AN ASSESSMENT OF THE IMPLEMENTATION OF SEXUAL GENDER-BASED VIOLENCE POLICY IN WINAM DIVISION, KISUMU COUNTY, KENYA

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C50/CE/22707/2010

A THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND SOCIAL SCIENCES IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF ARTS (GENDER AND DEVELOPMENT STUDIES) OF KENYATTA UNIVERSITY

NOVEMBER, 2017
DECLARATION

This research report is my original work and has not been submitted for a degree in any other university.

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DEDICATION

To my late mother, Mrs. Angelina Guya.
ACKNOWLEDGEMENT

I wish to acknowledge and give special thanks to the Almighty God for the good health and achievements in life. My profound gratitude goes to my supervisors Dr. Grace Mose Okong’o and Dr. Leah Wanjama; for their professional guidance and encouragement at every stage. Their deep understanding and patience was indeed my source of motivation. My special appreciation also goes to my husband, Walter and my children; Beryl, Nelly, Valerie, John and Paul for their moral support. I also thank all the residents, police and judiciary employees who willingly participated in this study. Mr. Antony Bojana deserves gratitude for editing the lexical setup of the final work. Finally, I thank my principal, Mr. Joseph Odeny, for his patience and understanding during my absence from the place of work.
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OPERATIONAL DEFINITION OF TERMS

Gender Violence: This is a term for any harmful act that is perpetrated against a person’s will based on socially ascribed (gender) differences between men and women in the society.

Gender: In this study, gender is used to refer to socially ascribed difference between males and females in the societies around the world.

Implementation: Is the process of effecting an enacted law or policy in the country overseen by various individuals and institutions within set bodies by governments or organizations.

Legal measures: These are laws guiding all matters regarding how to specifically address any incidences of unwanted sexual acts irrespective of their gender.

Policy: Is a legal measure passed in order to give directions on how to deal with an issue, in this case SGBV.

Sexual Gender-Based Violence: These are enforced sexual acts that men and women are forced into.

Sexual Violence: An act or attempt to obtain sexual act/rape through unwanted comments directed at a person’s sexually. This may involve the use of coercion by any person regardless of his/her relationship to the victim in any setting be it at home or at work.

Weaker Sex: Refers to women in general.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CARICOM</td>
<td>Caribbean Community</td>
</tr>
<tr>
<td>CDCP</td>
<td>Centres for Disease Control and Prevention</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<td>CSBC</td>
<td>Communication for Social and Behavior Change</td>
</tr>
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<td>DEVAW</td>
<td>Declaration on the Elimination of Gender Based Sexual Violence</td>
</tr>
<tr>
<td>DHS</td>
<td>Demographic Health Survey</td>
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<tr>
<td>DRH</td>
<td>Division of Reproductive Health</td>
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<tr>
<td>DPP</td>
<td>Director of Public Prosecutions</td>
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<tr>
<td>ECLAC</td>
<td>Economic Commission for Latin America and the Caribbean</td>
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<td>FIDA</td>
<td>Federation of Women Lawyers</td>
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<td>GoK</td>
<td>Government of Kenya</td>
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<tr>
<td>HERAF</td>
<td>Health Rights Advocacy Forum</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICESCE</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>IGWG</td>
<td>Interagency Gender Working Group</td>
</tr>
<tr>
<td>KDHS</td>
<td>Kenya Demographic and Health Survey</td>
</tr>
<tr>
<td>KNASPII</td>
<td>Kenya National HIV and AIDS Strategic Plan II</td>
</tr>
<tr>
<td>LSHTM</td>
<td>London School of Hygiene and Tropical Medicine</td>
</tr>
<tr>
<td>MoH</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>NACC</td>
<td>National AIDS Control Council</td>
</tr>
<tr>
<td>NCPAD</td>
<td>National Council for Population and Development</td>
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<tr>
<td>NGOs</td>
<td>Non-Governmental Organizations</td>
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<tr>
<td>NGP</td>
<td>National Gender Policy</td>
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<td>NOPCAN</td>
<td>National Organization for the Prevention of Child Abuse and Neglect</td>
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<tr>
<td>O.I.</td>
<td>Oral Interview</td>
</tr>
<tr>
<td>SA</td>
<td>South Africa</td>
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<tr>
<td>SADC</td>
<td>Southern African Development Community</td>
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<tr>
<td>SADHS</td>
<td>South African Demographic and Health Survey</td>
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<td>SGBV</td>
<td>Sexual Gender-Based Violence</td>
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<tr>
<td>SOA</td>
<td>Sexual Offenses Act of 2006</td>
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<tr>
<td>SOAIW</td>
<td>Sexual Offence Act Implementation Workshop</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>UN</td>
<td>United Nations</td>
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UNESCO: United Nations Educational, Scientific and Cultural Organization

USAID: United States Agency for International Development

WHA: World Health Assembly

WHO: World Health Organization
ABSTRACT

The study assessed the implementation of Sexual Gender-Based Violence policy in Winam Division, Kisumu County, Kenya. The following objectives guided this study; to determine the prevalence of Sexual Gender- Based Violence in Winam Division, to assess the implementation of SGBV policy in Winam Division and to suggest strategies that can be used to improve the implementation of SGBV policy and reduce the prevalence of Sexual Gender- Based Violence in Winam Division, Kenya. This study was guided by Goode’s 1971 Resource Theory. A descriptive cross-sectional study design was used. The sample size of 384 respondents was selected from the target population of 104,875 in Winam Division. Data were analyzed descriptively using SPSS in order to generate tables, frequencies and percentages while figures showing the results were generated using Microsoft Excel 2010. Qualitative data were presented in a narrative form in the context of emanating themes, percentages and frequencies. In the first study objective, the study sought to find out the prevalence of Sexual Gender- Based Violence in Winam Division. The study established Sexual Gender- Based Violence is prevalent and that women experienced a lot of Sexual Gender- Based Violence cases as compared to their male counterparts. Further, it was established that the (Sexual Offences Act of 2006) also referred to as Njoki Ndung’u policy had to some extent protected them from Sexual Gender- Based Violence and that justice was sought from the police by the victims. The study findings indicate that public awareness as a strategy could improve the fight against Sexual Gender- Based Violence and that the public should be made aware about Sexual Gender- Based Violence policies. The study findings indicate that there was a lack of commitment to eliminate Sexual Gender- Based Violence by all stakeholders. It was the conclusion of this study that the SGBV targeting the woman was prevalent in Winam Division. The study further found that this could be attributed to the fact that the woman is seen as a weaker sex. Moreover, the study found that rape was the main form of SGBV in Winam Division. The study recommends that increased public awareness campaigns on SGBV should be enhanced within Winam Division to help push effective implementation of SGBV policies and women empowerment programmes run by main government organs in collaboration with the private sector demystifying the myth that the woman is a weaker sex. The study further recommends that the extent of sodomy and incest as additional forms of SGBV on the development of children in Winam Division should be investigated.
CHAPTER ONE

INTRODUCTION

1.0 Background to the Study

The global prevalence of SGBV is staggering. Women are affected disproportionately. It includes physical, sexual, and psychological abuse or threats; coercion; arbitrary deprivation of liberty; and economic deprivation. SGBV takes on many forms and can occur throughout an individual’s lifecycle. Available statistics at national, international and global levels set the context and make a compelling case that cannot be ignored. According to the World Health Organization (WHO), thirty-five percent of women worldwide have experienced either physical or sexual violence or non-partner sexual violence (WHO, 2013).

Sexual Gender-Based Violence (SGBV) is a very pressing issue around the world. Convention on the Elimination of All Forms of Discrimination against Women has several provisions, which are applicable to Sexual Gender-Based Violence (UNFPA, 1999). The Beijing Platform of Action of 1995 advocates for promoting research, collecting data and compiling statistics concerning the prevalence of different forms of gender-based sexual violence. One of the aims of the Beijing Platform of Action of 1995 was to prevent Sexual Gender-Based Violence (Demographic Health Survey (DHS)- Malawi, 2004).

Sexual Gender-Based Violence involves men and women and usually results in physical, sexual, or psychological harm or suffering to the victims, United Nations
General Assembly (2013). It also includes threats of such acts, coercion or arbitrary deprivation of liberty. A study from World Health Organisation (2016) indicates that between 16% and 52% of women worldwide are physically assaulted by an intimate partner at least once in their lives. In addition, according to the Inter-American Development Bank's special report on domestic violence, Sexual Gender-Based Violence results in direct loss of money due to healthcare, police, court costs and productivity. Besides financial losses, Sexual Gender-Based Violence has also been identified as a contributory factor to maternal mortality rate by 55 percent (World Bank, 2013).

Studies in India, Bangladesh, the USA, Papua, New Guinea and Peru indicate a high correlation between domestic violence and suicide rates (WHO, 2007). Statistics published in 2007 by the World Health Organization on studies conducted in 24 countries in America, Europe and Asia revealed that between 20% and 50% of the women interviewed reported that they suffered physical abuse from their male partners. According to an international report on the status of women in 140 countries, the number of women reporting physical abuse by a male partner during the period 1996-2003 was 21% to 60% (Neft & Levine, 2007).

The declaration on the elimination of the gender-based sexual violence, the protocol to the African charter on human and peoples’ rights and the AU Solemn Declaration on Gender Equality are all treaties that address Sexual Gender-Based Violence (Mbote & Kamau, 2008). In the Caribbean, Belize is amongst the countries that have Sexual Gender-Based Violence policies addressing the problem at the domestic front (Adele,
2009). The same can be said for Trinidad and Tobago, South Africa and Malawi (Economic Commission for Latin America and the Caribbean (ECLAC), 2003). A study done in South Africa showed that one adult woman out of every six is assaulted regularly by her mate. In at least 46% of these cases, the men involved also abuse the women's children (Russell, 1991). In addition, a study in northern Nigeria found that 16% of female patients seeking treatment for STDs were children under the age of five and 10% of these were cases of incest (UNFPA, 2009). In a representative sample taken from two districts of Uganda, women between 20-44 years reported that 41% had been beaten or physically harmed by a partner (Blanc et al., 2006).

Kenya has also ratified the international treaties on Sexual Gender-Based Violence and at the domestic front the 2010 Constitution and Acts of parliament such as the 2009 Penal Code 28, Sexual Offense Act 2006 and 2008 Matrimonial Cause Act 29 among others (Mbote, Patricia, Kameri & Kamau, 2008). However, these treaties and policies do not seem to stop SGBV within societies as GBV has become more pronounced. According to Mbote et al., (2008), violence in general, is a coercive mechanism to impose one’s will over another, in order to prove or feel a sense of power. Mbote et al., (2008), observes that Sexual Gender-Based Violence ranges from simple suppression of violence to abuse, aggression and rape.

Data collected from a Baseline survey among women in Nairobi indicated that 50% of women interviewed reported an experience of domestic violence thus indicating a reasonably high prevalence of the vice. Consequently, further research especially
involving both men and women in other parts of the country has been recommended (Federation of women lawyers (FIDA, 2001). In Kenya, Sexual Gender-Based Violence continues silently even where measures have been put in place to address the issues. Such measures include the ratification of international declarations addressing Gender-Based Sexual Violence; inclusion of Article (v) into the 2010 Kenyan Constitution; the passing of the Sexual Offence Act 27 in 2006; the 2008 Penal Code 23 chapter 63 of the Laws of Kenya; the 2009 Matrimonial Causes Act 29 and the 2008 Customary Marriage Laws (Mbote et al., 2008).

SGBV is more prevalent in Winam Division than in the neighbouring Divisions (Kisumu Central Police Station, Occurrence Book, 2012). Despite the existence of many laws and policies that govern or address SGBV around the world and in Kenya, in particular SGBV in Kisumu County still persists, begging the question as to whether these policies are being implemented at all.

1.1 Statement of the Problem

Sexual Gender-Based Violence in Kenya is prohibited by Kenyan laws, (Kenyan 2010 Constitution, Penal Code of 2009 Cap 28, Sexual Offense Act 2006 and 2008 Matrimonial Cause Act Cap 29). However; these laws do not seem to work as many people especially women and girls continued to suffer through SGBV without much assistance. Section 24 of SOA 2006 prohibits law enforcement officers extracting sexual favours from people who seek their services, there is no enforcing and monitoring mechanism in place to ensure compliance. A woman who is a victim of violence also risks being victimized under section 38 of the SOA 2006 which
criminalizes the offence of making false allegations. Many police investigators and prosecutors are categorical that they would not hesitate to charge complainants in sexual offences case if the trial magistrate failed to place an accused on his defense. To them failure of a prosecution case at this stage showed that the complainant had given false allegations. Despite the existence of this Sexual Offense Act 2006, Sexual Gender-Based Violence in Winam Division continues to witness an influx in SGBV cases. Many cases of sexual violence are heard in stories of the residents especially among women. The existence of Sexual Offence Act does not seem to help the residents of this Division much as the vice still persists among them. The fact that Winam Urban Division within a Rural District made matters worse as culture and modernity seemed to collide making many men and women experience horrifying experiences of sexual abuse (Kisumu Central Police Station Occurrence Book, 2015).

Winam Division has three slums, namely; Nyalenda, Manyatta and Obunga which makes the living conditions worse as well as increases in poverty. The prevalence of SGBV in the neighbouring Kadibo Division which was more rural with an equal slum setting similar to Winam Division records lower rates compared to the latter making this Division an area of interest due to the higher prevalence rates (Kisumu Central Police Station Occurrence Book, 2015). The culture of this community also expects the wives to be submissive to their husbands while men are expected to be strong hence may fail to report such acts of violation for prosecution. This study, therefore assessed the implementation of Sexual Gender-Based Violence policies in Winam Division, Kisumu County, Kenya and suggested ways to improve the implementation processes
and minimize Gender-Based Sexual Violence.

1.2 Overall Objective of the Study

The overall objective of the study was to assess the implementation of Sexual Gender-Based Violence policies in Kisumu County Kenya.

1.3 Specific Objectives of the Study

i. To determine the prevalence of SGBV in Winam Division

ii. To assess the implementation of SGBV policy in Winam Division

iii. To examine strategies used to implement SGBV policy in Winam Division.

1.4 Research Questions

i. What was the prevalence of SGBV in Winam Division?

ii. In what ways has the SGBV policy been implemented in Winam Division?

iii. What are the strategies used to implement SGBV policy in Winam Division?

1.5 Justification and Significance of the Study

Sexual Gender-Based Violence has been recognized as a major public health and human rights problem and many studies recognize that this problem exists. This phenomenon is not a private affair but a public concern and requires government action in protection of individuals against the vice. The findings of this study could help policy makers, for example, the Ministry of Youth and Gender and Social Workers at the Divisional and District levels in dealing with SGBV. The findings of this study reveal the persistence of SGBV in Winam Division, Kisumu County despite the
measures taken by the civil societies to address it. The study further pointed out the loopholes that exist in the implementation of these policies in Winam Division, Kisumu County and provided strategies of strengthening the policy implementation. The study could at the same time inform individuals particularly women that there are laws protecting them from the vice and encourage them to demand assistance.

1.6 Scope and Limitations of the Study

The study was confined to Winam Division, Kisumu County in September 2013-February 2014, there has been increased cases of SGBV in Winam Division. The study time frame was ten months which enabled data collection and analysis. The study faced time constraint due to unavailability of some of the key respondents at the Judiciary and police office due to their other commitments. The researcher visited these offices more than once. Extreme weather conditions also affected the timely completion of the study. To overcome time and extreme weather conditions, field assistants were employed to assist in data collection. Some respondents had a little difficulty understanding some questions in the research instruments hence the researcher and field assistants clarified areas that such participants were struggling with. Due to the sensitive/personal nature of the vice, some respondents felt hesitant to speak out about the vice and almost refused participation, however, the researcher and field assistants assured them of confidentiality and anonymity.
CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of literature on the prevalence of Sexual Gender-Based Violence, implementation of SGBV policies around the world, strategies used to curb SGBV and lastly, the theoretical framework for the study. This was done by reviewing other authors’ studies from all over the world.

2.1 Prevalence of Sexual Gender-Based Violence

In the World Health Organization (WHO) multi-country study, women reported that their first sexual intercourse was forced, at rates ranging from less than 1% in Japan to nearly 30% in Rural Bangladesh (Garcia-Moreno et al., 2005; IGWG of USAID, 2006). However, these studies assume that only women suffer from forced first sexual intercourse, a view the researcher objects to since other independent reports mention forced first sexual intercourse occurring to men in some countries such as USA. The prevalence of SGBV has been reported to be higher among women than men (Bott et al., 2011).

In Lima, Peru, 40% of children and young women reporting Forced Sexual Initiation were higher than men (11%) Sexual Abuse against Men have also been reported in Namibia, Zimbabwe, Tanzania, South Africa, Cameroon and Kenya (Krug 2002; Reza, et.al., 2009; Barker & Ricardo, 2005; WHO, 2003; Barker & Ricardo, 2005; Ganju,
2004; Jejeebhoy & Bott, 2003; Betron & Doggett, 2006). These studies clearly showed that women suffer from SGBV the most compared to men.

Types of gender-based violence can include female infanticide, child sexual abuse, sex trafficking, forced labor, sexual coercion, neglect, domestic violence, elder abuse and harmful traditional practices. Some of the harmful traditional practices include early, and or forced marriage, honour killings and female genital mutilation.

In Zambia, 27% of married women reported being Sexually Abused by their spouse; this rate reaches 33% of 15-19 year-olds and 35% of 20-24 year-olds. About 59% of Zambian women have experienced SGBV violence since the age of 15 (Kishor & Johnson, 2004). In South Africa, 7% of 15-19 year-olds had been sexually assaulted by a current/ex- partner and 10% of 15-19 year-olds were forced or persuaded to have sex against their will (South Africa Demographic Health Survey [DHS], 1998). In Rural Ethiopia, 59% of women had experienced Sexual Violence (WHO, 2005). In Rural Tanzania, 31% had experienced Sexual Violence (ibid).

SGBV is so prevalent that in some countries, one-third of adolescent girls report Forced Sexual Initiation (Jewkes, Sen & Garcia-Moreno, 2002). Mass rape of women and girls is used as a weapon of war; for example, between 10,000 and 60,000 women and girls were raped during the wars in Bosnia and Herzegovina from 1992 to 1995 (Zwi, Garfield & Loretti, 2002). Men also face SGBV. This vice among men and boys has not been given much attention. Studies show that 5-10 percent of men report a history of childhood sexual abuse (Jewkes et al., 2002). Sexual violence in schools occurs
at an alarming rate; In Canadian schools for example, 23 percent of girls have experienced sexual harassment (Jewkes et al, 2002).

Gender violence, particular sexual gender-based violence against women, is on the rise in Kenya, according to the annual report released by Gender Violence Recovery Centre (GVRC, 2013). According to the most recent Kenyan Demographic and Health Survey, women are the most likely to experience either physical or sexual violence at the hands of an intimate partner. Sexual abuse the GVRC report says is the most commonly reported form of abuse suffered by victims. Between 2011 and 2012, of all the cases reported 2,532 were sexual and 422 physical violence, and of these, 90 per cent of all reported cases of gender violence are reported by women and girls, 10 per cent by men or boys. “Women and girls bore the greatest burden of pain and suffering” (GVRC, 2013).

According to statistics from the Gender Violence Recovery Centre (GVRC, 2013); 45% of women between ages 15 – 49 in Kenya have experienced either physical or sexual violence with women and girls accounting for 90% of the Sexual Gender- Based Violence (SGBV) cases reported; one in five Kenyan women (21%) has experienced sexual violence; strangers account for only 6% of SGBV in Kenya. Sixty-four per cent (64%) of survivor of violence reported that the offenders behind their ordeal were known to them. Most violence towards women is committed by an intimate partner; 90% reported perpetrators are men. Cases of violence among men and boys are said to be relatively low although this may be because most of them go unreported mainly out of fear of ridicule and stigmatization (GVRC, 2013). In Kenya, 16% of women
reported having been sexually abused while for 13\%, this happened in less than a year, (SOAIW, 2011). The above authors failed to indicate the exact conditions under which SGBV happens. The current study assessed the prevalence rate of SGBV and the conditions in which it takes place in Winam Division.

2.2 Sexual Gender- Based Violence Policies

Sexual Gender- Based Violence has been widely recognized as a human rights issue, a theme reflected in internationally-binding resolutions and conventions. In 1996, the Forty-ninth World Health Assembly [WHA] adopted Resolution WHA49 declaring violence a major and growing public health problem across the world (Krug et al., 2002; Lizle et al., 2013). The Australian policy on SGBV aimed at Reducing Violence against Women and their Children 2009-2021 was developed for a 12-year period until 2021. It identified 20 critical actions for preventing Gender Based Sexual Violence, highlighted for immediate implementation by the Australian government (Lizle, et al., 2013).

The Belize policy (The National Sexual Gender- Based Violence Plan of Action 2010-2013) also addresses Gender-Based Sexual Violence. The policy discusses rape and sexual abuse of children as a major concern and outlines sexual offence laws in the country. In Finland, their action plan (Action Plan to Reduce Violence against Women 2011) specifically focuses on sexual violence and rape (Lizle, et al., 2013).

The United Kingdom’s “Together We Can End Violence against Women and Girls, a 2009 Strategic” policy is a cross-governmental strategy which addresses all forms of
violence including sexual violence. Ireland also has a SGBV policy. The National Strategy on Domestic, Sexual Gender- Based Violence 2010-2014 plan which has a strong focus on primary prevention, including increasing awareness of Sexual Gender-Based Violence in the general public and recognizing the impact of violence on the individual (Lizle, et al., 2013).

African continent also has Nations that have passed policies against Sexual Gender Based Violence. South Africa is one such nation. SA has the National Sexual Assault Policy, 2005 which was developed to combat Sexual-Based Violence cases in the country (Federal Ministry of Women Affairs and Social Development, 2008). SGBV is also prevalent in Kenya; however, the country has made great strides in addressing the vice. This is evidenced by existence of several policy frameworks, which have been put in place to guide development of response and prevention to SGBV. These include the Sexual Offenses Act (2006), the Health Ministries’ National Guidelines on the Management of Sexual Violence (2009), the Kenya National HIV and AIDS Strategic Plan II 2005-2010 (KNASPII) (SOAIW, 2011), the National Population Advocacy and IEC strategy for Sustainable Development 1996–2010 (GoK/NCPAD, 1996), the Mainstreaming Gender into the Kenya National HIV and AIDS strategic plan 2000–2005 (GoK/NACC, 2002; Government of Kenya/Office of the President, 2005).

These policies are very essential in the protection against SGBV. It is important that every individual around the world learns and understands not only about the availability of these policies but also ways in which they can use them in-case they face SGBV. The Sexual Offences Act 2006 has introduced stiffer penalties for sexual offenders in
Kenya, but implementation and enforcement of the Act are still not mainstreamed despite the gender-based violence and sexual violence statistics rising.

According to the Economic Survey (2008), there is a general decline of SGBV reported cases from 20,568 in 2004 to 18,424 in 2007 due to improved security and collaboration with the community and relevant stakeholders. On the contrary, civil society and NGOs doubt the figures as a number of cases go unreported to them due to fear, stigma and lack of funds. Civil society, lobbyists and NGOs perceive police officers as incompetent in the manner they handle SGBV cases such as marital rape, the way they record statements, time taken to serve survivors, poor attitude and prosecution. Moreover, considering that 45% of abused women do not seek help or report incidences of violence. The current study assessed the implementation of SGBV policy in Winam Division.

2.3 Implementation of Sexual Gender-Based Violence Policies in the World

Countries around the world have passed legislation geared towards the elimination of SGBV. Since 1991, all the countries in the Caribbean enacted legislation meant to ensure protection for persons who are abused in the domestic setting (ECLAC, 2003). The CARICOM model legislation presented a useful draft for consideration by Caribbean States (ECLAC, 2003). In 1997, of the 1,036 reported cases of SGBV in Barbados, only 450 were brought to court. This shows that majority of SGBV cases in the Caribbean are never prosecuted. In Antigua and Barbuda which has a court support programme for victims of SGBV, only 40% of victims of SGBV make applications to the court. In Saint Lucia, the court process is used only as the last resort and usually
after long periods of previous abuse. In the case of Jamaica, the limited use of the Act is particularly striking.

In 2002, there were only 335 applications made in the Kingston Family Court which serves Kingston and St. Catherine, with an estimated population of over one million people (ECLAC, 2003; Adele, 2009). These studies indicated that in the Caribbean, the court system was being used to prosecute cases of SGBV. However, the numbers were very few as compared to the prevalence of the vice. The long wait before accepting the cases of SGBV places the victims at continued risk. These studies show poor implementation of SGBV in the Caribbean. However, the studies have not focused on the use of hospitals, communities and the media in the implementation of SGBV policies. This study sought to assess the implementation process of SGBV policy in Winam Division.

African states also have gender policies that help in dealing with Gender-Based Sexual Violence. The Southern African countries have signed the SADC Gender Protocol which calls for governments to prohibit Sexual Gender-Based Violence (Malawi DHS, 2004). It advocates that perpetrators of all forms of Gender-Based Violence are tried by a competent court of justice (Naeemah et al., 2005). The 2010 Constitution of Kenya enshrines in Chapter V, the fundamental rights and freedoms of the individual. In Section 70, the rights safeguarded are those to life, liberty, and security of the person and his/her protection by the law (Mbote et al., 2008). As far as protection against Sexual Gender-Based Violence is concerned, the Constitution does not provide for it explicitly. What it does provide for however is protection from inhuman treatment or
torture or any other form of degrading punishment. This applies to men and women alike (Mbote, et al., 2008).

The Sexual Offenses Act was passed by Parliament in 2006 in response to the rampant sexual abuses reported in the country. The Act criminalizes sexual relations amongst persons within certain parameters of affinity and thus protects children from sexual relations within the family context (Mbote et al., 2008). The use of these policies are welcomed as they can help reduce the vice, however, the continued neglect in involving rural communities in the implementation process can be why this vice still persists.

In Sub-Saharan Africa, primary prevention strategies for SGBV received little attention in countries' programmes and policies (CDCP, 2004; Vetten, 2006; Keesbury & Askew, 2010; Brown, Horvath, Kelly & Westmarland, 2010; WHO & LSHTM, 2010). Although 88% of the policies in Sub-Saharan African countries have some implementation plans available, these vary widely across policy type and country in their quality and the manner of budgeting for their realization. It is important to think through implementation plans with time frames and budgets to ensure delivery of multispectral plans and the monitoring of these plans (Lizle, Liz & Rachel, 2013). It is necessary that maximum attention be given to these policies and enough monetary allocation should be given in order to eradicate the vice.

Progressive and comprehensive legislation on Sexual Offenses, development of a National Policy Framework for the implementation and administration of the Sexual
Offenses Act, formulation of an Action Plan on the establishment of one stop centres and referral mechanisms for survivors and development of National Guidelines on Management of Sexual Violence in Kenya are some of the ways governments have tried to eliminate SGBV in the respective countries (Maternowska, Jill & Nduku, 2009; Sexual Offence Act implementation workshop, 2011). In Kenya for example prior to 2006, high levels of Sexual and Gender-Based Violence in Kenya went largely unaddressed by the courts due to limited definitions of offences, a weak legal framework, discretionary sentencing, and general taboos that permeated both the formal and informal justice sectors. Law enforcement and prosecutors alike were ill-equipped for the challenges that arose in Sexual Gender-Based crime (Navalta, Polcari, Webster, Boghossian & Teicher, 2006; SOAIW, 2011).

Kenya has good mechanisms for addressing SGBV; however, they do not show the actual successes of these policies in the prevention of the act in recent time, an area this study addressed. The studies also addressed GBV policy implementations at national levels; no study had tried to assess how such policies were being implemented neither at regional levels nor in rural areas of these countries. A survey conducted in 2002 by FIDA-Kenya revealed that of 1,067 women attending antenatal clinics and emergency care in Nairobi hospitals, 0.4 per cent reported miscarriage caused by domestic violence and 0.7 per cent reported STIs, 56 per cent of the abused women said that they had not reported the violence to anyone, with many stating that violence is considered to be a normal part of life. Only 7 percent reported to some authority such as the chief, the police or a doctor.
Government statistics in Kenya Demographic and Health Survey (KDHS, 2003) demonstrate that at least half of all women have experienced violence since they were aged 15 (CBS 2004b). This is a worrying situation in a country where advocacy groups have continued to raise the profile of SGBV in policy, media and legal forums. The statistics by the Kenya Police Crime reporting for 2014 point out that there were 876 cases of rape reported, 1,984 cases of defilement, 181 cases of incest, 198 cases of sodomy, 191 cases of indecent assault and 173 cases of abduction of the whole country. Whereas it may be easy to document the number of cases of those suffering from violence, the psychological impact is undoubtedly indeterminate. Mental wounds suffered as a result of violence may never really heal and the psychological scars are undoubtedly never erased. Government statistics by the Economic Survey, 2008 show increase in offences committed against morality and other offences against persons by 6.2 percent and by 3.4 percent respectively in 2014. The increase was mainly noted in offences of defilement and incest with 40 and 37.7 percent respectively.

2.4 Strategies Used to Curb Sexual Gender-Based Violence

Several strategies are being used to reduce Sexual Gender- Based Violence around the world and they include the following.

2.4.1 Community Mobilization Programmes

These programmes can be useful in helping prevent SGBV within communities. DHS data in countries show that men and women believe that husbands are justified in beating their wives if they disobey them and/or resist sexual encounter. Community-based programmes can help reduce Sexual Gender- Based Violence by support
initiatives that integrate community mobilization around it into existing health and development programmes (Kishor & Johnson, 2004; Dunkle et al., 2004). The programme can also help in supporting initiatives that seek to reduce tolerance for Sexual Gender-Based Violence at the community level by working with boys and men. Evidence has accumulated to suggest that one of the most promising ways to reduce communities’ tolerance for SGBV is to promote nonviolence and gender-equitable norms among boys and men (Garcia-Moreno and Watts, 2000). These programmes can be helpful in mitigating the prevalence of SGBV within communities however, these authors showed the importance of using community mobilization programme to eliminate SGBV among women only. The question is whether these measures are also applicable for men as well. The researcher believes that this programme can be helpful for everyone irrespective of gender.

2.4.2 Communication for Social and Behaviour Change Programmes

Another strategy that could be used to improve implementation of SGBV policies and reduce the prevalence of the vice is communication. Through communication, people understand one another and learn from each other. Communication for Social and Behavior Change (CSBC) encompasses a range of mass media as well as interpersonal communication strategies such as radio, television, community theatre, workshops, magazines, awareness campaigns, posters, flyers, and pamphlets. Many health programmes have successfully used CSBC to address other public health issues, and the women’s movement has a long history of using communication strategies to address Gender-Based Sexual Violence.
This strategy can help in addressing Sexual Gender- Based Violence support initiatives that aim to reduce the acceptability of violence that promote a model of gender-equitable norms and behaviours. The first step in reducing levels of Sexual Gender- Based Violence is to change norms and attitudes that encourage or tolerate Sexual Gender- Based Violence in the first place (IGWG of USAID, 2006). Communication, to the researchers’ views should be in such a manner that is understandable to the target. This study presents measures being used to reduce SGBV in Winam Division.

2.4.3 Youth Programmes

These programmes can be used to educate the youth on Sexual Gender- Based Violence and why it is important to empower men and women equally in the society. Substantial proportions of boys, girls and young women experience physical and Sexual Violence in nearly every geographical setting (Krug et.al., 2002). Many reproductive health programmes for the youth particularly those devoted to preventing unintended pregnancy and HIV transmission often promote “responsible” decision making, without acknowledging the extent to which sexual and reproductive behaviours and outcomes are affected by violence and coercion (IGWG of USAID, 2006). Moreover, adolescence is a time in life when attitudes and beliefs are still forming, and it may be easier to change norms and attitudes about gender equity and non-violence among the youth than adults. Thus, the youth represent a major opportunity for preventing SGBV. The researcher believed that this programme can further be used to improve the youth’s attitude towards SGBV irrespective of their gender as educating them about the vice places the community members in a safer living environment at present and in the
future.

2.5 Theoretical Framework

This study was guided by the Resource Theory as advanced by Goode (1971). The theory states that all social systems including the family rests on some degree of force or the threat of force. The resource theory postulates that, the more resources; social, personal and economic a person commands or perceives to command, the more force he/she can master. However, a husband who wants to be dominant in the family but has little education and a job low in prestige and income and also lacks intrapersonal skills, may choose to use violence to maintain the dominant position. Among the historical power relations responsible for Sexual Gender- Based Violence are the economic and social forces. Economically, disadvantaged women are more vulnerable to sexual harassment.

In addition, denying women economic power and economic independence is a major cause of SGBV, this is because in some way it prolongs their vulnerability and dependence on men. Goode’s Resource Theory assumed that middle class families who have more resources arising from, for instance, their prestige and better economic positions will be less likely to resort to violence or threats. This assumption may not be true in real life situation because materially rich people who are wife batterers may harm their wives due to the prevalence of ideologies justifying female subordination.
There are cultural sanctions for husbands to beat their wives in certain circumstances irrespective of their economic status. Masculine constructions also require manhood to be equated with ability to exert power over others. O’Brien (1971) shows a similar line of thought in his status hypothesis. He focuses on the economic status of the husband’s lower status in the family. SGBV is, therefore, seen as an act used to remedy a low status position and hence increase self-esteem. Perpetrators of SGBV commit the crime because they want to maintain power and control.

2.6. Conceptual framework

**Figure 2.1: Implementation of Sexual Gender-Based Violence in Winam Division**

- **Independent variable**
  - Causes of SGBV
    - Unemployment
    - Lack of access to resources
    - Retrogressive culture
    - Gender role in communities
    - Male masculinity
    - Poor socioeconomic status

- **Dependent variables**
  - SGBV against individuals
  - High prevalence of SGBV
  - SGBV against individuals
  - Low prevalence of SGBV against individuals

- **Intervening variables/Policy Intervention**
  - Protection of victims of SGBV
  - Prosecution of perpetrators SGBV
  - Sexual Offence Act implementation
  - Training of health personnel in addressing SGBV cases
Socioeconomic status, male masculinity, retrogressive culture, gender roles, lack of access to resources and unemployment all contribute to this vice according to resource theory. More resources and more power amongst both gender has been shown to cause SGBV. Through effective policy implementation, it is possible to minimize the prevalence of SGBV. The conceptual relationship between the variables is as shown in the diagram above.
CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

The procedure that was used in conducting the study is described in this chapter. It includes the research design, the research variables, categories of data analysis, site of the study, study population, sampling techniques and sample size, research instruments, pilot study, validity, reliability, data collection procedures, data analysis procedures and ethical considerations.

3.1 Research Design

To carry out this study, a descriptive cross-sectional study design was used as it allowed the researcher to collect both qualitative and quantitative data which addressed each of the research objectives. Kerlinger (1973) argues that descriptive cross-sectional study design is widely used to obtain data useful in evaluating present and past phenomena and is helpful in providing basis for decision making. It involves describing, recording, analyzing, and reporting existing conditions or conditions that existed regarding certain phenomena.

3.2 Variables of Analysis

The following variables formed the basis for this study:

Independent variables: this included, protection of victims of SGBV, prosecution of perpetrators SGBV, Sexual Offences Act implementation and Training of health personnel in addressing SGBV cases.
Dependent variables: High or Low prevalence of SGBV against individuals in Winam division, Kisumu County.

3.3 Site of Study

Kisumu County lays the world’s third largest lake called Lake Victoria currently shared with the two neighbouring East African countries of Kenya, Uganda and Tanzania. Winam Division located in Kisumu East Sub-County bordering Kadibo Division, Winam division geographically has 12 locations. Winam is an administrative unit of Kisumu East District. The area was chosen for study because it is the largest division in the District: comprising the three largest slums in a Rural Urban Town in Kisumu. It equally has the High Courts and Police Central Headquarters within its jurisdiction.

3.4 Target Population

The target populations for this study comprised adults aged 18 years and above living in Winam Division and had experienced or witnessed SGBV, the police and the judiciary employees. According to the 2009 census results, the total population for the study area stands at 104, 875 that is 58,442 (women) and 46,430 (men).

3.5 Sample Size Calculation

To get the required sample size for this study given the target population of 104, 875, the researcher used Yamane (1967) simplified formula to calculate sample sizes for this study as follows.
\[ n = \frac{N}{1 + N \cdot (e)^2} \]

Where; \( e \) = Margin of error of 0.05, \( n \) = sample size and

\( N \) = population size

Required Sample

\[ n = \frac{104,875}{1 + 104,875 \cdot (0.05)^2} \]

\[ n = 384 \text{ respondent} \]

The sample size for this study was 384 respondents

3.5.1 Sampling Technique

The required sample size of 384 respondents was selected from the target population of 104,875 in Winam Division. The selection was done through the use of simple random sampling technique as this technique gave each and every potential study respondent an equal chance of being selected. Of the 384 respondents sampled, respondents who had experienced SGBV directly or indirectly were eligible for the study in that they had information on SGBV having witnessed this vice in their community. Moreover, 10 police men and women were purposively selected to take part in the study because they were responsible for SGBV in their respective stations. Finally, 4 Judiciary employees (2 males and 2 females) were purposively selected to establish their views because they were also involved in the fight against SGBV in Winam Division making their contribution to the study relevant.
3.6 Research Instruments

Different data collection instruments were used to collect information from respondents and these included:

Semi-structured questionnaire: This instrument had both open-ended and closed-ended questions. For the open-ended questions, no pre-coded answers were provided as these helped to avoid influencing respondents. In closed-ended questions, response categories were provided from which respondents were expected to select a particular answer. This instrument was used to gather information from the respondents in Winam Division. A total of 356 questionnaires fully filled and returned passed the eligibility test for data entry and analysis, this gave frequencies on the respondents perceptions on various aspects of SGBV affecting them as queried through the questionnaires. These data were collected from 200 females and 156 males within the Division.

In-depth Interview: An interview guide is an important tool for gathering data as the interview situation allows much greater depth than other methods of data collection (Bryman, 2008). For the sake of this study, in-depth interview schedule were used with the judiciary and SGBV police desk in such a way that more specific answers that related to implementation of Sexual Gender-Based Violence policies were realized and giving the researcher an opportunity to seek more clarification on the thematic issues. Structured interview schedule was used to collect data among the ten (10) policemen and four (4) judiciary officers in Winam Division, Kisumu County. In-depth interviews were preferred because according to Gupta (2009), they give an opportunity to probe detailed information on an issue. Besides, they were more flexible than questionnaires
because the interviewer adapted to the situation and got as much information as possible.

3.7 Pilot Study

Before the actual data collection, the instruments were pre-tested on a selected sample similar to the actual sample for the study in Kadibo division. Subjects in the pretest were not part of the study. The outcome of pre-test was used to refine the tools which made them more consistent with the objectives. Pre-testing in this study was helpful as it enhanced reliability and validity of the research instruments as a consistent measure of the concept that was measured.

• Validity

Validity is the degree to which a test measures what it purports to measure or it is the degree to which results obtained from the analysis of the data actually represents the phenomenon under investigation. Content validity of the instruments was determined by expert judgments. The instruments were scrutinized by the help of the supervisor to judge the items on their appropriateness of content, and need for modification so as to achieve the objectives of study. The supervisor determined that the items in the research instruments adequately represented all the areas that needed to be investigated. Additionally, the researcher ensured validity of the data to be collected by administering the instruments personally as well as with the assistance of well trained research assistants (Golafshani, 2003).
• **Reliability**

On reliability of the research instruments, the split half procedure was used to test the reliability of the instruments during the pilot-testing. This procedure was chosen over other methods such as Kuder Richardson approaches for its simplicity. The open-ended and structured instruments were scored by giving a mark for relevant responses and a zero (0) for irrelevant and blank responses. The selected instruments were divided into two halves, taking the odd-numbered against the even numbered items. After administration to the pilot group, separate scores were assigned to every respondent on the two halves. The scores of the halves were analyzed, computed and then correlated using the split half measure of reliability (Golafshani, 2003).

**3.8 Data Collection Procedures**

After the selection of the required respondents, they were informed of their rights of participating and or refusing to participate in the study then semi-structured questionnaire with both open-ended questions and closed-ended questions addressing each objective were given to the literate men and women aged 18 years and above in the Division to fill in within four days. Interview schedules were used by the researcher and her assistants to collect information from ten policemen and four judiciary employees through face-to-face or telephone interviews. Responses from open-ended questions were documented by the researcher and her assistants. The collected information was safely handled in order to facilitate data analysis and also to keep confidentiality.
3.9 Data Analysis and Presentation Procedures

Quantitative data collected from the respondents were grouped, cleaned, coded and analyzed using the Statistical Packages for Social Sciences (SPSS) version 20 software. The analyzed data were in the form of frequencies and percentages. These findings were presented using figures generated using Microsoft excel version 2010 while tables were generated using SPSS software and modified using the Microsoft excel version 2010. For qualitative data, similar answers were grouped then analyzed according to the emerging themes and sub-themes through selection of similar statements hence qualitative findings were synchronized with quantitative findings.

3.10 Ethical Considerations

Permission from the Ministry of Education Department of Science and Technology, a permit from National Commission for Science Technology and Innovation, Introduction letter from Kenyatta University School of Postgraduate Studies, Local County Administration (Police, Chiefs, and Village elders) was sought before commencement of this study. This study observed confidentiality and privacy of respondents. Consent was sought from all respondents before data collection. Humane treatment was observed throughout the study. The researcher also ensured that nothing can be traced back to any of the respondents. Where possible, pseudonyms were used unless a respondent preferred use of their real names.
CHAPTER FOUR

DATA PRESENTATION INTERPRETATION, ANALYSIS AND DISCUSSION

4.0 Introduction

This chapter presents the study findings, their interpretations and discussions. The findings of the study are presented on the basis of the research objectives, which were to; determine the prevalence of SGBV in Winam Division, assess the implementation of SGBV policy in Winam Division and suggest strategies that can be used to improve the implementation of SGBV policy in order to reduce the prevalence of Sexual Gender-Based Violence in Winam Division.

4.1 Data Presentation

The study had a response rate of 96% as depicted in table 4.1. The adequate response rate was achieved through prompt follow-ups and self-administration of research instruments. According to Basweti and Miyienda (2012), a response rate of 60% and above is very appropriate in research.

Table 4.1: Response Rate Analysis

<table>
<thead>
<tr>
<th>Response</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questionnaires distributed Questionnaires</td>
<td>370</td>
<td>100</td>
</tr>
<tr>
<td>returned answered</td>
<td>356</td>
<td>96</td>
</tr>
<tr>
<td>Questionnaires returned not fully answered</td>
<td>14</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Field Survey (2015)
4.2 Demographic Characteristics of the Respondents

This section presents the demographic data of the respondents. This information was important because the respondents' gender, level of education, duration of stay in Winam Division and total income determined the ability of the respondents to possess the required information and subsequently determine the necessity of the researcher to probe for any detail and establish sufficient rapport.

4.2.1 Distribution of Respondents by Gender

The following table represents the gender distribution of the respondents.

Table 4.2: Gender distribution of the respondents

<table>
<thead>
<tr>
<th>Gender</th>
<th>No</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>156</td>
<td>44</td>
</tr>
<tr>
<td>Female</td>
<td>200</td>
<td>56</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>356</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field Survey (2015)

Table 4.2 above depicts that, 56% of the respondents were female while 44% were male. The results indicate that there were more women than men during the survey. This was not pre-planned but occurred randomly since both genders were accessible even though the researcher had more contact with females. Having enough representation of both genders was vital in revealing the differential impact of SGBV. For example, during the
interviews, the respondents stated that SGBV cases were predominantly experienced by women more than men. This assertion supported the stated difference on accessibility.

4.2.2 Distribution of Respondents by Level of Education

The researcher endeavored to explore the level of education of all the respondents. This variable was deemed worth establishing by the researcher because the education level of the individual determined his or her ability to possess adequate information and interaction with the data collecting tools. The following table presents the results on the level of education of the respondents.

Table 4.3: Distribution of respondents by their level of education

<table>
<thead>
<tr>
<th>Level of Education</th>
<th>Total respondents</th>
<th>No. of Male</th>
<th>Female</th>
<th>Total Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masters Certificate</td>
<td>32</td>
<td>22</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Degree</td>
<td>53</td>
<td>33</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Diploma</td>
<td>86</td>
<td>26</td>
<td>60</td>
<td>24</td>
</tr>
<tr>
<td>Secondary</td>
<td>68</td>
<td>24</td>
<td>44</td>
<td>19</td>
</tr>
<tr>
<td>Primary</td>
<td>74</td>
<td>38</td>
<td>36</td>
<td>21</td>
</tr>
<tr>
<td>Illiterate</td>
<td>43</td>
<td>13</td>
<td>30</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>356</strong></td>
<td><strong>156</strong></td>
<td><strong>200</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field Survey (2015)
The figures in Table 4.3 showed that 9% of the respondents were postgraduates with more males having masters degree than their female counterparts, 15% were undergraduate degree holders, those with diploma certificates were 24%, those who attained secondary level of education were 19%, those who attained primary education were 21% and lastly those who did not attain any formal education certificate were 12%. It is evident from the table that there is a considerable gap between male and female respondents with females having the highest number lacking formal education than males. However, the females equally had the highest number of diploma holders. Low education on the part of the females explains the high dependence level of females making them prone to experiencing higher levels of SGBV. The responses from the respondents could therefore, be relied upon in drawing the conclusion of the study indicating that the responses were not guesswork or assumptions but what they thought to be the answer.

4.2.3 Distribution of Respondents by Duration of Stay in Winam Division

The distribution of the respondents’ duration of stay in Winam Division. This variable was deemed worth establishing because it could be used to determine the respondent’s ability to possess adequate information concerning the implementation of Sexual Gender- Based Violence policies in Winam Division. The results are presented in the table 4.4.
Table 4.4: Distribution of respondents by duration of stay in Winam Division

<table>
<thead>
<tr>
<th>Years of experience</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5 years</td>
<td>109</td>
<td>31</td>
</tr>
<tr>
<td>6-10 years</td>
<td>81</td>
<td>23</td>
</tr>
<tr>
<td>11-15 years</td>
<td>62</td>
<td>17</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>104</td>
<td>29</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>356</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Source: Field Survey (2015)**

The demographic data from the respondents revealed that their experience range was between 1-15 years. The respondent’s duration in Winam Division was unevenly distributed such that: 31% had stayed for 1-5 years as compared to 29% who had stayed for more than 15 years. Those who stayed for 6-10 years were 23% of the total participants while only 17% of the respondents had stayed for between 11-15 years in Winam Division. The findings indicate that the respondents had varying durations of staying in Winam Division thus varied opinions would be generated. On the total income of the respondents, the results are presented in the following table 4.5.
Table 4.5: The total income per month

<table>
<thead>
<tr>
<th>Answer</th>
<th>Respondents Males</th>
<th>Females</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 15000</td>
<td>138</td>
<td>48</td>
<td>9039</td>
</tr>
<tr>
<td>15 001 – 30 000</td>
<td>8764</td>
<td>2324</td>
<td></td>
</tr>
<tr>
<td>30 001 – 35 000</td>
<td>7420</td>
<td>54</td>
<td>21</td>
</tr>
<tr>
<td>35 001 – 40 000</td>
<td>40</td>
<td>28</td>
<td>20</td>
</tr>
<tr>
<td>Above 40 000</td>
<td>1712</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>356</strong></td>
<td><strong>172</strong></td>
<td><strong>192</strong></td>
</tr>
</tbody>
</table>

Source: Field Survey (2015)

Table 4.5 depicts findings on the total income per month of the respondents, 39% of the respondents stated that they earned below Ksh.15,000, (24%) of the respondents stated that they earned between ksh.15,001 and Ksh. 30,000, (21%) of the respondents stated that they earned between ksh.30,001 and Ksh. 35,000, (11%) stated that they earned between ksh.35,001 and Ksh. 40,000, this left a distribution of (5%) of the respondents who stated that they earned above Ksh. 40,000. The study findings revealed that majority of those that earned income below Ksh. 15000 are women and most of the women are also middle income earners. The study findings also revealed that income affected SGBV, and that the majority of respondents came from households with low income rates. It was also discovered that females lack economic stability, since most of them are low income earners thereby making them more vulnerable to SGBV.
The above assertion can be supported by the Resource Theory adopted by this study. This theory states that in addition to denying women economic power and economic independence is a major cause of SGBV, this is because in some way it prolongs their vulnerability and dependence on men. Goode’s Resource Theory assumed that middle class families who have more resources arising from, for instance, their prestige and better economic positions will be less likely to resort to violence or threats. This assumption may not be true in real life situation because materially rich people who are wife batterers may harm their wives due to the prevalence of ideologies justifying female subordination.

According to the Nyanza provincial livelihood data available, production for income has not been feasible considering the high cost of inputs and labour (Economic Survey, 2015). Sale of small shop items and service provision in homes and business premises becomes the source of livelihood while unskilled and casual labour is quite widespread, (Nyanza Provincial data base report, 2005).

### 4.3 The Prevalence of SGBV in Winam Division

The first objective was to find out the prevalence of SGBV in Winam Division. To achieve this, the respondents were asked questions aimed at determining their views with regard to the frequency of Sexual Gender-Based Violence.
4.3.1 Extent to which Sexual Gender-Based Violence is prevalent in Winam Division

Ratings on whether SGBV was very prevalent, prevalent, not prevalent at all or missing. In determining how prevalent SGBV was, respondents (n=356) gave their responses as depicted on figure 4.1:

Figure 4. 1: Extent of SGBV prevalence

Source: Field Survey (2015)

Majority of respondents of Winam Division 75.7% (n=269) observed that SGBV was prevalent, 18.9% (n=67) stated that it was very prevalent, while 2.7% (n=10) observing that it was not prevalent, a similar percentage did not respond. The above findings indicated that SGBV is prevalent.
During the interview session with the police the respondents when asked the extent of SGBV Prevalence stated that:

There were so many cases of SGBV reported to us on a weekly basis and so much more that go unreported, most of the cases do not reach the court in that the victims withdraw the case for an out of court settlement, unfortunately this has been the norm around here (O.I number 2, 16/4/2015).

However respondents from the Judiciary on the same question stated that

The number of successful convictions when it comes to SGBV are quite minimal in that the complainants usually withdraw the case or do not appear in court completely much as this cases are criminal in nature for a successful conviction to be realized the court needs evidence of the said perpetration (O.I number 1, 18/4/2015).

This is mainly because most of these crimes are usually perpetuated by spouses of the victims or close relatives making hard for them to report in fear of straining the relationship. Some cases also normally lack hard evidence as most victims always come out days after the offence has been committed, making it difficult for doctors to find incriminating evidence against offenders.

Gender violence, particular sexual gender-based violence against women, is on the rise in Kenya, according to the annual report released by Gender Violence Recovery Centre (GVRC, 2013). Sexual abuse the GVRC report says is the most commonly reported form of abuse suffered by victims. Between 2011 and 2012, of all the cases reported 2,532 were sexual and 422 physical violence, and of these 90 per cent of all reported cases of Sexual Gender- Based Violence are reported by women and girls, 10 per cent by men or boys. “Women and girls bore the greatest burden of pain and suffering”,

38
According to the most recent Kenya Demographic and Health Survey, women are the most likely to experience either physical or sexual violence at the hands of an intimate partner.

4.3.2 Gender that Experiences SGBV the Most in Winam Division

Gender experiences on SGBV and conditions supporting this vice. In establishing which gender experiences SGBV and what conditions supporting this vice, respondents (n=356) gave their responses as depicted on figure 4.2.

![Figure 4.2: Gender that experiences SGBV in Winam Division](image)

Source: Field Survey (2015)
The results from the respondents indicate that women in Winam Division 89% (n=317) were the most affected by SGBV, only 2.7% (n=10) of the respondents felt that men were affected. A distribution of only 1.4% (n=5) believed that both men and women suffer, while 6.8% (n=24) did not respond at all. The study findings reveal that women experience a lot of SGBV cases as compared to their male counterparts.

During interview sessions with the police, the respondents were asked to state the Gender that experiences SGBV the most, one of the respondents stated that:

    Most of the complaints that we record on the occurrence book at the gender desk as you can see are women instigated this is because of a number of factors, I tend to relate these with economic empowerment than physical features in terms of strength or women being considered a weaker sex [O.I number 6, 16/4/2015].

The interview sessions held with the judiciary on the same question revealed that as echoed by one respondent:

    Most of the cases before the courts, women were the complainants. This most probably could be because women were considered the weaker sex because when you look at the evidence supported by the p3 forms issued by the police to adduce evidence of assault it is observable that the victims are usually injured severely [O.I number 3, 18/4/2015].

According to World Health Organization, SGBV accounts for more death and disability than the combined effects of cancer, malaria, traffic injuries and war, women aged 15-44 years. In addition, trafficking in women and girls for sexual exploitation is most common among poor women and girls. Women who are victims of domestic violence are 12 times more likely to attempt suicide than those who do not experience such violence. Data from Gender Violence Recovery Centers show that cases of gender
violence have increased steadily over the last four years. The recovery centers confirm that the impact of SGBV survivors is enormous causing mental, psychological and physical illnesses that require medical attention.

4.3.3 Reasons why Female Experience Sexual Gender-Based Violence

Why female respondents experienced SGBV more than their male counterparts are presented in Figure 4.3.

![Figure 4.3: Reasons why women experience SGBV](image)

**Source:** Field Survey (2015)

The reasons why respondents were subjected to SGBV according to 25.7% (n=90) of the respondents, women were considered as the weaker sex. This is mainly observed from a traditional point of view which labels women as the inferior gender whose
gender roles and defined chores revolve around the homestead. This has changed with time due to the empowerment of women, most conservative males are yet to come to terms with it; 17.3% (n=62) of the respondents felt that the dress code of women was the reason why they experience SGBV, 14.6% (n=52) of the respondents stated that women are most vulnerable to sexual exploitation, 8.9% (n=32) of the respondents reported that drugs and substance abuse contributed to SGBV, 7.8% (n=28) of the respondents felt that poverty was a concern with regard to SGBV, while 5.9% (n=20) of the respondents did not respond. The study findings indicate that women were victims of SGBV due to various contributing aspects as indicated above.

Throughout the interview sessions with the police as to why women experience SGBV, one respondent insisted that being of weaker sex is not the main reason why women are being subjected to sexual violations.

The respondent, instead expressed the opinion that”

Separation occur between couples does enhance crime of passion. This is the case especially where the rejected partner would want to revenge. This is because one always has the option of walking out of an abusive relationship[O.I number 5, 16/4/2015].

The interview session with the judiciary on reasons why women experience SGBV established a different perception altogether, according to the judicial officers, women experienced SGBV because of the perception that they were a weaker sex. One of the respondents stated that:
Being considered as a inferior gender is the main why women are being subjected to SGBV, in addition, it is noted, some traditions of the Luo community, being physically weaker than the perpetrator, family intervention in such cases aid continuity of abuse, dismissal of such cases by the police and overdependence of women on their men for economic support has led to the increased occurrence of SGBV [O.I number 3, 18/4/2015].

The above findings were consistent with the Resource Theory adopted by this study. From the findings, it is postulated that there are cultural sanctions for husbands to beat their wives in certain circumstances irrespective of their economic status. Masculine constructions also require manhood to be equated with ability to exert power over others. O’Brien (1971) shows a similar line of thought in his status hypothesis. He focuses on the economic status of the husband’s lower status in the family. SGBV is, therefore, seen as an act used to remedy a low status position and hence increase self-esteem. Perpetrators of SGBV commit the crime because they want to maintain power and control.

According to Mbote et al., (2008), the need to impose one’s will over another, in order to prove or feel a sense of power is why this form of violence that is being regarded as the inferior gender, is rampant while the physical weakness of women makes them vulnerable to SGBV. The age at first marriage has also been stated to be a reason why women experience SGBV.

In countries such as Zimbabwe and Kenya, traditions such as female genital mutilation and early marriages have led to women suffering from Sexual Gender-Based Violence. Another predictor of SGBV is said to be poor socio-economic status of individuals which places them at high risk of sexual exploitation in exchange for money (Betron &
4.3.4 Main Form of Sexual Gender-Based Violence in Winam Division

Main forms of Sexual Gender-Based Violence in Winam division are presented in figure 4.4.

![Figure 4.4: Forms of sexual gender-based violence in Winam Division](image)

Source: Field Survey (2015)

The main form of SGBV according to the respondents was rape as is evident by 58.1% (n=207), 12.2% (n=45) of the respondents reported that incest was a major category of SGBV, while 8% (n=30) of the respondents were of the view that sodomy was also a main form of SGBV, 8.1% (n=29) of the respondents felt that forced sex in marriage, while 5.1% (n=18) of the respondents settled for coercion into sex as the main form of SGBV. The figures reveal that rape is the highest SGBV violation in the
study area.

In the interview session with the police, respondents were asked to mention the main form of Sexual Gender-Based Violence in Winam division, one of the respondents stated that:

Incest, defilement and rape were the most frequent SGBV cases reported as reflected on the police station occurrence book. From the records there is an indication that girls and boys are being subjected to forced sexual intercourse by their loved ones [O.I number 8, 16/4/2015].

Among the respondents at the Judiciary when probed on the same question stated that:

Unwanted Sexual relations by relatives or other male members of the society were on an increase. Rape and incest were normally meted upon the girl child and women while the boy child was subjected to sodomy [O.I number 2, 18/4/2015].

According to Garcia-Moreno et.al., (2005) and IGWG of USAID (2006), women reported that their first sexual intercourse was forced, at rates ranging from less than 1% in Japan to nearly 30% in Rural Bangladesh. In Kenya as a whole, 16% of women reported having been sexually abused (SOAIW, 2011). According to statistics from the Gender Violence Recovery Centre (GVRC, 2013), 45% of women between ages 15 – 49 in Kenya have experienced either physical or sexual violence.

This in return accounts for 90% of the Sexual Gender-Based Violence (SGBV) cases experienced by girls and women as reported; One in five Kenyan women (21%) has experienced sexual violence; 64% of survivors of violence reported that the offenders behind their ordeal were known to them; while most violence towards women is committed by an intimate partner; 90% reported perpetrators are men. Cases of
violence among men and boys are said to be relatively low although this may be because most of them go unreported mainly out of fear of ridicule and stigmatization (GVRC, 2013).

### 4.4 Implementation of Sexual Gender-Based Violence Policy in Winam Division

The second study objective sought to establish the implementation of SGBV policies. To achieve this, the respondents were asked questions aimed at determining their views with regard to policy and institutions that protected the victims.

#### 4.4.1 Awareness of Sexual Gender-Based Violence Policy in Winam Division

The Kenyan government paid attention to gender violence and the Sexual Offences Policy prior to it being enacted in 2006 which was a great step in addressing sexual violence against women in Kenya. This Act of Parliament talks about sexual offences, their definition, prevention, and the protection of person’s against unlawful sexual acts. There are several policy frameworks, which have been put in place to guide development of response and prevention to SGBV.

These include, the Health Ministries’ National Guidelines on the Management of Sexual Violence (2009), the Kenya National HIV and AIDS Strategic Plan II 2005-2010 (KNASPII) (SOAIW, 2011), the National Population Advocacy and IEC strategy for Sustainable Development 1996–2010 (GoK/NCPAD, 1996), the Mainstreaming Gender into the Kenya National HIV/AIDS strategic plan 2000–2005 (GoK/NACC, 2002; Government of Kenya/Office of the President, 2005). These policies are very essential in the protection of women against SGBV. The policy protecting individuals
against SGBV as reported by the respondents on Figure 4.5:

**Figure 4.5: Policy protecting individuals against SGBV**

**Source: Field Survey (2015)**

The respondents were asked which policies they were familiar with regarding the protection of victims against SGBV, 39.7% (n=141) of the respondents felt that the Njoki Ndung’u report currently referred to as the (Sexually Offences Act of 2006) protected them, 10%(n=36) were of the opinion that church doctrines had guarded them while 11.4%(n=41) were of the opinion that the constitution had guarded them and a
percentage of 10.5% (n=37) felt that the Penal Code also had helped much, 7.8% (n=29) of the respondent supported FIDA for protecting them against SGBV, 6.5% (n=23) felt that the Luo tradition had played a role. The study findings indicate that the Njoki Ndung’u report also referred to as the (SOA of 2006) had protected them from SGBV.

At some stage in the interview session with the police one of the respondents when asked about the Policy Protecting Individuals against SGBV stated that”

The Sexual Offence Act No. 3 of 2006 also referred to as the Njoki Ndungu report prior to it being an Act had protected SGBV victims and helped in the prosecution of the perpetrators [O.I number 8, 16/4/2015].

In the interview session with respondents from the judiciary on the same question, one of the respondent stated that the constitution of Kenya 2010 and Sexual Offense Act 2006 were protecting and ensuring that victims got justice [O.I number 1, 18/4/2015].

4.4.2 Place Where Sexually Assaulted Women Seek Justice

Institutions where women victims sought justice when affected by SGBV as shown in Figure 4.6:
Figure 4.6: Place where sexually assaulted women seek justice

Source: Field Survey (2015)

The respondents 54.1% (n=192) stated that they sought justice from SGBV from the police, 21.6% (n=77) of the respondents stated that FIDA helped them to seek justice, 13.8% (n=49) felt that the court helped them to get justice, 5.4%(n=19) of the respondents stated that they sought for justice from the chiefs. Others said that they sought justice from the police.
All through the interview sessions with the police, the respondents were asked to mention the place where Sexually Assaulted Women sought Justice. One of the respondents stated that:

Despite the fact that we have several organizations that support women against SGBV, the police are not fully committed to arresting the perpetrators without hard evidence and bringing them to book and that’s why all the organizations work hand in hand with us since we have the capability, and machinery of imposing the arrest of suspects as mandated by law [O.I number 10, 16/4/2015]. This is despite the fact that most offenders though guilty normally go free immediately after arrest because they are be able to raise the set bail.

The interview session with the judiciary one of the respondents stated that:

Most of the SGBV cases are presented to us by lawyers from FIDA. They are prosecuted by officers from the DPP office, ours is to ensure that justice is dispensed upon guilt beyond reasonable doubt [O.I number 5, 16/4/2015].

The Sexual Offences Act (2006) has introduced stiffer penalties for sexual offenders in Kenya, but implementation and enforcement of the Act are still not mainstreamed despite the increasing incidences of gender-based violence and sexual violence. According to the Economic Survey (2008), there is a general decline of SGBV reported cases from 20,568 in 2004 to 18,424 in 2007 due to improved security and collaboration with the community and relevant stakeholders. On the contrary, civil society and NGOs doubt the figures as a number of cases go unreported to them due to fear, stigma and lack of funds. Civil society, lobbyists and NGOs perceive police officers as incompetent in the manner they handle SGBV cases such as marital rape, the way they record statements, time taken to service survivors, poor attitude and
prosecution. Moreover, considering that 45% of abused women do not seek help or report incidences of violence.

4.4.3 Place Where Sexually Assaulted Men seek Justice

Institutions where assaulted men sought justice when affected by SGBV as reflected on Figure 4.7.

![Figure 4.7: Place where sexually assaulted men seek justice](image)

**Source: Field Survey (2015)**

The respondents 56.2% (n=200) stated that they sought justice from the police, 16.8%(n=60) of the respondents stated that most men did not seek justice, 8.9%(n=32) of the respondents felt that the courts of law gave them justice, 8.1%(n=29) of the
respondents stated that they sought justice from the chief, however 5.1%(n=18) of the respondents mentioned *Maendeleo Ya Wanaume* addressed their issues.

The interview session with the police when asked place where sexually assaulted men sought justice, one of the respondents stated that:

> Victims first and foremost would come here at the police station to report especially in most severe cases of assault causing bodily harm”[O.I number 1, 16/4/2015].

For the period of the interview session with the judiciary one of the respondents stated that

> Most men do not seek justice in that they find it too embarrassing, I think *Maendeleo Ya Wanaume* is not doing much to bring forward such cases as compared to FIDA [O.I number 3, 18/4/2015].

The report compare favourably with what happens in other regions for example in 1997, of the 1,036 reported cases of SGBV in Barbados police stations and courts, only 450 were brought to court. This shows that majority of SGBV cases in the Caribbean are never prosecuted. Similarly, in Antigua and Barbuda which has a court support programme for victims of SGBV, only 40% of male victims of SGBV make applications to the court. In Saint Lucia the court process is used only as the last resort and usually after long periods of previous abuse. In the case of Jamaica, the limited use of the SGBV Act is particularly striking. In 2002, there were only 335 applications made in the Kingston Family Court which serves Kingston and St. Catherine, with an estimated population of over one million people (ECLAC, 2003; Adele, 2009). The above areas are of a similar socio-economic setting to Winam Division.
4.4.4 Most Reported Sexual Gender-Based Violence in Winam Division

The Sexual Offenses Act was passed by Parliament in 2006 in response to the rampant Sexual Abuses reported in the country. The Act criminalizes sexual relations amongst persons within certain parameters of affinity and thus protects children from sexual relations within the family context (Mbote et al., 2008:17). The use of these policies is welcomed as they can help reduce the vice, however, the continued neglect in involving rural communities in the implementation process can be why this vice still persists. Additionally, the law needs to provide avenues such as shelters for victims of sexual violence. That is the sure way for them to have confidence to be willing to allow real prosecution of perpetrators. It is not realistic to expect women to cooperate with the police and go home to the perpetrator at the end of the day. That would be putting the women’s lives in danger. The most reported cases in the study area as reflected on Figure 4.8.
Figure 4.8: Most reported SGBV in Winam Division

**Source: Field Survey (2015)**

The most reported case of SGBV according to the respondents was rape 75.7% (n=270), while 8.1% (n=29) of the respondents felt that forced sexual initiation was the most reported SGBV. 4.3% (n=14) of the respondents felt that incest was most reported, a similar distribution of 4.1% (n=14) felt that forced sex in marriage and physical abuse were reported in equal measures while 1.1% (n=4) of the respondents selected sodomy as the most reported case.

For the duration of the interview session with the police, the respondents were asked what the most reported SGBV in Winam Division was one of the respondents stated that:

We have a very serious problem with sexual violations at this station. It seems men out their think that the only way they can abuse a woman is by sexually violating her and this trend must stop. If we punish such offences severely,[O.I number 9, 16/4/2015].
In the interview session with the judiciary the respondents stated that:

Sexual violations were becoming a serious concern and something must be done irrespective of whether one is the sole bread winner, relative, spouse or not that is if we are committed in reducing SGBV cases [O.I number 4, 18/4/2015].

This result is supported by that of a study done in Japan which showed that rape was also the most common case reported in the country (Garcia-Moreno et al., 2005). Adele, et al., (2009) who showed that out of all reported cases (1000 and above) less than 400 are normally attended to showing that less than a half of reported cases normally get due attention from the responsible bodies for the implementation of SGBV.

4.4.5 Sexual Gender- Based Violence Policy Implementation in Winam Division

Institutions those were responsible for SGBV policy implementation as depicted in Figure 4.9.
Figure 4.9: Implementation of SGBV policies

Source: Field Survey (2015)

Data from the respondents show that 32.4% (n=115) felt that the courts of law were mandated to dispense justice, therefore, the implementation of policies was their task, however, 27%(n=96) reported that it was the task of the judiciary, 13.5%(n=48) felt that it was the provincial administration that was responsible for the implementation of the policies, a similar distribution of 8.1%(n=29) of the respondents stated that NGOs and the department of gender at the police station were responsible for the implementation of the SGBV policies. The study findings indicate that it is mainly the court of law
which is viewed as the implementing authority of SGBV policies.

Throughout the interview session with the police when respondents were asked authority or body responsible for the implementation of SGBV policies in Winam Division, one of them stated that:

The police normally do arrests while the prosecution is done by the director of public prosecutions since SGBV were criminal in nature. [O.I number 7, 16/4/2015].

The interview session with the judiciary elucidated some facts with regard to dispensing of justice one of the respondents stated that:

It is our responsibility to implement SGBV policies by dispensing justice in its strictest sense as form of deterrent measure. [O.I number 3, 18/4/2015].

Again, the reports do not accurately describe the reality on the ground. The Government statistics in Kenya Demographic and Health Survey (KDHS, 2003) demonstrate that at least half of all women have experienced violence since they were aged 15 (CBS 2004b). This is a worrying situation in a country where advocacy groups have continued to raise the profile of SGBV in policy, media and legal forums. The statistics by the Kenya Police Crime for 2014 point out that there were 876 cases of rape reported, 1,984 cases of defilement, 181 cases of incest, 198 cases of sodomy, 191 cases of indecent assault and 173 cases of abduction.

Whereas it may be easy to document the number of cases of those suffering from violence, the psychological impact is undoubtedly indeterminate. Mental wounds suffered as a result of violence may never really heal and the psychological scars are
undoubtedly never erased. This was could be witnessed by the respondents who narrated SGBV ordeals that they had witnessed or probably been a victim themselves. Government statistics by the Economic Survey, 2008 show increase in offences committed against morality and other offences against persons by 6.2 percent and by 3.4 percent respectively in 2014. The increase was mainly noted in offences of defilement and incest with 40 and 37.7 percent respectively. All these statistics do not support the police and criminal justice reports of adequate service provision in Winam County.

4.4.6 Effectiveness of Sexual Gender-Based Violence Policies in Winam Division

Effectiveness of the organizations responsible for the implementation of SGBV policies as depicted in Figure 4.10.

![Figure 4.10: Effectiveness of SGBV policies](chart.png)

Source: Field Survey (2015)
The respondents 91.1 %( n=327) felt that the organizations tasked with the implementation of SGBV policies were not effective, 5.4 %( n=19) of the respondents felt that they were very effective and 2.7 %( n=10) of the respondents felt that they were not effective. The study findings indicate that the bodies responsible for the implementation of SGBV were not effective.

In the interview session with the police, the respondents were asked the effectiveness of the body responsible for the implementation of SGBV policies in Winam Division. One of the respondents stated that:

It is quite challenging when it comes to the arresting and prosecuting the perpetrators in that investigational logistics are usually scarce or not available but the most challenging is that the victims always settle for an out of court settlement most especially if the perpetrator is the bread winner so most cases are usually watered down not because there is no much evidence but because we weigh reconciliation or jail term against the general family which should not be the case because these are criminal cases or state cases as we call them here.[O.I number 7, 16/4/2015].

The interview session with the judiciary brought about several factors that hinder implementation of the SGBV policy, one of the respondents stated that:

SGBV cases unless critical are usually dropped by the complainant because the perpetrator is the sole bread winner much as this are state cases the victim who is also a witness usually frustrate the case thus eventually in some scenarios the court enters a nolle prosecui no case to answer, the other challenge is that such cases where the victim deliberately frustrates the case you find that the file disappears and meanwhile the perpetrator is out on bail so one way or the other the case just disappears. That is why SGBV cases should be a non bail-able offense and the victims should know that once they report there is no turning back whatever the situation. [O.I number 2, 18/4/2015].
All these contradict the police and judiciary officers’ earlier version that they were effective in service provision. Further, the 2010 Constitution of Kenya enshrines in Chapter V, the fundamental rights and freedoms of the individual. In Section 70, the rights safeguarded are those to life, liberty, and security of the person and his/her protection by the law (Mbote et al., 2008:16). As far as protection against Sexual Gender-Based Violence is concerned, the Constitution does not provide for it explicitly. What it does provide for however is protection from inhuman treatment or torture or any other form of degrading punishment. This applies to men and women alike (Mbote, et al., 2008:17).

4.4.7 Number of Reported Sexual Gender-Based Violence Cases

The number of reported SGBV cases that were normally attended to at the study area as shown on Figure 4.11:
The respondents 40.5% (n=144) stated that none of the cases was attended to, while 29.7% (n=106) of the respondents felt that a quarter of the cases were attended to, a distribution of 24.3% (n=87) respondents were of the opinion that three quarters of the cases were properly handled, this left 4.9% (n=18) of the respondents who stated that all of them were handled. The study finding indicates that majority of the cases were not prosecuted to their logical conclusion.

Additionally, in interview sessions with the police, in which respondents were asked the number of reported SGBV cases, one of the respondents stated that:

We make a lot of arrests and arraign the perpetrators in court but when the suspect is granted bail and the society sees him/her walking freely in the neighborhood of course they will conclude that nothing is happening
disregarding the fact that the case is still in court.[O.I number 6, 16/4/2015].

During the interview session with the judiciary one of the respondents stated that”

Cases are normally determined by the nature and evidence adduced, there are situations where the court grants bail applications to suspects and that could be the reason the society feels that we are not actually attending to SGBV cases but as an institution that is tasked with dispensing justice care must be taken to ensure that the accused actually committed the crime beyond reasonable doubt and not just an admission of guilt, maybe the admission is as a result of duress [O.I number 2, 18/4/2015].

The examples given above further qualify observations (Adele et al.,2009) which showed that out of the reported cases, less than half were attended to. A survey conducted in 2002 by FIDA Kenya revealed that of 1,067 women attending antenatal clinics and emergency care in hospitals, 0.4 per cent reported miscarriage caused by domestic violence and 0.7 per cent reported STIs, 56 per cent of the abused women said that they had not reported the violence to anyone, with many stating that violence is considered to be a normal part of life. Only 7 percent reported to some authority such as the chief, the police or a doctor.

4.4.8 Obstacles to Implementation of Sexual Gender-Based Violence Policy

The obstacles to implementation of SGBV considering that the response of the police and judiciary were not satisfactory as depicted on Figure 4.12:
Among the respondents, 50% (n=178) stated that women did not know their rights, 30% (n=107) of the respondents felt that such cases were unattended to because they were viewed as normal cases, 6% (n=21) of the respondents felt that sensitization was not done well, 10% (n=36) of the respondents felt that corruption was a hindrance. The study findings indicated that women do not know their rights.

In the interview session with the police, the respondents were asked what was the obstacle to implementation of SGBV, if the rate of response of the police and Judiciary is not satisfactory, one of the respondents stated that:

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**Figure 4.12: Obstacles to implementation of SGBV**

**Source: Field Survey (2015)**

Among the respondents, 50% (n=178) stated that women did not know their rights, 30% (n=107) of the respondents felt that such cases were unattended to because they were viewed as normal cases, 6% (n=21) of the respondents felt that sensitization was not done well, 10% (n=36) of the respondents felt that corruption was a hindrance. The study findings indicated that women do not know their rights.

In the interview session with the police, the respondents were asked what was the obstacle to implementation of SGBV, if the rate of response of the police and Judiciary is not satisfactory, one of the respondents stated that:
Most cases reported to us are brought by women and when you are recording the statements you can clearly see that the victim in most cases women do not know there right sand that this is not the first time that she is undoing such an abuse, and when you probe further it is usually a third party who has advised her to report the case [O.I number 2, 16/4/2015].

During the duration of the interview session with the judiciary, one of the respondents stated that:

Women either are indifferent to SGBV or do not know their rights because the fear they exhibit here at the courts despite the assurance that the court will make a ruling supporting her and the family from the earnings of the perpetrator spouse is appalling. [O.I number 4, 16/4/2015].

These report revealed that without further protection and alternatives for women away from the courts, women fear to seek and accept help due to fear of consequences from the perpetrators. Sexual Gender- Based Violence is widespread in Winam Division. It is a crime that shocks and traumatizes the survivors and undermines their status in the community.

FIDA Kenya (2002) estimated that everyday, women were physically and sexually abused and raped in all social and ethnic groups in the country. Most of the gender violence cases are not reported to the authorities as survivors often face a lot of obstacles in trying to bring the perpetrators to justice. Many of them are intimidated by cultural attitudes and state inaction while seeking redress.
4.5 Strategies that can be Used to Improve the Implementation of SGBV Policy

The third objective of this study investigated the existence of strategies that could be used to improve SGBV policy implementation as well as strategies that could be used to reduce the prevalence of SGBV in Winam Division.

4.5.1 Strategies Used to curb Sexual Gender-Based Violence

The suggested strategies used in improving the implementation of SGBV as shown on Figure 4.13.

![Figure 4.13: Strategies used to improve the implementation of SGBV](image)

**Figure 4.13: Strategies used to improve the implementation of SGBV**

Source: Field Survey (2015)
The results showed that 62.2%(n=221) of the respondents felt that public awareness would improve SGBV implementation, a similar distribution of 13.5%(n=48) of the respondent stated that imposing heavy penalty on the perpetrators and women empower could improve implementation of SGBV, while 8.1%(n=29) were of the opinion of improving the security of the study area. The study findings indicate that public awareness would improve the fight against SGBV.

During the interview session with the police the respondents were asked to mention the Suggested Strategies used to improve the Implementation of SGBV, one of the respondents stated that:

If the public can be given some form of civic education and awareness then using that knowledge, victims can be able to know where to seek for justice” [O.I number 5, 16/4/2015].

In the interview session with the judiciary one of the respondents stated that:

The public must be made aware of how SGBV cases are handled and the time frame required for conclusion of such cases.[O.I number 3, 18/4/2015].

Such views were also supported by Kishor and Johnson, (2004) and Dunkle, et al., (2004) as they observed that Sexual Gender- Based Violence can be reduced by support initiatives that integrate community mobilization around it into existing health and development programmes. Progressive and comprehensive legislation on Sexual Offenses, development of a National Policy Framework for the implementation and administration of the Sexual Offenses Act, formulation of an Action Plan on the establishment of One Stop Centers and Referral Mechanisms for survivors and development of National Guidelines on Management of Sexual Violence in Kenya are
some of the ways the government has tried to eliminate SGBV in the country (Maternowska, Jill, and Nduku, 2009; Sexual Offence Act implementation workshop, 2011).

Prior to 2006, high levels of Sexual and Gender-Based Violence in Kenya went largely unaddressed by Kenya’s courts due to limited definitions of offences, a weak legal framework, discretionary sentencing, and general taboos that permeated both the formal and informal justice sectors. Law enforcement and prosecutors alike were ill-equipped for the challenges that arose in Sexual Gender-Based crime. In 2006, the Sexual Offenses Act of 2006 (SOA) as earlier mentioned was passed (Navalta, Polcari, Webster, Boghossian & Teicher, 2006; SOAIW, 2011).

**4.5.2 Strategies on Implementation of Sexual Gender-Based Violence Policy**

The methods of how to combat and improve implementation of SGBV policies are shown on Figure 4.14.
The respondents felt that by sensitizing the public about SGBV laws combating and implementation would be enhanced, this was represented by 65.9%(n=235) of the respondents, 15.1%(n=54) of the respondents were of the opinion of jailing the perpetrators for life, 6.2%(22) of the respondents felt that the perpetrators should be brought to book, 4.6%(n=16) felt that religious education on SGBV should be enhanced, 3%(n=11) of the respondents felt that there should be a gender responsive police officer at the gender desk at the police station. These study findings indicate that the public should be made aware about SGBV policies.

**Figure 4.14: Strategies used to combat SGBV**

**Source: Field Survey (2015)**
During the interview session with the police, the respondents were asked what the strategies were used to Combat SGBV and improve the Implementation of SGBV policy, the respondents stated that the society needs sensitization about SGBV laws and what to do in the event such a crime is committed.[O.I number 4, 16/4/2015].

In the interview session with the judiciary one of the respondents stated that:

Mechanism should be introduced so that SGBV cases should be heard and decided within a short time and most importantly the victims should undergo guidance and counseling extensively while perpetrators need a reform programme while incarcerated”. [O.I number 2, 18/4/2015].

As already revealed by previous studies (Naeemah, et al., 2005; Mbote et al., 2008), to fight SGBV, various countries have put in place policies and formed treaties to aid in the fight against the vice. Almost every nation’s constitution in Sub-Saharan Africa prohibits such kinds of violence irrespective of the circumstances, however, primary prevention strategies for SGBV received little attention in countries' programmes and policies as evidenced in Kenya prior to 2006 when preventive strategies were adopted (Vetten, 2006; WHO & LSHTM, 2010).

4.5.3 Reasons why Strategies cannot help in Reducing Sexual Gender-Based Violence Cases in Winam Division

Why the strategies were ineffective on reducing SGBV in Winam Division are reflected on Figure 4.15.
Figure 4.15: Failed strategies in reducing SGBV cases

Source: Field Survey (2015)

When asked why the strategies were not very effective with regard to reducing SGBV, 0.8%(n=3) of the respondents did not answer this question, 2.2%(n=8) felt that lack of commitment to the elimination of the vice was why SGBV was not reducing,1.4(n=5) stated that it was due to lack of facilitation. The study findings indicate that there was a lack of commitment to eliminate SGBV by all stakeholders.

During the interview session with the police, the respondents were asked to state the reasons why the strategies cannot help in reducing SGBV cases, respondents stated that, we all need to be committed on fighting SGBV by creating enough awareness and also prosecuting perpetrators to the full extent of the law.[O.I number 7, 16/4/2015].
The interview session with the judiciary one of the respondents stated that I think we have enough laws and systems to curb SGBV in our country, all that we need is to abide by them and implement them fully [O.I number 1, 18/4/2015].

It is evident that some relevant obligations have been poorly implemented while others have not been enforced at all. A case in point is development of laws against marital rape while wife battering is prevalent and largely condoned by communities. On the other hand, police officers continue to demean complaints of survivors, ridicule them, turn them away and ask bribes in order to serve them.

The study findings were in tandem with the Resource Theory as advanced by Goode (1971). The theory states that all social systems including the family rests on some degree of force or the threat of force. The resource theory postulates that, the more resources; social, personal and economic a person commands or perceives to command, the more force he/she can master. However a husband, who wants to be dominant in the family but has little education and a job low in prestige and income and also lacks intrapersonal skills, may choose to use violence to maintain the dominant position. Among the historical power relations responsible for Sexual Gender-Based Violence are the economic and social forces. Economically, disadvantaged women are more vulnerable to sexual harassment.
SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

The study evaluated the implementation of Sexual Gender-Based Violence policies in Kisumu County. This section provides the summary of findings of the study, conclusion, recommendation and area for further research.

5.1 Summary of the Findings

The study assessed the implementation of Sexual Gender-Based Violence policy in Winam Division, Kisumu County, Kenya. The following objectives guided this study; to determine the prevalence of Sexual Gender-Based Violence in Winam Division, to assess the implementation of SGBV policy in Winam Division and to suggest strategies that can be used to improve the implementation of SGBV policy and reduce the prevalence of Sexual Gender-Based Violence in Winam Division, Kenya. This study was guided by Goode’s 1971 Resource Theory. A descriptive cross-sectional study design was used. The sample size of 394 respondents was selected from the target population of 104,875 in Winam Division. Data was analyzed descriptively using SPSS in order to generate tables, frequencies and percentages while figures showing the results were generated using Microsoft Excel 2010. Qualitative data was presented in a narrative form in the context of emanating themes, percentages and frequencies. The study had a response rate of 96% while 56% of the respondents were female and 44% male.
5.1.1 Sexual Gender- Based Violence Prevalence in Winam Division

The study established SGBV was prevalent and that women experience SGBV cases as compared to their male counterparts this reflected from the respondents engaged in this particular study. Further it was established that women are victims of SGBV because they are considered as the weaker sex thus lacked the ability to defend themselves. The study further revealed that Incest, defilement and rape were the highest SGBV violation in Winam Division.

5.1.2 Implementation of Sexual Gender- Based Violence Policy in Winam Division

The study findings indicate that the (Sexual Violation Act, 2006) had to some extent protected people from SGBV. Further the study has established that justice is sought from the police by the individuals affected. Men who are violated also sought justice from the police. The study findings indicate that the court of law was viewed as the implementing authority for SGBV policies and that the other bodies responsible for the implementation of SGBV were not effective. The study further found out that the most reported sexual violation was rape and that majority of the rape cases were not prosecuted to their logical conclusion. It was also established that women were not fully aware of their rights.

5.1.3 Strategies that can be Used to Improve the Implementation of SGBV Policy

The study findings indicate that public awareness could improve the fight against SGBV and that the public should be alerted and taught about SGBV policies. The study findings indicate that there was a lack of commitment to eliminate SGBV by all
stakeholders.

5.2 Conclusions

Based on the first objective relating to the prevalence of SGBV, the study concluded that that SGBV targeting the woman was prevalent in Winam Division. The study further found out that this could be attributed to the fact that the woman is seen as a weaker sex. Moreover, the study found out that rape was the main form of SGBV in Winam Division.

Based on the second objective relating to SGBV policy implementation, the study concluded that the SGBV policy is fully implemented; specifically the Njoki Ndungu’s policy also known as the (SOA of 2006), the constitution and traditions.

The study further concluded that the responsibility for the implementation of SGBV policies in the lies with the police and the Judiciary Based on the third objective relating to strategies for improving SGBV policy implementation, the study showed that indeed public awareness was themost effective strategy to use to implement SGBV policies in Kisumu County, Kenya.

5.3 Recommendations

The study recommends on the first objective relating to the prevalence of SGBV, that increased public awareness campaigns on SGBV should be enhanced within the County to help push effective implementation of SGBV policies and Women empowerment programmes run by main government organs in collaboration with the private sector demystifying the myth that the woman is a weaker sex.
The second objective relating to SGBV policy implementation, the study recommends that, Adoption of multi-agency initiatives and approaches to enhancing the safety of women, using networking and co-operation as apt methods of halting violence as early as possible. Interagency Cooperation should be enhanced through organized formal coordinating committees of probation officers, prosecutors, women’s advocates, child protection workers and intervention providers to discuss rape referral and monitoring policies regularly.

The third objective on the existence of strategies that could be used to improve SGBV policy implementation as well as strategies that could be used to reduce the prevalence of SGBV, the study recommends that adoption of One Stop Centres (OSCs) that aim to provide health, police and social services in one place, allowing victims to access the necessary services easily and speedily, and avoid further trauma. OSCs can be stand-alone structures, or located in hospitals, or even courts. They provide a free 24-hour service, seven days a week with provisions for emergency contraception, HIV prophylaxis, STI prevention, and other medication. Every survivor who arrives in the IOSC is initially seen by a social worker that provides information and access to medical, psychosocial, and police services. Once the survivor is assessed and examined the case is processed according to her/ his needs. There is a safe house available with three beds and basic provisions.
5.4 Areas for Further Research

Based on the research results, the study further recommends that future researchers should investigate:

The extent of sodomy and incest as additional forms of SGBV on the development of children in Winam Division.
REFERENCES


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Federation of Women Lawyers (FIDA) Kenya. http://fidakenya.org/wp-


World Health Organization & London School of Hygiene and Tropical Medicine, (2010).


LAWS

APPENDIX I: CONSENT FORM

My name is Pamella A Charillus. I am a master student from Kenyatta University. I am conducting a study on “An evaluation of the implementation of Sexual Gender-Based Violence policy, in Winam Division, Kisumu County, Kenya.” The information will be used by the relevant ministries dealing with gender to combat issues related to sexual gender-based violence.

Procedures to be followed

Participation in this study will require that I ask you some questions in order to screen. I will record the information from you in a questionnaire.

You have the right to refuse to participate in this study. You will get benefits that will arise from the findings of this study.

Please remember that participation in this study is voluntary. You may ask questions related to the study at any time.

You may refuse to respond to any questions and you may stop an interview at any time. You may also stop being in the study at any time without any consequences whatsoever.

Discomforts and Risks

Some of the questions you will be asked are on intimate subject and may be embarrassing or make you uncomfortable. It happens, you may refuse to answer these questions if you so choose. You may also stop the interview at any time. This process
may take about 30 minutes to complete.

**Benefits**

If you participate in this study, you will help us learn about the implementation of Sexual Gender- Based Violence policy in Winam Division, Kisumu County, Kenya. Through this study, you will benefit by helping the government, judiciary and the community in combating Sexual Gender- Based Violence and if you have ever faced this problem the study may provide you with information on how and where to seek help. Lastly by taking part in this study, you will help protect those who silently suffer through SGBV within the community.

**Reward**

Participation in this study in itself is a reward in that the respondents will gain knowledge on sexual gender based issues and know where to report to in such cases.

**Confidentiality**

The interviews and examinations will be conducted in private. Your name will not be recorded on the questionnaire. The questionnaires will be kept in a locked cabinet for safe keeping at Kenyatta University. Everything will be kept private.

**Contact information**

If you have any questions you may contact Dr. Grace Mose- Okong’o on 0704913339 or supervisor Prof Leah Wanjama on 0722748806 or the Kenyatta University Ethical Review Committee Secretariat on chairman kuerk@ku.ac.ke or secretary.kuerk@ku.ac.ke
**Participant’s statement**

The above information regarding my participation in the study is clear to me. I have been given a chance to ask questions and questions have been answered to my satisfaction. My participation in this study is entirely voluntary. I understand that my questionnaire will be kept private and that I can leave the study at any time. I understand that I will still get the same care and protection whether I decide to leave the study or not.

Name of participant……………………………………………………………..

…………………………………………………………………………………

Signature or Thumb print Date

**Investigators statement**

I, the undersigned, have explained to the volunteer in a language s/he understands, the procedures to be followed in the study and the risks and benefits Involved.

Name of interviewer……………………………………………………………..

…………………………………………………………………………………

Interviewer signature Date
APPENDIX II: QUESTIONNAIRE FOR WINAM RESIDENTS

This instrument is meant to collect data from the respondents on the implementation of Sexual Gender-Based Violence policies in Winam Division, Kisumu County, Kenya. Kindly fill in the required answers to the best of your knowledge by following instructions given and filling in answers where choices are not provided and marking only one answer where multiple choices are provided. Thank you in advance.

SECTION A: DEMOGRAPHIC INFORMATION

1. What is your age?
   a. Below 18 years
   b. Between 19-20 years
   c. 21-25 years
   d. 26-30 years
   e. 31-35 years
   f. 36-40 years
   g. Above 41 years

2. What is your gender?
   a. Male
   b. Female

3. What is your level of education?
   a. No education
   b. Primary school
   c. Secondary school
   d. Post-secondary education
4. What is your employment status?
   a. Employed
   b. Unemployed
   c. Self employed

5. How much income do you make in a month? (Please state) …………………

6. How long have you lived in Winam Division?
   a. Below one year
   b. 2-4 years
   c. 4-6 years
   d. Above six years

**SECTION B: PREVALENCE OF SEXUAL GENDER-BASED VIOLENCE IN WINAM DIVISION**

7. Is SGBV prevalent in Winam Division?
   a. Yes
   b. No

8. If yes, which is the main form of Sexual Violence in Winam Division?
   a. Incest
   b. Rape
   c. Sodomy
   d. Forced first sexual intercourse
   e. Forced sex in marriage
   f. It none of the above, please state one ………………………………………
9. How prevalent is SGBV in the Division? (If no, in 7 above kindly go to question 13)
   
   a. Very prevalent
   b. Prevalent
   c. Not prevalent at all

10. Under what condition do the above mentioned SGBV in Winam Division occur?

   a. Being alone with the perpetrator
   b. Walking at night
   c. Lack of security
   d. Arguing with the perpetrators

   Any other please state………………………………………………………………………………

11. Which gender experiences SGBV the most in Winam Division?

   a. Male
   b. Female
   c. Both men and women

12. What is the reason for your answer in question 11 above? (Please state one main reason)

   ………………………………………………………………………………………………………
   ………………………………………………………………………………………………………

SECION C: IMPLEMENTATION OF SGBV POLICY IN WINAM DIVISION

13. Are you aware that SGBV is a crime?

   a. Yes
   b. No
14. If yes, are you aware of any law or policy protecting individuals against SGBV?
   
   a. Yes
   b. No

15. If yes, which is this policy? ..........................................................

16. If a woman is sexually assaulted, where does she seek justice?

17. When a man is sexually assaulted, where does he seek justice?

18. Which authority or body is responsible for the implementation of SGBV policies in Winam Division?

19. How effective is the above body or authority in implementing SGBV policies in Winam Division?
   
   a. Very effective
   b. Effective
   c. Not effective at all
   d. Not applicable
20. Which gender in Winam Division normally reports most of these cases?
   a. Men
   b. Women
   c. Both men and women

21. Which is the most reported case of SGBV in this Division?
   a. Rape
   b. Incest
   c. Sodomy
   d. Coercion into sex
   e. Forced Sexual Initiation
   f. Forced sex in marriage

Any other pleas state ……………………………………………………………………………………………
…………………………………………………………………………………………………………………………

22. How many of the reported cases are normally attended to?
   a. All of them
   b. A quarter of the cases
   c. Half of the cases
   d. Three quarter of the cases
   e. None of the cases

23. How can you rate the police response to cases of SGBV in this Division? (all respondents should answer this question)
   a. Very satisfactory
   b. Satisfactory
   c. Not satisfactory at all
24. How can you rate the judiciaries’ response to cases of SGBV in this Division? (all respondents should answer this question)
   a. Very satisfactory
   b. Satisfactory
   c. Moderately satisfactory
   d. Not satisfactory at all

25. If not satisfactory at all in 23 and 24, what are the obstacles to implementation of SGBV in Winam Division? (State one) ……………………………………………………………

SECTION D: STRATEGIES FOR IMPROVING THE IMPLEMENTATION OF SGBV POLICIES AND REDUCE THE PREVALENCE OF SGBV IN WINAM DIVISION

26. Are there strategies that are being used in Winam Division to improve the implementation of SGBV policies?
   a. Yes
   b. No

27. If no, kindly suggest strategies that could be used to improve the implementation of SGBV in Winam Division? (Suggest one)

……………………………………………………………………………………………………
……………………………………………………………………………………………………
……………………………………………………………………………………………………

28. If yes, which are these strategies? (State one)

……………………………………………………………………………………………………
29. Can these strategies help reduce SGBV in Winam Division?

Yes  No

30. If no, why?

………………………………………………………………………………………………

………………………………………………………………………………………………

………………………………………………………………………………………………

………………………………………………………………………………………………

THANK YOU FOR PARTICIPATING IN THIS STUDY AND GOD BLESS YOU
APPENDIX III: INTERVIEW GUIDE FOR POLICE OFFICERS

This instrument is meant to collect data from the respondents on the implementation of Sexual Gender-Based Violence policies in Winam Division, Kisumu County, Kenya. Kindly fill in the required answers as provided by the interviewee where choices are not provided write exactly what has been said.

SECTION A: DEMOGRAPHIC INFORMATION

1. What is your age? .................................................................
   a. Below 18 years
   b. Between 19-20 years
   c. 21-25 years
   d. 26-30 years
   e. 31-35 years
   f. 36-40 years
   g. Above 41 years
2. What is your gender?
   a. Male
   b. Female
3. What is your level of education?
   a. No education
   b. Primary school education
   c. Secondary school education
   d. Post secondary school education
4. How long have you worked in Winam Division?
   a. Below one year
   b. 2-4 years
   c. 4-6 years
   d. Above six years
SECTION B: PREVALENCE OF SEXUAL GENDER- BASED VIOLENCE IN
WINAM DIVISION

5. Is SGBV prevalent in Winam Division?
   a. Yes
   b. No

6. If yes, which is the main form of Sexual Violence in Winam Division?
   a. Incest
   b. Rape
   c. Sodomy
   d. Forced first sexual intercourse
   e. Forced sex in marriage
   f. It none of the above, please state one ..............................

7. If yes, how prevalent is SGBV in the Division?
   a. Very prevalent
   b. Prevalent
   c. Not prevalent at all

8. Under what condition do the above mentioned SGBV occur in Winam Division?
   a. Being alone with the perpetrator
   b. Walking at night
   c. Lack of security
   d. Arguing with the perpetrators
      e. Any other please state..............................................................

9. Which gender experiences SGBV the most in Winam Division?
   a. Male
   b. Female
   c. Both male and female
10. What is the reason for your answer above? (Please state one main reason)

..................................................................................................................................................
..................................................................................................................................................

SECTION C: IMPLEMENTATION OF SGBV POLICY IN WINAM DIVISION

11. Are you aware that SGBV is a crime?
   a. Yes
   b. No

12. If yes, are you aware of any law or policy protecting individuals against SGBV?
    a. Yes
    b. No

13. If yes, which is this policy?
    ........................................................................................................................................
    ........................................................................................................................................

14. If a woman is sexually assaulted, where does she seek justice?
    ........................................................................................................................................
    ........................................................................................................................................

15. When a man is sexually assaulted, where does he seek justice?
    ........................................................................................................................................
    ........................................................................................................................................

16. Which authority or body is responsible for the implementation of SGBV policies in Winam Division?
    ........................................................................................................................................
    ........................................................................................................................................

17. How effective is the above body or authority in implementing SGBV policies in Winam Division?
a. Very effective  
b. Effective  
c. Not effective at all  
d. Not applicable

18. Which gender in Winam Division normally reports most of these cases?  
a. Men  
b. Women  
c. Both men and women

19. How many cases are normally reported at the gender desks at the police station?  
In  
a. A day by men …………………………..by women ………………………………..  
b. A week by men …………………………..by women ………………………………..  
c. A month by men …………………………..by women ………………………………..  
d. A year by men …………………………..by women ………………………………..

20. Which is the most reported case of SGBV at the gender desk in this Division?  
a. Rape  
b. Incest  
c. Sodomy  
d. Coercion into sex  
e. Forced Sexual Initiation  
f. Forced sex in marriage  
g. Any other pleas state ……………………………………………………………………………………………

21. How many of the reported cases are normally attended to?  
a. All of them  
b. A quarter of the cases  
c. Half of the cases  
d. Three quarter of the cases  
e. None of the cases
22. How can you rate the police response to cases of SGBV in this Division?
   a. Very satisfactory
   b. Satisfactory
   c. Not satisfactory at all
   d. If not satisfactory at all, what is the obstacle to police response to SGBV in Winam Division? 
      ……………………………………………………………………………………………

SECTION D: STRATEGIES FOR IMPROVING THE IMPLEMENTATION OF SGBV POLICIES AND REDUCE THE PREVALENCE OF SGBV IN WINAM DIVISION

23. Is there a strategy being used by the police in Winam Division to prevent SGBV perpetrated by men.................................................................
24. Is there a strategy being used by the Judiciary in Winam Division to prevent SGBV perpetrated by women.................................................................
25. Which is the strategy for addressing male perpetrated SGBV? …………………
      ……………………………………………………………………………………………
26. Which is the strategy for addressing female perpetrated SGBV? …………………
      ……………………………………………………………………………………………
27. Are the above strategies helpful in reducing SGBV in Winam Division? ………
      ……………………………………………………………………………………………
28. If not, kindly suggest strategies that could be used to improve the police effort in addressing SGBV in Winam Division? ………………………………
      ……………………………………………………………………………………………

THANK YOU FOR PARTICIPATING IN THIS STUDY AND GOD BLESS YOU
APPENDIX IV: INTERVIEW SCHEDULE FOR JUDICIARY STAFF

This instrument is meant to collect data from the respondents on the implementation of Sexual Gender- Based Violence policies in Winam Division, Kisumu County, Kenya. Kindly fill in the required answers as provided by the interviewee where choices are not provided write exactly what has been said.

SECTION A: DEMOGRAPHIC INFORMATION

1. What is your age?
2. What is your educational qualification?
3. How long have you worked in Winam Division?

SECTION B: PREVALENCE OF SEXUAL GENDER BASED VIOLENCE IN KISUMU COUNTY

4. Is SGBV prevalent in Winam Division?
5. Name the main SGBV among women in Winam Division? …………………

6. Name the main SGBV among men in Winam Division? …………………

7. How prevalent are the mentioned SGBV in Winam?
8. Under what conditions are SGBV committed in Winam Division? …………………

9. Which gender experiences SGBV the most in Winam Division? …………………

10. What is the reason for your answer in question 8 above? (Please state one)

……………………………………………………………………………………………………
11. Which gender commits Sexual Gender-Based Violence in Winam Division?

SECION C: IMPLEMENTATION OF SEXUAL GENDER-BASED VIOLENCE IN WINAM DIVISION

12. Is SGBV a crime…………………………………………………………………………………..

13. If yes, are there any law or policy protecting individuals against SGBV………..

14. If yes, which are these policies? ………………………………………………………………..

15. Are there cases of SGBV being reported at the Judiciary in Winam Division?

16. How many of these cases are normally reported by men? ……………………………

17. How many of the SGBV cases reported at the Judiciary are reported by women?

18. If yes, which role does the Judiciary play in the implementation of SGBV policies
    in Winam Division? …………………………………………………………………………………. 
19. How many of the male reported SGBV are normally prosecuted? ……………
…………………………………………………………………………………………

20. What is the main punishment that the male perpetrators normally given? ……
…………………………………………………………………………………………

21. How many of the female reported cases of SGBV are normally prosecuted? ……
…………………………………………………………………………………………

22. What is the main punishment that the female perpetrators of SGBV normally
given……………………………………………………………………………………
…………………………………………………………………………………………

23. Are there instances where perpetrators of SGBV were freed? …………………
24. If yes, why were they released? ………………………………………………………
25. In your opinion, how effective can you say the Judiciary is in addressing SGBV
policies in Winam Division…………………………………………………………
26. How many cases of SGBV are brought before the Judiciary?
27. Which gender in Winam Division normally reports most of these cases?
28. Which is the most reported case of SGBV in this Division?
29. How many of the reported cases are normally attended to? …………………
…………………………………………………………………………………………

30. How can you rate the response to cases of SGBV in this Division by the Judiciary?
31. If not satisfactory at all, what are the obstacles to implementation of SGBV policies
in Winam Division by the Judiciary? …………………………………………
…………………………………………………………………………………………
SECTION D: STRATEGIES FOR IMPROVING THE IMPLEMENTATION OF SGBV POLICIES AND REDUCE THE PREVALENCE OF SGBVINWINAM DIVISION

32. Is there a strategy being used by the Judiciary in Winam Division to prevent SGBV perpetrated by men…………………………………………………………………………………..

33. Is there a strategy being used by the Judiciary in Winam Division to prevent SGBV perpetrated by women…………………………………………………………………………………..

34. If yes, which is the strategy for addressing male perpetrated SGBV? ……………

……………………………………………………………………………………
……………………………………………………………………………………

35. Are the above strategies helpful in reducing SGBV in Winam Division? ………

……………………………………………………………………………………
……………………………………………………………………………………

36. If no, kindly suggest strategies that could be used to improve the implementation of SGBV in Winam Division by the Judiciary? ………………………………………

……………………………………………………………………………………
Appendix V: Research Authorization

KENYATTA UNIVERSITY
GRADUATE SCHOOL

E-mail: dean-graduate@ku.ac.ke
Website: www.ku.ac.ke
OUR REF: C50/CE/22707/10

The Permanent Secretary,
Ministry of Higher Education, Science & Technology,
P.O. Box 30040,
NAIROBI

Date: 7th April, 2014

Dear Sir/Madam,

RE: RESEARCH AUTHORIZATION FOR MS. PAMELA A. CHARILLUS REG. NO. C50/CE/22707/10

I write to introduce Ms. Charillus who is a Postgraduate Student of this University. She is registered for M.A. Degree programme in the Department of Gender & Development Studies in the School of Education.

Ms. Charillus intends to conduct research for a proposal entitled, “An Evaluation of the Implementation of Sexual Gender Based Violence Policy in Winam Division Kisumu County Kenya.”

Any assistance given will be highly appreciated.

Yours faithfully,

MRS. LUOCE. MIDAABU
FOR: DEAN, GRADUATE SCHOOL
RM/cao

Committed to Creativity, Excellence & Self-Reliance
Appendix VI: Letter from Kenyatta University

KENYATTA UNIVERSITY
DEPARTMENT OF GENDER & DEVELOPMENT STUDIES
E-mail: chairperson-gender@ku.ac.ke
Website: www.ku.ac.ke

P. O. BOX 43844 – 00100
NAIROBI, KENYA
Tel: 8710901 ext. 3501

7th April 2014

KUGENDSAI/42/VOL I

TO WHOM IT MAY CONCERN

REF: PAMELLA A CLARILLUS – C50/CE/22707/2010

The above is a registered Masters student in the Department of Gender & Development Studies, School of Humanities and Social Sciences at Kenyatta University.

She has completed her research proposal and is now in the process of collecting data.

Please accord her the necessary assistance.

Thank you.

Dr. Mildred K. Ladiaga
Chairperson, Department of Gender & Development Studies

Kenyatta University ISO9001: 2008 Certified
Appendix VII: Approval of Research Proposal

KENYATTA UNIVERSITY
GRADUATE SCHOOL

E-mail: dean-graduate@ku.ac.ke
Website: www.ku.ac.ke

P.O. Box 43844, 00100
NAIROBI, KENYA
Tel. 810901 Ext. 57530

FROM: Dean, Graduate School
DATE: 7th April, 2014

TO: Ms. Pamela A. Charillius
C/o Gender & Development Studies Dept.
Kenyatta University

REF: C50/CE/22707/10

SUBJECT: APPROVAL OF RESEARCH PROPOSAL

This is to inform you that Graduate School Board at its meeting of 12th February, 2014 approved your Research Proposal for the M.A. Degree, Entitled “An Evaluation of the Implementation of Sexual Gender Based Violence Policy in Winam Division Kisumu County Kenya.”

Thank you.

REBECCA MURIUKI
FOR: DEAN, GRADUATE SCHOOL

c.c. Chairman, Gender & Development Studies Dept.

Supervisors:

1. Dr. Grace Okongo
C/o Gender & Development Studies Dept.
KENYATTA UNIVERSITY

2. Prof. Leah Wanjama
Institute of Executive Education & Consultancy
C/o Gender & Development Studies Dept.
KENYATTA UNIVERSITY

RB/cao

Committed to Creativity, Excellence & Self-Reliance
Appendix VIII: Research Authorization

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471, 2241349, 310571, 2219420
Fax: +254-20-318245, 318249
Email: secretary@nacosti.go.ke
Website: www.nacosti.go.ke
When replying please quote

Ref: No.

NACOSTI/P/15/1509/2614

Pamella Anyango Charillus
Kenyatta University
P.O. Box 43844-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on “An evaluation of the implementation of Sexual Gender Based Violence Policy in Winam Division Kisumu County Kenya,” I am pleased to inform you that you have been authorized to undertake research in Kisumu County for a period ending 31st December, 2015.

You are advised to report to the County Commissioner and the County Director of Education, Kisumu County before embarking on the research project.

On completion of the research, you are expected to submit two hard copies and one soft copy in pdf of the research report/thesis to our office.

DR. S. K. LANGAT, OGW
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioner
Kisumu County.

The County Director of Education
Kisumu County.

10th July, 2015
Appendix IX: Research Permit

THIS IS TO CERTIFY THAT:
MS. FAMELLA ANYANGO CHARILLUS
of KENYATTA UNIVERSITY, 19052-40100
KISUMU, has been permitted to conduct
research in Kisumu County

on the topic: AN EVALUATION OF THE
IMPLEMENTATION OF SEXUAL GENDER
BASED VIOLENCE POLICY IN WINAM
DIVISION KISUMU COUNTY KENYA

for the period ending:
31st December, 2015

Applicant’s
Signature

Permit No: NACOSTI/P/15/1509/2614
Date of Issue: 10th July, 2015
Fee Received: Ksh 1,000

Director General
National Commission for Science,
Technology & Innovation

CONDITONS

1. You must report to the County Commissioner and
the County Education Officer of the area before
embarking on your research. Failure to do that
may lead to the cancellation of your permit
2. Government Officers will not be interviewed
without prior appointment.
3. No questionnaire will be used unless it has been
approved.
4. Excavation, filming and collection of biological
specimens are subject to further permission from
the relevant Government Ministries.
5. You are required to submit at least two(2) hard
copies and one(1) soft copy of your final report.
6. The Government of Kenya reserves the right to
modify the conditions of this permit including
its cancellation without notice.

REPUBLIC OF KENYA

NACOSTI
National Commission for Science,
Technology and Innovation

RESEARCH CLEARANCE
PERMIT

Serial No. A 8750

CONDITIONS: see back page