

**VIOLENCE AGAINST WOMEN: THE CASE OF KIOGORO
DIVISION, KISII CENTRAL DISTRICT**

**A PROJECT SUBMITTED TO THE INSTITUTE OF
ANTHROPOLOGY, GENDER AND AFRICAN STUDIES IN PARTIAL
FULFILMENT OF THE REQUIREMENT FOR THE DEGREE OF
MASTERS IN GENDER AND DEVELOPMENT OF THE
UNIVERSITY OF NAIROBI**

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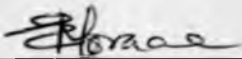
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DECLARATION

I hereby certify that this project paper is my original work and has not been presented in any other university for an award of a degree.

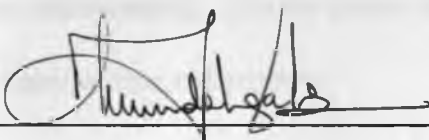
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DEDICATION

This project is a special dedication to my children Adel, Janet, Ivy and Steve for their patience and understanding. It is my prayer and hope that as they grow up they will respect the human rights of men and women.

ACKNOWLEDGEMENT

I want to thank the Almighty God for his great faithfulness that led me to accomplish my research project.

I feel humbled to take this opportunity to thank several people who offered me invaluable support towards the successful completion of this work.

I would like to express my utmost gratitude to my supervisor, Dr Charles Owuor Olungah for his cooperation, guidance, encouragement, patience, motivation, assistance, sacrifice and constructive criticism that went a long way to refine this work.

I also wish to thank all the lecturers for instilling knowledge in me from the time I joined the University of Nairobi.

I extend my gratitude to women and men who accepted to be interviewed in this study and those who filled questionnaires, without whom this research would not have been possible.

I also acknowledge the contribution made by my late parents, Samson and Esther Nyamwega, for not discriminating against me when accessing formal education.

I also extend my gratitude to my children, Ivy and Steve for giving me easy time at home and my househelp for taking care of my children in my absence.

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My earnest appreciation also go to the Deaconesses Department of Nairobi Central SDA church who had to bear with my absence and non-participation in church activities.

I wish to thank FIDA, Kenya chapter for allowing me to use their resource center.

Lastly, I wish to thank well-wishers and everyone who contributed in any way to make my Master of Art Studies in Gender and Development possible.

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ABSTRACT

This study identifies the common forms of violence and the causes of the violence. It dwells on violence against women both within and without the households. The study stems from pre-existing differences in socio-economic endowments between men and women, and also pre-existing gendered cultural and social perceptions.

The study was conducted in Kiogoro division in Kisii Central District which has an area of 62.9 km² and a projected population of 76,168 by the end of 2008.

Qualitative data analysis was carried out according to the objectives of the study. The objectives were achieved and recommendations made on how to alleviate the vice.

The study concludes that violence against women had affected women, their families and the society at large socially, economically, physically and psychologically and so should be curbed at any and all cost. From the findings of this study, there is need for corrective measures to mitigate on violence against women.

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ACRONYMS

AI	Amnesty International
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
COHRE	Centre On Housing Rights and Evictions
COVAW	Coalition on Violence Against Women
DEVAW	Declaration on the Elimination of Violence Against Women
FC	Female Circumcision
FGM	Female Genital Mutilation
IRIN	Integrated Regional Information Networks
KNCHR	Kenya National Commission on Human Rights
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations, Educational, Scientific and Cultural Organization
WHO	World Health Organization
WRAP	Women's Rights Awareness Programme

CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND

On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights (UDHR). The UDHR clearly states,

Everyone is entitled to all the rights and freedoms set forth in this declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other social status (UDHR – article 2).

Nevertheless, because women traditionally have been relegated to the private sphere and to subordinate status in society, they have generally been excluded from recognized definitions and interpretations of human rights. As such women and girls' experiences with human rights abuse have been virtually ignored. Still because of persistent discrimination against women and women's virtual invisibility, these rights violations continue with no clear sign of abatement¹.

In 1979, the UN General Assembly adopted the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). CEDAW is also known as the International Bill of Rights for Women. It was the first document to address women's rights within political, cultural, economic, social and family spheres. The convention explicitly acknowledges that "extensive discrimination against women continues to exist" and emphasizes that such discrimination "violates the principles of equality or rights and respect for human dignity" (Article 1). Article 2 of CEDAW sets us an agenda for action to end such discrimination.

¹ amnestyusa.org, accessed on 30/05/2007

In the United States of America a woman is raped every six minutes and a woman is battered every 15 seconds. In North Africa 6,000 women are genitally mutilated each day while 135 million women worldwide have undergone Female Genital Mutilation on the pretext of cultural and religious traditions².

In Kenya, women constitute over 50% of the population but are among the most illiterate, poorest in the country and are being subjected to cruel treatment, including domestic violence. Unfortunately in Kenya there are no adequate constitutional or legislative guarantees aimed at ensuring gender equity and social justice. Furthermore, women often have little awareness of the rights and seldom have means to enforce them. One would expect that since Kenya has ratified key international instruments in regard to furtherance of women's rights such as CEDAW and the Beijing Platform for Action, this would help bridge the gap in our law. However, this is not the situation in practice because Kenya is yet to domesticate CEDAW and there has been reluctance on the part of the Judiciary to rely on it. This in itself depicts the poor level of judicial activism in Kenya (International Commission of Jurists, 2003). While the current Kenyan constitution provides for a number of civil and political rights, it makes no similar provisions for economic, social and cultural Rights (KNCHR, 2005).

Despite the many pronouncements by the Kenya government about its commitment to the advancement of and respect for the rights of women and the many non-governmental organizations dealing with women's issues, very little has changed. For example, 34% of women in Kenya had undergone Female Genital Mutilation by 2003 and 70% of women in Kisii Central District had undergone the cut. The fact that the Kenya government

² amnestyusa.org, accessed on 30/05/2007

introduced universal free and compulsory primary education has not changed the literacy levels of people and in particular girls as many are still dropping out of school. This study seeks to examine factors that have led to the persistence of violence against women in Kiogoro Division in Kisii Central District.

1.2 PROBLEM STATEMENT

Many women in Kenya are silent on all forms of abuse that violate their rights. In Kiogoro Division, it is no different.

Low literacy levels among women have provided a fertile ground for the violation of women's rights. Accordingly, a woman's rightful place is in the kitchen and she has no business pursuing education. Male children are therefore, given priority when it comes to education. This has exposed women to social injustices like wife battering, Female Genital Mutilation (FGM), and denial to property ownership. Low literacy levels and illiteracy increases chances of women being ignorant of their rights. Indeed the exercise of this right unlocks other rights while its denial leads to compounded denials of other rights (KNCHR, 2005).

Violence against women is rooted in a global culture of discrimination that denies women equal rights with men. Violence against women is compounded by discrimination and the belief that women are inferior to men. When women are terrorized by violence in the home, unequal power relations between men and women are manifested and enforced. When they report the violence to the law enforcement agents like the police and the chiefs,

they are told, "it is a family matter" which should be sorted out at home (Hillier and Foddy, 1993).

This study intends to examine the extent to which violence against women violates their rights through some specific practices among the Abagusii of Kiogoro Division in Kisii Central District. These include: Female Genital Mutilation, physical assault, widow inheritance and dispossession and rape.

1.3 RESEARCH QUESTIONS

1. What are the most common forms of violence that women experience?
2. Why is there violence against women?
3. What is the impact of violence against women on women's lives?
4. What are the ways of eradicating violence against women?

1.4 OBJECTIVES

The main objective of this study is to unearth reasons for violence against women in Kiogoro Division, Kisii Central District. The specific objectives are:

1. To explore the forms of violence against women.
2. To explore the impact of violence against women on women's lives.
3. To identify the paths of transformation or ways of eradicating violence against women.

1.5 JUSTIFICATION

Women constitute a larger percentage of the world's population and are responsible for the well being of households. When women are educated, healthy and generally happy in their day-to-day lives, their families, communities and nations benefit, yet discrimination and violence is undermining their opportunities and denying them the ability to fully exercise their basic human rights. Considerable advances have been made towards improving the status of women in society but things have not changed much.

To the people of Kiogoro division, the term women's rights is Euro-centric and an alien phenomenon. This is exemplified in the many forms of violence meted against women such as wife battering, female genital mutilation, rape, sexual harassment, and dispossession of widows.

There exists a reluctance of people in society to recognize the prevalence of the violation of women's rights. This is illustrated by the inability to obtain data on the incidences of the violations. Obvious sources like the police, the chiefs, hospitals, law courts, family counselors, social workers and other health professionals do not avail such records to the public, in part, due to confidentiality laws.

The subject of violence against women is not taught in schools. Only a few professional level subjects are taught at the undergraduate and postgraduate levels. The police, lawyers, magistrates and judges should educate rural men and women about the impact of violence against women in society.

Furthermore, the enormous amount of literature regarding violence against women available seems to be based on research done in the developed world. Little has been done locally where the socio-cultural, economic and environmental conditions differ crucially from those of the developed world. The little that has been done locally has been carried out in urban areas. The rural areas, including Kiogoro Division where traditional practices are prevalent, have largely been ignored.

The study will contribute knowledge and make the society aware of the violations of women's rights in the Division. Inferences can be drawn for other districts and Kenya as a whole. The findings of this study will be used to make recommendations regarding what ought to be done to address this problem that the women in Kiogoro Division are facing.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 INTRODUCTION

"Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (UN, DEVAW, 1993).

Women are in double jeopardy. Discriminated against as women, they are also as likely as men, if not more so, to become victims of human rights violations. Today what unites women internationally – transcending class, race, culture, religion, nationality and ethnic origin – is their vulnerability to the denial and violation of their fundamental human rights and their dedicated efforts to claim those rights (Amnesty International, 2001).

Amnesty International (2001) reports that violence against women is a global trend. For example, surveys done state that a woman is raped after 6 minutes and another battered every 15 minutes in the USA; in North Africa 6,000 women are genitally mutilated everyday; in South Africa a woman is raped every 26 seconds; the national statistics of Papua New Guinea show an average of 67% of married women being victims of violence inflicted by husbands and, in Vietnam 70% divorces are caused by the violence of the spouse (AI, 2001).

Violence in Kenya is widespread as evidenced in both print and electronic media. Everyday women are physically and sexually abused. Yet many women suffer in silence because the law in Kenya does not protect them while those who commit violence against

women continue to operate with impunity³. Kenya has not incorporated into law any international or regional human rights instruments that it has ratified (AI, March 2002).

Violence against women is used to keep women in their place, to limit their opportunities to live, learn, work and care as full human beings, to hamper their capabilities to organize and claim their rights. It is a major obstacle to women's empowerment, and their full participation in shaping the economic, social and political life of their countries. Manifestations of discrimination foster an environment in which physical and mental abuse of women is seen as acceptable, even proper (El-Bushra and Lopez, 1993).

³ www.amnestyusa.org, accessed on 30/05/2007

2.1 FORMS OF VIOLENCE AGAINST WOMEN

2.1.1 Female Genital Mutilation (FGM)

Female Genital mutilation, female genital cutting or female circumcision are the terms used to describe several types of mutilating operations performed to the external genitalia of girls and women. The term Female Genital Mutilation (FGM) is generally promoted by activists to maintain that, "any definitive and irremediable removal of a health organ is mutilation." In addition, the "London Declaration" adopted in 1992 by the First Study Conference on Genital Mutilation of girls in Europe defines FGM as "the removal of or injury to any part of the female organ" (Dorkenoo, 1994). These practices are heterogeneous. A group may perform it at initiation rites, upon contracting marriage, in the seventh month of the first pregnancy or after the birth of the first child (Shell-Duncan & Hernlund, 2000).

Rahman and Toubia (2000) claim that within the international community, the term "female circumcision" was used for many years to describe the practice. They go on to state that in the past decade, the term "female genital mutilation" has been adopted by a wide range of women's health and human rights activists, the World Health Organization and international conferences like the 1994 Cairo Conference and the 1995 Beijing Conference because it clearly indicates the harm caused by the practice. The term FGM has been offensive or even shocking to women who have never considered the practice a mutilation. Out of respect and sensitivity, many organizations working with the communities have opted to use local terminology or a neutral term such as "female circumcision" or "female genital cutting."

Several terms have been used to describe the type of mutilation operation performed. The major ones are four. The first is Sunna, which in Arabic is tradition or duty. In medical literature it is clitoridectomy. This refers to the excision of part or all the clitoris. The second one is the infibulation (or pharaonic circumcision), which is a radical form of female circumcision. This is the excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening (Rahman and Toubia, 2000). The third is the excision of the prepuce and clitoris together with partial or total excision of the labia minora. Introcision is the fourth and refers to numerous other procedures that have been documented such as pricking, piercing, stretching or burning of the clitoris and/or surrounding tissues (Toubia, 1994).

Female Genital Mutilation is currently practiced in at least 28 countries in sub-Saharan and Northeastern regions of Africa, as well as African immigrant communities in Canada, Europe, Australia and the United States (Toubia, 1994). According to No Peace Without Justice, an Italian NGO working to eliminate FGM, there are now between 120 to 130 million women worldwide who have undergone FGM. Prevalence varies widely from country to country. It ranges from 5 % to 90% or higher. There are also great disparities within countries (Rahman and Toubia, 2000). In Kenya, the Maendeleo ya Wanawake conducted a research in 1995 in four districts – Kisii, Meru, Narok and Samburu and found the overall prevalence to be 89.6% (WHO, 1998).

According to Toubia (1995), FGM is performed by different practitioners in different areas. Traditionally, the role of a circumciser is an inherited one, performed by female lay people. In many rural communities the Traditional Birth Attendant may double up as a circumciser.

In more recent years medically trained midwives, nurses and doctors have taken over from the traditional practitioners and have played a very important role in legitimizing the practice. This is due to the extra income that FGM brings – the vested interests.

According to Rahman and Toubia (2000), the reasons for FGM are complex, related to each other and woven into the beliefs and values communities uphold. FGM represents not a singular value, but a single way to demonstrate physically otherwise socially constructed concepts like gender and sexuality (Rahman and Toubia, 2000).

Nyang'era (1999) asserts that traditionally, circumcision qualified the initiates to prepare for wifehood and motherhood among the Abagusii community. He asserts further that it also, supposedly, promotes sexual morality and discipline thereby making women feel complete and full members of the society. Nyang'era says that those women who were married from the uncut tribe were cut at the time of giving birth in order to qualify to be a member of the receiving clan.

According to AI (1997), FGM represents an act of socialization into cultural values and a connection to family, community members and previous generations. AI goes on to report that communities that practice FGM affirm their relationship with the beliefs of the past by continuing the tradition; they maintain community customs and preserve cultural identity.

A fundamental reason advanced for female circumcision is the need to control women's sexuality. Because sexuality is socially constructed, it has different meanings depending on its context. For many communities that practice Female circumcision, a family or clan's

honor depends on a girl's virginity or sexual restraint (Rahman and Toubia, 2000). Female circumcision is performed in Kenya to reduce a woman's sexual demands for her husband, thus allowing him to have several wives. It is intended to reduce women's sexual desire, thus promoting women's virginity and protecting marital fidelity in the interest of male sexuality (Rahman and Toubia, 2000). Removal of the clitoris is alleged to make women passive thus enabling them to remain chaste prior to marriage and faithful to their husbands in polygynous households. This supposedly ensures a husband sole sexual access to the woman as well as certainty of his paternity over any children she produces (WHO, 1998).

Both men and women who embrace FGM say that FGM promotes cleanliness, attractiveness and good health. Implicit in this view is the perception that the female genitalia are dirty, unsightly and if left in their natural state, may breed disease or be susceptible to other maladies (Ward, 2005). Ward says that in some communities it is a prerequisite for marriage. Failing to comply may lead to divorce and in other communities it may lead to lower bride price.

Male circumcision has also been increasingly criticized but it doesn't harm the organ. Those against Female and Male circumcision argue that they both violate human rights to physical integrity. According to Rahman and Toubia 2000, the two practices are distinct. Male circumcision is the cutting off of the foreskin from the tip of the penis without damaging the organ itself. The degree of cutting the female organ is much more extensive. Those advocating for male circumcision argue that the male equivalent of clitoridectomy (in which all or part of the clitoris is removed) would be the amputation of most of the penis and infibulation will mean removal of all the penis, its roots of soft tissue and part of

the scrotal skin. While male circumcision affirms manhood, female circumcision is intended to restrain a woman's sexual desires (Toubia 1995). Cook, Dickens and Falhatta (2003) argue that there is no health benefit for female circumcision. They argue that the removal of male foreskin has a possible health benefit of protecting against infections such as HIV/AIDS.

Shell-Duncan and Hernlund (2000), characterizes women's role in ritual cutting as "passive" and "instrumental." Men are real, though hidden, "perpetrators." Substantiating evidence include men refusing to marry uncircumcised women (Shell-Duncan and Hernlund, 2000). According to Ward (2005), FGM survive and persist with the direct endorsement and participation of women, mothers, grandmothers, aunts and sisters all live under the hegemony of a cultural system of codes and practices that stem from male-dominated attitudes towards a woman's worth, her commoditisation and the importance, at any cost, of ensuring a woman's fidelity through the control of her sexuality. To be able to understand why may women defend a practice that risks their health and damages their sexuality, we must understand that even the most highly educated individuals become defensive when they feel their culture and personal identity are being attacked. The fear of losing the psychological, moral and material benefits of "belonging" is one of the greatest motivators of conformity (Toubia, 1995).

FGM is a man-made problem that causes grave damage to women. All types of FGM involve removal or damage to the normal functioning of the external female genitalia and can give rise to a range of well-documented health hazards ranging from short to long-term physical complications. They include haemorrhage which may lead to anaemia and even

death, shock, injury to neighboring organs, urine retention, infections such as HIV/AIDS, hepatitis and other blood borne diseases caused by unsterile cutting instruments, severe pain due to the operations done without anaesthetic, and painful sexual intercourse. It can also have psychological and sexual effects as a result of loss of sexual pleasure (WHO, 1998). By altering the anatomy of the female sexual organ, FGM reduces the ease with which sexual fulfillment is achieved or makes it extremely difficult. It also results in negative effects of self-esteem and self-identity (Toubia, 1995).

Feminist scholars portray FGM as violent, cruel and oppressive. Shell-Duncan & Hernlund (2000) quotes from *Gyn/Ecology* by a radical feminist Mary Daly that women's genitalia are "mutilated" not circumcised or cut. The practice is "barbaric", "unspeakable atrocity," a "massacre," "inflicted on women." FGM is constructed as both a reflection and reinforcement of a social and moral order, in which women are expected (or in this case, physically forced) to be silent, subservient, virtuous, faithful and pure.

Subjecting non-consenting girls and women to FGM violates a number of recognized human rights protected in international and regional conventions and conferences. For example, CEDAW, Article I, states that,

Women have a right to be free from all forms of discrimination against women. 'The term discrimination against women' shall mean any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.'

Article 2 states, "Violence against women shall be understood to encompass, but not be limited to... female genital mutilation and other traditional practices harmful to women."

The Children's Act 2001, Article 14, states, *"No person shall subject a child to female circumcision, early marriage or cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development"*.

The UN Rapporteur on violence against women recognized FGM as a form of violence against women that requires concerted international and national action for its eradication. She warned that blind adherence to these practices and state inaction with regard to these customs and traditions have made possible large-scale violence against women." FGM was banned by two presidential decrees in Kenya and was not allowed in government-controlled hospitals and clinics before being prohibited by Children's Act, 2001 for children under the age of 18. According to Rahman and Toubia (2000), there has been historical triumphs of women advocates to stop all forms of FGM, but their efforts are repeatedly undermined by the attempts of the medical community in Africa and the West to medicalize the practice. FGM continues to persist in Kenya and is carried out clandestinely in many parts of the country due to strong traditional customs (Houben, 2002).

2.1.2 Wife Battering

"Battering is rooted in a culture of domination, a culture that does not celebrate people's differences in age, sexual preferences, physical and mental abilities and gender but instead uses these differences to exploit and dehumanize" (Pence and Shepard, 1988).

World Health Organization (WHO) estimates that, worldwide, up to 52 percent of women suffer physical violence from their male partners (WHO, 1997). Forty-two percent of women in Kenya, 38 per cent women in Korea, 28 per cent women in United States, and 35 per cent of women in Egypt reported being beaten by their husbands or partners. AI (2004) reports that an average of 36,000 women in the Russian federation are beaten on a daily basis by their husbands or partners. In Pakistan, 90 percent of married women are abused by their husbands. In the United States of America, a woman is battered usually by her husband every 15 seconds.

AI (2004) states that while both men and women may suffer violence by a partner, the single most powerful risk marker for becoming a victim of violence is to be a woman. Findings from countries as disparate as the US, India, Colombia, Zambia and China, have confirmed that intimate partner violence is distinctly gender-biased (AI, 2004). The findings state that the rates of violence, the levels of violence and the negative health impacts associated with it are much more significant for women than for men. According to WHO (2002), women are more vulnerable to violence within intimate and familial relationships, whereas men are much more likely to be attacked by a stranger or acquaintance. The acts of physical violence include punching, kicking, strangling, dragging by their hair, pounding the head against a cement floor or wall and hitting with weapons such as bamboo rods or metal bars (Pickup, 2001).

AI (2004) reports triggers for violence that are notably consistent throughout the world. They include perceived disobedience of female partner, suspicions of a female partner's infidelity, failing to care "inadequately" for children, questioning a man about money or his

whereabouts and refusing sex. In other words, violence often results when a man believes his wife or girl friend has contravened conventional gender roles. His violence serves to assert and maintain his authority and domination.

Johnson (2002) argues that there are small minorities of "traditional" males who believe that payment of bride price entitles them to "ownership" of a wife. As a "piece of property" a wife could be abused and misused as desired by her "owner." Johnson goes on to say that a notable group of married men consider violence against women permissible under certain circumstances: When a wife is careless or negligent; when a wife requires discipline; when culture and tradition deems "punishment" appropriate; and when male authority has to be exerted, displayed or enforced; when wife refuses sexual advances; when wife questions about money; and refuses to give up earnings and to show that the man loves the wife. Women's organizations in Kenya agree that "domestic violence is the most commonly hidden form of violence and wife beating is considered a private affair of the home." Some of domestic violence is perceived as "routine chastisement" and victims do not report it until it becomes extreme.

Pickup (2001) claims that the political and the social dimensions of women's poverty affect their ability to challenge violence against them. Women's economic dependency on men, and the cultural value attributed to women being 'a proper wife' or 'a good mother', and 'loyal' to the family may lead women to stay with violent husbands.

Pickup (2001) asserts that conflicts over decisions about money and food are a source of violence within poor households. In contexts where violence against women is permitted

or condoned, it is often exacerbated as a result of unstable working conditions, unemployment, financial insecurity, and the resulting difficulty of providing household necessities. Conflict intensifies in situations of acute poverty. Much of this violence has been linked to the challenges that economic difficulties pose on men's role as household head, and their control over women. Men who perceive that they have failed as sole providers take their frustrations out on women.

Pickup (2001) mentions a Calcutta study that bears witness to the appalling injuries that women sustain through marital abuse. One in five women in the Calcutta study had injuries that may be classified as serious, such as fractured bones, impaired vision, dislocated bones, cuts requiring stitches, poker burns and internal cuts. Many women say they experience pain lasting several days or years.

Worldwide, it has been estimated that violence against women is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill-health than traffic accidents and malaria. Women who receive physical violence from their husbands or partners are 12 times more likely than other women to attempt suicide (World Bank, 1993). Violent relationships can result in a woman having fear, helplessness and hopelessness (AI, 2004).

Duvvury, Crown and Redner (2004) say that the fallout of domestic violence extends well beyond the households in which the abuse occurs. Providing public health, social welfare and protective services to victims and their children places an enormous financial strain on communities and nations. The indirect and long-term costs associated with increased

morbidity and mortality, emotional and behavioural problems of children who witness the violence, trans-generational perpetuation of violence, work related absenteeism and job loss also take their toll on societies. These authors go on to say that violence is estimated in the billions of dollars in developed countries and even in settings where costs are more difficult to measure, partner abuse has far-reaching consequences. It drains precious existing resources to contribute to social and economic progress.

The most important consequence and one that characterizes gender-based violence is its impact on mental health. Domestic violence is a chronic and recurrent type of violence in the family. It has rightly been stated that wounds of the body heal sooner or later, leaving only scars, while wounds of the soul take much longer to heal and can bleed again at any time (Duvvury, Crown & Redner, 2004).

Human rights have long been understood to apply universally to all people at all times, in all places. However, in the case of women's human rights especially in Africa, this principle continues to be challenged. Some justify violations of women's human rights by placing precedence to cultural values and traditions. This view, however, fails to understand that some practices and beliefs termed "culture" or "tradition" often shape women's lives in a way that subordinates them and discriminates against them. This global culture of discrimination against women denies women their fundamental human rights and legitimizes the violent appropriation of women's bodies for individual gratification (AI, 2007). When women are abused, raped or terrorized by violence in the home, unequal power relations between men and women are both manifested (AI, 2007).

2.1.3 Widow Inheritance and Dispossession

A widow is a woman who has been bereaved through the death of her husband. She is often physically, emotionally and spiritually stressed. It is expected that victims of bereavement be perceived as people to be pitied, sympathized with and helped. Mortality is seen as punishment mainly caused by sins of human kind. This understanding has been used by human beings at times to violate, abuse and exploit the victims of bereavement (Wamue & Getui, 1996). All women among the Agikuyu, including widows, were expected to be married and have children (Kenyatta, 1991).

Reasons given for widow inheritance practices among some African communities included emotional, physical, material and sexual providence for the widow. A widow was supposed to be prevented from breaking down due to loneliness. Inheritance ensured that she had plenty to support herself and her children in order to provide emotional stability. It ensured that the deceased man's name was carried to future generations through his children and those born through levirate marriage. It prevented intruders from interfering with material possessions left behind by a departed husband (Wamue & Getui, 1996).

Dispossession of widows is seen as gender violence as it reflects aspects of patriarchal domination (El-BushraJ & Lopez, 1993). A complex mix of cultural, legal and social factors underlies women's property rights violations. Kenya's customary laws – largely unwritten but influential local norms that coexist with formal laws – are based on patriarchal traditions in which men inherited and largely controlled land and other property, and women were “protected” but had lesser property rights. Human Rights Watch, 2003 reports that the guise of male “protection does not obscure the fact that stripping women of

their property is a way of asserting control over women's autonomy, bodies, and labor – and enriches their “protectors.”

It is sad that some widows are forced to engage in risky sexual practices that can expose them to HIV/AIDS in order to protect their properties. When the government does little to prevent and redress this, they are not just experiencing “culture” but also human rights violations. Among the Abagusii community, young widows are inherited by a brother-in-law or any other suitor chosen by the village elders without consulting her. Many Luos still believe that a curse known as “chira” will strike those who break with tradition, resulting in the death of loved ones (Human Rights Watch, 2003).

Women's property rights closely relate to wife inheritance in that women cannot stay in their homes or on their land unless they are inherited. Human Rights Watch (2003) quotes a women's rights advocate who said, “women have to be inherited to keep any property after their husbands die. They have access to property because of their husband and they lose that right when the husband dies.”

Some countries such as Uganda, have begun to make inroads against the disease, HIV/AIDS, but many others, such as Kenya, continue to struggle to convince people that traditions such as wife inheritance may be deadly. Men often seeking to cheat widows out of land have continued to inherit them. Widows shackled by poverty have continued to rely on inheritors to take care of them. A number of Kenya's 42 plus tribes embrace the tradition but it is especially popular among groups that dominate the western part of Kenya

- Western and Nyanza provinces. This has partly contributed to the region's highest rate of HIV/AIDS and the attendant myths about bewitchment.

- Many of the widows inherited possess little education or are illiterate, have no property of their own, do not hold jobs and do not have the skills to easily find one. According to Human rights Watch (2003), women often have little awareness of their rights and seldom have means to enforce them. The same women do not receive sufficient information and are less optimistic regarding entrepreneurship perspectives. Those who refuse to be inherited and try to fight back are forced out of the community with their children to suffer the ultimate insult, beaten and ostracized. They often return to their parents or move to urban centers, including the notorious slums.

Some widows have lost their land because of not having sons. Relatively wealthy rural widows claim that having only daughters contributes to their disinheritance (Human Rights Watch, 2003).

The Kenyan government has done almost nothing to create conditions conducive to women's exercise of their rights as evidenced by the coercive wife inheritance and cleansing practices, discriminatory laws and customs and the violence women face if they try to assert their rights (Human Rights Watch, 2003).

The World Bank (2001), report states, "In much of Sub-Sahara Africa, women obtain land rights chiefly through their husband as long as the marriage endures, and they often lose those rights when they are divorced or widowed. Gender disparities in rights constrain the

sets of choices available to women in many aspects of life – often profoundly limiting their ability to participate in or benefit from development.”

The fact that women cannot inherit land and housing after the death of their spouse or relative reflects the more general violation of women's right to adequate housing. For millions of women in Sub-Saharan Africa, the systematic denial of housing and property inheritance rights lies at the heart of their economic marginalisation and housing poverty. If women are unable to legally own, control and inherit property, they have little economic and personal autonomy because they fundamentally lack access to wealth. Women's economic contribution to their families, which is essential, remains unremunerated and invisible. When women cannot access their own housing independently they may face homelessness or destitution at any given moment. They have no option except to depend on and on other male. This dependency is the breeding ground for violence and exploitation (COHRE, 2004).

When a woman becomes homeless, she loses much more than a house, she is also deprived of her personal security and social status. In addition, given the central function that the home often has for a woman in terms of economic production, its loss may well signal the end of economic and food security for herself and her family (COHRE, 2004). The feminization of poverty is a trend that has recently come to the attention of the world. It is stunning to realize that women make up more than half the world's population, yet they own less than one percent of the world's property. This leaves women and children far more vulnerable than men not only to starvation but also to violence, disempowerment and being outcast by the family (COHRE, 2004).

Disputes over lack of rights to inheritance, land and property ownership frequently expose widows to physical harm and even death at the hands of male relatives. Often relatives abuse widows with impunity, as their activities are seen as 'family matters', falling within the private sphere. For this reason, police and other authorities are often lax, or unwilling to intervene (COHRE, 2004). International covenants specifies equal rights for women and women to own property as follows:

*"Marriage shall be entered into only with free and full consent of the intending spouses".
Wife inheritance does not have free consent on the part of widow and this constitutes the violation of widow's right (UDHR, article 16). UDHR Article 17 specifies the right for everyone to own property.*

Article 16 of CEDAW provides that: States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: ... The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

The Oyo State House of Assembly in Nigeria passed into law a bill empowering widows in the state to have a fair share of property left behind by their husbands. This would remove all forms of discrimination against widows over their dead husband's property (Human Rights Watch, 2003).

Women's rights to property are unequal to those of men in Kenya. Their rights to own, inherit, manage, and dispose of property are under attack from customs, laws and individuals – including government officials – who believe that women cannot be trusted with or do not deserve property (Human Rights Watch, 2003).

2.1.4 Rape

This is a form of sexual abuse that is perpetrated by a person who is perceived to hold power over another and occurs in the home, at school, at work, or in a public place (Population Reference Bureau, 2000).

Women have always been vulnerable to the horrendous crime of rape. Reliable data on incidences of rape are not available as it tends to be hidden and under-reported. The culture of silence surrounding rape makes collection of data on this sensitive topic particularly challenging. The reporting of rape is difficult and intimidating and many women do not have the economic or educational capacity to negotiate the legal system (UNAIDS, 2006). Surveys in some countries have shown that 10 to 20 percent of young women had been raped. In South Africa one woman is raped every minute and 1 in 35 rapes had been reported. In the US, a woman is raped every 90 seconds. The majority of the perpetrators, contrary to common belief, are not strangers but people known to the victim (Cook, Dickens and Falhatta, 2003).

In many settings, sexual activity is popularly represented as a “battle of sexes”, in which sexually driven men are expected to compel sexually hesitant women. The implicit message is that it is socially acceptable for sexual transactions between men and women to

involve some degree of force. The explicit outcome is that the majority of victims of sexual violence around the world are female, and the majority of perpetrators are male (Abbey et al, 2001). Sex may also be economically coerced to girls and women. Forced prostitution and sexual exploitation by military forces is an enduring violation (Cook, Dickens and Falhatta, 2003).

Heise, Moore and Toubia (1995) say that common myths and assumptions related to sexual violence are shared the world over. They agree that the myths and assumption reflect and reinforce attitudes and customs that aggrandize aggression while at the same time purporting female passivity. Ideas about what constitutes “unacceptable” sexual behaviour between men and women may often serve to protect the status quo of male dominance, such that volition, perceptions and feelings of the woman or girl are amazingly absent from most cultural definitions of violence. Determination of the moral, legal or social permissibility of a given sex act are more likely to focus on the context in which it occurs – “who did it, to whom and under what circumstance” – rather than on “the act itself or its impact on the woman (Heise, Moore and Toubia, 1995).

The imposition of non-consensual sexual intercourse is a criminal offence in every country. The more progressive legal procedures recognize that women’s consent to marry does not provide consent to any and every act of forced intercourse by a husband and that husbands, no less than strangers, can be convicted of raping their wives. However some courts, such as the Supreme Court of Mexico in June 1997, have held that violently imposing sexual relations within marriage are not criminal at all because they are the exercise of legal ‘right’ (Cook, Dickens and Falhatta, 2003).

Ward (2005) cites a study done in the US of 114 convicted and incarcerated rapists who revealed a range of motivation from the perpetrators' perspective. Several rapists used sexual violence in revenge against another male and/or punishment by abusing another man's woman they punish the man. Others used rape as a means of gaining sexual access to unwilling or unavailable women. In some cases, perpetrators said that rape was a 'bonus' added to burglary or robbery. Yet others considered rape to be a recreational activity described as an adventure and an exciting form of impersonal sex. Others claimed they were coerced to committing rape. Organized rape can be used as a tactical device to accomplish particular political and social ends. It may be used to intimidate, to punish individual women and social groups, to destabilize and demoralize communities or to drive unwanted people from their land (Heise, Moore and Toubia, 1995).

Sexual abuse affects a woman's self-esteem and self-confidence, causes immediate trauma, there is risk of pregnancy, possibility of STD infection and immediate and long term psychological injury the victim may suffer (Cook, Dickens and Falhatta (2003). Sexual violence violates the integrity of the body (Duvvury, Crown and Redner, 2004). These authors go on to say that psychological healing after rape takes a long time, particularly if the woman was raped by someone she trusted in a place that was 'safe'. Women at all ages are vulnerable to sexual abuse.

Violent or forced sex is more likely to result in HIV transmission than non-violent sex. Forced vaginal penetration creates abrasions and cuts facilitating the entry of the virus – when it is present – through the vaginal mucosa (UNAIDS, 2006).

Even though rape and other acts of sexual violence were formally recognized as international crimes, they were not prosecuted as such until the creation of the International Criminal Tribunal for the Former Yugoslavia in 1993 and the International Criminal Tribunal for Rwanda in 1998 (Cook, Dickens and Falhatta, 2003).

2.2 Theoretical Framework

Although many theories have been put forward to explain violence against women, radical feminism, a form of feminism, has been selected for this study. This is based on the fact that it explains the violations and also provides suggestions on what can be done to stop the violations.

2.2.1 Radical Feminism

Feminism is a set of social theories and political practices that are critical of past and current social relations and primarily motivated and informed by the experience of women. On January 3, 1792 Mary Wollstonecraft completed the first major work of feminist theory in history: *A vindication of the Rights of a Woman*. This was in response to the tide of revolutionary fervor that was sweeping the western world. Wollstonecraft argued that women be considered entitled to full legal, social and economic rights as men (Donovan, 1985).

Radical feminism is an important strand of feminism about anti-discriminatory work that comes from the influence of feminist thinking. Radical feminism grew out of the civil rights and peace movements in the 1960's (peaking between 1967 and 1971) to address the oppression of women and has a history stretching back for more than a hundred years. The

prominent radical feminists are Mary Daly, Andrea Dworkin, and Catherine Mackinnon. The reason this group gets the "radical" label is that it views the oppression of women as the most fundamental form of oppression, one that cuts across boundaries of race, culture and economic class (Malcolm, 1997).

Radical Feminism emphasizes the patriarchal roots of inequality between men and women, or, more specifically, social dominance of women by men. It views patriarchy as dividing rights, privileges and power primarily by gender, and as a result oppressing women and privileging men. It believes that the liberation of all those oppressed by a patriarchal system, such as racial minorities and non-dominant men and women, is necessary to topple a male-dominated world. Early feminists such as Mary Wollstonecraft responding to the question of difference concerned the extent to which ascribed gender differences limited women's access to social and economic resources (Malcolm, 1997).

Although there is no single feminist perspective on male violence, it is in the work of radical feminists that the most detailed analyses are to be found. At the core of this feminist theory is the view that violence is both a reflection of unequal power relationships in society and serves to maintain those unequal power relations (Randall and Waylen, 1998). Radical feminism focuses on male violence against women and men's control over women's sexuality and reproduction, seeing men as a group and as individuals being responsible for women's oppression (Robinson and Richardson, 1997).

Patriarchy is the reason for the origin of radical feminism. Radical feminism focuses concerns on patriarchy which is a social system characterized by men's power and

privilege. This view states that patriarchy or male domination- not capitalism – is at the root of women's oppression (Donovan, 1985). Radical feminists see male violence as a mechanism through which men, as a group as well as individuals, are able to control women and maintain their supremacy (Randall and Waylen, 1998). When consent is denied or withdrawn it is imposed by force and male resort to rape, attack, sequestration, beatings and murder. Sexual politics obtains consent through the "socialization" of both sexes to patriarchal policies. The works of radical feminists have brought to the fore the links between male power and sexual violence (Randall and Waylen, 1998).

Like other radical feminists, Millet cited in Donovan (1985) sees women as programmed to a "caste like status" that is maintained through force or ideological conditioning. The force exerted to keep women in their proper place includes such exotic atrocities as the veil foot binding, Female Genital Mutilation, rape and other forms of violence against women (Donovan, 1985).

Radical feminism attempts to locate the root of the oppression and overcome the gender relations that form the patriarchal order. Peterson and Runyan (1999) have tried to bring out the idea of women's liberation movement saying, "women's equal standing must be accepted as an expression of the freedom of women and not treated as an indication that women can be like men." Radical feminism opposes prostitution and rape on the grounds that it degrades women and furthers the power politics of the male gender (Bromberg, 1997).

Radical feminism has the strength of being presented as a lofty and necessary ideal set up in opposition to a long history of dreadful injustice. It provides an important foundation for the rest of "feminist flavors." It is actually the breeding ground for many of the ideas arising from feminism ideas which get shaped and pounded out in various ways by other (but not all) branches of feminism. It encourages women to point out oppression whenever they see or experience it.

Besides strengths, radical feminism has weaknesses also. It tends to be militant. It opposes existing political and social organization in general because it is inherently tied to patriarchy. It calls for categorical opposition to authority and hierarchy. It supports cultural change that undermines patriarchy and associated hierarchical structures. By posing an all-inclusive sisterhood as the solution to patriarchy, radical feminists overlook the class differences that prevent women as a whole from having the same interests. They tend to ignore issues that don't relate directly to a narrowly defined female experience. Radical feminism focuses on men as oppressors, yet says little about the possibility of the woman being an oppressor of other women or men. Radical feminists thus often see the context of heterosexuality, family life, as central to women's oppression in Modern societies.

2.2.2 Relevance of Radical Feminism

This theory aims at shedding light on the male power over women and bequeathing it with systems of empowerment. Once women are empowered, they are able to make independent decisions without the approval of men. The theory seeks to educate men to

treat other people and especially women with respect, enhance dignity and integrity and enable them to be self-determining, accept differences and promote social justice

A primary strategy of radical feminism is to revalue previously denigrated aspects of women making them the norm to which all people should aspire in pursuit of a better world. Radical feminists state clearly that they have no interest in being equal to men, if being equal means becoming like or the same as male oppressors. The struggle for emancipation of women is an attempt to contradict and undo patriarchy without replacing it with matriarchy.

Due to the fact that oppression is so entrenched in people's thinking, radical feminism advocate for changes in the structuring of society, changing the attitudes of men to a more enlightened one and making manifest a state of equality in the power dynamic between men and women. It is about promoting a world in which women enjoy an equal share of the rights and power (Bromberg, 1997).

Despite its weaknesses of radical feminism, its strengths stand out. In relation to the study at hand, radical feminism gears towards intervening in destructive relationships through the establishment of rape crisis centers and shelters for female victims of violence. In Kenya, Women's Rights Awareness Programme (WRAP) is the only known radical feminist agency that has established a shelter for abused women.

2.3 ASSUMPTIONS

- The researcher will conduct this research with the assumptions that:

- Female circumcision reflects men's control over women's sexuality.
- Physical assault is a reflection of unequal power relations in society.
- Widow inheritance and dispossession is a violation of women's social and land ownership rights.
- Rape affects a woman's self-esteem and self-confidence.

2.4 OPERATIONALISATION OF KEY TERMS

2.4.1 Female Genital Mutilation

It is the cutting or dismembering of a female sexual organ. It is measured in terms of prevalence and epidemiology as indicated by whether one has undergone the practice or not.

2.4.2 Violence Against Women

Any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or in private domain.

2.4.3 Wife Battering

This is the subjecting of a woman to repeated physical violence by a husband. Indicators are hard blows and pounding heavily and insistently measured by the number of times this happens for instance daily, weekly, monthly and other (to be specified by the participant).

2.4.4 Widow Inheritance and Dispossession

Characterized by a brother-in-law or other male relative of the late husband moving in to live with the widow as wife. Indicated by brothers-in-law making decisions regarding the widow and family property and/or taking the property against her wish.

2.4.5 Rape

Having carnal knowledge of a woman without her legal consent. The abuse is perpetrated by a person who is perceived to hold power over another and may occur in the home, at school, at work, or in a public place.

2.4.6 Women

They are members of the female gender.

2.4.7 Patriarchy

A society or system that is ruled or controlled by men.

CHAPTER THREE: METHODOLOGY

3.0 Introduction

This section of the qualitative research study gives a description of the study design, site, participant selection, methods of data collection, data analysis, ethical considerations and study limitations.

3.1 Study Design

This is a specific plan for studying the research problem. An exploratory study design was used in this project. This is because the project aimed at exploring the forms of violence against women, and the social, cultural and economic causes, impacts and possible ways of eradicating violence against women. Four Key informants underwent in-depth interviewing using the interview guide. Focus Group Discussions/Interviews were also carried out to obtain qualitative data and some issues that emerged during the in-depth interviews pertaining to violence against women were explored. Questionnaires were administered to 10 individuals.

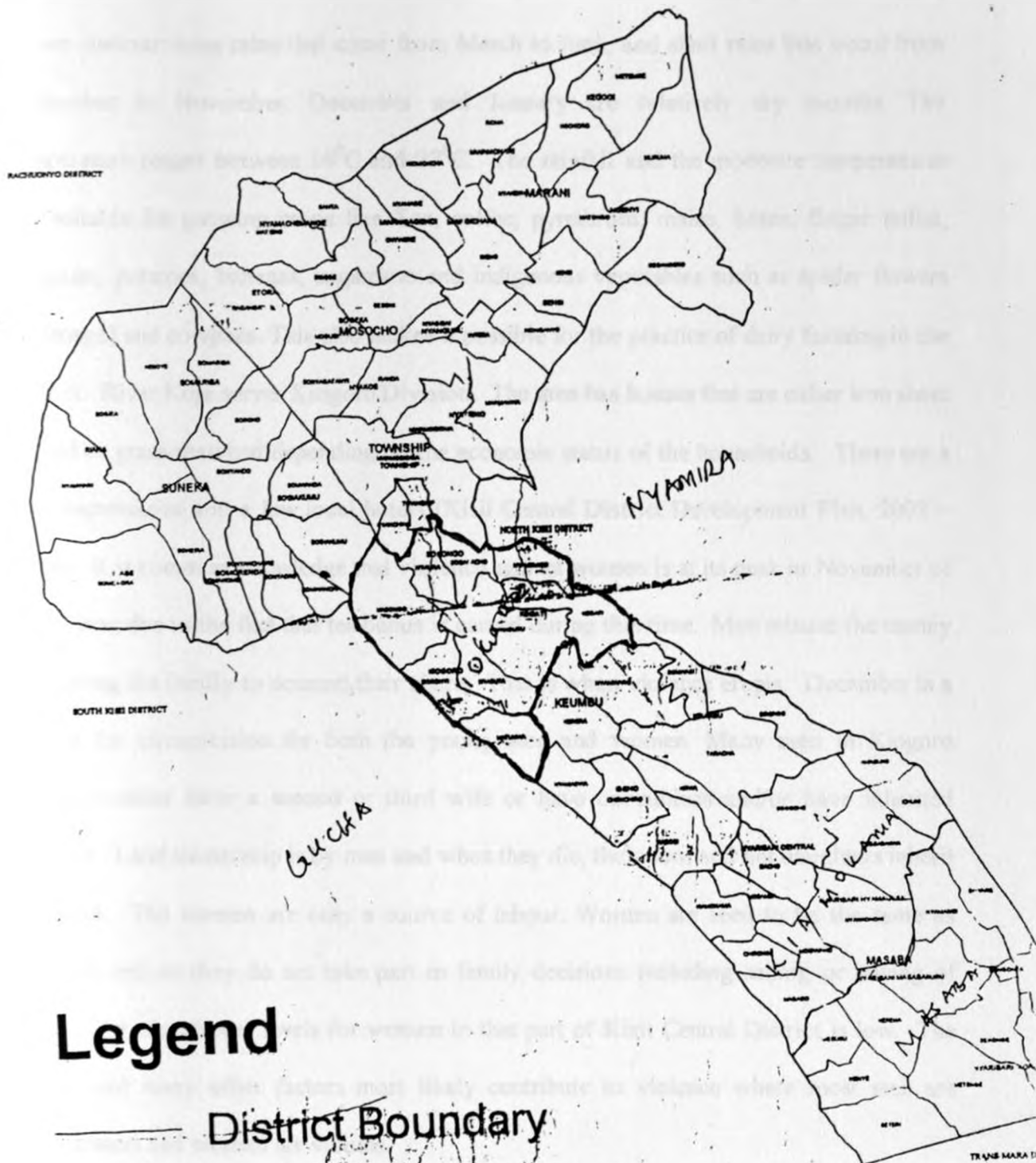
This study will contribute knowledge and make the society aware of the fact that violence against women is a violation of women's rights in the Division. It will also help the private and public sector especially Ministry of Gender, Children and Social Development in formulating, implementing, monitoring and evaluation of policies that will aid in eliminating gender based violence. The collection of the qualitative data for the research project took two weeks.

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3.2 Site Description

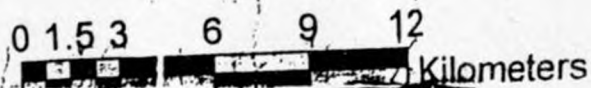
This study was conducted in Kiogoro Division in Kisii Central District. Kisii Central District is one of the many districts in Nyanza province. It shares borders with Nyamira District to the East, Transmara District to the south, Migori District to the southwest, Rachuonyo District to the north and Gucha District to the southwest. The district covers an area of 648.9 km² with 506.2km² made up of arable land and 142.7km² of non-arable land. The district is divided into seven divisions. They are Keumbu, Marani, Masaba, Mosochi, Suneka, Kiamokama and Kiogoro. Kiogoro Division was chosen by the researcher because it is her home area and she saw violence against women take place as she was growing up. Kiogoro Division has 3 locations namely: Kiogoro, Bosongo and Kegati. Kiogoro location has 3 sub-locations namely: Boronyi, Nyaguta and Matunwa. Bosongo has 4 sub-locations namely: Masongo, Nyaura, Bobaracho and Nyanchwa. Kegati location has 3 sub-locations which are Kegati, Nyanguru and Nyamemiso. According to the Kisii Central Development Plan (2002 – 2008) the population density in the district is projected to be 843 persons per km² with its total population projected to be 547,039 by end of 2008. The total population of Kiogoro Division is expected to be 76,168 by end of 2008 (National Development Plan, 2002 - 2008).

KISII CENTRAL DISTRICT MAP



Legend

-  District Boundary
-  Division Boundary
-  Location Boundary
-  Sub Location Boundary



The district is mostly hilly with several ridges. It lies about 1800m above sea level. It has an equatorial climate and receives an average of over 1500mm of rainfall per year. This falls in two seasons: long rains that come from March to June, and short rains that occur from September to November. December and January are relatively dry months. The temperature ranges between 16°C and 27°C. The rainfall and the moderate temperatures are suitable for growing crops like Tea, coffee, pyrethrum, maize, beans, finger millet, sorghum, potatoes, bananas, sugarcane and indigenous vegetables such as spider flowers (chinsaga) and cowpeas. This also makes it possible for the practice of dairy farming in the district. River Kuja serves Kiogoro Division. The area has houses that are either iron sheet roofed or grass-thatched depending on the economic status of the households. There are a few dispensaries and a few local hotels (Kisii Central District Development Plan, 2002 – 2008). It is common knowledge that violence against women is at its peak in November of every year due to the fact that tea bonus is earned during this time. Men misuse the money prompting the family to demand their share. That is when violence erupts. December is a season for circumcision for both the young men and women. Many men in Kiogoro Division either have a second or third wife or have concubines and/or have inherited widows. Land ownership is by men and when they die, their sons and not daughters inherit the land. The women are only a source of labour. Women are seen to be the same as children and so they do not take part in family decisions including selling or buying of land. The educational levels for women in that part of Kisii Central District is low. The above and many other factors most likely contribute to violence where most men are perpetrators and women are victims.

3.3 Participant Selection

The participants of this study were adult males and females of various marital status such as single, married, widowed, divorced or separated between the ages 18 – 60 years. The researcher chose the women because the study is about violence against them. Including them in the study was likely to reveal the violations which they go through, who violates their rights and what they want done to eradicate the vice. The researcher also chose male adults because they are the ones who, to a greater extent, perpetuate the culture and tradition of male dominance or patriarchy and it is only through their inclusion and support that the solution to eradicating violence against women can be found.

The researcher did multi-stage cluster sampling to select participants in three groups as follows:

The researcher did purposive selection of 4 key informants: one health worker from Kiogoro health center, one pastor, one chief and one police representative. Multi-stage cluster sampling of twenty individual participants (10 men and 10 women) through multi-stage cluster sampling to provide a better understanding of violence against women by being interviewed and filling-in the questionnaire. The researcher selected two women groups and two men groups. The two men groups were purposively selected because they were the only ones that could be obtained. The Focus Group discussion members were 30 (14 women and 16 men). The total number of participants was 54.

3.4 Methods of Data Collection

The main methods of data collection in this study consisted of interviews, questionnaires, focus group discussions and thematic reference to archival or secondary data.

3.4.1 In-depth Interviews

The researcher used interview guides to conduct in-depth interviews with 4 key-informants and other participants. The key informants were: the chief, pastor, clinical officer and police representative. Also included were 10 other participants (5 men and 5 women). The key informants were chosen because they receive cases of violence against women quite often in the course of their duties. The interviews lasted between 45 minutes to 1 hour. The interviews were MP3 recorded, played and transcribed later. The interviews were advantageous because they yielded rich ethnographic data on the research phenomena in question. The response rate was very high compared to questionnaires.

3.4.2 Focus Group Discussions

They are special type of group interviews in which a small group, with the guidance of a facilitator, discusses a subject freely and spontaneously. The researcher carried out 4 Focus Group Discussions with group members gaining insights into the forms, causes, impacts and possible solutions to violence against women. There were 2 women groups and 2 men groups. The groups consisted of between 6 to 10 participants of various marital statuses such as single, married, widowed, divorced or separated between the age category of 18 – 60. One of the men groups had 10 members, the other men group had 6 members, one women group had 6 members and the other women group had 8 members. In total, group members consisted of 30 individuals. The men and women groups, except for one

men group (youths), mostly comprised of adults of low educational levels and lacked formal employment. The focus group discussion was also MP3 recorded to avoid interruption during the discussions. The discussions were played back at the end of the day and transcribed.

The advantage of this method is that a lot of information was gathered from a number of people within a short time and new ideas such as witch hunting, burning, and killing, not anticipated by the researcher came up and it became a topic of discussion.

3.4.3 Archival or Secondary Documents

These refer to written sources of data from which a researcher can review literature, identify knowledge, get insights in describing, explaining and packaging information. The researcher visited libraries collecting data from books, journals, internet and newspapers. The researcher made thematic references and collected more of secondary data from both print and electronic media. The chief provided the map for Kiogoro Division. This has an advantage of enabling the researcher to know what had been done so far on the topic and the study site. The map assisted the researcher when sampling and selection of locations of the participants.

3.4.4 Questionnaire

Ten participants (five men and five women) responded to the questionnaire. Filling of questionnaire was done immediately after interviews for triangulation purposes. The participants were different from those interviewed. The questionnaire was a self-administered instrument that sought to know the age, marital status, educational

background of the respondents of between the ages of 18 and 60 years and their knowledge on the research questions. However, some instructions and questions were misunderstood and some parts of the questions were left blank.

3.5 Data Analysis

Data were analyzed using inductive data analysis strategies. Specifically, the study employed the constant comparative method. This means that data analysis started as soon as data collection commenced. At the end of each day, analysis was done across data sources and any emerging issues and themes were used as basis for data collection the next day. Triangulation of this data was done by comparing various data sources for reliability and validity as well as through member checks of participants, key informants, research assistants and supervisor. These data were summarized and reported in thematic form.

3.6 Ethical Considerations

To ensure that data gathered is reliable and valid, the researcher obtained voluntary and informed consent from respondents, informing them of the purpose of the study, assuring them that the information they provided was going to be kept confidential and that their identity was not going to be disclosed. Those who were affected by the violence and broke down easily were encouraged through self-disclosure the researcher used her basic counseling skills to counsel them. The participants were promised that they would get a feedback of the outcome of the research through their chief. The researcher obtained the participants informed consent to interview them. Participation was voluntary and interviews were held at neutral places. They signed the consent form to show that they

were willing to be interviewed. For purposes of confidentiality, the researcher used pseudo-names for the participants.

3.7 Limitations of the Study

1. Battered men were not able to disclose the fact that they are battered yet some participants such as the chief revealed that some men are indeed battered. This is because of the ego in them and the patriarchal structures in society where women are the only ones who are supposed to be battered.
2. A lot of delays were encountered due to bad roads necessitated by heavy rains during data collection as well as non-adherence to agreed meeting times. Some participants came to the venue one to two hours late.
3. Walking long distances to some of the places that did not have public service vehicles was overwhelming. I later got used to it and made sure that I started the journey very early, before the rising of the sun and got back home late in the day.
4. Financial limitations. A lot of money was required for the whole process to be complete and successful. Despite the financial constraints I was still able to complete my study successfully by scheduling a number of appointments on the same day for participants who lived near each other.

CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS

The purpose of this study was to identify the forms, reasons, effects and ways of eradicating violence against women in Kiogoro Division. Data were analyzed in thematic form using descriptive language, according to the objectives.

4.1 DEMOGRAPHIC INFORMATION OF THE RESPONDENTS

4.1.1. Participants

Two women groups were interviewed. Nyakoranda Women Group from Kiogoro sub-location, Kiogoro Location had 8 members. The members interviewed were few because it was on a Sunday and some of the members had gone to church. Nyakweagacha Women Group from Bobaracho sub-location, Bosongo Location had 6 members. The members were few because it was a market day and so most of them had gone to search for what can meet their basic needs as their name suggests. Ten members of Geticha men group from Matunwa sub-location of Kiogoro Location were interviewed. This was good attendance because this was their usual day and time of meeting. Ekerore men group had six members interviewed. Others were not available because most of them attend colleges in town and others are in universities and colleges across the country. Four key informants (two women and two men) were interviewed. The first man to be interviewed was a Chief and the second man was a local pastor in-charge of 30 churches in both Kiogoro and Bosongo Locations. The first woman was a clinical officer from a local Health Centre and the second was an officer manning a women and children's desk at the Kisii Central Police station. They qualified to be key informants by virtue of their day-to-day office duties in interacting with the general public. Ten individuals - five women and five men, with or without any form of education were interviewed. Ten other individuals (five men and five

women) who had obtained some form of education filled the questionnaire. The women who participated were 26 (48%) while men were 28 (52%) totaling to 54 participants.

Table 1 Type of Participants

Groups/Participants	Frequency	Percentage
Nyakoranda	8	14.8
Nyakweagacha	6	11.1
Geticha	10	18.5
Ekerore	6	11.1
Interviewees	10	18.5
Key Informants	4	18.5
Questionnaire Respondents	10	7.4
Total	54	100

Source: Primary data

4.1.2. Age of Participants

Age is a demographic factor that affects people's opinions due to experience and knowledge. The ages of participants ranged from 18 to 60 years. The first category of 18-28 years of age had 16 (29.6%) participants and second category of 29 – 39 years of age had 20 (37.1%). The third category of 40 to 50 had 10 (18.5%) participants and the final category of 51 to 60 had 8 (14.8%) participants. The research was able to get respondents from ages anticipated. It was by sheer coincidence that the second category of between 29-39 years of age had the highest number of participants. This is because the majority of the people who live in that area are of this age and either have no formal employment or are working near their homes as opposed to the category of 51 to 60 who are few. It therefore

follows that most of the victims or perpetrators of violence against women belong to this category. Majority of the youths are away in colleges and schools.

Table 2 Age of Participants

Age Category	Frequency	Percentage
18-28	16	29.6
29-39	20	37.1
40-50	10	18.5
51-60	8	14.8
Total	54	100

Source: Primary data

4.1.3. Marital status of Participants

Table 3 below shows the marital statuses of the participants. Thirty-five (64.8%) participants were married showing the importance the community attaches to marriage. This big number of married men implies that wife battering is actually perpetuated by the men. Ten (18.5%) were single and 1 (1.9%) was separated. Seven women were widows and one male interviewee was widowed represented by 14.8%. Among the Abagusii many men marry immediately when their wives die while women are traditionally not allowed to remarry but be inherited. This may explain the big number of widows compared to widowers. Those men who are divorced or separated are looked down upon. This may explain the absence of separated or divorced men among the participants.

Table 3 Marital status of Respondents

Marital status	Frequency	Percentage
Married	35	64.8
Single	10	18.5
Separated/Divorced	1	1.9
Widowed	8	14.8
Total	54	100

Source: Primary data

4.1.4. Levels of Education

There were 3 participants who had no education at all. Those who had reached primary school were 10, secondary school were 24, college level were 8 and university level were 9. The majority of respondents had reached secondary school.

Table 4 Levels of education of Participants

Level of Education	Frequency	Percentage
None	3	5.6
Primary	10	18.5
Secondary	24	44.4
College	8	14.8
University	9	16.7
Total	54	100

Source: Primary data

Table 4 above shows that 5.6 % of the participants had no education at all. 18.5% had primary education, 44.4% had secondary education, 14.8% had college education while

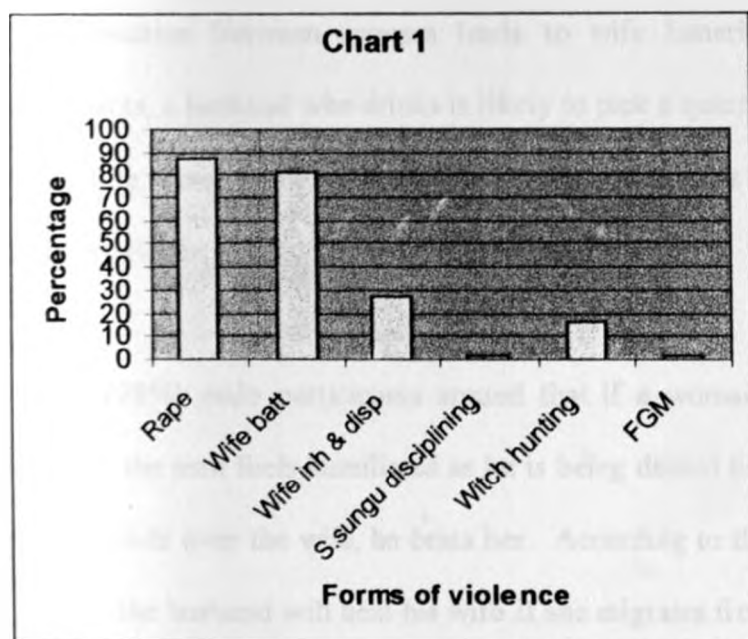
16.7% had university education. The greater percentage of the respondents had no salaried employment due to lack of training. The fact that 44.4% had secondary and others had dropped out of secondary school may imply that the perpetrators of violence against women had low levels of education because they had no salaried employment and so most of them were poor and idle.

4.2 FORMS OF VIOLENCE AGAINST WOMEN

There are different forms of violence against women that were given by groups and the individuals who participated in the research. The following were the most common forms of violence cited by respondents: Rape (Sexual assault), wife inheritance, battering (Physical assault), divorce or separation, dispossession of widows, 'Sungusungu' (vigilante group) beating women, and killing or nailing of female witches, and discrimination against women. All the four key informants said that even men faced violence from both women and men but argued that many men are perpetrators compared to women.

Forty-seven (87%) participants gave rape as a form of violence against women, 44 (82%) gave wife beating and 15 (28%) participants gave wife inheritance and dispossession of widows as most common forms of violence against women. One key informant gave the disciplining of women by 'Sungusungu', a local vigilante group, as a form of violence against women. Nine (17%) participants gave witch burning or hunting as one of the most common forms of violence facing women. Only one participant gave female circumcision as a form of violence. Ten men did not see wife battering as a form of violence against women. This is because of the patriarchal structure among the Abagusii community. Six participants did not name any form of violence against women either because they did not

know or they did not see the above mentioned as forms of violence against women. Perhaps because FGM is seen as a rite of passage and has widely been accepted, few consider it in negative terms. When asked about the causes, effects and solutions to FGM they did so even though most of them had not given FGM as a form of violence against women. The forms of violence that have been analyzed below are: wife battering, widow inheritance and dispossession, female genital mutilation, rape, disciplining of women by 'Sungusungu' and witch burning and killing. The forms of violence, causes, effects, and ways of eradicating them have been explained in multiple response charts to show that most participants gave more than one point.



Source: Primary data

4.2.1 WIFE BATTERING

This study sought to find out why there is violence against women by asking questions such as: What are the causes, effects and ways of eradicating wife battering?

4.2.1.1. Causes of Wife Battering

Forty-four (82%) participants responded by giving unfaithfulness as a cause for wife battering. No man would hear that his wife is sleeping around with other men and leave her. Without investigation, many men beat their wives even when it is a mere accusation.

Twenty-one (39%) participants said that poor husbands beat their wives when asked for money. In most cases this happens when the men misuse the money. Seven (13%) participants said that low literacy levels and 3 (6%) participants said that poor communication between spouses leads to wife battering. According to 11(20%) participants, a husband who drinks is likely to pick a quarrel with his wife and a fight may ensue if he comes home asking for food and the wife tells him there is no food because he never provided.

Fifteen (28%) male participants argued that if a woman refuses to have sex with her husband, the man feels humiliated as he is being denied his conjugal rights. To show that he has power over the wife, he beats her. According to the 52 year-old chief, who is also married, the husband will beat his wife if she migrates from the main bedroom (shared by the couple) to the kitchen, which is usually a separate house. The excuse will be, *"you are sleeping in a warm place leaving me in the cold bedroom alone."* A thirty five year old and married male participant was quoted saying, *"She is my wife because I paid bride price for her so that I can have sex with her when I want. Sex is what brought her to my home. There is no bargaining and if she refuses she will know that I am a man"*

Johnson (2002) recognizes that there are small minorities of "traditional" males who believe that payment of bride price entitles them to "ownership" of a wife. As a "piece of property" a wife could be abused and misused as desired by her "owner"

Ten (19%) male participants concurred also that men do not like their wives asking them where they are coming from; this is reason enough for a good thrashing. The same participants claimed also that a woman asking a man to share domestic chores essentially invites a beating. Okari, a 30 year old man and father of two exclaimed, "*How can I cook or change nappies for the baby when my wife is there? I married her to do the work on my behalf.*"

Twenty-eight (52%) participants said that wife beating is a good way of disciplining a woman and proving that one is a man. One participant claimed that if a woman is not disciplined she will grow horns and she will soon dominate and start ordering the man around. This view concurs with Amnesty International that wife battering is a 'routine chastisement.'

The chief said also that failure to take parental responsibility leads to battering or physical injury being inflicted on a woman. The case in point was of a 43 year old married woman and mother of eight I found in the chief's office who had her index finger chopped off by her husband. She narrated her ordeal to me as follows:

My second-born daughter had been sent home for school fee. My husband is an employee of the Kisii Municipal Council and I am a housewife. When my husband saw her he did not listen to her. He told her to go away. When I asked him where he wanted her to go to, he

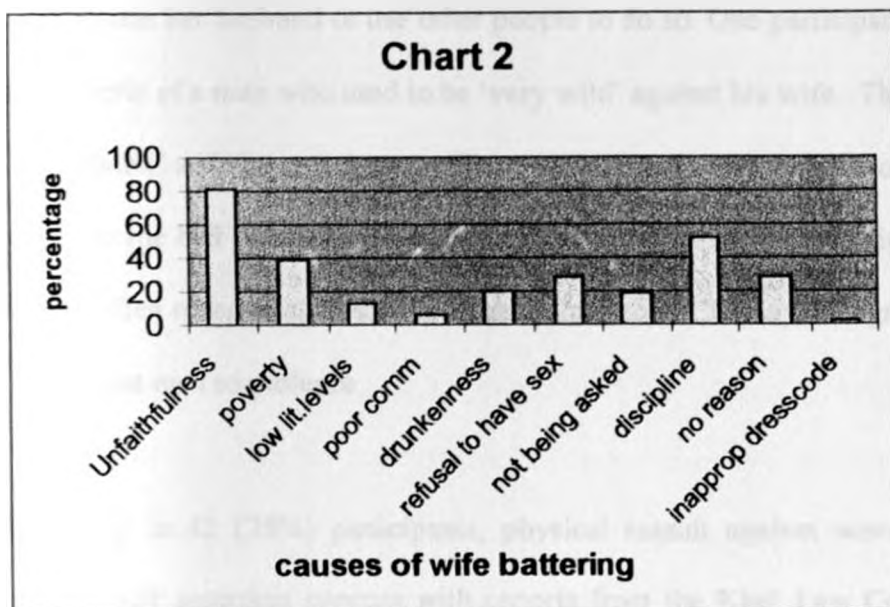
immediately hit me with kicks and blows, and pulled a knife from the inside of his coat and cut off my index finger. I ran away to report to the chief because he had sworn that if anybody asked him about school fees again he would kill him or her.

The chief also said that there are women who are beaten without committing any crime. For instance, where the neighbor's cows eat maize in one's farm or when a daughter becomes pregnant, truancy among children or the mere suspicion of unfaithfulness. The woman is blamed for such things and is therefore thrashed. All the fourteen female focus group discussion participants concurred with one another that wife battering is caused by minor reasons or no reason at all. So 15 (28%) participants agreed that a woman can be beaten without committing any crime at all. According to twelve male participants, idle talk among women can lead to either their husbands or other men beating them. The fourteen female participants said that attending women's meetings is a good reason for beating a woman. The women said that the men feel threatened when they see women coming together.

One of the interviewees, a lawyer and a survivor of wife battering said that inappropriate mode of dressing (wearing of trousers and tight/short dresses or skirts) is a cause for wife battering. The husbands start imagining that the women are chasing after other men. She said that the jealousy of the husbands drives them into a blind rage accompanied by senseless beatings.

One key informant said that there are men who are also beaten by their wives. These men are seen as irresponsible and a burden to their families. For example, those who sell family

property or lease land to outsiders without consulting the wife and children. Eleven participants agreed with him saying that women also physically assault men but many men resort to keeping quiet while very few men report because of the patriarchal structures in society where women are the only ones who are supposed to be battered. The chief claimed that women rarely report physical assault unless it results in actual bodily harm or physical injury.



Source: Primary data

4.2.1.2 Effects of Wife Battering

Wife battering is not the right way of dealing with family disputes because it leads to what may not be anticipated. Six (11%) participants argued that wife battering can lead to one committing suicide, as one cannot stand the humiliation and pain he or she receives from the battering. According to Omae and Naftal Ntabo, physical assault can lead to death. When one is under the influence of alcohol or drugs, reasoning capacity is often impaired. One can use any object to hit their partner. Gender differences were reported regarding

the battering. Mzee Moruri said that men do not plan but women plan carefully on how to batter men.

Eleven (20%) participants who claimed that once a woman is beaten, she is likely to revenge by hiring thugs or bewitching the husband (if she is a witch) or she will start looking for "kababa" (a herb used to soften a man's heart). They stated further that she could poison her husband or use other people to do so. One participant, Mr. Machata, gave the example of a man who used to be 'very wild' against his wife. The wife promptly gave him 'kababa' and the man became like a zombie never leaving his compound. He often hid under the bed or above the ceiling when he saw a stranger coming. This implies that women often revenge against their abusive husbands. These findings indicate that women also subject men to violence.

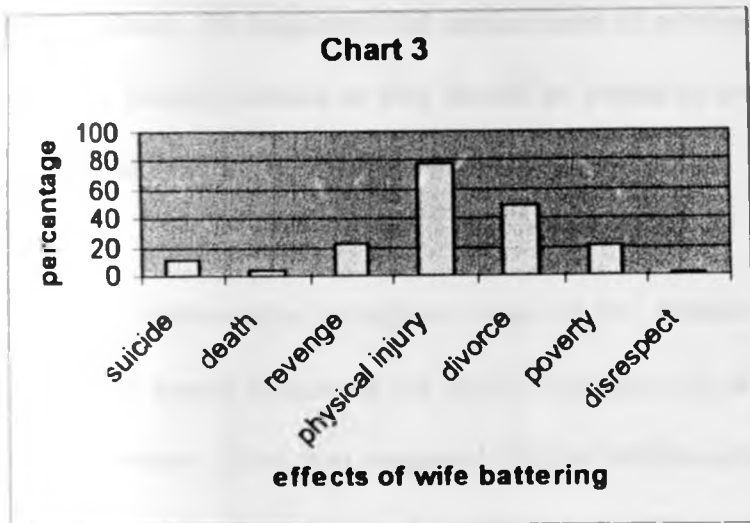
According to 42 (78%) participants, physical assault against women leads to physical injury. Their assertion concurs with reports from the Kisii Law Court. Many batterers arraigned in court more often than not have occasioned harmful bodily injury to their victims. These include: cutting off hands, knocking out teeth, hacking with machetes (panga) and even chopping off ears apparently because those same ears do not listen hence have no reason to remain attached to the victim's head. I mentioned earlier about a lady I found in the chief's office who had her index finger cut off by her husband. Physical injury is the most serious effect of wife battering. One participant, Mr. Matoke remarked that incidences such as these can also lead to infections such as tetanus if not treated well.

Twenty-six (48%) participants reported that spouses in abusive homes ended up getting separated and/or divorced. They said separation or divorce results in homes where wife battering is rampant. A good example is that of Bwari, an interviewee who gave her harrowing experience of living with an abusive husband. She decided to separate from him to avert more physical injuries. She said, *"It is better to suffer in poverty with my children rather than stay with a rich abusive husband. I am so happy I made that choice."*

Contrasting views in regards to battering were reported. Four elderly participants stated that wife battering has no consequence that is extreme enough to force one to leave an abusive relationship. The participants argued that women should persevere for the sake of their children and to save the marriage they have built for many years. They claimed that their parents told them battering has been there, it is unavoidable and there is no man who never beats his wife. In my opinion, this encourages the cycle of violence and it is a culture that has been passed on from generation to generation. According to Maiga (2%), a member of Maendeleo ya Wanawake - Kisii Branch, wife battering teaches children to disrespect their parents. This is because, the parents have no respect for each other. The children will grow to become disrespectful parents as well.

Ten (20%) female participants and one male participant, Nyambane, said that wife battering leads to poverty. They said that when a woman who was hardworking is inflicted with serious bodily harm she fails to do what she used to do to provide for the family. Her family members end up suffering. If she is sick for a long time, for example, and the man is irresponsible, then the children suffer economically. The lady may not meet her basic

needs. The victim may also use a lot of money for treatment, which strains the family's finances. Others may sue their husbands - another strain on the family's finances



Source: Primary data

4.2.1.3 Ways of eradicating Wife Battering

The four elderly participants said that when women are beaten, they should not run away but 'go under the bed.' They meant the woman should seek refuge but remain in the relationship and all will be well. The pastor claimed that physical assault can be eradicated through preaching the good news to the batterers. If they believe, they will accept Jesus as their personal saviour and give their lives to him. Then there will be no room for violence. He quoted Romans 13:9-10 that partly says, "love your neighbour as you love yourself." If you love someone you'll never do harm to him/her.

Six (11%) participants aged between 18 and 29 years felt that competent policemen who do investigations into wife battering should be hired. According to the reports I obtained from the registry office at the Kisii Law Courts, many of the perpetrators of physical assault are set free due to shoddy investigations done by indifferent police.

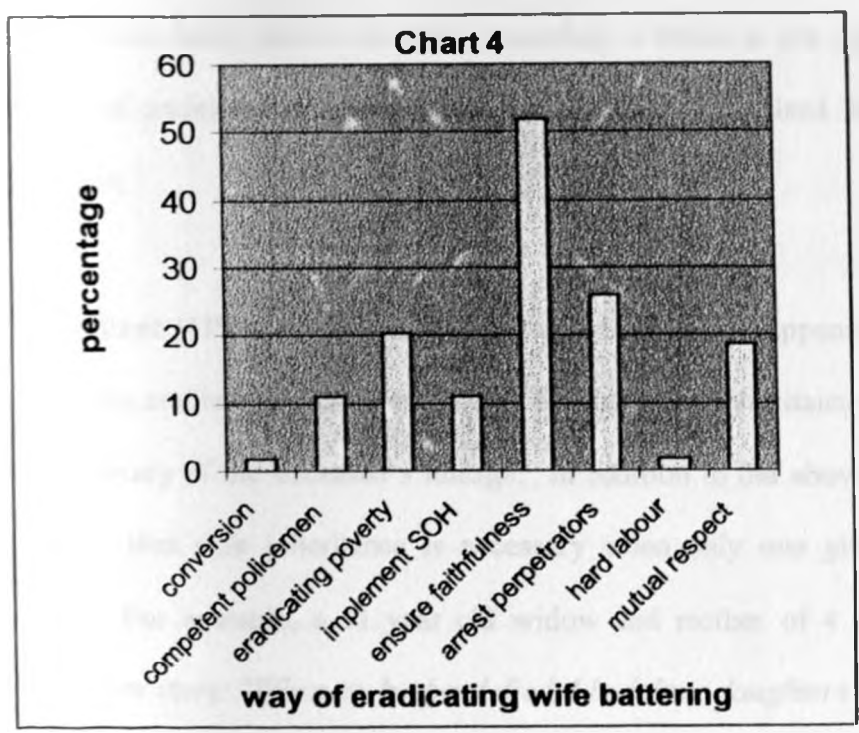
Mzee Moruri argues that if drunkenness, poverty and thuggery are eradicated then wife battering will stop. This is because anyone under the influence of alcohol can easily pick a fight. He said that poor men are irresponsible as they abdicate their parental responsibilities. He suggested that employment be provided, by the government, for those who have finished school or they should be helped to create employment. He said men must go out and look for food for their families.

Six (11%) male-youth participants were of the opinion that the government, through parliament, should implement the Sexual Offences Act of 2006 to the letter to defend the rights of women. They also suggested that the NGOs such as WRAP and COVAW should initiate educational programmes to create awareness on the rights of women and on the support they give to victims of violence against women.

All the 26 (52%) women argued that if faithfulness is ensured, then wife battering will end. On the other hand, Fifteen male participants claimed that men naturally have a wandering eye hence making it virtually impossible to have only one wife and no mistress. Mzee Moruri and Ntabo however, concurred with the women that faithfulness between spouses can reduce wife battering.

Fourteen (26%) female participants recommended that the culprits of wife battering should be arrested and stern action taken against them. Mzee Moruri suggested hard labour, such as digging of roads, heavy fines and penalties and thorough beatings as ways of deterring perpetrators from their beating antics.

Ten (19%) participants of a focus group discussion unanimously agreed that it is only through mutual respect between men and women that wife battering can stop. Through mutual respect, other people's opinions are valued as important and one does not warrant beating for speaking their mind. In conclusion, wife battering violates the rights of a woman and forty-four participants are against it.



Source: Primary data

4.2.2 WIDOW/WIFE INHERITANCE AND DISPOSSESSION

4.2.2.1 Causes Of Wife Inheritance and Dispossession

The study sought to find out why there is violence against women by asking questions such as what are the causes of wife inheritance and dispossession. Thirty (56%) participants argued that the fact that no one is forced and that freedom is given to look for a suitable inheritor has made wife inheritance take a different dimension. The widows inherited have a number of partners and this has led to their dispossession.

All the 54 (100%) participants argued that wife inheritance is caused by an economic reason. They said that women these days look for inheritors who are rich enough to provide for their basic needs. This, the participants said, has led to the widows having to look for many inheritors at the same time so as to meet their different economic needs. One interviewee, Mr. Ntabo said that the men are given names like 'sugar daddy', 'school fees daddy', 'rent daddy' and so on. This, according to Ntabo is not right as it differs from the concept of traditional inheritance that the community practised. He calls it a 'dangerous dimension.'

Twenty-three (43%) participants said that wife inheritance happens in the community when a man dies and leaves a childless widow behind. Wife inheritance was intended to ensure the continuity of the deceased's lineage. In addition to the above, 15 (28%) participants also said that wife inheritance is necessary when only one gives birth to one sex of children. For example, a 51 year old widow and mother of 4 who had been inherited narrated her story: "*When my husband died, I had three daughters and this motivated me to be inherited so as to get a son. God heard my prayer and I got a son who I named after my husband*".

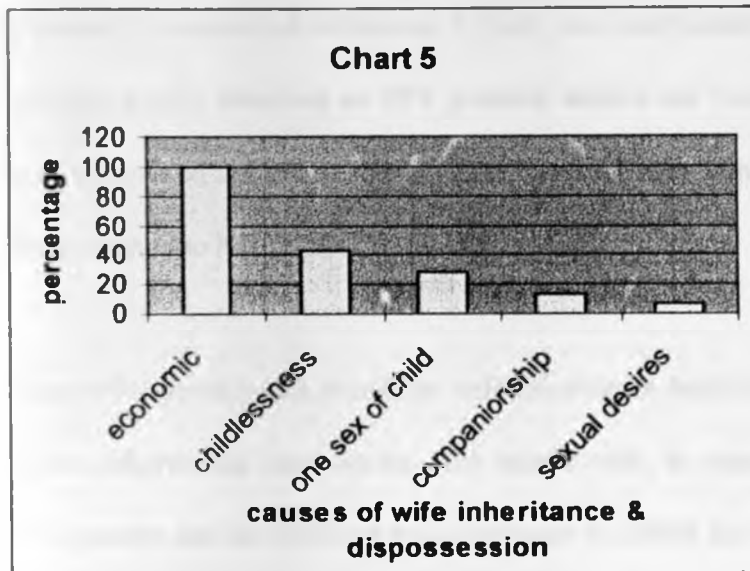
The pastor argued that widows also need companionship. They need to belong and also need security, which can only be provided by a man. He said that if women have to be inherited, then a man who is either single or widowed should inherit the woman to provide true emotional and economic support.

Mr Bure, a widower, said that women need inheritance because they are after all human beings with sexual desires. They get inherited to satisfy their sexual urges. 3 (7%) widows agreed with him, stating that the young widows who are still sexually active need companionship that only a man can provide.

According to the chief, many men wishing to inherit widows have selfish motives - to grab what belongs to the widow and orphans. He also said that those who refuse inheritors face the wrath of the dreaded in-laws. He gave the example below of a young widow who was living in the capital city of Kenya with her children but had refused to be inherited: *When she and her children came home to commemorate the first anniversary of her husband's demise, she got a rude shock. The in-laws had cultivated around her house and planted crops on her husband's grave. She took them to the village elders, who unfortunately had been bribed and would not heed to her pleas. The in-laws went to the district commissioner who wrote a letter to the district officer who also in turn wrote another to the chief to instruct the lady to "desist from stepping on private property."* The chief observed that the clan elders do not always stand for the truth. This denies the widow her rights to own her deceased husband's land and any other possessions. The World Bank (2001), report agrees with the above that, "In much of Sub-Sahara Africa, women obtain land rights chiefly through their husband as long as the marriage endures, and they often lose those rights when they are divorced or widowed."

Four (7%) participants noted that other women get inherited because they fear being chased away and losing their property. This happens when a young woman has lost her husband and has no other source of income. *Bochaberi, a widow who lost her husband when she*

was very young, was inherited, but when her first-born son had left the nest and got married, she told the inheritor to leave. This is because her son had grown and become the head of that family and so offered protection to her. She said she has never regretted the decision she made because now she goes about her business without having to seek approval from her inheritor. This includes what and where to plant.



Source: Primary data

4.2.2.2 Effects of Wife Inheritance and Dispossession

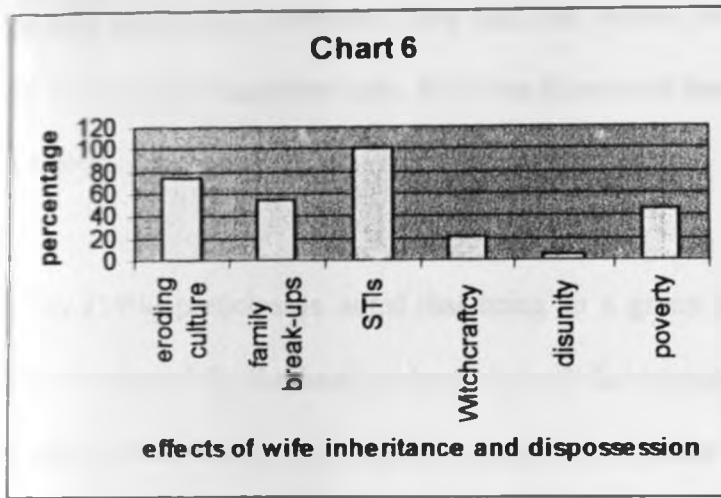
Wife inheritance has effects on the widow and her family and leads to loss of property. Mr. Ntabo calls it a 'business' or 'modern prostitution' as the widows have several partners for economic reasons. Forty (74%) participants argued that very young men capable of being the widows' sons and others who are their relatives inherit the women. This has eroded the Omogusii culture of respecting relatives. Ntabo gave a case in point where a woman who was inherited by her late husband's nephew.

Thirty (56%) participants argued that it has led to family break-ups. They said that the inherited women have tactics of keeping the inheritors until they forget about their families causing the inheritors to abdicate their roles and responsibilities as husbands and fathers.

All the 54 (100%) participants are aware that wife inheritance exposes one to higher risks of sexually transmitted infections. In fact, one interviewee said that very many men from his village who inherited an HIV positive widow are '*counting their days*' as all of them have contracted the virus. Twelve (22%) participants argued that it leads to bewitching of the woman who has 'stolen' another's husband.

Three (6%) participants noted that wife inheritance leads to disunity in the family. When an in-law inherits his sister-in-law, the man's wife, in most cases, is not agreeable to that arrangement and the brothers may also want to inherit the same woman. When the inheritor is an outsider the brother-in-laws rise up against him.

Twenty-five (46%) respondents argued that wife inheritance leads to poverty or its perpetuation. Some of these widows end up becoming beggars. Nyanchama cited a case where, *a man whose interest was to amass wealth inherited a particular widow. He told the woman to buy a car and she, blinded by "love", registered the car under his name. The widow also had a shop business and good money in the bank. She realized too late that the man had cleaned the shop and sold the pickup. She was left with nothing but regrets. Her children are now out of secondary school because of lack of fees.*



Source: Primary data

4.2.2.3 Ways of eradicating Wife Inheritance and Dispossession

Twenty-five (46%) participants argue that wife inheritance is unnecessary and should be discarded or dispensed with as it has led to more suffering to the widow and orphans rather than bringing them relief and happiness.

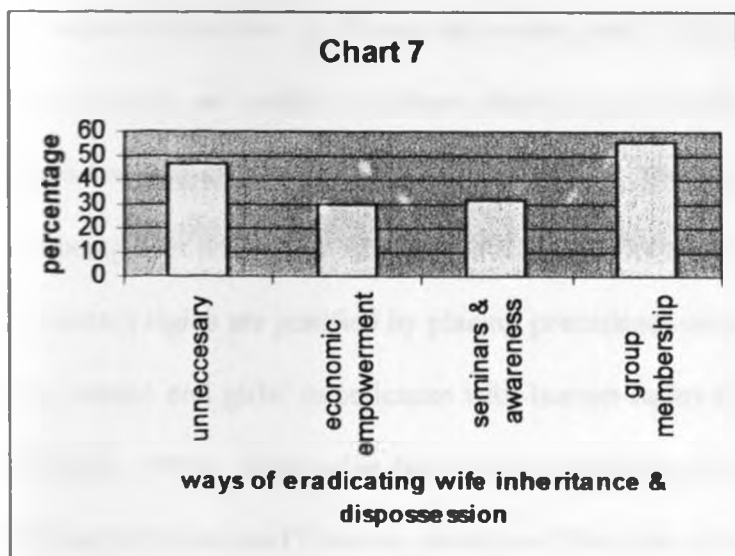
Sixteen (30%) participants recommended that women be empowered to enable them be independent rather than depending on relationships with men that do not last nor benefit them. They argued that some women go for inheritance when they are poor. Enabling them to get a source of income will go a long way in improving the women's way of life. They also argued that the widows who have some wealth should think before they leap into inheritance. They should be educated to think big and invest wisely. The story of a widow who was conned of her wealth by an inheritor should act as a wake-up call for all widows.

Seventeen (31%) respondents whose educational levels are high - college and university - advocate for seminars to create awareness of the dangers found in wife inheritance such as

sexually transmitted infections. They said that women should be educated that a child is a child. If one has daughters only, they should not risk their lives going for men in a bid to sire boys.

Thirty (56%) participants noted that being in a group gives them a sense of belonging. They advocated for the lonely women to look for company among fellow women who are members of women groups. In these groups the widows will get to hear life experiences of other widows who made mistakes and have vowed not to repeat the same mistakes.

The pastor did not support wife inheritance and instead argued that young widows should go back to their parents' homes and get re-married to men who are either single or widowed to avoid the temptation of seeking sexual satisfaction among many lovers. The pastor argued that when she remarries, the children will still belong to their deceased father.



Source: Primary data

4.2.3 FEMALE GENITAL MUTILATION (FGM)

When naming the forms of violence in Kiogoro Division, only one participant gave FGM as a form of violence against women while 54 did not see FGM as violating women's rights. They said that circumcising a girl is not mutilation but initiation or Female Circumcision because FGM is a harsh term. I concur with Toubia when she says that out of respect and sensitivity, many organizations working with the communities have opted to use local terminology or a neutral term such as "female circumcision" or "female genital cutting" (Rahman and Toubia, 2000).

4.2.3.1 Causes of FGM

Forty-six (85%) participants clearly stated that female circumcision is a cultural practice that cannot be discarded so easily. Mr. Omare quoted a Kiswahili saying, "*Mwacha mila ni mtumwa*". This means that one who forsakes his culture is a slave. His remark was supported by 9 participants who argued that stopping FGM would be equivalent to losing their sense of direction. A 58 year old woman said, "*that is our culture and they should not tell us to stop our culture to adopt other people's culture. Why don't they adopt our culture because we like it as they like theirs?*" These statements show that FGM is far from being over among the Abagusii of Kiogoro Division. UNIFEM argues that Violations of women's rights are justified by placing precedence on traditions and cultural values. As such, women and girls' experiences with human rights abuse have been virtually ignored (UNIFEM, 1999). Due to the fact that I come from the area I was not surprised that 46 participants do not see FGM as a violation of the rights of women.

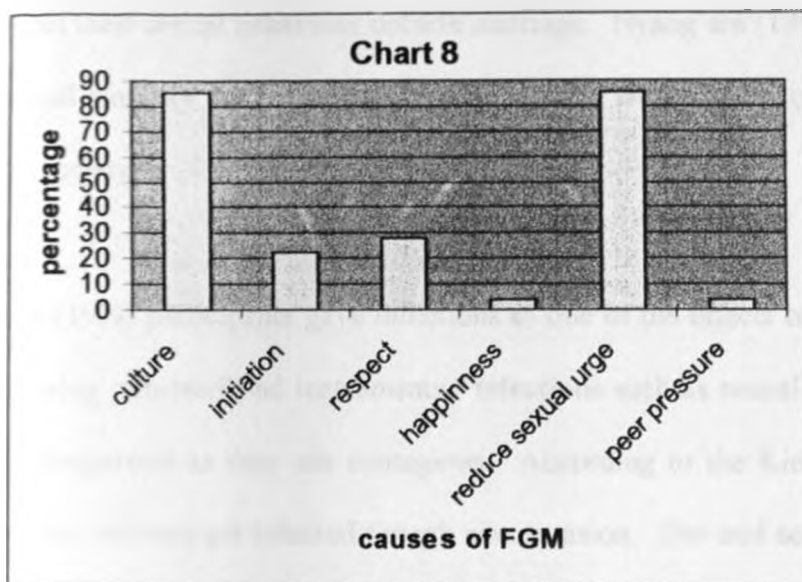
Twelve (22%) participants said it is a right of passage from childhood to adulthood. Fifteen (28%) participants said it makes the circumcised to have respect for the parents and elderly members of society. Two participants, mentioned the fact that the parents feel happy when their daughter has been circumcised. This is because the daughter will soon get married and the father will receive cows in form of bride wealth.

One reason for the practice that featured prominently was the reduction of sexual urge. 46 (85%) members of the declared that it was the best thing that ever happened among the Abagusii women. For this reason the men can be able to sleep around with other women. Mr. Onkware had this to say, *"When I am away, I can be sure that my things are preserved for me. A woman has to be stopped from thinking about and sleeping with another man when the husband is away, dead or polygamous"*. This may reflect men's control over women's sexuality. Bochaberi said that because she was circumcised, she has no urge for sex and that she does not need it now that she is a widow with grown up children.

Two participants said peer pressure also lead girls to go for circumcision. The girls fear being called names such as *"egesagane"* which in the local language is a very harsh and abusive term used to refer to an irresponsible, dirty and immature uncircumcised girl.

One participant said that it is selfish to stop FGM. This is because circumcision season is the best time to socialize and eat together food provided by the parents of the circumcised girl. She quoted a Kisii proverb that says, *"ekia omogoko no omwana ogetoeire"*. This means that one can only get what belongs to the miser through a child. This was a way of

celebrating and eating what one should otherwise not have got under normal circumstances.



Source: Primary data

4.2.3.2 Effects of FGM

Forty-six (85%) participants said that Female circumcision has no side effects to the Abagusii women compared to those women who undergo “real” FGM. According to Omare, FGM is done to benefit both men and women and not to harm the women.

The first reason that the 46 participants gave as a cause of FGM is also an effect for female circumcision. The 46 (85%) participants argued that reducing a woman’s sexual desire makes her faithful to her husband when she is married and to be chaste before marriage. To the 46 participants this is a positive effect which is beneficial to both the man and the woman. According to the pastor, Ntabo and Okioma this gives men a leeway to look for other wives or women out of wedlock. The above 3 participants who are against FGM refer to this as selfishness on the side of men aimed at controlling women’s sexuality

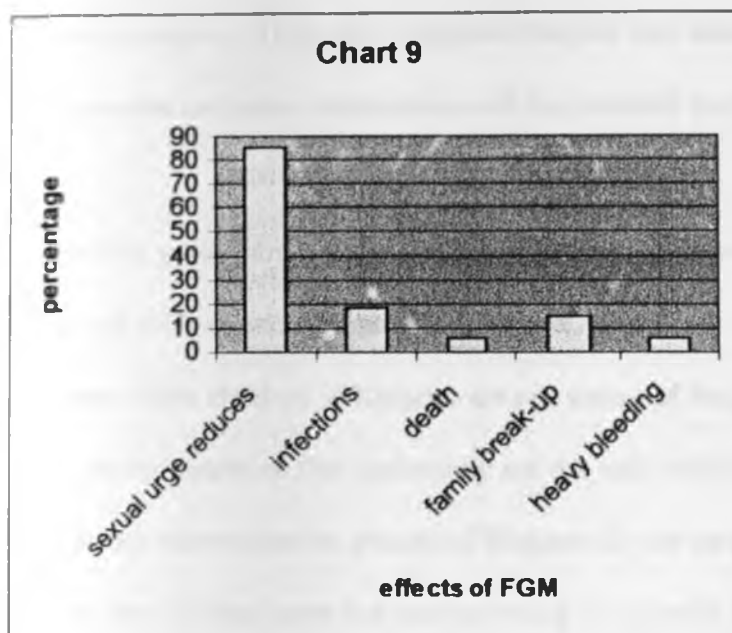
(Ntabo and Okioma never gave FGM as a form of violence against women). From this one can also see double standards employed by men because no woman will dare ask them about their sexual behaviour outside marriage. Nyang'era (1999) agrees that FC promotes sexual morality and discipline, thereby making women feel complete and full members of the society.

Ten (19%) participants gave infections as one of the effects of FGM that come as a result of using non-sterilised instruments. Infections such as sexually transmitted infections can be dangerous as they are contagious. According to the Kiogoro Health Centre clinical officer, women get infected through circumcision. She said some of the infections such as HIV/AIDS take a long time to be detected. The ten respondents defended circumcision among the Abagusii women of Kiogoro Division arguing that it is done by medical practitioners under hygienic conditions and so it does not affect the women.

The clinical officer, Mr. Ntabo and the pastor (6%) argued that if, during circumcision there is a deep cut, heavy bleeding occurs. 6% also argued that FGM leads to anaemia or death. In Kiogoro, the clinical officer said they had not received such a case in the hospital at least for the one year she has worked there.

Six (11%) participants said FGM leads to many family break-ups. They continued to state that due to the fact that the women's sexual urge is reduced by circumcision, the women never seem to be interested in sex and because men cannot tolerate that, some opt to separate, divorce, marry second wives or go for concubines also referred to as mistresses.

The multiple response chart below shows that reduction of sexual urge is the greatest effect of FGM to victims.



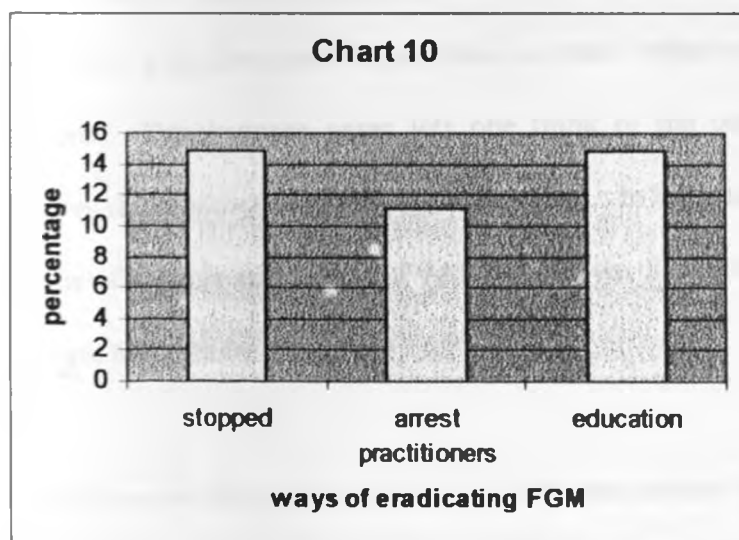
Source: Primary data

4.2.3.3 Ways Of Eradicating FGM

Eight (15%) participants recommended that FGM should be done away with as it has more side effects than benefits. Seven out of the above 8 participants never indicated that FGM was a form of violence when they were asked to, but gave recommendations on ways of eradicating it. They said it is done secretly and everybody in the community knows it is going on. This is because people feel they will be losing their culture. The pastor said people need conversion of heart if they claim to be Christians as there is nowhere in the Bible where women were circumcised. Most of the inhabitants of Kiogoro Division are Christians but it seems that their culture is superior to Christianity.

The 6 (11%) participants are for the idea of nurses and medical practitioners who perform FGM to be arrested, judged and heavy penalty imposed on them to act as a deterrent measure to others. They also reiterated that the law should be allowed to take its course where parents and other stakeholders will be punished accordingly.

Eight(15%) participants recommended that our children should be educated about their rights and told whom to report to when their rights are violated. Indeed, they concurred that most of the children in Kiogoro are not aware of their rights. They recommended that chiefs should sensitize the community on the side effects of FGM. The mutiple response chart below shows that the people of Kiogoro do not have ways of eradicating FGM – no wonder most of them have not seen anything wrong with it.



Source: Primary data

4.2.4 RAPE (SEXUAL ASSAULT)

The study sought to find out the causes, effects and solutions to rape. All the participants have a negative attitude towards rape and its perpetrators. This intentional and unlawful

sexual penetration is a violation of women's rights as force, threats and intimidation are used to obtain consent.

4.2.4.1 Causes of Rape

Six (11%) participants argued that when men are idle they resort to raping. Three (6%) said that illiteracy causes rape. Thirty (56%) participants gave alcoholism as the main reason for rape. If the victim is drunk and has been spotted at a busaa or chang'aa den, the rapist easily waylays her on her way home, usually at night. Rapists can also rape when they are under the influence of alcohol. *One interviewee narrated a case in point where the victim was in a drinking spree with three men. They bought her alcohol and made sure she was drunk. When it became dark, the four left to go home. The men reached on the way pulled her to a nearby bush and gang-raped her.* The woman did not report to the police, go to hospital for Post-Exposure Prophylaxis to avoid infections or take pregnancy preventive measures. Drunkenness never lets one think of the consequences of such an act but impaires the thinking capacity of the drunkard. In this case, the men did not care to think yet one of them is said to be HIV/AIDS positive. This implies that all the four or most of them are likely to be infected.

Twenty-two (41%) participants agreed with one another that poverty is a reason why rape occurs. Poor women are very vulnerable to rape especially if they like begging or asking for financial assistance from men and when asked to pay with sex they refuse. The chief of Bosongo location in Kisii town said that during the post election violence, there were internally displaced persons who were putting up in town and its environs. The vulnerability of some women led them to be victims of rape. Some of those women said that they did not know the rapists. The rapists got away with it. In the same vein, when a

man has no money to give to women, he is likely to resort to rape. This makes him force himself onto women who have rejected him. If a man has no bargaining power because of his poverty he finds physical power handy.

Twenty (37%) male participants felt that poor dressing among women plays a great role in turning men on to rape. They said women who wear tight trousers and short skirts makes a man imagine what is hidden under the skirt and immediately his mind is set in motion to act. Mrs. Tongi wondered where these breed of men have come from because our great grandmothers used to be half naked or used to cover their private parts only yet rape was rarely heard of.

The 10 (19%) men of the Geticha men group know it too well that marital rape can occur if the wife refuses to have sex with her husband and gives vague excuses. They said in such cases, the man has the right to force a woman to give in to sex. To show that he is the man and that he is in control he forces his way onto his wife. The 14 women from the women groups' said they did not know that there was marital rape even when sex is forced on them. The husband is the man and so whatever he does whether by force or not, they cannot complain or report it anywhere. This shows that men would like to manifest their authority by using force and because the women have been socialized to know that the husband is always right they keep to themselves.

Twenty-six (48%) participants said that rape is done to punish a woman who they regard as being proud. Men feel that when they are rejected, they have been despised. This usually happens to young women who have not been married and widows who have refused to be

inherited. A case in point was narrated by one participant about a widow and her two daughters who were gang-raped. When the rapists were raping them they told them, "we have got you, where is your pride." The case was reported to the police and the suspects were arrested and arraigned in court. This makes a woman feel dirty and valueless. Ward (2005) concurs with the above in a study done in the US of 114 convicted and incarcerated rapists who revealed a range of motivation from the perpetrators' perspective. The report stated that several rapists used sexual violence as a form of revenge against other men - through abusing the said men's women. In addition to this, others used rape as a means of gaining sexual access to unwilling or unavailable women.

Eleven (20%) participants felt that rapists are not normal people. They said the rapists are mentally ill. The chief and the pastor have a different opinion. By virtue of their office they receive similar cases especially those concerning defilement of children. They said most of those people are quite normal. They said raping is a thought that one harbours in the mind then nurtures it into action. They said people who are idle are more likely to harbour such a thought to the point of raping than those who are busy. Most of these idle men are unemployed. The above participants concur with Muchiri Karanja (2008) in his report on the Daily Metro about Horror of gang rape invasion. He reported that the sex pests are young idle men who spend the day imbibing local brews before setting out at night to rape and maim women.

Twenty-one (39%) participants believe that some people who are HIV/AIDS positive and are not living positively want to spread the virus. Many say they do not want to die alone and so they rape to spread the HIV/AIDS infections. Twelve participants have given

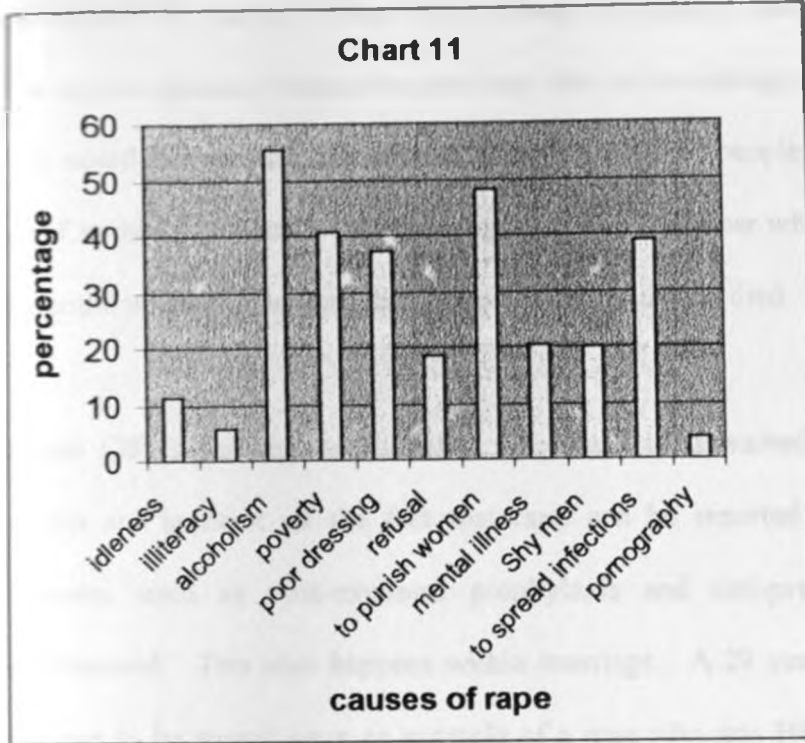
illiteracy as a reason why rape occurs. People who do not know and do not care to know the consequences of rape get involved in rape. Such people get involved in gang rapes.

All respondents concurred with one another that many rape cases go unreported. This encourages rapists to continue doing it with impunity. The report I obtained from the Kisii law court indicated that not many rape cases are reported but the few that are reported are always belated. Usually the suspects are acquitted because there is no evidence due to the shoddy investigations done by the police or the victim reported late when the evidence had already been destroyed. Most of these men are on the loose waiting for the same or other women to rape as they know they will get away with it.

Eleven participants argued that a man who cannot gather courage to talk to a woman will always rape if he finds a woman in a dark place. They added that if a man remains unmarried for a long time and the opportunity avails itself, he will not be able to restrain himself.

Two respondents said that pornographic materials readily available can also make one to rape. These days such materials are viewed all over on the Internet, magazines and even mobile phones.

Chart 11



Source: Primary data

4.2.4.2 Effects Of Rape On The Victim

All the 54 (100%) respondents gave infections as an effect of rape. The clinical officer of Kiogoro Health Centre said that in most of the cases of rape they receive, the victims are diagnosed to be infected with a sexually transmitted disease. This explains the point stated earlier where those infected do not want to die alone but want to infect as many as possible. The aim of the rapist in this case is not sexual satisfaction but the satisfaction that comes from knowing that another person has also been infected. This is also explained by the participants' point that rapists plan their action well before executing it.

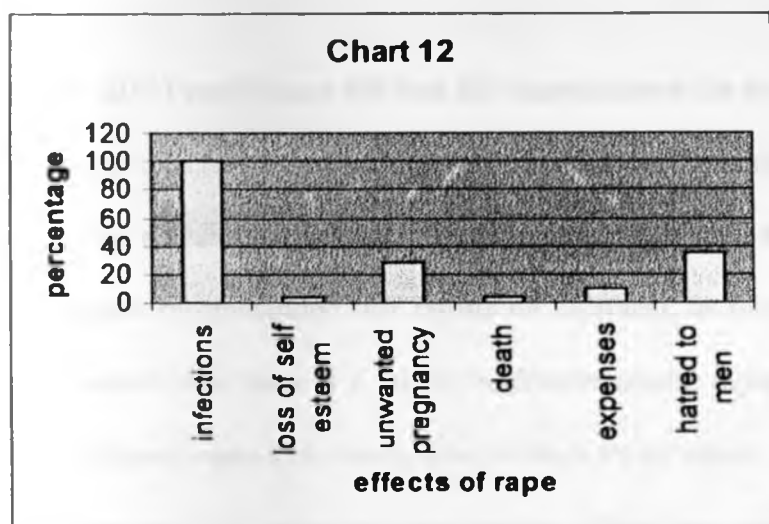
Rape affects one's self-esteem and self-confidence as supported by the assistant chief of Boronyi sub-location in Kiogoro location and chief of Bosongo location. They said that many rape victims commit suicide as they say that they had better die than face the

community and family. When one's privacy is violated, one feels useless and good for nothing and blames themselves that they did not do enough to stop it from happening. They noted that the stigma attached to this vice makes people take their lives or they die out of stress. The chief cited an example of a grandmother who was raped by a grandson. She could not take it and so, she swallowed pesticide and died.

Fifteen (28%) participants said that rape leads to unwanted pregnancies. Most of the victims are ignorant of the fact that rape can be reported to hospital for preventive measures such as post-exposure prophylaxis and anti-pregnancy medication to be administered. This also happens within marriage. A 29 year old male participant who declined to be named gave an example of a man who was HIV/AIDS positive. *The man was promiscuous and was leaving in the city while the wife was living in their rural home. The man had stayed for a long time before coming home. When the man visited the wife and wanted sex, the woman refused and insisted that the man uses protection. The husband raped her and besides the wife becoming pregnant, she contracted HIV because she never sought medical attention. This led to blame games and their marriage has never been the same.*

Five (9%) participants said that there are expenses involved after rape in terms of seeking for medical assistance. Some end up being hospitalized and if the suspect is taken to court, a lot of money is used. This can also be a reason why many women would rather keep quiet than tell their ordeal to other people.

Nineteen (35%) participants said that many women who went through the ordeal have remained unmarried because they can no longer trust a man. This means that they can never love a man to a point of marrying him. The pastor gave an example of a highly educated woman, having a well paying job, beautiful and comes from a good family background who has vowed never to get married saying, "I hate men." Marriage is highly esteemed in the community but when rape happens to a woman who had preserved her virginity for her husband to be, it loses meaning. The chart below shows clearly that sexually transmitted infections affect rape victims more than any other reason. This is supported by the claim by some respondents that some rapists rape intentionally to transmit infections. One of our assumptions saying that rape affects the victim's self-esteem and self-confidence had very little support from the participants.



Source: Primary data

4.2.4.3 Ways of eradicating Rape

Five (9%) participants including the local church pastor were of the opinion that if people are preached to, to repent their sins and be saved, the society will be a safe haven for women. The participants said that the rapists need, above all, prayers for divine

intervention in order to reduce recidivism. This is because they believe people who are saved do not commit rape.

Thirty (56%) participants said that people should drink alcohol in moderation or not drink at all. The participants believed that alcoholics are synonymous to rapists. Twenty (37%) participants were of the view that women should dress well and avoid wearing provocative clothes such as short dresses and skirts and tight trousers to avoid giving men a lame excuse of raping them. On rare occasions would one find a woman in Kiogoro division in a trouser or a short skirt or dress. So when a woman is seen in such dressing it is interpreted as inviting men. Some women were quick to say that they have a right to dress the way they want yet they cannot exercise that right publicly.

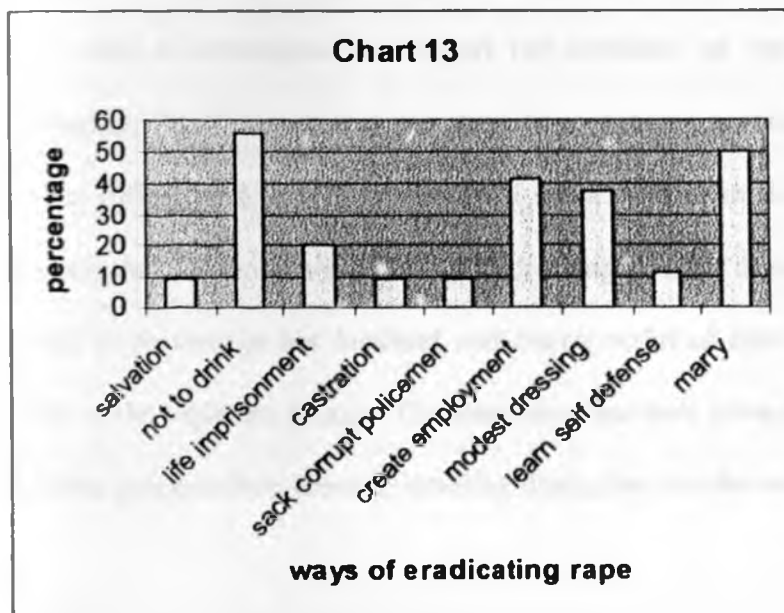
Eleven (20%) participants felt that life imprisonment for rapists will act as a deterrent for others. Sixteen recommended that rapists should be lynched, or sentenced to death. People fear dying a shameful and painful death and so they will fear being lynched. Five (9%) participants recommended that rapists be castrated, as this will reduce recidivism. The police report that there is a lot of recidivism among rapists. Usually recidivism occurs when evidence cannot be found, other women do not report when they have been raped and when there are gang rapes not every member of the gang can be arrested.

The government should do something about corruption in our courts. Five (9%) participants said that the police are bribed to conduct shoddy investigations leading to setting free of suspects. The policemen found collaborating with rapists should be sacked. Six respondents recommended community policing to help in curbing the menace. They

are able to identify the most likely criminals, though some did not agree to it as they said some suspects are members of community policing and that they take the law into their hands by punishing and even killing the innocent.

Twenty-two (41%) agreed that if the youths were to get jobs after completing school or college or university such cases would be minimized. They said that in cases where people were idle they were likely to commit crimes of untold magnitude. Keeping them busy in employment will reduce idleness, unemployment and poverty. Six (11%) participants recommended that women should be taught skills such as taekwondo or wrestling on how to defend themselves when rapists strike.

Twenty seven (50%) of the participants recommended that those men who have matured to marry but cannot stand a woman should be assisted to get someone to marry to avoid the temptation of having to desire and lust for women which eventually leads to rape. The respondents seemed to suggest that when men are sexually starved they tend to rape.



4.2.5 DISCIPLINING OF WOMEN BY 'SUNGUSUNGU'

When asked to name some of the most common forms of violence against women, a key informant, who is also a clinical officer in a local Health Centre, said that besides men disciplining their wives, a vigilante group known as 'Sungusungu' was disciplining women who are not their wives. The 'Sungusungu' was founded when there was a lot of insecurity in the area to help curb the crime. 'Sungusungu' is a name given to a vigilante group in Kiogoro division whose members were identified by the village elders. According to Ntabo, the vigilante group is supposed to investigate the criminals such as thieves, inform the police and protect the community from such criminals. Ntabo noted that they have helped in reducing the rate of crime by killing criminals who in most cases are men. However, he says, they have overstepped their boundaries by terrorizing women who are not criminals instead of protecting them.

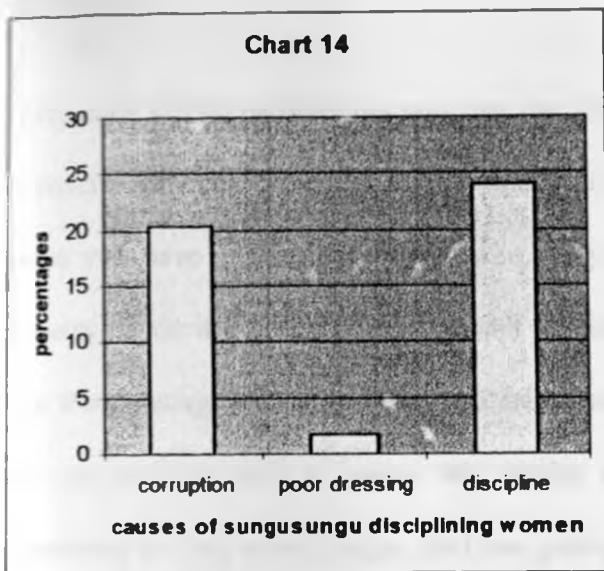
4.2.5.1 Reasons for disciplining women

They were to investigate and report the criminals to the police. According to one respondent, the 'Sungusungu' members have become accomplices to the criminals. The clinical officer said that they physically harm women in the name of disciplining them. She said that if a woman is found to be dressing in short dresses or wearing trousers or she is said to be rude to her husband and disrespectful of older people, she could face the wrath of the vigilante group. The men who fear their wives report them to 'Sungusungu' vigilante group to help them in instilling discipline into the women.

Another participant wondered why such things never used to take place during our grandparents time as they used to wear skimpier clothes, sometimes covering only the private parts. Many of the participants interviewed later agreed with the clinical officer. Eleven (20%) participants said that the 'Sungusungu' are corrupted to beat women in the name of discipline. One participant, a lawyer, who was among the last interviewees, concurs with the clinical officer and claimed that the activities of 'Sungusungu' are illegal and that they violate the rights and freedoms of the victims. Five men said that some men were wondering who gave the 'Sungusungu' permission to discipline other men's wives. 13 (24%) participants feel that the 'Sungusungu' are doing the right thing as they are teaching those women who were never taught by their parents on how to behave and dress appropriately.

One female participant cited an example of *a woman who people claimed was a prostitute and was sleeping with any man willing to do so. The women saw double standards in play. The 'Sungusungu' set on the woman with sticks and beat her thighs while inserting bottles and other sharp objects into her private part. They claimed that she was ashaming the community. To the surprise of the said community, they never made an attempt to discipline the men who were involved with that woman, yet it clearly takes two to tango.*

Three participants claimed that 'Sungusungu' is supported by provincial administration because they work with the police. They continue to operate with impunity because their actions are never questioned by the provincial administration.



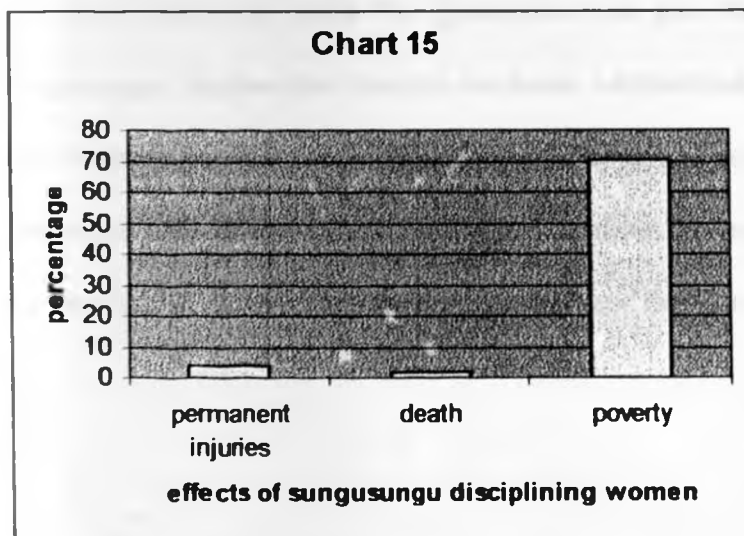
Source: Primary data

4.2.5.2 Effects of Disciplining women by 'Sungusungu'

According to Ntabo, the vigilante group is supposed to investigate the criminals and inform the police, but their role has taken a different dimension of taking the law into their hands. Permanent injuries have been left on the bodies of the victims. He cited a case of a lady who cannot give birth because her uterus was damaged by the 'Sungusungu' when they inserted objects into her. The clinical officer was quick to say that she had attended to such cases at the health centre and that will always be the last place where the case is heard. The victims never report to the police nor do they go to court. One reason being that they fear the worst happening to them, such as being killed. The discipline meted out by the 'Sungusungu' has in some cases led to death. One participant said that when they find out that the woman wants to take them to court, they murder her to destroy evidence. Secondly, the police are allies of the 'Sungusungu' hence they can evade arrest. Thirdly, those women cannot afford to file a case in court because of their poor economic background.

Thirty-eight (70%) participants said that the 'Sungusungu' disciplining of women has led to poverty as many have lost their property in the process. Mr. Tongi said that if they notice you have purchased a new radio, they would take it, claiming that it is stolen property if you did not produce a permit immediately. If you cannot prove ownership of your things using documents, then you are branded a thief. There and then, they will teach the man and his wife a lesson. Mr. Ntabo says that the group has gone outside its boundaries as they arrest, judge, find one guilty and sentence the person – thus taking the law into their own hands.

From the multiple response chart below, poverty seems to be the most contributing factor for 'Sungusungu' to discipline women. The vigilante group will discipline women to be paid by those who send them. Indeed, all the members of the 'Sungusungu' are not salaried so they get their daily bread from disciplining 'criminals.'



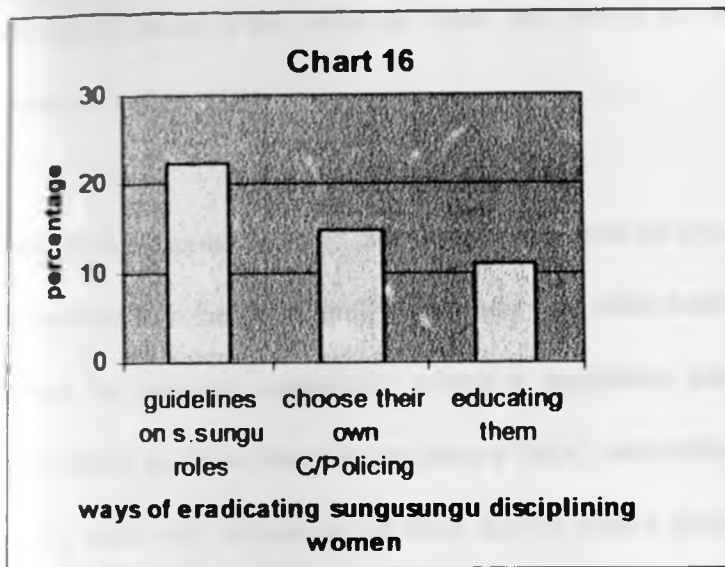
Source: Primary data

4.2.5.3 Ways of eradicating the 'Sungusungu' menace

Twelve (22%) participants recommended that the government should provide guidelines on the role of vigilante groups in dealing with problems in the community. Many respondents felt that seminars would help those involved in community policing. These people have no skill and or legal basis in handling cases in the community. Eight (15%) participants felt that they should be allowed to choose their own way of community policing and the 'sungusungu' should be declared illegal.

According to 6 (11%) participants, most of the members of the vigilante group are illiterate. The participants feel that educating them through adult education will open up their minds to understand their role in society. They also feel that if those men were empowered economically, corrupt cases would be minimized and people's cases would be handled fairly.

By saying that they need the government to give them guidelines on the role of 'Sungusungu' implies that they do not know whether the group is an illegal outfit or not. The vigilante group has not been around for long and so people are still not sure of their role in the community. They are a dreaded group and many participants did not want to say anything about them lest they be reported and become a target.



Source: Primary data

4.2.6 WITCH HUNTING AND KILLING

This refers to the looking for witches with an aim of nailing⁴ and killing them. Four female respondents who were interviewed mentioned that women witches were targeted in witch hunting. They said even male witches exist but those killed are always women. This could be because men run faster and cannot be caught or very few men practice witchcraft. Eight participants said that female witches have their heads nailed with five-inch nails and sharp objects including bottles and sticks with hooks inserted and pulled out of their private parts. Forty (74%) participants said that the perpetrators of this kind of violence against women are men.

4.2.6.1 Causes of witch-hunting and killing

Ten (19%) participants said that the majority of the witches are women and so, when found they should be burnt, nailed or their bodies mutilated so as to deter others. This is because,

⁴ five inch nails are hit into the head of the suspect

they said, if taken to the police or court, they would be set free, as there is no law against witchcraft and sorcery.

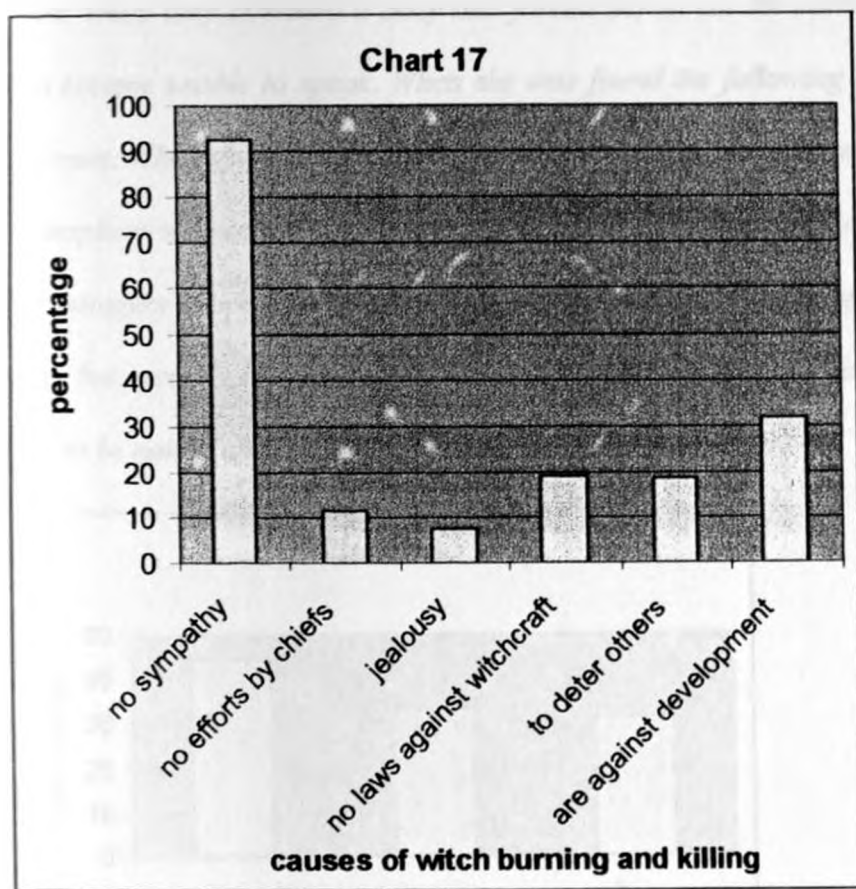
Fifty (92%) respondents said that the witches have no sympathy. The respondents said that the witches can bewitch family members one after another. The witches are said to be moved by jealousy especially where a particular family is doing well. Four (7%) respondents said that the witches have a 'don't care attitude'. They never listen when told to stop their evil actions as the Kisii saying clearly puts it, "*ekeenene kia morogi ore na momura*." This means that a witch with a son is very insistent in his/her actions. This is the main reason why the respondents feel the witches should not be spared.

Six (11%) participants said that the chief do not like to be dragged into matters pertaining to witchcraft. When witches are burnt or nailed, the perpetrators are never arrested on the assumption that they are not known. The six participants said that the chiefs make no serious effort to tell the community to stop burning the witches. This is because the chiefs are also members of the community and they are equally affected by the evil actions of the witches. This encourages witch-hunting, burning and killing to go on unabated.

Ten (19) participants said that witches are killed or burned in order to deter others from joining the club of witches and those who are witches are discouraged to the point of surrendering.

Seventeen (31%) participants noted that the reason for burning and killing witches is because they are against development. When they see one is doing well economically they

will eliminate him/her. One participant is bitter and says she will never forgive them for bewitching her son. She narrated her case as follows: *My son had just graduated with a PhD from UK. When he came home to visit us, he built two beautiful houses – one for me and one for himself. When the houses were complete and he was prepared to go back, he fell sick for just a day and died. After some time, a book was found in a nearby school with names of those who had died ticked and dates of those who were to die were indicated. This is how we got to know that my son was bewitched.*

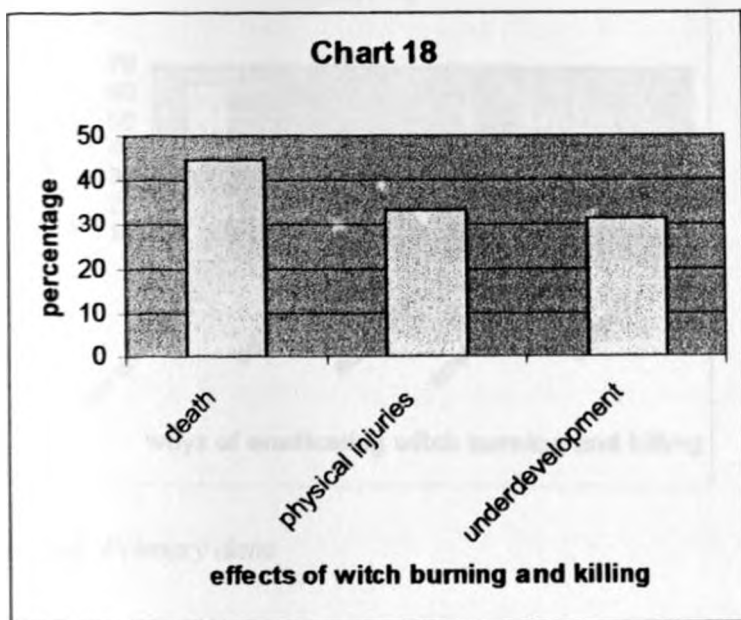


Source: Primary data

4.2.6.2. Effects of Witch-hunting and killing

Twenty-four (44%) respondents said that it leads to death thus rendering some children orphans. Some respondents claimed that some innocent men and women have been killed

on suspicion of practicing witchcraft. Eighteen (33%) said that it leads to bad physical injuries and if one does not die, the effects remain with the victim for an entire lifetime. Seventeen (31) participants claimed that witch burning leads to underdevelopment. First, if a house is burnt, the owners run away never to come back. Ntabo the assistant chief of Boronyi sub-location cited the following case that took place recently: *A woman was sometime back accused of bewitching a neighbour, she and others had apparently called her to open the house for her at night. When she opened the door the witches took her to a house where they exhumed a body and forced her to eat the rotting flesh. The neighbour then became unable to speak. When she was found the following morning, she was dumb and mute. When given a paper and pen to write, she wrote the name of the woman and her accomplices who called her and prompted her to open the door in the middle of the night. The villagers proceeded to torch the witch's house and maize granary. The woman ran away but recently returned during the post election violence, thinking they had forgotten only to be nailed and left for dead. She died a few days later.*



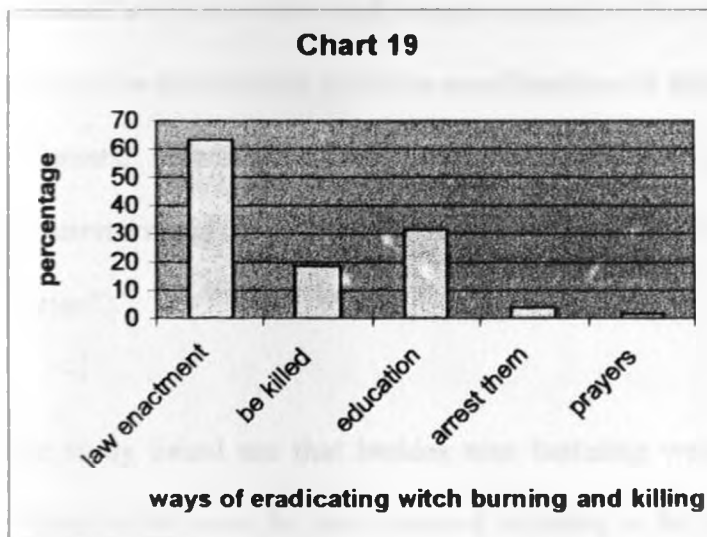
Source: Primary data

4.2.6.3. Ways of eradicating witch hunting and killing

Thirty-four (63%) participants felt that laws should be established against witchcraft so as to enable court cases against witches to be brought forward. Ten (19) participants felt that the witches should not be spared but be killed to rid the society of such dangerous people.

Seventeen (31%) participants felt that there should be seminars to educate the public on the effects of witchcraft and the dangers of taking the law into their own hands. The pastor said that witches need God's divine intervention in their lives because it is an evil spirit that does not seem to disappear from even among the religious.

The chief and an assistant chief said that people should arrest witches and hand them over to the law enforcers instead of taking the law into their own hands. They refuted the claims that they never tell people to stop burning witches. The chief said he can only do so much.



Source: Primary data

CHAPTER FIVE: SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 SUMMARY OF FINDINGS

Despite efforts put to stop violence against women, this study revealed that wife battering is still rampant. Some women were beaten daily, weekly and monthly and a few occasionally. It was reported that husbands beat their wives using blunt and sharp objects, strangling, biting and pinching among others.

The study found out the people are aware that FGM is outlawed as it is in the children's Act of 2001 but it is still carried out in secret. Culture has played a greater role in perpetuating the practice and so it is not seen as violence against women.

The study observed that most cases of violence against women especially wife battering, rape and wife inheritance and dispossession of widows was underreported. This is because of what the participants called as unwillingness to help by the indifferent chiefs and their assistants, mistreatment by police, collaboration of police with husbands and other perpetrators and trivializing of the violence by calling it "a private affair" or "family matter."

The study found out that besides men battering women, women also batter men. The difference between the two forms of violence is the fact that very few men compared to many women report this abuse. This is because of the patriarchal society we live in that demands that men are to dominate women. The men feel ashamed reporting that women have beaten them.

The study found out that FGM is one way of controlling women's sexuality by the patriarchal structures in society and that it has been internalized by everybody that they do not see anything wrong with it. The study also found out that all the forms of violence against women have adverse effects on the health and socio-economic life of a woman and the society at large.

The study recommended that, if violence against women is to be reduced, then any anti-violence programs should be developed primarily by the community rather than outside policymakers, educators or health professionals. The program should be promising interventions based on community empowerment, consensus building and collective decision-making.

5.2 CONCLUSION

Cultural unwillingness to know the consequences of social, economic, physical and sexual abuse has conspired with abusers to perpetuate the intergenerational cycle of violence against women.

The study concluded that violence against women affected not only women but also the entire society. All stakeholders should join hands in education, counseling, empowering both men and women and creating awareness on the effects of violence against women.

5.3 RECOMMENDATIONS

Many of the respondents felt that there should be better education and training to create awareness on the human rights of women. All stakeholders should join hands in public

awareness, education, counseling and imparting necessary skills to curb all forms of violence against women. The battle of eliminating all forms of violence against women begins with educating communities about their side effects. Men should be carefully targeted as well. This is because they not only exert a great deal of influence but our research indicate that they are most amenable to change and could play a key role in discouraging the forms of violence.

Discriminatory cultural practices that violate women's rights should be shunned. Socio-cultural dimensions should be re-assessed in order to deconstruct the male power since the root to male violence against women is the fear of losing power and an attempt to reassert their fast fading authority.

The ministry of education should design a curriculum that teaches about gender based violence right from nursery to university.

Poverty should seriously be dealt with. Poverty reduction strategies should be put in place to ensure most of these forms of violence caused by poverty are eliminated.

Empowerment of both men and women will help them get source of income thus avoiding violence. Many felt it is the responsibility of the government to empower her citizens to make them economically independent and reduce vulnerability. Women who have been empowered will not stay in abusive relationships nor look for inheritors and men who are empowered will not abuse their wives when asked for financial support.

Programs should be put in place to assess and build on the positive community values that underlie FGM, while working with the population to abandon the practice. Anti-FGM programs should be developed primarily by the community rather than outside policymakers, educators or health professionals. The program should be promising interventions based on community empowerment, consensus building and collective decision-making.

Legal protection for women should be improved through setting stiffer legal action on the perpetrators of violence against women. Sentences like hard labour and life imprisonment will deter many perpetrators of violence against women. The perpetrators such as rapists, circumcisers and batterers should face the law.

The government should provide guidelines on the role of the vigilante groups. The government knows that the 'Sungusungu' exists yet the vigilante groups operate with impunity.

There should be legislation on how witches are handled when they have been arrested. At the moment, there is no law and so witches are set free and when they go home people take the law into their own hands and kill them.

Victims of violence against women should stand up in one voice to break the silence by letting the whole world know that any violence against women is a crime and a dehumanizing act that has a lot of both short as well as long term impact on the victim, family, community and the society at large.

Counseling and rescue centers should be opened in Kisii so as to deal with the rapidly increasing number of victims and survivors of violence against women. Counseling to target the whole community and should be done not only when there is violence. This will help in preventing violence against men and women. The police, chiefs, medical practitioners, social workers, pastors should be given more specialized training on how to handle and counsel the victims of violence.

5.4 AREAS FOR FURTHER STUDY

Women of higher educational levels and women of low educational levels should be studied in equal samples to establish which ones are more vulnerable to gender based violence.

A study of violence against men by women should be carried out in Kiogoro and other rural areas in Kenya because it is an area that has been ignored by many researchers.

Violence against the girl and boy child should be carried out in the same area to establish who suffers more in the hands of men and women.

The role played by vigilante groups in perpetuating the violation of women's rights in Kenya should also be studied.

BIBLIOGRAPHY

Abbey A., McCauslan M., Zawacki T., Clinton A., and Buck P. (2001): Attitudinal, Experiential and Situational Predictors of Sexual Assault perpetration. *Journal of Interpersonal violence* vol. 16 (8), 784 - 807

Amnesty International (1997): *Female Genital Mutilation, A Human rights Information Pack*, London, Amnesty International

Amnesty International (2001): *Human rights are women's Right*, New York Amnesty International USA, 30/05/2007

Amnesty International (2002): *Making Violence against Women Count: Facts and Figures*, Available from www.amnesty.org, New York Amnesty International USA, 30/05/2007

Amnesty International USA (2007): *Stop Violence against women: Women's Human Rights*. As in http://www.amnestyusa.org/violence/women's_human_rights, 2007, New York Amnesty International USA, 30/05/2007

Bromberg S. (1997): *Feminist Issues in Prostitution*, as in www.feminismissues.com accessed on 22nd May 2008

Centre on Housing Rights and Evictions (2004): *Bringing Equality Home: Promoting and Protecting the Inheritance Rights of Women, A Survey of Law and Practice in Sub-Sahara Africa*, Geneva, COHRE

Cook R. J., Dickens B. M. and Falhatta M. F. (2003): *Reproductive Health and Human Rights, Integrating Medicine, Ethics and Law*, Oxford, University Press

Declaration on the Elimination of Violence Against Women (DEVAW, 1993), Article 4 c

Donovan J. (1985): *Feminist Theory, The Intellectual Traditions of American Feminism*, New York, Frederick Ungar Publishing Co., Inc.

Dorkenoo E. (1994): *Cutting the Rose – Female Genital Mutilation, The Practice and its Prevention*, London, Minority Rights Group

Duvvury N., Crown C., Redner J. (2004), *Costs of intimate partner violence at the household and community levels: An operational framework for developing countries*, Washington DC, International Centre for Research on Women

El-Bushra J. and Lopez E. P., (1993): *Focus on Gender Vol. 1 N. 2*, Oxfam

Good News Bible, I Timothy 13:9,10

Heise L, Moore K. and Toubia N. (1995): *Sexual Coercion and Reproductive Health: A focus on Research*, Washington DC, Population Council

Houben N., (2002). *Implementation of the Convention of Elimination of All Forms of Discrimination Against Women by Kenya*, UN, www.omct.org/pdf/vaw/publication as at 17/01/2008

Human Rights Watch, March 2003, Vol. 15, No.5 (A): *Double Standards: Women's Property Rights Violation in Kenya*, New York

International Commission of Jurists, Kenya Section (2003), *Enhancing women's rights in Kenya, The 7th annual conference report*, Nairobi, ICJ (Kenya)

Ivan-smith E., Tandon N., Connors J. (1988). *Women in Sub-Sahara Africa, The Minority rights group report no. 77*, London, Expedite Graphic Ltd

Johnson T. (2002): *Kenyan Men: Violence and Abuse, A briefing book*, *Population Communication Africa*, New World Printers

Karanja M. (2008), *Horror of Rape Gang Invasion*, Daily Metro Monday, July 21 2008, page 2

Kenya National Commission on Human Rights (KNCHR, 2005), *The state of Human Rights Report, 2003-2004 Deficits, Critiques and Recommendations*, Nairobi

Kenyatta J. (1991): *Facing Mount Kenya*, Nairobi, Heinemann Educational Books

Malcolm P. (1997), *Modern Social Work Theory*, London, Macmillan Press Ltd

Ministry of Planning and National Development (2002): *Kisii Central District Development Plan, 2002-2008*, Nairobi, The Government Printer

Ministry of Planning and National Development (2002): *National Development Plan, 2002-2008*, Nairobi, The Government Printer

Nyang'era N. K. (1999): *The Making of Man and Woman under Abagusii Customary Laws*, Kisii, Dal-Rich Printers

Peterson V. S. and Runyan A. S. (1999): *Global Gender Issues*, Oxford, Westview Press

Population Reference Bureau (2000): *Conveying Concerns: Women Report on Gender-based Violence*, Washington DC

Rahman A. and Toubia N. (2000): *Female Genital Mutilation: A guide to laws and policies worldwide*, New York, Zed Books.

Randall V. and Waylen G. (1998): *Gender Politics and the State*, London, Redwood books

Robinson V. and Richardson D. (1997), *Introducing women's studies*, London, Macmillan Press

Shell-Duncan B. and Hernlund Y. (2000). *Female Circumcision in Africa, Culture, Controversy and Change*, London, Lynne Rienner

Toubia N. (1994): "Female Circumcision as a Public Health Issue", *Journal of Medicine*, New England 33 (11), 712 -716

Toubia N. (1995): *Female Genital Mutilation: A call for global Action*, New York, RAINBO

UNAIDS (2006): *Violence Against women and girls in the era of HIV/AIDS: A situation and Response Analysis in Kenya*

Universal Declaration of Human Rights (1948), Article 16

Walker A. (1999), *Possessing the Secret of Joy*, New York, Washington Square Press

Wamue G. and Getui M. (1996), *Violence Against women*, Nairobi, Acton Publishers

Ward J (2005), *Broken Bodies broken dreamS: Violence Against women exposed*, OCHA/IRIN

World Bank (1993): *World Development Report 1993: Investing in Health*, New York Oxford University Press

World Bank (2001): *World Policy Research Report, Engendering Development*, WB

World Health Organization (1998): *Female Genital Mutilation, An Overview*, Geneva, WHO

WHO

World Health Organization (1997): *Information Pack*, Geneva, WHO

World Health Organization (2002): *World report on Violence and Health*, Geneva, WHO

APPENDIX 1: CONSENT FORM

Dear participant,

My name is Eunice Moraa Nyamwega, a Master of Arts student in Gender and Development Studies at the University of Nairobi. I am conducting a research on Violence Against women: A case of Kiogoro Division, Kisii Central District, that will last for two months. I would like you to know that the information you will share with me will be purely for academic purposes and will be kept confidential.

Your participation in this research is voluntary. You can stop taking part in the research at any time without giving reason and without penalty. You can also request your information to be returned to you or removed from the research records and destroyed. Even though you will not benefit directly from this research your valuable contribution will go a long way in improving the lives of women in Kiogoro division.

If you volunteer to take part in this study you will be asked to do the following:

1. Participate in individual and focused group interviews.
2. Provide any other document related to the research.

There will be no discomforts or stresses nor any anticipated risks due to your participation in this study. All the information collected will be treated confidentially and only pseudo names will be used.

Please sign below to indicate that the researcher has answered all the questions you had about the research to your satisfaction and that you consent to volunteer for this study. You will also be given a copy of this form and a summary of the findings when the study is complete.

Signature of participant Date:

Signature of Researcher Date:

APPENDIX 11: QUESTIONNAIRE

Kindly tick \checkmark your appropriate/right answer in the box and fill in the gaps as required.

1 Gender

- a) male b) female

2 Age bracket

- a) 18 - 25 b) 29 - 39 c) 40 - 50 d) 50 - 60

3 Marital status

- a) single b) married c) divorced d) widowed e) separated

4 What is your level of education?

- a) No education b) Primary
b) Secondary d) College
e) University f) Other, specify _____

5 What are the main forms of violence experienced by women in your community?

FEMALE GENITAL MUTILATION

6 i) Is Female Genital Mutilation/Female Circumcision practiced in your community?

- a) Yes b) No

ii If Yes, why is it practiced?

7 i) At what age is a girl or woman circumcised? _____

ii) Before a girl or woman is circumcised is she asked for permission?

a) Yes b) No

8 Which person in the family most encourages the practice?

9 Who performs Female Genital Mutilation in your community? _____

10 What is your opinion about the practice? Give reasons for your answer.

WIFE BATTERING

11 What is "Wife Battering" in your local language?

12 i) Is there wife battering in your community?

a) Yes b) No

ii) If yes, how often does the battering occur?

a) Daily b) Weekly c) Monthly d) Occasionally

13 Why is there wife battering in your community?

14 What is the reaction of women who experience battering?

15 To whom are such cases reported?

16 What is the reaction of those the violence is reported to?

17 What is your opinion about wife battering? Give reasons for your answer.

WIDOW INHERITANCE AND DISPOSSESSION

18. Are you familiar with wife/widow inheritance?

- a) Yes b) No

19. i) Is wife inheritance practiced in your community?

- a) Yes b) No

ii) If yes, why does the community practice wife inheritance?

20. Is the widow asked if she should be inherited?

- a) Yes b) No

21. i) Do the inheritors actually take care of the property and children of the deceased?

- a) Yes b) No

ii) Does the community have ways of helping dispossessed widows recover their property from the land grabbers?

- a) Yes b) No

iii) If yes, what are they?

22. What happens to the woman who refuses to be inherited? _____

23. i) What is your opinion about the practice of wife inheritance?

ii) Give reasons for your answer.

24. i) Do you think wife inheritance violates the rights of a widow?

- a) Yes b) No

25. ii) If yes, how?

RAPE

26. i) What is rape?

ii) Is there anything like marital rape?

27. i) Does rape happen in the community?

a) Yes

b) No

ii) If yes, how often does it occur?

28. Who are the perpetrators?

29. To whom are rape cases reported?

30. What actions are taken against the perpetrators?

31. What, in your opinion, should be done to the rapists?

32. How does rape affect victims?

33. i) Does violence against women violate the rights of women in your community?

a) Yes

b) No

ii) If yes, what do you think should be done to stop violence against women in your community?

APPENDIX III: INTERVIEW GUIDE

1. How old are you?
2. What is your marital status?
3. What is your level of education?
4. What are the common forms of violence experienced by women in Kiogoro division?

FEMALE GENITAL MUTILATION

5. Is Female Genital Mutilation/Female Circumcision practiced in your community?
6. If Yes, why is it practiced?
7. At what age is a girl or woman circumcised?
8. Before a girl or woman is circumcised is she asked for permission?
9. Which person in the family most encourages the practice?
10. Who performs Female Genital Mutilation in your community?
11. What is your opinion about the practice?

WIFE BATTERING

12. What is "Wife Battering" in your local language?
13. Is there wife battering in your community?
14. If yes, how often does the battering occur?
15. Why is there wife battering in your community?
16. What is the reaction of women who experience battering?
17. To whom are such cases reported?
18. What is the reaction of those the violence is reported to?
19. What is your opinion about wife battering/beating?

WIDOW INHERITANCE AND DISPOSSESSION

- 20 Are you familiar with wife/widow inheritance?
- 20 Is wife inheritance practiced in your community?
- 21 If yes, why does the community practice wife inheritance?
- 22 Is the widow asked if she should be inherited?
- 23 Do the inheritors actually take care of the property and children of the deceased?
- 24 Does the community have ways of helping dispossessed widows recover their property from the land grabbers?
- 25 If yes, what are they?
- 26 What happens to the woman who refuses to be inherited?
- 27 What is your opinion about the practice of wife inheritance?
- 28 Give reasons for your answer.
- 29 Do you think wife inheritance violates the rights of a widow? If yes, how?

RAPE

- 30 What is rape?
- 31 Is there anything like marital rape?
- 32 Does rape happen in your community?
- 33 If yes, how often does it occur?
- 34 Who are the perpetrators?
- 35 To whom are rape cases reported?
- 36 What are the effects of rape to the victim?
- 37 What, in your opinion, should be done to the rapists?
- 38 What do you think should be done to eliminate all forms of violence against women?

APPENDIX IV: FOCUS GROUP DISCUSSION GUIDE

TIME: START: DATE:

STOP:

A PARTICIPANT IDENTIFICATION

NO	AGE	MARITAL STATUS	LEVEL OF EDUCATION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

B QUESTIONS

1. What are the common forms of violence experienced by women in Kiogoro division?

FEMALE GENITAL MUTILATION

2. Why is Female Genital Mutilation/Female Circumcision practiced in your community?
3. What are the effects of Female Genital Mutilation?
4. What in your opinion do you think should be done about the practice?

WIFE BATTERING

5. What is "Wife Battering" in your local language?
6. Why is there wife battering in your community?
7. What are the effects of wife battering?
8. What is your opinion about wife battering/beating?

WIDOW INHERITANCE AND DISPOSSESSION

9. Why does the community practice wife inheritance?
10. What are the effects of wife inheritance and dispossession?
11. What is your opinion about the practice of wife inheritance?
12. Do you think wife inheritance violates the rights of a widow? If yes, how?

RAPE

13. What is rape?
14. Is there anything like marital rape?
15. What are the causes of rape?
16. What are the effects of rape to the victim?
17. What, in your opinion, should be done to the rapists?
18. What do you think should be done to eliminate all forms of violence against women?

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