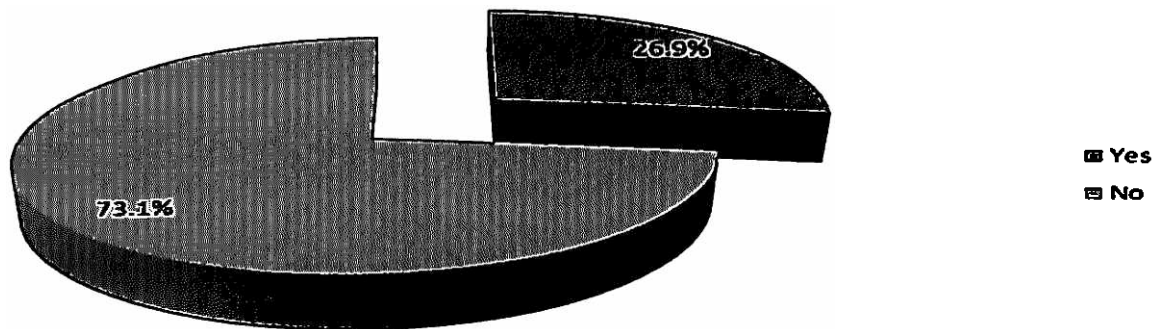


Figure 4.5: Option of making a second statement

Figure 4.5 shows that 73.1% did not make a second statement. However, 26.9% indicated otherwise. One Key Informant, a SGBV Specialist, however pointed out that for survivors of sexual violence, being required to record a second statement *“could potentially traumatize the survivor again especially when dealing with police officers who are not well trained to handle cases of sexual violence or SGBV in general.”*

4.3.5 Dropping the case

It was important for the researcher to understand whether the police tried to persuade them to drop their cases after they had reported. Figure 4.6 shows findings on whether the police asked the respondents to drop their cases.

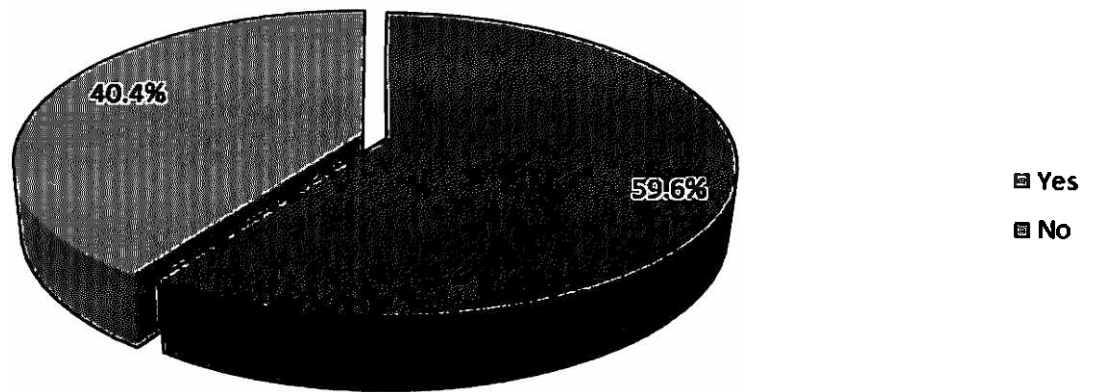


Figure 4.6: Dropping case

59% were asked by the police to drop their cases. However, 40.4% indicated otherwise. The respondents who were advised to drop the case cited lack of evidence, victim-blaming and others added that they dropped the case because the process seemed to be very complicated. Other respondents said that they were informed that the case could endanger their lives.

Table 4.10: Analysis of incidence of dropping case against demographics

Age		Count	Dropping Case		Total
			Yes	No	
Below 20 years	Count	5	2	7	
	% within Age	71.4%	28.6%	100.0%	
	% within dropping case	9.4%	7.7%	8.9%	
20-30 years	Count	18	5	23	
	% within Age	78.3%	21.7%	100.0%	
	% within dropping case	34.0%	19.2%	29.1%	
31-40 years	Count	18	6	24	

		% within Age	75.0%	25.0%	100.0%
		% within dropping case	34.0%	23.1%	30.4%
	41-50 years	Count	10	8	18
		% within Age	55.6%	44.4%	100.0%
		% within dropping case	18.9%	30.8%	22.8%
	51 years and above	Count	2	5	7
		% within Age	28.6%	71.4%	100.0%
		% within dropping case	3.8%	19.2%	8.9%
Gender	Male	Count	14	1	15
		% within gender	80.0%	20.0%	100.0%
		% within dropping case	22.6%	11.5%	19.0%
	Female	Count	41	23	64
		% within gender	64.1%	35.9%	100.0%
		% within dropping case	77.4%	88.5%	81.0%
Marital status	Married	Count	6	6	12
		% within marital status	50.0%	50.0%	100.0%
		% within dropping case	11.3%	23.1%	15.2%
	Single	Count	33	11	44
		% within marital status	75.0%	25.0%	100.0%
		% within dropping case	62.3%	42.3%	55.7%
	Divorced	Count	4	3	7
		% within marital status	57.1%	42.9%	100.0%
		% within dropping case	7.5%	11.5%	8.9%
	Separated	Count	2	2	4
		% within marital status	50.0%	50.0%	100.0%
		% within dropping case	3.8%	7.7%	5.1%
	Widowed	Count	8	4	12
		% within marital status	66.7%	33.3%	100.0%
		% within dropping case	15.1%	15.4%	15.2%
education	No formal education	Count	23	12	35
		% within education	65.7%	34.3%	100.0%
		% within dropping case	43.4%	46.2%	44.3%
	Primary	Count	19	7	26
		% within education	73.1%	26.9%	100.0%
		% within dropping case	35.8%	26.9%	32.9%
	Secondary	Count	8	4	12
		% within education	66.7%	33.3%	100.0%
		% within dropping case	15.1%	15.4%	15.2%
	College	Count	2	2	4
		% within education	50.0%	50.0%	100.0%
		% within dropping case	3.8%	7.7%	5.1%
	University	Count	1	1	2
		% within education	50.0%	50.0%	100.0%
		% within dropping case	1.9%	3.8%	2.5%
Total		Count	53	26	79

From table 4.10, regardless of the gender or level of education, most of the respondents said that they were convinced to drop the case at one point or the other by the police. The victim

withdrew support for the criminal justice process in 39 per cent of reported cases. Feist (2017) found that most survivors normally dropped cases during the police investigation.

4.3.6 Medical attention

Survivor of a rape may have sustained some injuries or be at risk of being infected with sexually transmitted diseases. Apart from this, medical attention is part of the process of collection evidence. Therefore, seeking medical attention as soon as possible is critical. Thus, the respondents were asked whether the police attending to them inquired if they had received medical attention as presented by figure 4.7.

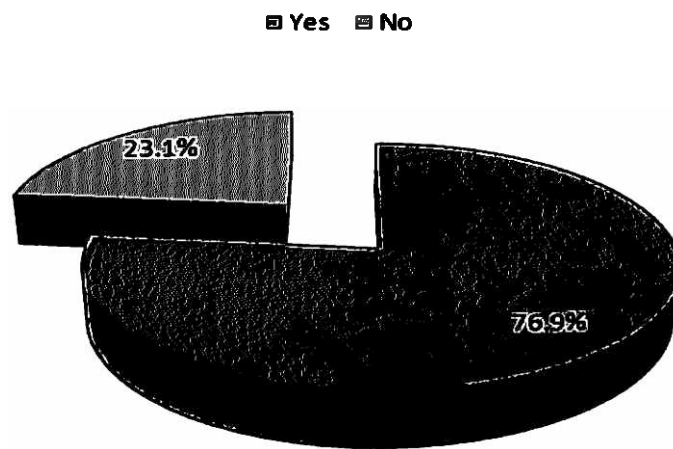


Figure 4.7: Medical attention

From figure 4.7, 76.9% indicated that the police attending to them inquired if they had received medical attention. 23.1% indicated otherwise. This is supported by Pino and Meier (1999) who established that police officers usually sent rape victims to the hospital immediately after reporting. If the survivor has not been to the hospital, the guidelines provide that immediately after reporting, it is important that he or she visits the hospital. This means that the officer receiving the survivor's complaints should be knowledgeable about the referral process. Kinyanjui (2015) has noted that rape is the most under reported crime in Kenya.

4.3.7 Referrals

The respondents were asked whether they were given any referrals by the police such as going to the hospital or to seek professional counselling or further assistance. The findings are presented in figure 4.8.

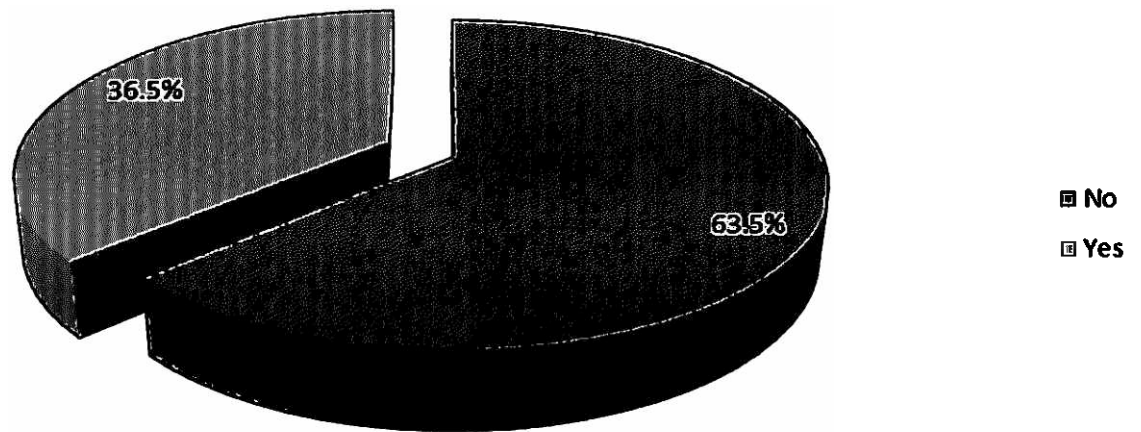


Figure 4.8: Referrals

Figure 4.8 presents the findings on whether the police officer give referrals such as going to the hospital or for any other services. From the figure, 63.5% got no referrals while 36.5% indicated that they got some referrals from police. According to Kinyanjui (2015), very few officers give referral in terms of doctors, lawyers and other people to assist the victims in Kenya.

4.3.8 Progress of the case

Every person who reports a case to the police expects that the police would update them on the progress of their cases. The respondents were asked whether the police kept them informed about the progress of their case when they approached the station. The findings are shown by figure 4.9.

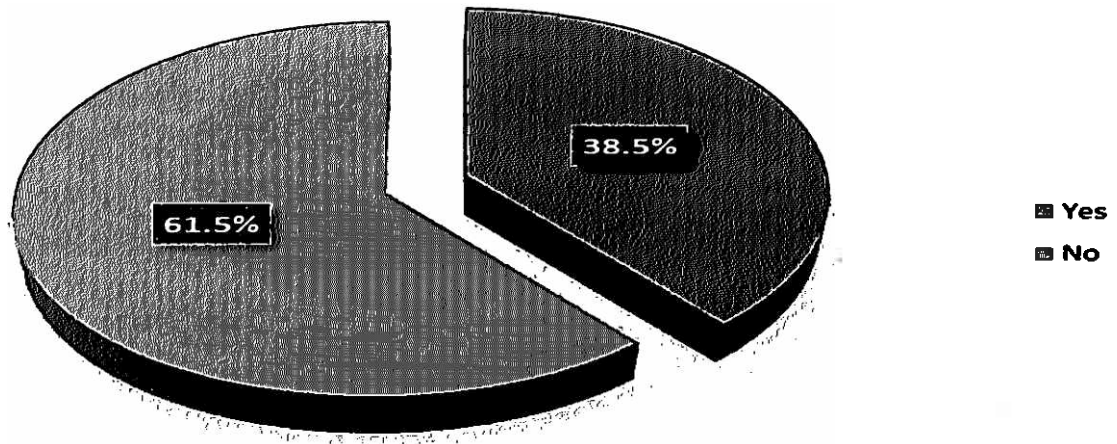


Figure 4.9: Progress of the case

From figure 4.9, 61.5% indicated that the police did not inform them of the progress of their cases. 38.5% indicated that they were updated about their cases. The respondents who were updated by the police were given information about an identification parade date, court hearing or whether the culprit has been apprehended. Ahrens, Cabral and Abeling (2009) found that despite the police officers assuring the victims of continuous update on the case only 10% of the victims were called by their contact police officer at the stations.

4.3.9 Identification parade

An identification parade gives the complainant a chance to identify the perpetrator or offender. This therefore helps the police with apprehension of the perpetrator to enable them conduct investigations. The respondents were asked whether they attended any identification parade at any one point. The findings are shown by figure 4.10.

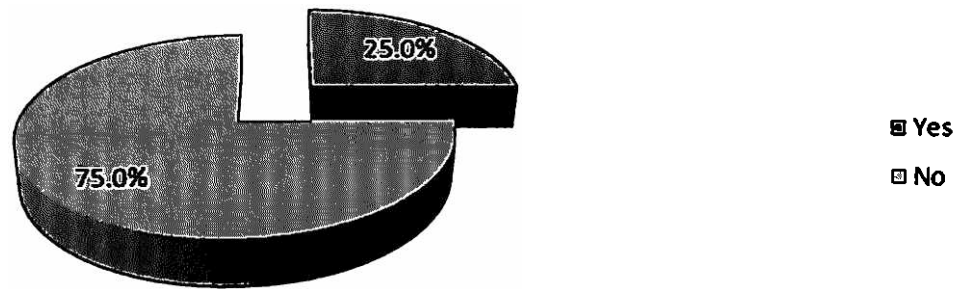


Figure 4.10: Identification parade

From the findings, shown by figure 4.10, 75% of the respondents indicated that they did not attend any identification parade while 25% attended an identification parade. Behrman and Davey (2011) found that when identification parades were done by the police 73% of the suspects were identified. An identification parade is critical for the survivor to identify the perpetrator (Behrman & Davey, 2011), if they are not known to them thus enabling the police officers to apprehend the suspect.

4.4 How the survivors perceive the reporting of rape cases in police stations

The second objective was to determine how the survivors perceive the reporting of rape cases in police stations in Nairobi County. Here research sought after establishing the expectations of the survivors at the police station, the initial impressions of how the police reacted, the process of reporting, the survivor's feelings after reporting, whether the survivors could confidently advise someone else to report similar cases based on their experiences and whether the survivor had ever reported other cases other than the rape case and whether the treatment was different.

4.4.1 Expectations at the police station

The respondents were asked what their expectations were when they decided to go forth and report. The respondents indicated that they expected that the police would take up the case and apprehend the perpetrators to ensure that justice is served. The survivors also expressed

that they expected the police to show them compassion, to be accommodating and to be supportive. Heenan and Murray (2006) found that recording statements was the most important element of the reporting process. They added that getting statement of the rape survivor is key for the attainment of justice for survivors seeking response through the criminal justice system.

4.4.2 Initial impressions of the police

On the initial impressions of the police, the respondents indicated that the police made reporting tedious, time wasting and embarrassing to the survivors. *Adhiambo said *“When I went to report my case the police told me that I had to go to the doctor first to be tested of any penetration. The officer sent me to a clinic in town which was very far for me. He also called me a prostitute who allows herself to be raped. It made me so sad that I cried all the way home.”*

The respondents indicated that they were not treated well when they went to report to the police stations. Some indicated that they were dismissed and chased away, others were blamed for the assault that befell them for reasons such as dressing inappropriately. Some were told that they had fallen out with perpetrator that was a reason why they were reporting because they were jilted lovers.

Others were indicating that some police stations pressurized them to sort out the issue at the community level. In a study done by Aryanyijuka (2008) in Uganda, it was found that police officers were insensitive to rape victims.

This was supported by one key informants who said *“I feel like money is given an upper hand at the police station than saving lives or ensuring justice is attained. Cases of individuals who give the police money are always given priority and unfortunately this includes case of sexual violence such as rape.”*

4.4.3 Process of reporting

The respondents indicated that the whole process was not confidential as the survivors would hear people talking about their ordeal. Some pointed out that the perpetrators known to the police were given a heads-up by the law enforcers and they fled.

This is supported by Catherine, a key informant, who said, *“There is no confidentiality in police stations. However, when reports are made on unknown perpetrators it's difficult for police to follow up. Legal procedures are slow and therefore survivors are discouraged from reporting. I feel that reporting is only for the rich or well off as following up on legal processes requires resources and time.”* This finding ties in with what Aryanyijuka (2008) found in regarding reporting of rape cases to the police. The study found that the process of reporting was complicated in that it was not easily understood by the victims reporting cases. Some victims found the process torturing and humiliating.

4.4.4 Feeling after reporting

The researcher asked the respondents to indicate how they felt after reporting rape cases to the police.

Table 4.11: Feeling after reporting

	Frequency	Percent
Better	20	38.5
Worse	32	61.5
Total	52	100.0

Table 4.11 shows that 61.5% felt worse by reporting their cases to the police. However, 38.5% indicated that they felt better when they reported to the police. The findings from the Key Informant interview show that survivors often faced ridicule and blame for being the cause of the rape. Some have been turned away and told to resolve the matter at the community. The survivors usually have low confidence in police as they're often perceived as not taking the victims seriously.

4.4.5 Advise others to report

A person who has experience with the police would have a certain perception and feelings towards reporting crimes in general because of their encounters when reporting their cases. This would make them either to advise others to report or not to report. The findings on advice to others for reporting are shown in figure 4.11.

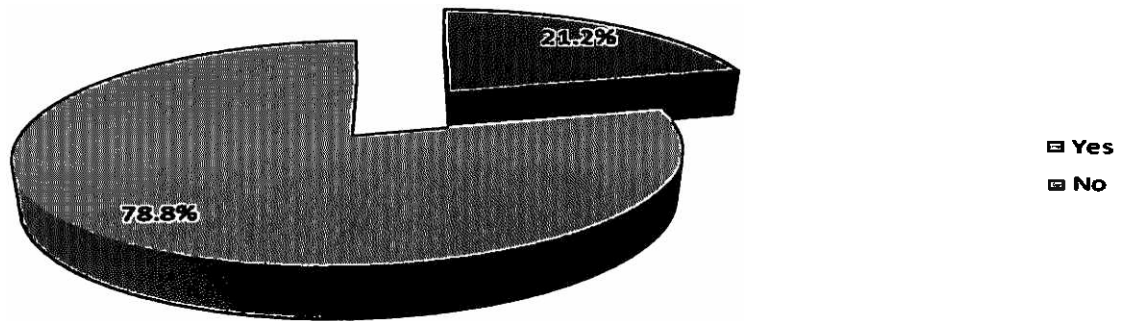


Figure 4.11: Advise others to report

78.8% would not advise other rape victims to report to the police. However, 21.2% indicated that they would advise survivors to report to the police because it is everyone's right. The respondents who advised others to report to police believed that the first step towards justice is reporting to the police. They believed that the police would give them P3 forms that would enable them to get treatment and tests to save them from any effects of the rape and ensure that they get justice. For those who would not advise others to go to the police cited mistreatment and mistrust of the police and the lack of confidence in the process. They gave other channels of reporting such as reporting to the area chief, family, friends, human rights organizations and village elders.

The interviewees find reporting of rape cases at the police stations as the right procedure in handling the rape cases. The police stations should however be prepared, and officers better trained on how to handle the cases. Some Key Informants indicated that police stations usually have gender desk where survivors can report rape cases in confidence. They added

that “in some stations, the gender desks are manned by lady officers as the survivors, most of whom are women are more comfortably approaching and opening up to them.” Lisa, Heidi, Jenna, Dean & Heidi (2014) found in their study that the encouraged group was more likely to report to police.

4.4.6 Reporting Other Cases

On whether the survivors had reported other unrelated cases and to understand whether the treatment they were any different. The findings are in figure 4.12.

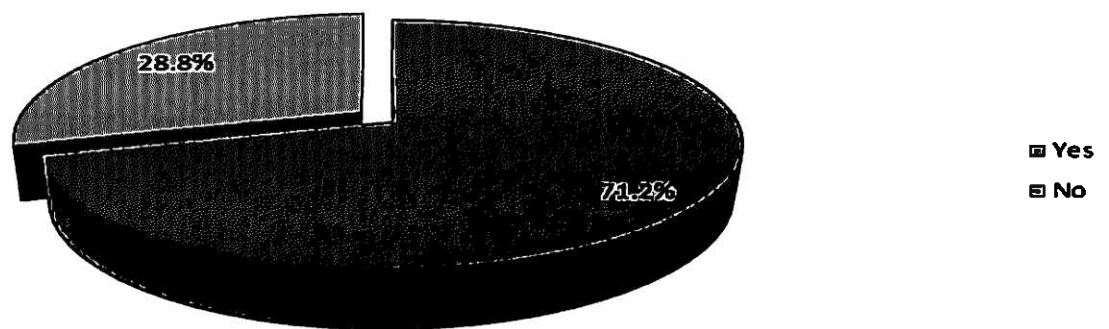


Figure 4.12: Other cases other than rape

From figure 4.12, 71.2% reported other cases other than rape to the police. However, 28.8% indicated otherwise. The differential in treatment when reporting these other cases is discussed in the subsequent analysis.

4.4.7 Difference in treatment when reporting other cases

It is expected that reporting of sensitive cases like rape could be different from the reporting of other cases. The findings are shown by figure 4.13.

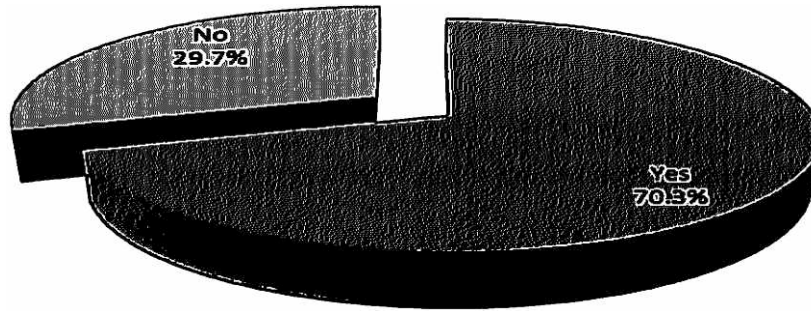


Figure 4.13: Difference in treatment when reporting other cases

From figure 4.13, 70.3% were treated differently while 29.7% indicated otherwise. The respondents indicated that the police in other cases were willing to assist but for rape they were not interested and considered it to be a private matter. The police blamed the respondents when they reported rape cases, but little blame was put on them when they went to report other crimes. Lundman and Kaufman (2003) found that the rape victims were treated based on social class, race, gender, demeanour of complainants and their dispositional preferences. The respondents also pointed out that the police usually kept them waiting for so long and finally dismissing them when they run of time to attend to them. Other respondents indicated that they felt that the treatment was fair as they followed a set queue and were issued with P3s.

4.5 Impact the reporting process had on the human rights of survivors of rape

The third objective of the study was to examine the impact the reporting process had on the human rights of the survivors. In order to meet this objective the researcher sought to establish whether there was discrimination by the police, whether there was fair treatment of by the police, whether there was privacy during reporting, whether they feel like their human rights were infringed upon during reporting and whether there were gender desks at the police stations where the respondents reported their cases. The recommendations for increased reporting to police were sought.

4.5.1 Discrimination by the Police

The researcher sought to establish whether they were treated unfairly at the police station on any grounds or for whatever reason when they approached the office to report a rape case. Figure 4.14 shows the findings on whether the respondents were discriminated by the police when reporting their cases.

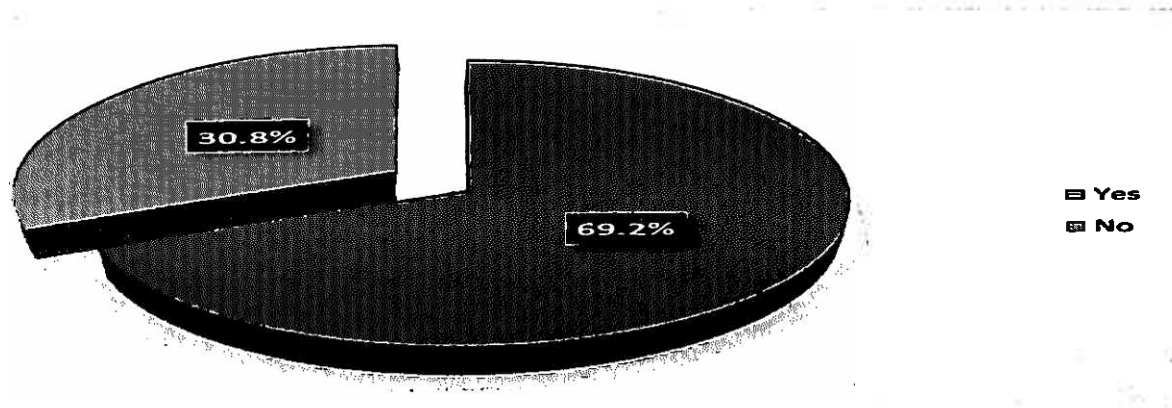


Figure 4.14: Discriminated against by police

The figure shows that 69.2% felt like they were discriminated against while 30.8% felt like they were treated fairly. The respondents indicated that they were discriminated against because of their tribe, body size, health, looks and lack of money to bribe the police officers. Researchers argue that police departments discriminate against rape victims (Brownmiller, 2015; Burt, 2010).

4.5.2 Fair treatment

It is expected that the victims who report to the police should be treated fairly. Fair treatment is key in order to ensure that the survivor is comfortable enough to report and give their account. Figure 4.15 shows the findings on whether the survivors were treated fairly during the reporting of their cases.

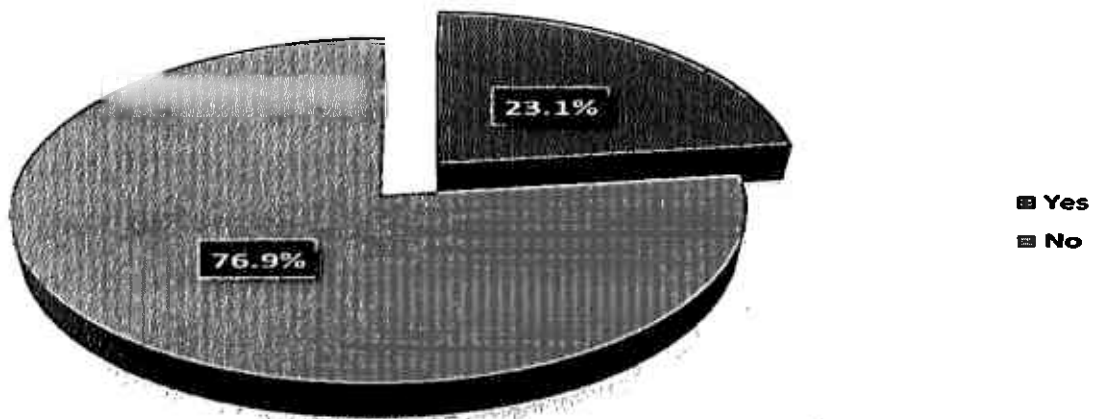


Figure 4.15: Fairness in treatment of survivors

76.9% were not treated fairly while 23.1% indicated that they were treated fairly. The police usually kept them waiting for so long before recording their statements and some were eventually dismissed after waiting to be served. Other respondents indicated that they felt that the treatment was fair as they followed a set queue and were issued with P3s.

4.5.3 Privacy when reporting

Privacy is key in cases that are sensitive like rape. The respondents were asked to indicate whether the police took them to a private room to record their statements. Figure 4.16 shows the results.

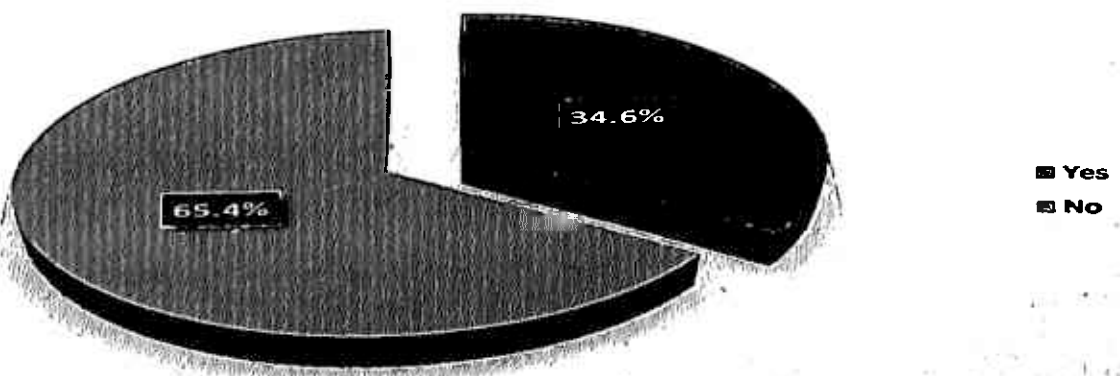


Figure 4.16: Privacy when reporting

From the figure 65.4% were not taken to a private place when the reporting their cases because the gender desk was exposed and placed near an entrance where people could see the survivors and eavesdrop. 34.6% indicated that they were taken to a private room when reporting their cases. For those who found the police station private indicated that they went to a room with glass, half walls or separated using bedsheets. Kara (2013) found that police officers are trained on dealing with gender-based cases.

4.5.4 Human rights infringed during reporting

The researcher asked the respondents to indicate whether they felt as though their rights were infringed upon when they were at the police station reporting. Figure 4.17 gives the results.

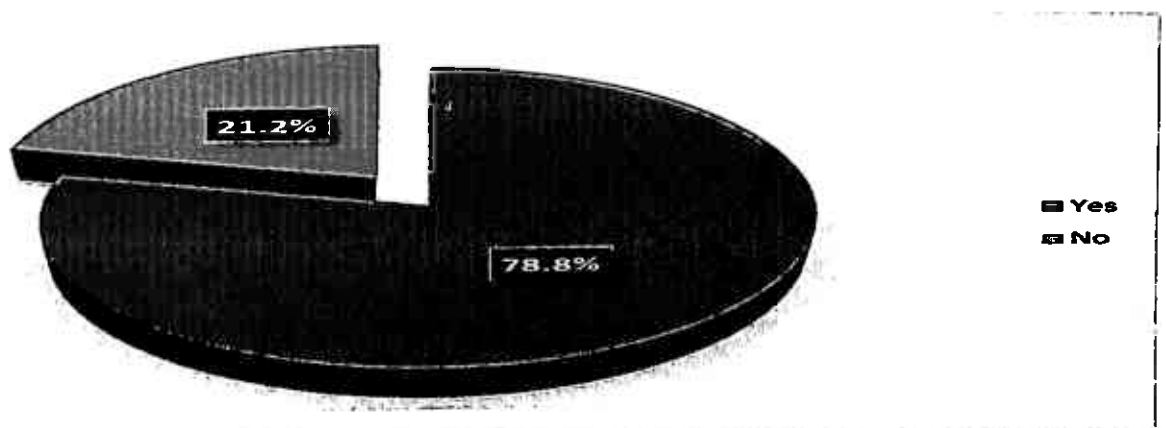


Figure 4.17: Human rights infringed

78.8% of the respondents indicated that their rights were infringed. However, 21.2% indicated that no rights were infringed during reporting. The respondents indicated that the rights infringed during reporting included confidentiality, access to justice, right of protection and dignity. Findings from the Key Informants interviews show that rape violates survivor dignity and protection from violence. A survivor has a right to access justice which starts with reporting to the police.

4.5.5 Gender desks

The researcher sought to establish whether gender desks existed and whether they were functional. On gender desks and their effectiveness at police stations, the Key Informants

expressed that while most police stations have Gender Desks, some of them are not usually unattended and rape cases are handled through the normal reporting desks. The functionality and location of these desks was also questionable. This leads to some survivors shying away.

Mark said *“Gender desks were established but the resources to run them aren't prioritised. Some have been converted to offices. The necessary personnel to serve the desk aren't available or trained. In some cases, Civil Society Organizations try to support these Gender desks.”*

One of the respondents from *Anna said, *“I don't know anything about these desks and where they are so that I can report or encourage others to do so. I know nothing about them.”*

A study on the effectiveness of the establishment of gender desks for reporting such offences in Nyandarua County, found that despite setting up the gender desks at police stations, reporting rape still remains low (Wanjohi 2016).

CHAPTER FIVE: DISCUSSIONS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

From the analysis and data collected, this chapter summarises the discussions, conclusion and recommendations based on the objectives.

5.2 Summary of the Findings

5.2.1 Procedures the survivors go through when reporting rape cases at police stations

Majority of the respondents did not report to the police. Most of the respondents who did not report to the police they indicated that they reported to their family and friends. Others reported to doctors, activists, colleagues, counsellors, area chief, village or community elders. Majority were advised by family members to report rape case to the police. Others indicated friends, work mates, colleagues, activists and area chief encouraged them to report.

The key informants concur by stating that it was important for the survivors to report rape cases to the police station. Some survivors believed that once a case is reported to the police, the chances of the perpetrator getting arrested are very high. The findings from the interviews showed that it was crucial for rape survivors to report to the police as since was the first step towards attainment of justice. Those survivors who reported successfully were issued with the P3 form.

From the study findings and in a bid review the first objective which is to analyze the procedures the survivors go through when reporting rape cases at police stations in Nairobi County, the procedure of reporting applied was only applied to a minority of those reported. The study found that the police were very dismissive with the guidelines not followed. There were also no gender desks to deal specifically with rape survivors. The process therefore discouraged the survivors to even report despite being encouraged to press charges by close family and friends.

As a result of the procedures in place, the ability of the survivors to report was affected. According to the Theory of Planned Behaviour (TPB) the attitudes of those police towards the survivors could have potentially affected the reporting as explained in the TPB model factors of attitudes, social norms, perception behavioural control (PBC) that are used to assess their relationship with intent to report a crime (Senn et al., 2014).

The respondents indicated that they were not treated well when they went to report to the police stations. Some indicated that they were chased away, others were blamed for the assault that befell them like being scantily dressed. Some were told that they had fallen out with perpetrator that is why they were reporting them. Others indicated that some police officers pressurised them to sort out the issue within the community. Majority of the respondents had waited for 10-30 minutes to record their statements. The respondents indicated that they waited either at the station's reception, a field close to the police station or outside the gate before reporting their cases.

Majority of the respondents were asked by the police to drop their cases. The respondents who were advised to drop their cases cited allegations of lack of evidence, victim blaming, complicated process, cases of threats levied upon the survivor by the culprit, the length of time taken to get justice and lack of support from the police. The respondents felt discourage and disappointed for being asked to drop the cases by the people who are supposed to help them get justice. Most of them cried and felt neglected when leaving the police station. The respondents were asked whether the police attending to them inquired if they had received medical attention. Most respondents indicated that the police attending to them inquired if they had received medical attention but gave them no referrals or advice to go to the hospital immediately.

The police did not inform survivors of the progress of their cases. The respondents who were informed by the police were told of the person with the case, the status of the case, whether taken to the court, the hearing date, parade date, whether the culprit has been apprehended and the time when the case will be heard. Majority had followed up on their case with the

police at the station after reporting. However, they did not attend an identification parade to identify the culprit.

5.2.2 Perceptions of the survivor towards the reporting of rape cases

The respondents indicated that they expected that the police would take up the case and look for the culprits to ensure that justice was eventually served. The survivors also expected the police would be friendly and supportive which they were not.

On the initial impressions of the police reaction, the respondents indicated that the police made reporting tedious, time wasting and embarrassing to the survivors. This is supported by Key informants who felt that bribing at the police stations before, during and after reporting was rife. Some respondents stated that the process was not confidential with the police releasing information without the consent of the survivors. The interviews showed that legal procedures were slow and therefore survivors were discouraged from reporting.

Majority of the respondents felt worse after reporting their cases to the police. The survivors often faced ridicule and blame. Some were turned away and told to resolve the matter at the community. The survivors usually had low confidence in police as they were often perceived as not taking the victims seriously. These findings show that the police contravened the laws and the duty vested upon to protect the citizenry by treating the survivors in an unfair way. Majority of the respondents had reported other offences committed against them at the same police station previously and reported that the treatment was different. Respondents claimed that they were assisted faster in terms of recording statements and the cases were resolved within a very short time. The police were also more accommodating and understanding compared to reporting of rape cases.

Theory of Planned Behaviour (PBH) model factors, that is, attitudes, social norms, perception behavioural control (PBC) that are used to assess their relationship with intent to report a crime (Senn et al., 2014). The relevance of the theory was further reinforced by the fact that it facilitates an understanding of what could influences rape survivors resolve to report or not to report rape ordeals at their first point of contact with the law i.e. the police.

This first point of contact, is essentially, supposed to be the first step towards attainment of justice. In assessing the second objective, the survivor's expectation of the justice system was to be treated with compassion, but most survivors did not feel this way as explained in the study findings above. These findings are supported by the theory which this study was based on, the TPB. This theory is divided into three TPB model factors, that is, attitudes, social norms, perception behavioural control (PBC) that are used to assess their relationship with intent to report a crime (Senn et al., 2014).

5.2.3 Impact of the reporting process on the human rights of survivors

From the study, majority of the respondents felt that they were discriminated against and were not treated fairly when they went forth to report their rape ordeal because of their gender, because of their looks, they were laughed at, they did not have money to bribe the police, they were dismissed and some were even blamed for the crime.

Majority of the respondents were not taken to a private place to enable them to write their statements with the police. For those who found the police station private indicated that they went to a room which other offices walked in and out willingly or just hang around, other survivors stated that the reporting desk was located at the entrance near the reception area. Their rights were infringed during reporting of rape ordeals. The rights infringed were indicated as confidentiality, access to justice, protection and dignity.

Since rape is a human rights issue, the existing reporting process have a bearing on the human rights issues surrounding privacy and confidentiality. Adherence to these tenets in the circumstances will not only give the survivors the impetus to come forward to report cases but will also motivate them to share their experiences with others who may then gain the courage to come forward to report similar cases.

Moreover, with proper systems in place, the culture of trivialising rape will slowly be eroded. The implication is that norms and beliefs around rape will also change for the better. As McInturff (2013) has noted, this encourages normative behaviour towards rape to change. The result is the way handling of the reporting of rape cases is also bound to change by duty

bearers and survivors alike. This in effect will affect the way rape survivors handle their predicament when making the decision to report and statement-taking and how the police react and handle the survivor.

5.3 Conclusion

The study concludes that minority of the rape survivors in Nairobi have at a certain point reported to the police. However, a good number of the rape survivors report to family members and close friends who they feel comfortable opening up to and who sometimes encourage them to escalate the matter further by reporting at the police station. Police officers who took the survivors statement were inexperienced when dealing with rape survivors and the sensitivity of the issue. The study also concludes that the procedures when handling rape cases in police stations in Nairobi discourage survivors from reporting. Reporting of rape cases to police stations created a bad feeling among rape survivors in Nairobi County and the treatment is different for the survivors who had previously reported other offences unrelated to sexual violence. The study also concludes that perpetrators who are still at large could commit the offence of rape over again because the system seems to be favouring them and victimizing the survivors.

5.4 Recommendations

5.4.1 Recommendations for Further Research

- A special focus on counties with dominant cultures and religion such as Garissa is recommended for comparison purposes and to identify any difference in trends, if any exists.
- Further research should be conducted on male survivors of sexual violence in general because of the specific vulnerability they face and the society's perceptions of raping of men.
- Similar studies should be conducted throughout the country to further bring out the gaps that could be existing in other counties.

- Victim-blaming and shaming is also an advocacy issue which should be studied further.

5.4.2 Policy recommendations and Advocacy

- Ensure that there are functional gender desks at police stations attended by well-trained officers who can handle cases of sexual violence, preferably female officers to whom survivors can report to.
- Collaboration between the government and other stakeholders or organizations to train officers throughout the country on how to deal with survivors of rape should be explored. This worked well in Rwanda where there was partnership with UNIFEM, now UNWOMEN and UNDP for sexual violence survivors (UNIFEM, 2009).
- Awareness creation by the government in conjunction with relevant organizations create awareness the masses with regards to rape reporting.
- Advocacy campaigns on rape reporting, the procedures and human rights should target every Kenyan. There is also a need to demystify who the survivors of rape can be as part of the advocacy campaign by human rights organizations.
- Sexual Offences Act of 2006 should be reviewed and ensure that the provision operational gender desks manned, and training of police officers are enshrined in law.

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APPENDICES

Appendix I: Questionnaire

Section I: Demographics

1. What is your age?

Below 20 years

20-30 years

31-40 years

41-50 years

51 years and above

2. What is your gender?

Female

Male

3. What is your marital status?

Married

Single

Divorced

Separated

Widowed

4. What is your highest level of education?

No formal education

Primary

Secondary

College

University

5. What is your occupation?

6. Where do you live?

7. How long have you lived in Nairobi?

Less than 1 year

1-5 years

6-10 years []

More than 10 years []

Section II: Reporting procedures of reporting rape

8. Have you ever reported rape case to the police? Yes [] No []

9. If no., where did you report? _____

10. Why did you opt to report where you reported instead of the police station?

11. Who advised you to report?

Family []

Friend []

Myself []

Other (specify) _____

12. How were you treated when you went to report? _____

13. Did you wait before giving your statement?

Yes [] No []

14. If so, where did you wait?

15. How long did you wait to record your statement?

Less than 10 minutes

10-30 minutes

More than 30 minutes

16. Were you given the option of making a second statement?

Yes [] No []

17. Did the police ever suggest that you drop your case? Yes [] No []

18. If so for what reasons?

19. How did this make you feel? _____

20. Did the police officer attending to you inquire if you had received medical attention?

Yes [] No []

21. Did the police officer give you any referral such as going to the hospital?

Yes [] No []

22. Did the police keep you informed about your case progress?

Yes [] No []

23. What kind of information was given to you about your case?

24. Did you contact the police at any stage and what was the response?

Yes [] No []

25. Did you attend an identification parade? Yes [] No []

Section III: Survivor Perceptions on reporting of rape

26. What were your expectations of the police?

27. What were your initial impressions of the police reaction?

28. How did you feel about the whole process of reporting your case to police stations?

29. Do you feel that reporting the rape made you feel better or worse? Yes [] No []

30. Would you advise other survivors who have been raped to report to the police stations?

Yes [] No []

31. If yes, why? If no, what other options would you give to them?

32. Have you ever reported any other case to the police other than the rape case?

Yes [] No []

33. Was the treatment different? Yes [] No []

34. How was it different compared to the treatment you received when you reported the rape case?

Section IV: Reporting and human rights of survivors

35. Were you discriminated by the police when reporting your case? Yes [] No []

36. If yes, why do you think you were discriminated?

37. Do you think you were treated fairly? Yes [] No []

Please explain.

38. Did the police officer take you to a private place when you went to report?

Yes [] No []

39. If yes, how private was that room or space?

40. Do you believe your human rights were infringed at the stage of reporting your rape ordeal? Yes [] No []

41. If yes, which rights do you think were violated during reporting at the police station?

Appendix II: Key Informant Interview Guide

1. How old are you?
2. What is your highest level of education?
3. How long have you been in Nairobi County?
4. Have you ever worked with any survivors of sexual violence, specifically rape survivors?
5. To whom do these survivors prefer to report to and why?
6. What is the process adopted by police stations for the reporting of rape cases and how is it different from others?
7. Why is it important for rape survivors to report at police stations?
8. Why is reporting of rape cases by survivors a human right and which rights are infringed upon when a survivor fails to report?
9. From your experience working with survivors of rape, what are some of their experiences when they go to report rape incidences at police stations?
10. How do you think rape victims perceive reporting to the police?
11. What are your perceptions towards reporting of rape cases at Police Stations?
12. What do you know about Gender Desks and are they effectively used at Police Stations?
13. What do you think should be done to encourage rape survivors to report at Police Stations?

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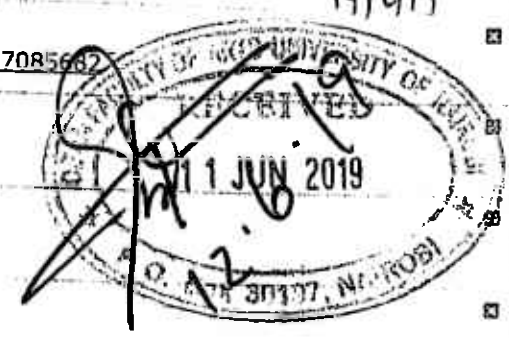
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