

KENYATTA UNIVERSITY
SCHOOL OF SECURITY, DIPLOMACY AND PEACE STUDIES
DEPARTMENT OF SECURITY AND CORRECTION SCIENCE

NEXUS BETWEEN INDIGENOUS CULTURES AND SEXUAL VIOLENCE
REPORTING IN TRANS NZOIA COUNTY, KENYA

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**A RESEARCH PROJECT SUBMITTED TO THE SCHOOL OF SECURITY,
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UNIVERSITY**

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DECLARATION

I declare that this research masters project is my original work and has not been presented for examination or award of a degree in any other University.

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This is to confirm that this masters project was carried out by the candidate under my supervision, as the duly appointed University supervisor.

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Signature **Date**

DEDICATION

This Masters project is dedicated to my beautiful and dearest wife, Judy and children, Brian, Kevin, Reagan and Dwayne, for their support and prayers; my parents, Mr and Mrs Joel Bii who sacrificed a lot for my education and also taught me much about life and its trials; and lastly, to my brothers and sisters, and the clan of Kabarangwek, for their continued support and encouragements. May God bless them all.

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ABSTRACT

This study examines the nexus between indigenous cultures and sexual violence reporting in Trans Nzoia County. The study analysed how indigenous cultural beliefs and traditional practices contribute to the commission of sexual violence and how the same hinders victims from reporting to police for appropriate measures. The general objective of the study was to examining the nexus between culture and sexual violence against women and girls, and how it affects the efforts of the police in in arresting and prosecuting culprits. The study is also informed by specific objectives which are: to establish the cultural beliefs that motivates offenders to indulge in sexual violence against women and girls in Trans Nzoia County, to establish how indigenous cultures obstruct the arrest of offenders in sexual violence against women and girls in Trans Nzoia County, to assess whether indigenous cultures could prevent women and girls from reporting sexual violence against them in Trans Nzoia County, to examine how indigenous cultures hinder police investigations on sexual violence against women and girls in Trans Nzoia County, and lastly to identify strategies that could be employed to mitigate sexual violence under-reporting by women and girls in Trans Nzoia County. This study is beneficial to the government, law enforcement, the community, and partner agencies who seek to make structural and institutional decisions based on the complexity of sexual violence and its effects on the society. The study used socio-cognitive theory and socio-cultural theories as analytical tools as they were appropriate in analyzing the problem under study. This study adopted a cross-sectional survey approach in design. The nature of the study called for both qualitative and quantitative data analysis approach. Primary and secondary data was collected and analysed. In-depth interviews were used to collect data from specific respondents and focus group discussions. The SPSS was used for data analysis to establish a statistical inference for the coded data that was also edited for completeness and accuracy. The study established that the problem of sexual violence against women and girls in Trans Nzoia County is reinforced by indigenous cultural practices. The study found out that some of the cultural practices predominantly in the region include female genital mutilation and eloping of girls for marriage.

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ABBREVIATIONS AND ACRONYMS

COVAW: Coalition on Violence Against Women

DRC: Democratic Republic of Congo

GBV: Gender Based Violence

GVRC: Gender Violence Recovery Centre

FGD: Focus Group Discussion

FIDA: Federation International De Abogadas

NACOSTI: National Council of Science and Technology and Innovation

NCRC: National Crime Research Centre

NGO: Non-Governmental Organization

NPS: National Police Service

PERF: Police Executive Research Forum

SGBV: Sexual and Gender Based Violence

SPSS: Statistical Package for Social Sciences

USAID: United States Agency for International Development

WHO: World Health Organization

OPERATIONAL DEFINITION OF TERMS

Sexual violence: any forced assault on women and girls based on their biological make up as women. It comprises rape, eloping, beatings from men, verbal abuse among others

Indigenous culture: this is used in the study to refer to tradition way of life of a people. It comprises aspects such as initiations, socialization of girls, boys, women, men and married people.

Eloping: Refers to abduction of a girl or woman by a man with the intention marriage or sexual gratification.

Female circumcision: Refers to female genital excision where some parts in the woman's genital makeup is removed.

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CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Sexual violence has been and still is one of the major global issues affecting the welfare of women and girls in most developing countries. The fight and search for everlasting solutions to this vice has been largely hampered especially in most regions of Africa since it is embedded within the cultural practices and beliefs of most communities. According to World Health Organization (2002) sexual violence is:

Any sexual act or an attempt to obtain a sexual act, unwanted sexual comments, or advances, acts to traffic or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim in any setting, including but not limited to home and work.

The definition above captures the complex nature of what constitutes sexual violence. This is informed by the fact that some sexual violence acts may pass as normal and not as violence to a majority of people. Therefore basing our knowledge on the definition above, one is able to tell that sexual violence occurs in most cultures with varying degree of what kind of sexual violence that one has engaged in.

Sexual violence against women and girls manifest itself in various forms depending on the situations and contexts. The WHO's World Report on Violence and Health (2002) outlines different situations in which sexual violence occurs

such as Systematic rape during armed conflict; rape within marriage or dating relationships, unwanted sexual advances or sexual harassment, including demanding sex in return for favors; sexual abuse of mentally or physically disabled people; sexual abuse of children; or cohabitation, including the marriage of children; violent acts against the sexual integrity of women, including female genital mutilation and obligatory inspection for virginity.

The National Crime Research Centre (Kenya), in their report, points out that sexual violence against women and young girls is amongst the highest criminal activity targeting a particular section of the population (NCRC, 2015). However, what is of interest to the study is the fact that majority of those subjected to sexual violence suffer because of cultural influence yet the exact figures of victims locally and globally remain vague. This has hampered efforts by the police to take action against the perpetrators. In addition, most communities forbid people from talking about sexual violence where some of the cases are addressed through local mechanisms which in most cases do not provide justice to the victim.

In this regard, the silencing of sexually violated victims in the pretext of retrogressive cultural practices and beliefs makes it difficult for law enforcement personnel to obtain reliable information for appropriate action. This difficulty in accessing information arises from the fact that most people do not talk about sexual violence when it occurs perhaps due to the fear of betraying the beliefs of one's community. In addition, apart from the fear of betraying one's culture,

sexual violence is a widely underreported phenomenon as it borders on taboo subject.

There exists a number of reasons for non-reporting such as shame and embarrassment, stigma and fear of the perpetrator of the crime, fear of the legal process, or disbelief that the police would be able to do anything to help the victims (Australian Bureau of Statistics, 2006). The failure by those concerned to report such violations even by victims in indigenous cultures is a problem to police who are expected to investigate and record statements from witnesses for the purpose of prosecution. If the police do not get information from the victims who are the first witnesses, it becomes difficult to proceed with the case, even if it is reported by other relatives of the victim. Police data, for instance, are often incomplete and limited as a result of this.

In Brazil, for instance, rape is ‘alarmingly under-reported’ and this points to the fact that there is no accurate rape data to compare rates among the country's twenty-seven states (Ortiz, 2013). Ortiz and Fabiola further observe that the records held by Rio’s civil police indicate that in the first quarter of 2013; 1,822 rapes were committed, while only 70 individuals were arrested for these crimes. Interestingly, there was no explanation given for the low number of arrests made. This scenario in Brazil poses a challenge to policing because of the failure to arrest the culprits.

It is important to point out that reasons for under-reporting of these crimes have not been clearly examined in Ortiz and Fabiola’s research. The failure to report

sexual violations means that the police would not be able to investigate the offences conclusively and definitely not be able to arrest the offenders. Such a scenario is informed by the fact that the police rely on the information from victims to initiate any investigation so as to make the arrests. In this way, any efforts to curb sexual violence offences is limited. This is likely to give chance to repeat the offence by suspects who hide under the cover of the community and cultural practices simply because they have not been apprehended.

In Australia, nearly 70% of sexual violence happens amongst the Aboriginal communities, as compared to the other population as a whole (Memmott, Stacy, Chambers, & Keys, 2001). The indigenous understanding of sexual violence and child abuse and neglect in Australia is viewed within a broader framework of family violence which encompasses the community. This indicates that there is no clear delineation between private and public spheres in many Aboriginal communities. This can as well be the case in most African cultures and therefore sexual violations in these communities are seen as a normal way of life that requires no intervention from any quarter, even police authorities.

Most researches conducted on sexual violence in the Democratic Republic of the Congo (DRC) has focused on violence and rape of women as a result of armed conflicts, mostly occurring in the eastern region of the country (Kilonzo et al, 2009). Despite the prevalence of rape cases in eastern region of DRC, other studies have shown that sexual violence is common in all parts of the country and that it is not always related to the conflict that has come to mark the life of people in the DRC (Peterman et al, 2011).

The persistence and increase of rape cases in most cultures can also be attributed to the superstitious beliefs about rape. For instance, in some communities, there exist myths such as having sex with prepubescent girls give people strength in battle or business dealings (Autesserre, 2012). This is a clear indication of the existence of cultural beliefs which informs such actions since the same is not supported by any empirical findings.

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 gender based violence (GBV) cases reported. The report also established that one in five Kenyan women (21%) has experienced sexual violence.

The above studies have demonstrated the possibility of culture in shaping the communities perspective and worldview on sexual violence perpetrated against women and girls in Africa in general and Kenya and particularly in Trans Nzoia where indigenous practices have taken root. The strong bondage and need of upholding cultural practices and beliefs that sexually abuse a particular gender has presented difficulties to the police in terms of getting information on these violations to enable them pursue the cases. Criminal justice system is fronted by the police who are often called upon to intervene where acts of sexual violence have occurred, or is occurring.

The attitude of the police and their responses to all victims of sexual violence has an impact on ensuring the development of protection of victims and prevention of

future violent sexual acts. The police have long been criticized for not effectively protecting women from sexual violence and are said to take an apathetic attitude towards the problem. However, according to a UN Handbook, designed to assist police officers (2010), police can now be part of a larger system involving the coordination, cooperation, and effective collaboration with communities, courts, prisons, NGOs, and the civil society to ensure that women are protected against sexual violence. The concerted efforts can help in the elimination of the vice within the society and for women to open up and fully participate in discarding negative cultural beliefs and practices that encourage sexual violations.

Police Executive Research Forum (PERF, 2010) indicate that the police response to sexual assault has equally been an issue in law enforcement. For the police to curb sexual assault, they need to work with crime prevention groups, victim's advocates, the courts, and other interested parties to ensure that victims are treated with compassion, and that the police processes are transparent. Further, according to the report, the partnerships, between the police and communities where the victims hail from will strengthen each part of the process such as from reporting of every case, performing thorough investigations and assisting victims to reduce trauma.

The Constitution of Kenya (2010), article 4, spells out the rights of each person, including victims of sexual violence who must be protected. In this regard, it is the duty of the police to ensure these rights are respected, yet without collaboration from the victims and the community, in terms of information

sharing, it becomes difficult to execute the mandate. Sexual violence is a prevalent problem in Africa and beyond.

It has become crucial that sexual violence be reported to authorities and documented by putting in place effective preventive and intervention measures. In the case of Kenya, the vulnerability of the survivors make it challenging to report the crime, more so, if they feel discouraged by the way they are ignored, humiliated, and cross-examined yet no action is taken.

The above background shows that cultural practices which normalize sexual violence have also brought a barrier between what the police are expected to do in the circumstances. Most of the research findings discussed above are limited to the correlation between these cultures and sexual violations in Africa, the globe and even in Kenya. However, such studies have not demonstrated the effects these cultural practices have on police work during the investigations of sexual violence cases. It is therefore against this background that the present study is carried out to establish the nexus between indigenous cultures and sexual violence reporting

1.2 Statement of the Problem

This study examines the nexus between indigenous cultures and sexual violence reporting in Trans Nzoia County. In order to do this, the study examines the relationship between indigenous cultures, commission of sexual violence and how the same impacts on the reporting of the same cases to police for appropriate recourse. Available researches on sexual violence against women and girls such as Stanley, *et al* (2002) established that sexual violence stems from a number of

factors, one of which is culture in patriarchal communities which renders victims helpless and submissive.

Although studies have shown that indigenous cultures and practices contribute to the widespread violations of women and girls, there is scanty research conducted to establish how under-reporting of sexual violence cases to police authorities pose challenges in terms of pursuing and bringing to book all those who commit sexual violence. This lack of information and reporting to the police for proper investigations limit the police in arresting the offenders.

The silence and denial by victims of such violations is a major barrier to overcoming the problem, and may explain why some perpetrators are able to sexually abuse multiple victims without intervention from the authorities. It is therefore significant to carry out this study to examine the correlation between sexual violence and indigenous cultures and how the same directly affect reporting of sexual offences to law enforcement authorities for appropriate action.

1.3 Purpose of the Study

This study examines the relationship between the influence of indigenous cultural practices and beliefs on reporting of sexual violence of women and girls in Trans Nzoia. The study further examines how the above relationship poses a challenge to the police efforts to discharge duties to the victims and communities affected effectively and efficiently.

1.3.1 Specific Objectives of the study

The general objective of this study was to examine the nexus between culture and sexual violence against women and girls, and how it affects reporting to police in Trans Nzoia County. Through the specific objectives, the study sought to:

- i. Establish the cultural beliefs that motivates offenders to indulge in sexual violence against women and girls in Trans Nzoia County.
- ii. Examine ways through which indigenous cultures obstruct the arrest of offenders in sexual violence against women and girls in Trans Nzoia County.
- iii. Assess ways indigenous cultures could prevent women and girls from reporting sexual violence against them in Trans Nzoia County.
- iv. Examine aspects of indigenous cultures that hinder police investigations of sexual violence against women and girls in Trans Nzoia County.
- v. Identify strategies that could be employed to mitigate sexual violence under-reporting by women and girls in Trans Nzoia County.

1.4 Research Questions

- i. What cultural aspects could be motivating offenders to commit sexual violence against women and girls in Trans Nzoia County?
- ii. How do indigenous cultural practices interfere with the arrest of offenders in sexual violence against women and girls in Trans Nzoia County?
- iii. In what ways do indigenous cultures discourage women and girls from reporting sexual violence against them in Trans Nzoia County?
- iv. How does indigenous cultures hinder police investigation in sexual violence against women and girls in Trans Nzoia County?

- v. What strategies could be employed to encourage women to report sexual violence in Trans Nzoia County?

1.5 Justification and Significance of the Study

This study is worth undertaking as it contributes to the available scholarship on sexual violence as a global problem. In most societies in Africa and Kenya in particular, women have been silent victims of sexual violence most especially since it borders on a topic that is considered taboo thus should not be discussed in public domain. Based on this, it is therefore justifiable to carry out this research to find the best solutions to demystify this ever increasing problem.

This study is necessary at this point in time as it will be beneficial to a number of stakeholders dealing with cases of sexual violence against women. This is especially informed by the proliferation of sexual violations against women and girls not only in Trans Nzoia County but across the country as a whole. To begin with, the study provides information to the National crime Research Centre (NCRC) on how to mitigate the impact of indigenous cultures in dealing with sexual violence against women and on the overall duty of crime management.

The findings of this study adds to the current body of knowledge on the effects of indigenous cultures on sexual and gender based violence, especially against women and girls. In addition, it demonstrates how culture impacts the work of the police in their effort to combat crime.

More so, the study has significant as its practical application contributes to policy and practice in the management of SGBV. The findings of the research is

beneficial as its informative to both the law enforcement agencies (National Police Service) and the judicial system on the nature of indigenous culture and how the same relates to sexual violence. This is significant as it will inform both the police and judiciary on how to better manage incidences of sexual violence in terms of informing prevention, control, and mitigation measures.

1.6 Scope and Limitations of the Study

The study has looked at the types of sexual violence, the demographic characteristics of the offenders and victims such as age, gender, education level, financial status, and the management of these crimes by the police. The study was conducted in Trans Nzoia County with a population that comprises communities such as the Bukusu, Sabaot and Kalenjin.

The study was limited due to the fact that not all sexual based crimes committed would be detected and reported for investigation. As such, aware of this limitation, the research assistants from the local communities under investigation reassured the informants that the information given would be held in confidence and that the same will not be disclosed to unauthorized persons. Another limitation to the study was that some respondents overstayed with the questionnaires. This forced the researcher to make follow-ups in order to complete the study on time.

1.7 Assumptions of the Study

When carrying out the study the researcher assumed the following:

- i. Some aspects of indigenous cultures motivate offenders to commit sexual violence against women and girls in Trans Nzoia County;
- ii. Indigenous cultures prevent women and girls from reporting sexual violence against them in Trans Nzoia County;
- iii. Indigenous cultures hinder arrest of offenders in sexual violence cases against women and girls in Trans Nzoia County; and
- iv. Indigenous cultures obstruct police investigations in sexual violence cases against women and girls in Trans Nzoia County.

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

This chapter contains literature review relating to the problem under study. The literature review focuses on indigenous culture and sexual violence and how the same is likely to affect police efforts to combat the crime. The chapter begins by examining the theoretical framework that informs the analysis and discussion in the study followed by a review of related literature to the study. The chapter ends with a summary of the literature review and a conceptual framework guiding the study.

2.1 Theoretical Framework

This study employed socio-cognitive theory and socio-cultural theory in the analysis of the problem under study. I found the two theories suitable in discussing the ever increasing acts of sexual violence against women and girls in Trans Nzoia County. The use of the two theories in examining the nexus between indigenous cultural beliefs and traditional practices focused on how the indigenous beliefs affect reporting of sexual crimes to the police for appropriate resolution of the same. The two theories try to explain the behaviour of individuals based on the underlying knowledge of their culture such as socialization, attitudes, power and authority among others. In this regard, the current study has applied the socio-cultural theory and socio-cognitive theory as its analytical tools in a complimentary way in an attempt to explain the impacts of indigenous cultural beliefs and practices on sexual violence and police response or lack of it.

Based on the above, it was important to make use of a combination of theories to provide an explanation of the correlation between indigenous cultures and sexual violence in Trans Nzoia County. Stanley, Goddard and Sanders (2002) opine that other than the description of the practices, there is lack of consistency regarding the theoretical framework for understanding the correlation between indigenous cultures and police inaction when it comes to sexual violence. In this regard, any attempts to conduct research on sexual violence requires a multi-disciplinary approach that is divergent. The next section examines how each theory is applied in the study.

2.1.1 Socio-cognitive Theory

The study employs socio-cognitive theory as it is suitable in understanding of sexual violence offences. This is because socio-cognitive approach explores how individuals think about and process social information (Russil, 2013) within their environment. In order to understand sexual violence, this theory examines the attitudes, beliefs and values that an offender holds and how the same are organized in memory and how subsequently they influence the information process in that particular individual (Gannon et al, 2008). This information is especially significant in the current study since the researcher examined how indigenous cultural beliefs inform individual's sexual behaviour and the general worldview of women in terms of their sexuality. Drieschner and Lange (1999) observe that the attitudes and beliefs that men hold play an important causal role in sexual offending.

These beliefs have, however, been termed as cognitive distortions because even if women dress in unrevealing ways, most men believe that it amounts to ‘asking to be raped’ (Russil, 2013). Such a worldview on women’s inappropriate dressing has led to the development of various scales to measure these attitudes and beliefs. Some examples of such scales are the rape myth acceptance scale, adversarial sexual beliefs scale, and acceptance of interpersonal violence scale (Burt, 1980).

Ward and Keenan (2002) points out that it is important to conceptualize the interconnected patterns of beliefs and attitudes that sex offenders hold as implicit theories. This is because such a conceptualization helps individuals to understand and predict aspects of their social environment. For instance, in some cultures, men believe that when a woman says ‘No’ to sexual advances, she in essence is playing ‘hard to get’ and that women are ‘always interested in sex’. This misconception is likely to lead to sexual violation of a kind (Russil, 2013).

Therefore, such violations occur as a result of the implicit knowledge held by the man. The consequence of implicit knowledge as pertains man and woman relationship is prone to foster impersonal relationship that is void of intimacy thus sexual violations.

In addition, Polaschek (2002) observes that viewing women as sex objects is considered as implicit theory that is likely to lead men to believe that women are constantly, sexually receptive even when forced to it, and that women can still enjoy sex as long as they are not physically injured. He further points out that it is

believed that male sex drive is uncontrollable. This implies that a man holding such beliefs may feel not in control of his sex drive and is more prone to rape women they desire sexually. In a study carried out by Polaschek and Gannon (2004) in New Zealand that had a sample of 37 convicted rapist, it was observed that implicit theory was common amongst the convicts and the most prevalent was that of 'entitlement' 68%. In this case, men felt entitled to their needs on demand, including sexual needs (Russil, 2013).

Based on the above discussion, the socio-cognitive theory was useful as an analytical tool in understanding the way individuals think about and process social information, attitudes, beliefs and values held in general. Of significance was an understanding of the implicit theories that offenders possess about women and girls. This approach to sexual violence would then help to integrate it with other perspectives to attempt and explain sexual violence against women and girls in indigenous cultures, using implicit theory variables as a framework.

2.1.2 Socio-cultural Theory

The study also employed the socio-cultural theory in the analysis of the problem under study. The socio-cultural theory attempts to describe sexual violence based on cultural beliefs. This theory asserts that sexual violence is socially constructed. This theory underscores socio-cultural explanations embedded in moral values, gender, power equations, and attitudes and how they contribute towards sexual violence. Sanday (2001) observes that there are two types of cultures in the society: rape-prone cultures and rape-free cultures.

The distinction between the two cultures, according to Sanday (2001), is moulded by socio-cultural values. The rape-prone cultures have high rates of rape. The women in rape-prone cultures are mostly excluded from power positions and their freedom restricted. On the other hand, rape-free cultures have a more balance gender equality with low rates of rape. Sanday (2001) further points out that there is widespread existence of rape-prone societies with minimal or absence of rape-free societies. The socio-cultural theory, therefore, tries to understand the occurrence of sexual violence as a socio-cultural expression of male power or patriarchy. In other words, patriarchal societies are prone to higher sexual violence cases than gender-equal societies.

Informed by the above discussion, the socio-cultural theory is suitable in the present study based on the knowledge that rape-prone culture is widespread across African societies and communities in Trans Nzoia in particular. Secondly, socio-cultural theory is best suited for the study as it interrogates sexual violence within the context of social expression of male dominance, power, and patriarchal structures that inform individual's behaviour. In doing this, the theory fits in explaining the sexual violence against women and girls evident in Trans Nzoia County.

2.2 Review of the Related Studies

This section reviews literature related to the problem under study. The review is structured in relation to the objectives of the study, with particular focus on how culture influences the behaviour of both the victim and the offender. The section

finally examines how culture affects police in discharging its duties such as arresting, investigating and prosecuting offenders.

2.2.1. Indigenous Cultures as a Motivation to commit Sexual Violence

There are numerous theories that have attempted to explain the motivational impetus of sex offence behaviors. In this case, focus is placed on a range of factors in the etiology and perpetuating factors of such behavior. Under etiology of sex offences, factors such as poor family environments characterized by abuse and neglect are considered to contribute to poor attachment and guidance of offenders.

Therefore, such a disposition creates opportunity for impersonal and aggressive attitudes towards intimacy and sexuality which later leads to the development of attitudes that predisposes non-consenting sexual acts (Ward & Siegert, 2002). Despite Ward and Siegert's assertion, evidence to back it up in literature is scanty. In this way, it becomes hard to understand what actually motivates serial sexual offenders to commit sexual crimes against their hapless victims.

The Groth typology is one of the models that has attempted to explain the motivational drive for rape and child molestation (Lin & Barclay, 2000). In the case of child molestation, for instance, the model explains that there are two types: regressed and fixated. The regressed type refers to those who may have had age-appropriate relationships previously but due to situational factors, their confidence was reduced, and hence they transferred their sexual gratification to those who are less threatening individuals such as children.

On the other hand, those fixated would engage in manipulative behavior such as grooming and develop inherent attraction to children throughout life so that any acts of sexual nature to them is just but a continuation of this grooming tendencies. This may partly explain the proliferation of defilement in the Kenyan society at present. This could be used to explain the increased number of sexual violence against women and children in Trans Nzoia County.

The other model is the integrated theory of sexual offending (Ward & Beech, 2006). This model combines biological, ecological and neuropsychological factors as key in predicting sexual offending. According to this model, biological factors are influenced by genetics and brain development, so that hormones like serotonin and dopamine impact negatively on the individual's behaviour leading him to commit sexual offences.

On neuropsychological factors, the theory asserts that due to poor role-modeling in the society, an individual is more prone to succumb to impulsivity and inability to adjustment in a changing environment. This in turn leads to a distorted perception and memory system which leads to problematic interpretation of social engagements in addition to cognitive distortion of facts. However based on the above researches and discussion, one is able to deduce that there is no association between sexually motivated behaviours and sexual violence. Though association between testosterone and aggression has been proven, its association with sexual violence has not been shown. Thus the quest as to what motivates sexual offending in indigenous cultures is still unknown. This is the research gap that the present study sought to fill.

2.2.2. Effects of Indigenous Cultures on Police Efforts to enforce law

In a study carried out by Ferrante and Fernandez (2002), it was established that less than 30% of sexual violence amongst indigenous cultures was reported to the police. The inability to report to the police was due to shame and fear of stigma. In addition, the victims and community at large believe that the police are likely to be too harsh to their kin when placed under police custody.

Greer (2002), in a study carried out in Aboriginal communities of Australia established that, reduced confidence on the part of the victims on the ability of the police to take appropriate action contributed to non-reporting of the cases to the relevant authorities for action. This could be the reason police do not arrest suspects for further interrogation and prosecution. This is because for police to carry out their mandate, they need some information from the victim to initiate any processes towards securing justice for the victim. This is in line with Sara (2017) argument that there must be a probable cause before a police can make arrest. According to Sara, police officers must be able to point out objective circumstance that led them to believe a suspect has committed any crime.

For the case of sexual violence, the literature above is not clear on how probable cause can be established. The victims of sexual violence do not report to the police, and even if they do, they are unable to give substantial evidence to show probable cause. Based on the foregoing, there is a knowledge gap on the significance of reporting to the police once any person has been violated. It is only by reporting that the police are able to show the probable cause and the arrest of the suspects of such crimes.

2.2.3. Influence of Indigenous Cultures on Reporting of Sexual Offenses

Culture plays a vital role on how particular societies and populations perceive, process, and view sexual violence and sexual acts. Kalra and Bhungra (2013) assert that individuals are shaped by the culture in which they are born and bred. Different cultures explain various forms of sexual violence by distinguishing those that are condemned and other forms that could be tolerated to a certain extent. In this regard, those that are culturally legitimized (Baron, & Strauss, 2001) by society.

This gives rise to a continuum with tolerated coercion at one end and transgressive coercion at the other end. Despite the clear distinction, both tolerated and transgressive coercion are against the law because nobody should be coerced to perform anything. For instance, in South Africa, sexual violence against black women under the apartheid rule was accepted as a way of life, while rape of a white woman was prosecuted (Heise et al, 1996). In addition, it was considered legitimate for young men to engage in sexual violence due to the belief that mental health is negatively affected by lack of sex (Armstrong, 2012). This could only mean that, in patriarchal societies, young men would only behave well when they engage in sex even if the same is accessed through violating women's rights. To this end, men's sexual urge is a motivator for the sexual violations of women and girls in the society.

The observation above is applicable to sexual violence experienced in the African society and Trans Nzoia in particular. Based on the above therefore, the researcher points out that the sexual violence witnessed in Trans Nzoia is catalyst

by the culture and traditional beliefs that encourages young men to engage in sexual violence. Despite an increase in occurrences and practice of sexual violence, the same is never reported to the police for appropriate action. This is partly informed by the victims' belief that such actions are part of their cultural norms and values.

2.2.4. Effects of Indigenous Cultures on Police Investigation on Sexual Violence.

The police service is an important institution in the fight against sexual violence. However, this can only happen if the community is free to share information regarding crime when they happen. This is informed by the fact that the objective of the police service is to protect the community, prevent crime, and identify and apprehend criminal elements within a community. Therefore, it is equally essential for partner organizations, communities and support agencies within the administration of justice to appreciate and understand that procedures adopted by the law enforcement are implemented in accordance with the expectations of the community, the society's welfare, and by the law of a country.

In a report by Wilder Research (2007) on crisis issues in sexual assault, the authors noted that police make crucial decisions determining whether a crime has been committed and how to classify it. For sexual violence, the police make determinations based on evidences that are observable such as the severity of the assault. The willingness of the victim to pursue prosecution is also a very important factor. Therefore when a victim is willing to report a sexual assault, it provides more weight for the police to gather evidence and proceed with a charge.

However, according to the Wilder (2007) report, cultural dynamics have played an important role in determining sexual violence cases.

Victims in certain cultural communities would be less willing to participate in any prosecution because of the negative community experiences they have had with the police. There is also a reluctance to involve non-community members or men in issues concerning such violations since men are most likely to influence the outcome of such cases which could exonerate them from the crime. Therefore, reluctance by victims and the community to pursue prosecution is an impediment to the law enforcement officers to deal with such cases and charge the alleged perpetrators accordingly.

The Wilder report also established that investigations into sexual violence are complicated by cultural issues and the willingness of the victims to prosecute their own cases. This is because most communities prefer to handle sexual violence cases through their own local systems and mechanisms rather than allowing law enforcers to prosecute on their behalf. In fact, some communities consider the law enforcement as minority men who cannot make judgment on behalf of an entire community.

The findings in Wilder's (2007) report are applicable to the understanding of sexual violence in Trans Nzoia. This is because the reluctance in reporting sexual violence cases is more or less the same. Based on the literature above, one can observe that the study covers the outcome of an assault but does not look at the factors contributing to the commission of such sexual assaults. This research

paucity is the preoccupation of this study as the researcher seeks to draw the nexus between cultural beliefs and an increase in sexual violence in Trans Nzoia County.

2.3 Summary of the Literature Review and Theoretical Framework

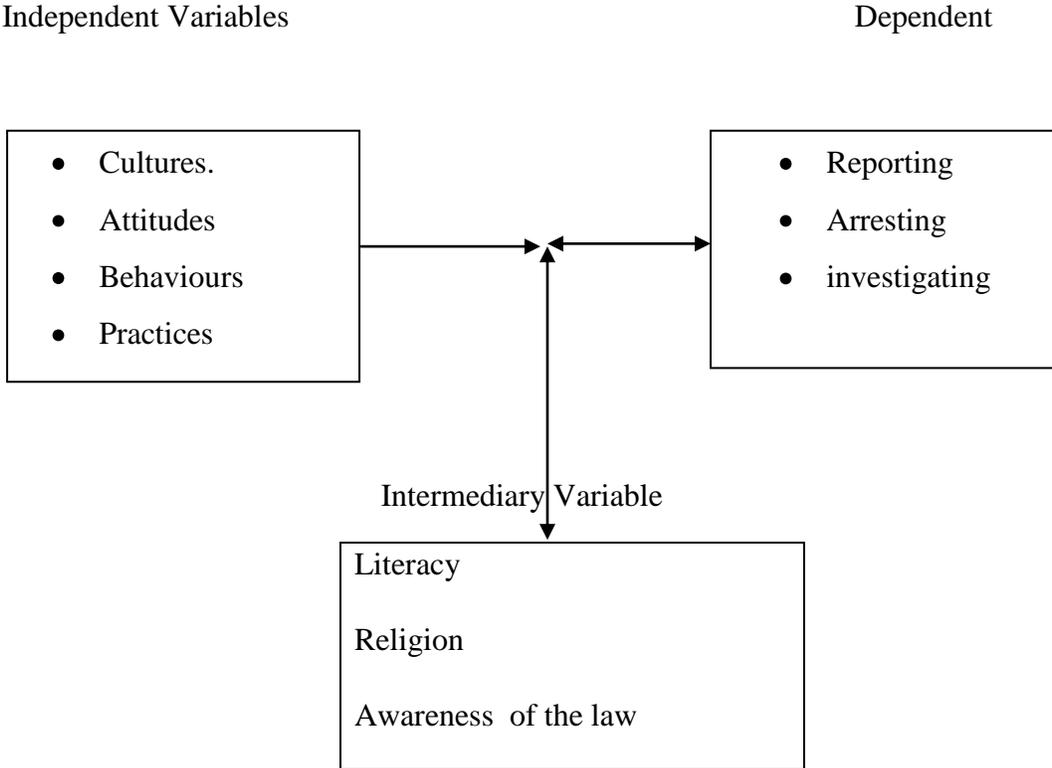
Sexual violence occurs in most cultures with varying definitions of what constitutes it (Rozee, 2000). It is possible that in cultures where man and his manly role are prized better, additional perceived or real power may encourage them to think of their “rights” or entitlement to sexual prowess (Daley et al, 2001). If a woman resists sexual intercourse, it may be perceived as a direct threat by men to their masculinity, triggering a crisis of male identity and contributing to sexual control and violence to demonstrate that they are men (Rozee, 1993). In addition, apart from rape, there are other cultural practices such as female genital mutilation (FGM) that constitute sexual violence against women since they are outlawed in Kenya. However, despite outlawing FGM, most communities in Trans Nzoia still practice it as a form of their cultural identity. What is interesting is that despite the flourishing of FGM, the same is never reported to the police.

The socio-cognitive theory, and the socio-cultural theory used in the study are deemed appropriate in examining the occurrence of sexual violence in Trans Nzoia. Through the theories, the researcher sought to show that men who are the offenders, think and process information in certain ways; and their behavior towards women is largely affected by their attitudes and beliefs or implicit knowledge, which in turn lead them to commit sexual violence against women.

The literature addressing challenges police face in combating sexual violence are scanty. However, most scholars have made an attempt to understand the association between cultural practices in various communities and sexual violence. This shows that there is need to prioritize research on the area of sexual violence based on culture, specifically to assess the motivational needs of indigenous people to understand them better and device appropriate programs that would change their attitudes and behaviors towards sex and sexual violence. This approach will also sensitize women to demystify the fear of shame and stigma, and for men to clear the fallacies created by their implicit knowledge of women’s sexuality that is objectified as a consumable.

2.4 Conceptual Framework

Figure 2.1



In the conceptual framework, the independent variables constitute the objective of the study: traditional practices and behaviours of the community; and attitude of victims to report. The intermediary variable in this study is the literacy level and knowledge of the law amongst the communities in Trans Nzoia County. And finally, the dependent variable is reporting of sexual violence, arrest of offenders by the police and investigations of the sexual violence cases in Trans Nzoia County.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the methodology used in this research. The chapter discusses the research design employed in the study, the study variables, the site of the study, the target population, the sampling techniques and sample size, research instruments, validity and reliability of the instruments, the pilot study, data collection procedures, data analysis, presentation, data management and ends by providing ethical consideration as pertains data collection for the study.

3.2 Research Design

The study used a cross-sectional survey approach. ‘A cross sectional research involves using different groups of people who differ in the variable of interest but share other characteristics, such as socio-economic status, educational background and ethnicity’ (Educational psychology). The cross-sectional survey was the preferred method because of its many advantages such as its appeal to generalisation within particular parameters, its ready acceptance of statistical data analysis methods and its economical, efficient and effective data collection strategies. Within the cross-sectional survey design, both quantitative and qualitative methods of data collection were used.

It is also instructive to point out that the study aimed at examining how the occurrence of various behaviours could be understood in relation to indigenous cultures and how the same lead to sexual offending. In this regard, the study adopted both quantitative mode of inquiry and qualitative research in an attempt

to explain the meaning of social phenomenon through interaction with respondents without disrupting the natural environment.

3.3 Study Variables

The study variables are categorized into three broad types. First the study has independent variables conceptualized as: behaviour of both victims and offenders in sexual violence cases, attitude of victims towards reporting, and cultural practices, comprising of beliefs, values and traditions that could hinder police investigations in Trans Nzoia County. The second was the intermediary variable consisting of literacy level, awareness of the law, religious beliefs, values, and traditions of communities in Trans Nzoia County, which could mitigate the effects of indigenous cultures in sexual violence.

Finally, the third category was the dependent variable, which consisted of the reporting of sexual violence by victims, arrest and investigation of these violations by the police in Trans Nzoia County, arising from the effects of indigenous cultures.

3.4 The Study Site

This study was carried out in Trans Nzoia County, Kenya, which is a cosmopolitan county hosting several diverse communities of Kenya, including the Bukusu, Sabaot, and the Kalenjin amongst others, living side by side and who reside both in the rural settlement and urban areas. As they are drawn from various communities, these people have diverse cultural beliefs and traditions.

Those who have settled in urban areas, mostly live in informal settlements due to poverty and lack of employment. The site was divided into 5 clusters according to the administrative divisions and further scaled down into urban centres where sexual offences have been recorded in most police reports.

3.5 Target Population

The target population were all the residents of Trans Nzoia County, comprising of all communities, partner agencies and the law enforcement personnel. The targeted population were categorized as follows: Law enforcement, local authority, partner agencies such as GK prisons Kitale, community households, community social workers, and the children's department.

The targeted law enforcement agencies comprised of a sampled group from the police, prisons and children's department who in the course of discharging their duties would normally interact with both victims and perpetrators and therefore possess useful information in relation to this study. The other group targeted was the community social workers, who give essential services on nutrition and education to the communities in Trans Nzoia and who, while employed by either the Non-governmental organizations such as UBUNTU, in their daily interaction with the communities, would be enriched with the cultural aspects of most of these communities, hence considered crucial to this study.

The community households were sampled from the five administrative areas that form Trans Nzoia County and interviewed on their cultures and how the same impact on Sexual violence and reporting within their communities, for the

purpose of this study, a household would comprise of a nuclear family-man/woman and children who are bound together by common traditions, norms and culture.

3.6 Sampling Techniques and Sample Size

This study utilized a multi-stage sampling techniques, non-probability sampling technique in general and purposive sampling in particular. Cluster sampling and stratified sampling techniques was used for the law enforcement respondents while snow-ball sampling was used to identify key informants on cultural issues. This is because the elderly people who can discuss the issues are few and also victims of sexual violence were reluctant to offer information due to the sensitivity of the topic. Therefore the use of this sampling technique sought to get insights into the problem and to acquire comprehensive information from people deemed to be rich with the required information.

The study sites, or clusters within the County were selected purposively. This was informed by the fact that the areas selected featured in most reports held by the police. In this way, the areas are prone to sexual offences. These sampling techniques were chosen due to the qualitative nature of data envisaged to be collected and specific social behaviours and trends that were the objectives of the study.

More specifically, purposive sampling technique enabled the researcher to identify people knowledgeable on the cultural aspects of the communities in Trans Nzoia. Further purposive sampling technique enabled the researcher to

identify stations and police officers who have directly dealt with cases of sexual violence.

Finally, using the purposive sampling technique the researcher identified cluster villages with the three targeted communities prone to sexual violence and conflict. These records were available at the local police. Kothari (2008) asserts that purposive sampling is ideal when the researcher intends to pick up subjects for the study that meets a defined criterion. This study was targeting to trace and interview respondents in selected clusters, including key informants, victims and even the perpetrators of sexual violence.

3.7 Research Instruments

The key informant interview guide, and the Focus group discussions' interview guide were the main instruments of data collection. These tools were used to interview respondents on their various views on the under-reporting of sexual violence in Trans Nzoia County, and the challenges faced by the police as a result. The key informant interview guide was prepared and administered by the researcher himself who contacted the targeted respondents in advance and made the necessary appointments before the actual interviews. This made it easy for the respondents to be prepared and relaxed before the actual interviews.

For the communities targeted, the researcher used focus group discussion with selected respondents, a total of four groups were formed. This sought to get a first-hand views on sexual violence, culture, and the criminal justice system in the County. Secondary data was collected from the journals, books and the Kitale

museum. This way, comprehensive data was collected to inform a representative view of the factors being studied.

The other instrument used is the questionnaire. This was administered to the law-enforcement officers and partner agencies. This provided the researcher with valuable insight into the experiences of this group of respondents.

3.8 Validity and Reliability

Instrument validity refers to the degree to which the results obtained from analysis of data actually represent the phenomenon under study (Mugenda & Mugenda, 2003). The researcher endeavoured to ensure content validity by covering the questions relevant to the study, and also construct validity to ensure accuracy of the questions and avoid ambiguity to the respondents.

3.8.1 Reliability

On reliability, the research employed test and re-test technique where the same questions were given to a group of similar respondents in a similar scenario as the actual sample during pilot study. The test was repeated after one week interval and the scores obtained correlated to get the coefficient of reliability. Siegle (2002) points out that for research purposes, a minimum reliability of 0.7 is necessary to show consistency in the score produced by the instrument.

3.9 Pilot Study

In order to test the instruments, a pilot study was carried out to test the research process and instruments in Narok County which is considered to have similar characteristics as the study location. The key interview guide was pre-tested by

administering them to a sample of 10 respondents which is about 10% of the sample population. The information gathered was used to amend the instrument and to enhance its reliability during the actual research.

3.10 Data Collection Procedures

The primary data was collected from the focus group discussion interviews as well as through the key informant interview guide which had been prepared by the researcher himself. To ensure efficiency during data collection, the researcher contacted the targeted respondents prior to the research dates. The researcher got in touch with the respondent using phone calls which made it much easier and clear by clarifying any misunderstanding. The researcher made appointments, and where necessary, sought authority before the actual research took place.

Abstraction from records was used to collect secondary data whose main sources are records kept by the Police, Children's department, journals, library books and newspaper commentaries among others. This was made possible by placing request notes and questionnaires to the respective heads of the institutions concerned, to be collected later, and they were very cooperative and provided the requested information. By using this method, attention was focused on the purpose of the data, how the data would be collected, how it would be summarized and presented, the accuracy of the data and the interpretation to be made. Abstraction method of data collection has advantages which include cheap collection of information, as the materials are readily available. It takes less time to get the required information and a large quantity of data is available on the subject.

3.11 Data Analysis and Presentation

The data which was collected was subjected to analysis consisting of collation, coding, editing and tabulation of data in order to check for completeness, consistency, and accuracy. The use of cross-tabulation to check responses within the context of other questions was also used, as well frequencies, percentages and means to summarise and organize the data in order to draw conclusions for the study.

Mack et al (2005) observes that the strength of qualitative research is its ability to provide complex textual descriptions of how people experience a given research issue. The study utilized qualitative data to provide explanations on the observed quantitative data. This entailed summarising notes taken during focus group discussions, coding it based on main themes developed leading to transcripts. The verbatim information were then organised on coded themes and cross-referenced with quantitative information. Those that best explained and added more information to qualitative data were selected for citation as voices.

The use of Microsoft excel and Statistical Package for Social Sciences (SPSS) was used to statistically establish the data into inferable information, for presentation in various forms including bar-graphs.

3.12 Data Management and Ethical Consideration

The necessary approvals were obtained before embarking on the field study including a letter from Kenyatta University and permission from National Council of Science, Technology and Innovation (NACOSTI).The researcher also obtained

permission from the institutions where the data collection and interviews were conducted. The researcher upheld the highest degree of professionalism and proper ethical conduct by ensuring the respondents' right to anonymity was preserved.

The respondents were informed of the purpose of the study in order to get their informed consent and acceptance to participate voluntarily in the research. The responses from the respondents was kept with utmost confidentiality and the information received only used for the purpose of the research.

CHAPTER FOUR: PRESENTATION AND ANALYSIS OF FINDINGS

4.1 Introduction

This chapter discusses in detail the findings emanating from the data collected from the field. In this chapter, the researcher analyzes the quantitative data collected using SPSS and Ms Excel from the socio-demographic characteristics of the respondents. The researcher also analyzes the findings from the qualitative data collected from respondents; coded and content analyzed based on the objectives of the study. Findings from the Focus Group Discussions are also presented.

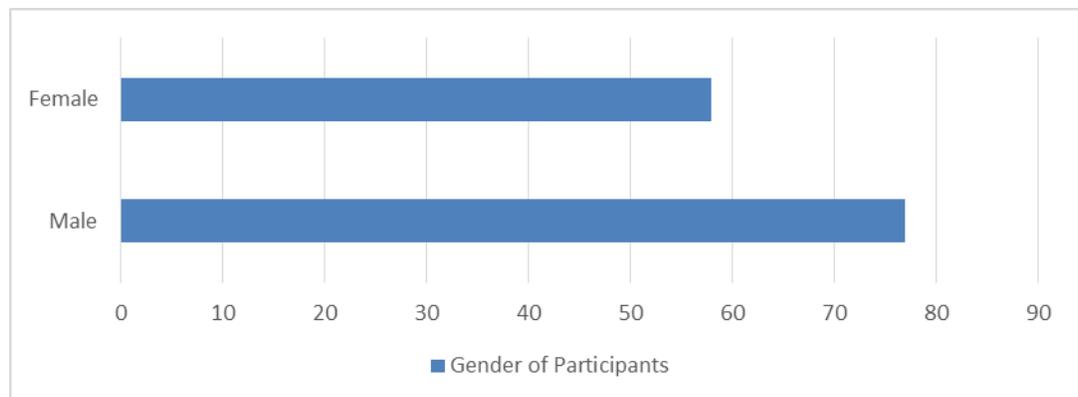
4.2 Socio-Demographic Characteristics of Respondents

4.2.1 Gender:

A total of 135 respondents comprising of 77 male and 58 female participated in the study. As indicated in figure 4.1 below, majority of the respondents were male at 57% compared to female respondents at 43%. Despite the variation in terms of the number of male against women, it should be noted that equal opportunity was accorded to each group in terms of distribution of questionnaires and constitution of the Focus group discussions. The variation in the percentage of male and female who participated in the study could be read as an indication of indigenous cultural influences on female participation on matters that affect their communities. The same could be indicative of the sensitivity of the subject under study and lack of awareness of women rights. For instance, research carried out by USAID (2006) in Lesotho found out that women who had been exposed to programs on their rights were more willing to participate in research studies about

sexual violence than those in areas not covered by those programs. The majority of the respondents in this study inhabited the rural areas in Trans Nzoia County, and so most of the women respondents were not aware of their rights in a free society. This is also suggestive of the need to involve women in community programs. It is also indicative of the long held notion, within indigenous communities that men are the custodians of community culture (WHO, 2002). Figure one below shows the gender of the respondents who participated in the study.

Figure 4.1: Gender of participants



4.2.2 Religion

The study indicated that 86% of the respondents were Christians while 10% were Muslims, 3% professed other religions and only 1% were traditionalists as shown in figure 4.2 below.

Figure 4.2: Religion

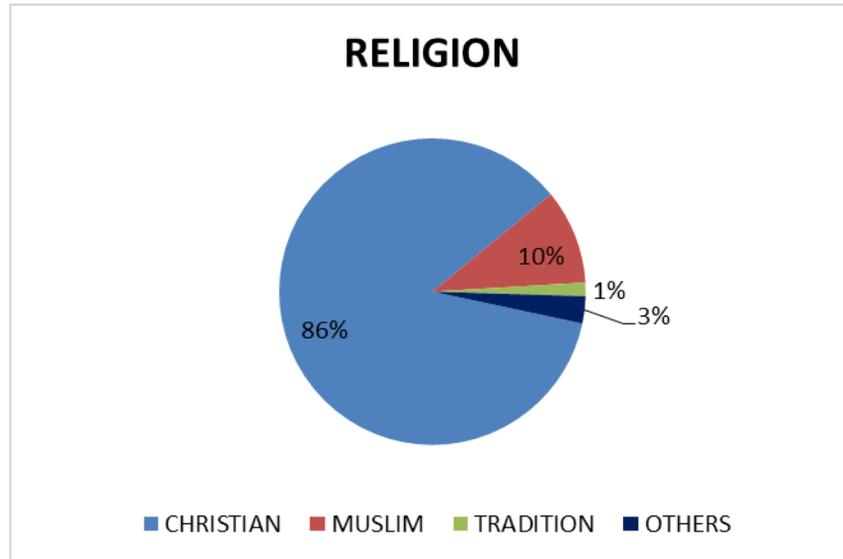


Figure 4.2 above captures the religious affiliations of the respondents. This is significant because this study sought to establish among other factors, the influence of indigenous culture on sexual violence against women and girls. The effect of religion on the indigenous culture was evident in the responses given. For instance, most of the youth who participated did not believe that indigenous cultures and beliefs had any roles on the sexual violence perpetrated against women and girls in Trans Nzoia County. The study established that majority of the communities in the study area were Christians and only a few, especially in the urban centres were Muslims. The impact of religion on the indigenous cultures was evident through the reasons advanced by most respondents who felt that other factors such as drugs and alcohol abuse, besides indigenous cultures was the cause of sexual violence. This also means that religion encourages those who fall victim to traditional beliefs and customs to discard negative practices including sexual violence and embrace modern ways of addressing the same

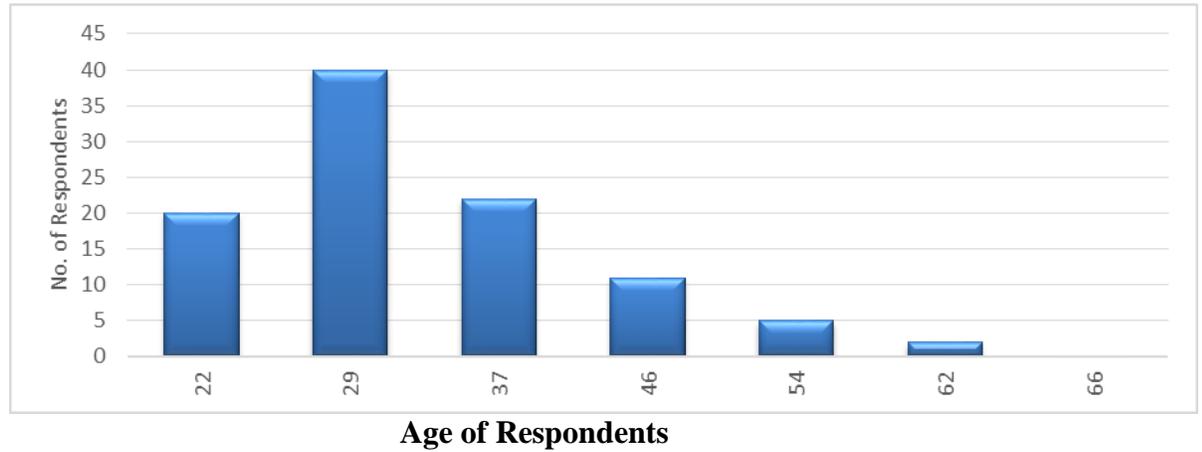
including reporting such crimes to the relevant authorities for appropriate remedial action.

This is to say that religious teachings have impacted positively on the lives of these people. Most religious teachings discourage people from blindly following retrogressive and negative cultural beliefs and practices of indigenous cultures. In doing this, religion has succeeded in inculcating value and respect of human rights based on the notion that all people are equal before God.

4.2.3 Respondents' Age

The majority of the respondents who participated in the study were aged between 18 and 36 years. This reflects a sexually active group. Despite this, there is a likelihood that based on their age, they may not be knowledgeable about cultural beliefs and practices of their communities. They were targeted in the study because a majority of them are victims of sexual violence. The study sought to establish whether elements of indigenous culture influenced their sexual behavior as well as the reporting of these cases to the police. Age distribution of respondents is shown in the figure below.

Figure 4.3: Average age of Respondents



The findings however indicates that other factors such as drug and alcohol abuse, viewing of pornographic images amongst the young people and poverty was highly linked to incidents of sexual violence. The study also established that despite cases of sexual violence, most of them were not reported because a victim of sexual violence from a poor background may not easily report to the police if the aggressor was rich. Some of the offenders, it was established, would rather pay the victim than get arrested, thus persuading them not to make formal reports to the police. In the same vein, the study found out that there is a believe within the indigenous people of Trans Nzoia, that reporting such incidents to police is a futile effort because the rich through corruption will find their way out without punishment.

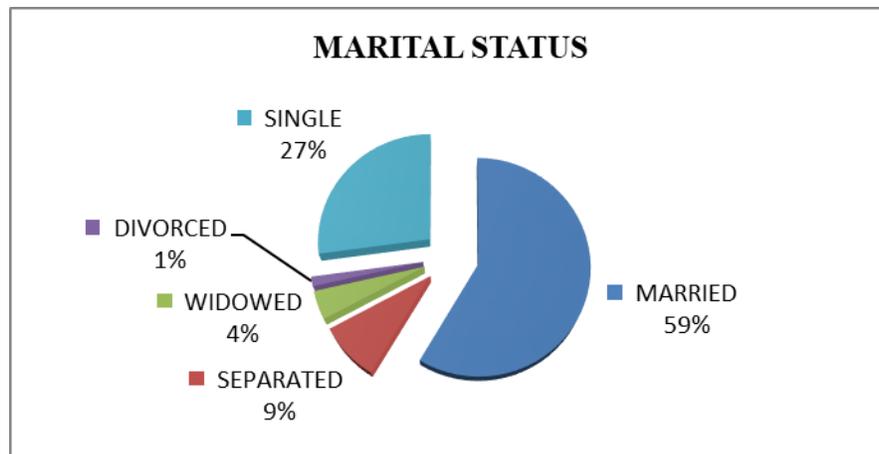
The subject of study is a sensitive matter and most of the older generation were uncomfortable to discuss it. However the younger generation were open while responding, a factor which is attributed to the influence of education and other factors such as religion and inter-racial marriages. This means that the intervening

variables can mitigate and remove the barrier to reporting of sexual violence in indigenous cultures so that people will not be restrained while discussing such topics. It also removes the myths and believes which have been propagating sexual violence within these communities.

4.2.4 Marital Status of Respondents

The gender population in Kenya indicates that women are slightly more than men as per the 2009 census report. The findings of this study indicates that 59% of the respondents were married, 27% were single while the separated, widowed and divorced were at 9%, 4% and 1% respectively. This is captured in figure 4.4 below.

Figure 4.4: Marital status



The data in the above figure is significant in understand the demography of responds in terms of marital status. This is significant because while a majority of the males in marriage confessed to forcing their spouses into sexual activities against their will, their female counterparts would not complain against such

violations. This happens because as observed by one female respondent “people will not believe you and it amounts to shame to discuss family affairs with others.”

It is important to point out that a majority of the respondents, who were married, had substantial knowledge of the traditions and customs of their communities, hence enriching the subject under study with their experience. And so although some violations occur amongst those in marriage, their beliefs in tradition and customary means of resolving them discourages the women from reporting to the police.

This was also evident where most of the cases reported to police and other authorities involved single and widowed individuals. This information helped the researcher to conclude that indigenous cultures prevents married couples from exposing the violations which happen in marriage amongst the communities in Trans Nzoia County, while those who are single or widowed are less restrained by the customs and beliefs.

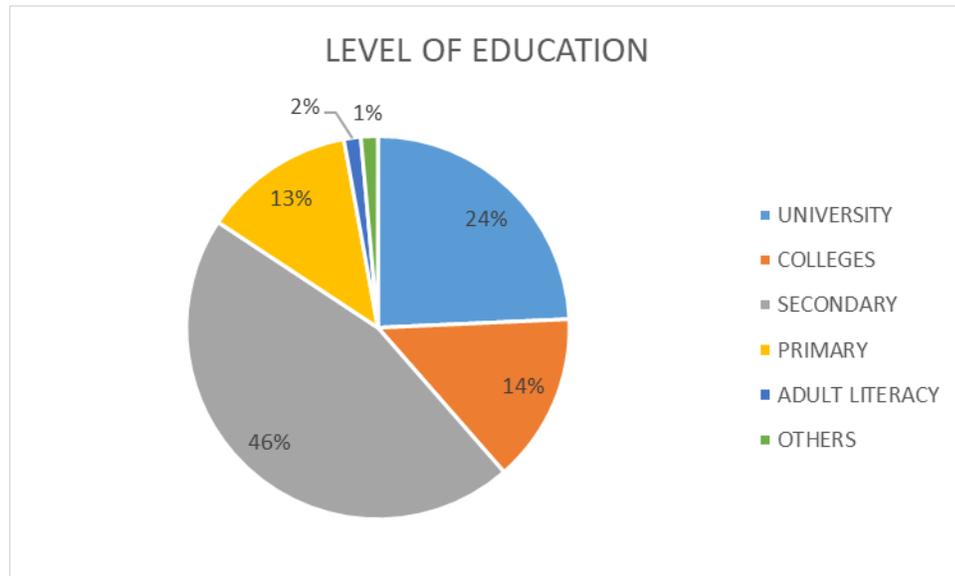
On the other hand, most of the cases of rape and defilement (50%), involved married men as perpetrators, most of whom were businessmen. This findings indicates the influence of economic factors in the commission of sexual violence. The financial standing of these men places them in a position of power and authority over the women. This also implies that women and girls need to be empowered through financial support to stop dependence on the male who are exploitative in nature.

In addition, a research by USAID (2006) established that there was a correlation between attitude towards rape and the cultural expectations of wives and women and sexual violence. The study found out that sexual violation in marriage was considered as a way of the husband's control over their womenfolk. In this way, the severity of the sexual offense was based on whether the perpetrator was known to the woman and whether or not the victim was a virgin. This would mean that sexual violence amongst these group was considered a violation against their culture only when the victim was a virgin and/ or where the perpetrator was a stranger. If this is the case, then the offense deserved to be reported to authorities. Therefore, the study established that the married couples in Trans Nzoia were most likely to be influenced by indigenous cultures in determining matters of violence in marriage. It was also found out that reporting of sexual violence against a spouse in marriage is discouraged by culture. This is especially so to protect family image where community elders dispense any grievance between married couples without involving the police.

4.2.5 Level of Education

On matters of education, the study established that majority of respondents had attained secondary school education at 46%, while 24% had reached university, 14% had middle-level college education and another 13% had attained primary education, only 2% had adult literacy education while 1% had no formal education respectively. This is well shown in the figure below.

Figure 4.5: Level of Education



On cultural awareness, the study found that those with no formal education and a few of those who attained secondary education as well as adult literacy education were well conversant with their cultures more than those who had attained higher levels of education. This group was able to link incidence of sexual violence to the influence of cultural beliefs and practices. Most of those with degrees and higher education attributed sexual violence to viewing of pornographic images and influence of the internet while a few of them believed that some cultural traits, common in patriarchal societies, such as masculinity contribute because young men want to be seen to be acting like adults while interacting with their female counterparts.

It follows therefore that most of the respondents had a grasp of the subject under study, and therefore were able to clearly distinguish the issues that contributed to sexual violence besides those which were brought about by indigenous cultures.

The focus group discussions was more focused on other contemporary factors such as alcoholism, and viewing of pornographic images as major contributors of sexual violence.

The group who had higher levels of education and with more exposure, in social relationships, did not attribute the influence of indigenous culture to sexual violence reporting. They attributed inability to report incidences of sexual violence to lack of rights awareness amongst the people, especially women and girls. Despite this line of thought, generally, it was observed by all respondents that indigenous cultures played a significant role in the way sexual issues were viewed within these communities.

4.3 Descriptive Findings.

4.3.1 Factors that Contribute to Sexual Violence

According to the data analyzed on the factors that motivates offenders to indulge in sexual violence, 37% of the participants noted that indigenous cultural practices, such as rites of passage, largely contribute to sexual violence. Another 19% of the participants indicated poverty; while the rest of the participants (44%) indicated other factors ranging from alcoholism, indecent dressing , to the issues of proximity to girls and women. In the case of Trans Nzoia County, rites of passage such as circumcision of girls implies that once a girl undergoes such rites, transits to womanhood and is therefore ready for marriage. In this case, such rites provide avenues through which men demand for sexual favours since they are now considered to be women. These girls, who could barely be between the ages

of 14 and 17 yrs, are also made to believe they are adults capable of choosing suitors.

The findings are in line with Chaka-Makhooane's (2002) study, which indicated that 30.5% of women believed that a boyfriend or husband could not rape, but could only force sex. This is likely to be misconstrued in a marriage since women in such relationships would regard such incidents to be normal. According to these findings, indigenous cultural practices and beliefs as well as poverty are the main catalysts of sexual violence in Trans Nzoia. From a traditional point of view, female genital mutilation is seen as a rite of passage and is accepted as a necessary rite of passage in the local cultures. Among the indigenous communities of Trans Nzoia county (particularly the Sabaot and the Nandi), female circumcision is considered a significant rite as it is the criteria that defines one as a woman or an adult. This is the reason as to why even young girls who have been forced to this practice are expected to be married off once they have undertaken the rite.

The patriarchal nature of most communities in Trans Nzoia was also cited as a cultural factor where male masculinity is glorified. This gives impetus to young men eager to prove themselves to elope with girls or sexually assault women without regard to existing laws of the land. For instance, eloping with a female with intent to commit sexual acts amounts to abduction, however, in the traditional sense it's a normal occurrence where a man is trying to prove his masculinity and capability of siring. In fact among the Bukusu, one of the communities in Trans Nzoia, a man is expected to sire a child before getting

married to prove his sterility. This in effect has the influence on young men who want to prove their worth which they sometimes resort to and infringe on other peoples' rights as in sexual violence.

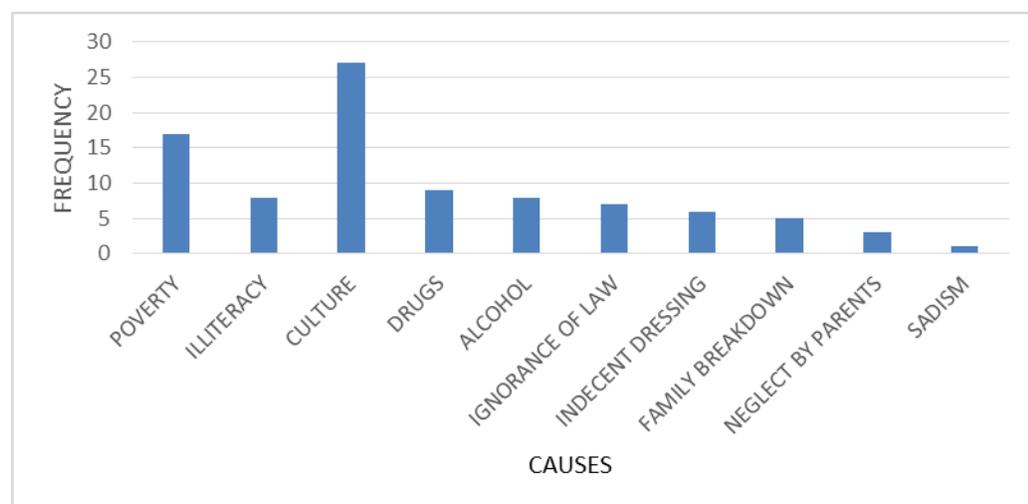
The study also established that poverty is one of the factors that makes one susceptible to sexual assault and exploitation. It was found out that the rich lure young girls and desperate women into engaging in unsafe sex and when caught in the act, are able to buy silence from both the victims and relatives of the victims but in other instances, especially for the married women their spouses can resort to violence because of the betrayal. It was noted that defilement of girls was a leading sexual crime, at 37% reported to police in Trans Nzoia. However, despite the cases having been reported, prosecutions and conclusions of these cases were prolonged due to corruption, both within the family and in the courts so that justice would be subverted. Obstruction of arrests of offenders, according to a civil society official interviewed, is common practice especially when the perpetrator and victim are members of the same family. This usually happens to protect the image of the family and avoid shame. This trend was common especially in sexual offences more than any other reported cases.

There is also a strong influence of drugs and alcohol abuse which was cited as a contribution to sexual violence against women and girls in Trans Nzoia County. The abuse of drugs gave a false courage to men to engage in sexual violence against the female members of the society. Most of the offenders in jail and in police custody in Kitale blamed drugs and alcohol as having led them into committing the crime. Other factors contributing to sexual violence included

neglect of girls by parents and family breakdowns, thus exposing these girls to abuse by relatives or other persons pretending to be good Samaritans.

Illiteracy and ignorance of the law was also cited as a factor in commission of sexual violence against women. This would mean that illiteracy exposes one to live by the traditions and customs of the community. In this regard, ignorance of the law would leave victims at the mercy of sexual attacks which are worsened by failure to report to authorities for appropriate action. The factors contributing to sexual violence are as presented in the figure below.

Figure 4.6: Factors contributing to sexual violence



Jewkes (2002) established that a common belief amongst the indigenous communities was that ‘sexual lust was an innate quality of healthy men’. in the present study found out that most of the offenders in Kitale GK prison who were interviewed, attributed their deviant behavior to indigenous culture at 37%, while 26% cited victims’ dressing as a motivation to commit the sexual violations; lust and cost of getting sexual satisfaction was given at 21% and 16% respectively.

4.3.2 Whether Indigenous Cultures Obstruct Arrest of Sexual Offenders

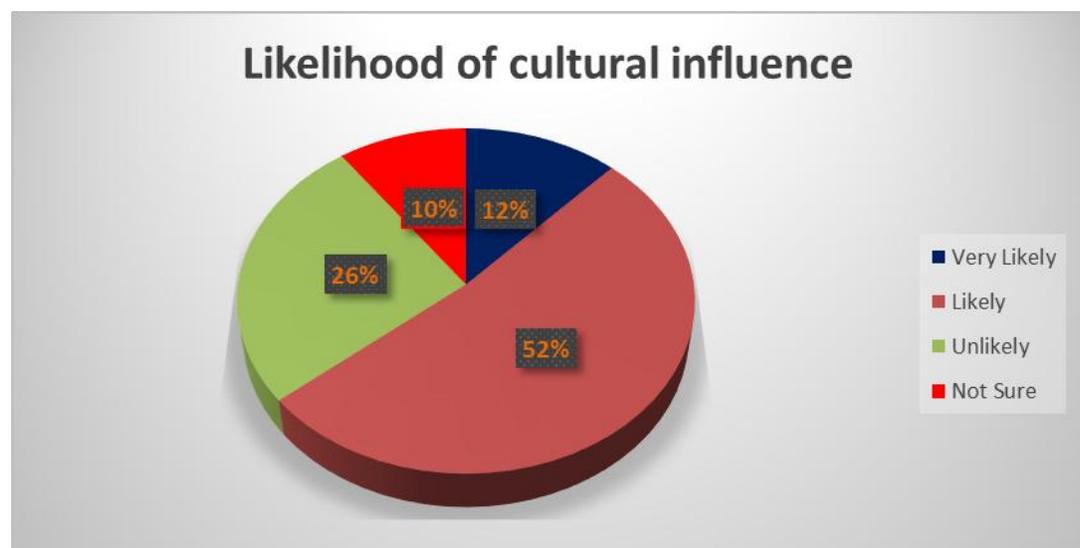
According to the findings of this study, 12% of the participants in the FDGs believed that indigenous culture will ‘**very likely**’ obstruct arrests during sexual violence in the research site. Another 52% of the participants believed that culture will ‘**likely**’ obstruct arrests of perpetrators in sexual violence. In the FDGs, 26% of the participants noted that cultural practices was ‘**unlikely**’ to obstruct arrests of sexual violence in research site. Only 10% of these participants were ‘**not sure**’ whether cultural practices obstructed arrests in sexual violence crimes.

According to the findings, shown in figure 4.7 below; culture plays a very important role in determining cases that are reported to police; and that sexual violence cases are normally obstructed due to cultural norms and practices. As one respondent put it “...there is a cultural belief that men are superior to women amongst the Sabaot ...so women accept what men tells them... without question, even if it violates their dignity”.

On the other hand, a majority at 39% do not agree that culture prevents arrest of offenders, 24% pointed out that culture hinders arrest, 16% said that culture prevents women from reporting while 15% pointed out that culture leads to the perpetuation of this crime. This group believed that other factors ranging from laxity on the side of the police, corruptions, involving the parents of the victims and perpetrator who agree to compensation, are some of the reasons why arrest of sexual offenders is not witnessed in certain instances. It is only a few who indicated that they do not know whether culture had anything to do with arrest of sexual violence offenders.

This finding demonstrates that despite some challenges posed by indigenous cultural beliefs and practices, the same can be surmounted through a concerted effort of those tasked with combating this vice, such as the police and elimination of corruption through sensitization of local communities to dilute the influence of culture.

Figure 4.7: Indigenous culture and influence on arrest of sexual offenders



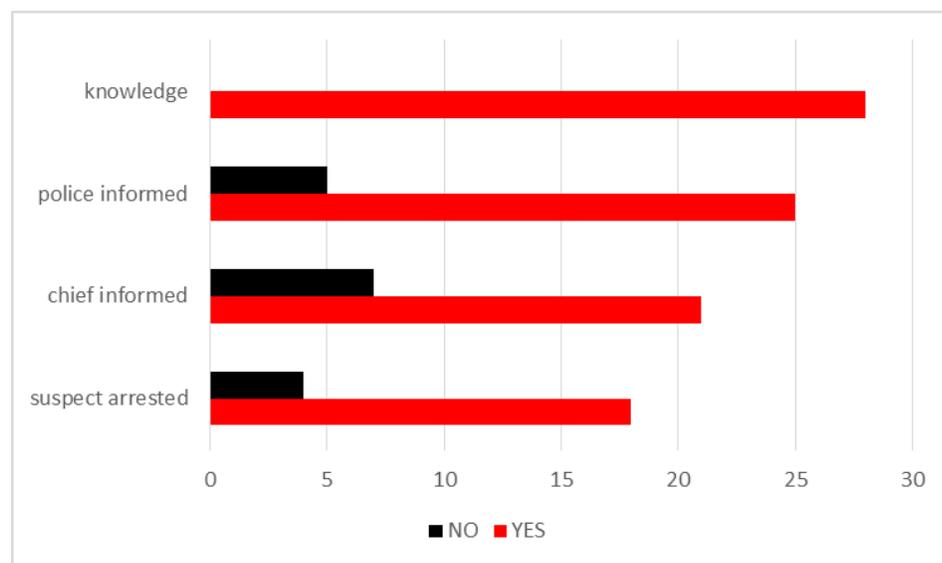
4.3.3 Whether Indigenous Cultures Prevent Sexual Violence Reporting

According to the findings of this research, 65% of the participants in the FDGs believed that cultural practices prevent victims (both women and girls) from reporting sexual violence cases while 22% did not believe so. Another 13% of the participants were not sure whether cultural practices prevented victims from reporting sexual violence in the targeted area.

In Figure 4.8 below, awareness of the respondents interviewed on prevalence of sexual violence in the targeted area and whether victims reported to police or not

is illustrated. It is clearly seen that majority of the respondents alluded to the fact that they have heard of a case of sexual violence. Elsewhere most of the respondents have indicated that they were aware that the victims either informed the chief or police about the sexual violence hence can be concluded that indigenous cultures, though highly responsible for the sexual violence in the study area, may not necessarily prevent reporting of the same to authorities.

Figure 4.8: Sexual violence reporting and awareness.



In essence, the findings in this research indicate that the community is often aware when a sexual violence act is committed; and also that the incident has been or has not been reported to the police for remedial action. However, despite this knowledge, the vice is still perpetrated against women and girls in Trans Nzoia County. This means that the community is aware of certain drawbacks that prevent sexual violence victims from reporting to police; which the research deduced as emanating from indigenous cultural practices and tradition. In a study

by WHO in 2002, it was established that cultural norms such as male honor, masculinity and men's sexual entitlement would foster societal acceptance of sexual assault. The indigenous cultures of most communities in Trans Nzoia County fall within this bracket where norms on masculinity and sexual entitlement is observed.

In other studies by Jewkes in 2002, it was established that women chose not to report sexual violence to the police because they face harsh and accusatory questioning from male officers. In the case of Trans Nzoia County, and according to a senior police officer, victims of sexual abuse seldom report to police due to fear of backlash from their communities who believe that they have local remedies for such crime. The local remedies take a variety of measures such as payments to the victims' family to compensate for the offence. The feelings and opinion of the victim is not taken into consideration in the matter as the issues are dealt with by elders, who comprise mostly of men.

In this way, the indigenous administration of recourse does a lot of injustice to the victims who suffer in silence because the damage has already been done. In such situations, there is no evidence that counseling of the victim was done through this mode of system and therefore the scars would haunt the victims for long. The victims also fear being isolated and stigmatized for openly discussing sexual violence towards them. In most cases, it is deemed that any otherwise approach will be against the established culture, where elders have the final say in matters touching on community issues, to report sexual matters outside. In the research by the World Health Organization (2002), it was established that community honor

was preserved when its women were compliant with its traditions, hence the communities would police the behavior of its female members and those deemed wayward punished.

4.3.4 Effects of Indigenous Cultures on Police Investigations on Sexual Violence

According to a Police officer attached to a station in Kwanza, the police find it difficult to investigate reported cases of sexual violence. This is informed by the non-cooperation of witnesses as well as the attitude of most members of the community, who will not easily divulge any information to authorities. This is because the community members consider law enforcement personnel as outsiders who do not understand their culture. In most cases, witnesses are unwilling to stand against one of their own in crime investigations especially involving sexual violence.

According to other respondents interviewed, the community culture, customs, and traditions override any decision-making that is made in regard to sexual violence and other crimes that put members of the same community at loggerheads. It is a traditional norm, for instance, to find a husband beating his spouse as a way of disciplining her without attracting any sanctions from the community for this criminal act.

The researcher found out that any crimes committed against members of the community are best solved internally rather than reporting the crime to the police. Community elders or representatives sit and discuss on the mode of compensation for certain crimes, even sexual assault. This kind of alternative dispute resolution

mechanism is actually good for community cohesion but in sexual violence, it should not be encouraged because the victims' feelings and views are usually not considered when decisions are finally made by elders. In paper, the courts are obligated to consider victim impact statements before passing sentence, although in most cases, especially in Kenyan courts, the same is not seen.

It can therefore be concluded that police experience difficulties during investigation of sexual violence cases due to indigenous cultural practices and tradition which prevents victims, the community, and even the offenders from cooperating with police during such investigations. The police would normally rely on availability of information so that investigations can succeed and suspects of crimes are brought to book. In the absence of cooperation from the community, it becomes difficult to conclude cases. In this way, the indigenous cultures and customs that allow victims and witnesses to withhold crucial information from the police, impacts negatively on the quality of investigations in sexual assault cases.

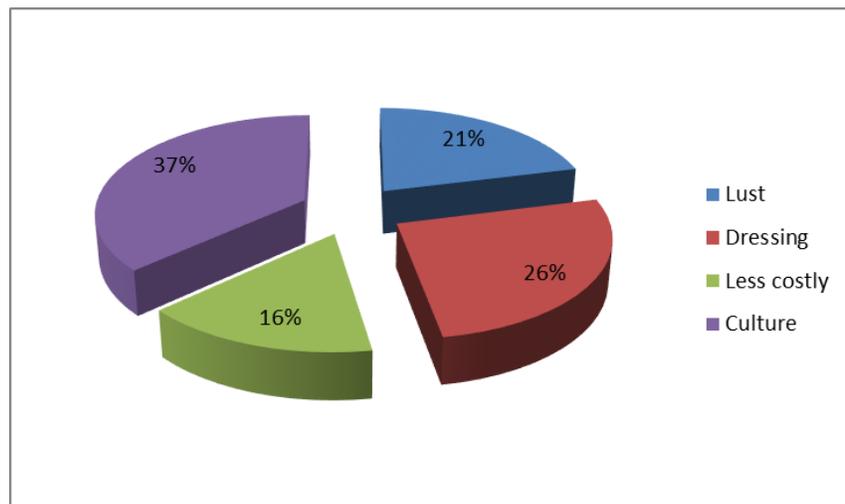
4.4 Informant Interviews Findings

The researcher conducted key informant interviews with 27 respondents comprising of persons selected from the police, social community workers, the children's department, the civil society, and the local authority (Chiefs). The police County Commander and officers working in the crime and children's department in Kitale and Endebess were interviewed; while community social workers comprising of volunteers involved in polio vaccination and those involved in youth empowerment programmes as well as community based programmes such as Handicap international, Ubuntu and workers from the

Catholic Church who are actively involved in programmes to sensitize the communities on sexual violence were also interviewed. The researcher also interviewed officials from the children department in the ministry of Youth and public service and probation officers as well as the civil society organizations such as FIDA, and COVAW. Other National government officials interviewed were the Deputy County Commissioner in Kitale and several chiefs and assistant chiefs from the study site.

4.4.1 Offenders Motivations to Indulge in Sexual Violence

Figure 4.9: Factors Motivating Sexual Abuse



According to the Key informants who were interviewed during the research, most of them believed that indigenous culture was the backbone to the evils of sexual violence in Trans Nzoia. According to a local Chief, sexual violence emanates from indigenous cultural practices which are prevalent amongst some communities such as the Bukusu. In this community, eloping with a woman or

girl by a young man is traditionally accepted in the sense that the man is getting married to that person. The justification for this kind of behaviour from the traditional perspective is that the young man and the woman have conspired to elope without knowledge of the parents, and want to start a family of their own. The demands of paying dowry before getting approval to marry also puts pressure on poor men to resort to this method of getting a wife. Other cultural practices that induce sexual violence is circumcision of boys and girls, as rites of passage which are common in the research area, because according to their traditional beliefs, a boy who has been circumcised is man enough to get married and the same applies to young girls.

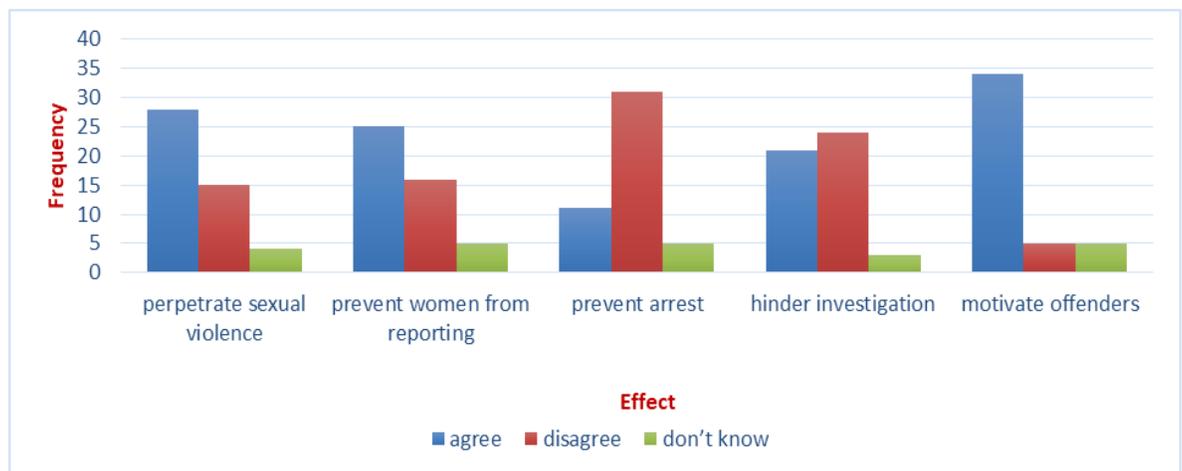
The rituals and songs involved in circumcision are designed to teach young people to talk and behave like adults. For instance, young men are informed on how to be heads of families and the girls to be submissive to their husbands. In this way, and given that most of these communities are patriarchal, masculinity is encouraged and female members of the society are expected to be submissive to men in all aspects, including sexual demands.

According to the Director of the Trans Nzoia (Civil Society Groups) women caucus, young children have largely fallen prey to incidents of sexual assault by adults, with some of them being blood relatives. According to the Director, “more than 417 cases of gender-based violence were reported in various medical facilities in 2016. In 2017, there were a total of 375 cases of sexual gender-based violence, by mid-January 2018, the figure was over 18.” On the other hand, and according to police records, only a half of these cases were reported to the police;

and although arrests and prosecution was made, most of the cases are still pending in court because the wheels of justice is slow and riddled with corruption and the influence of indigenous cultures that promotes alternative dispute resolution mechanism.

A number of respondents also noted that, apart from indigenous culture, there are other factors that contribute to sexual violence in the area. According to one community social worker, “sexual violence is escalated by the use of drugs/ alcohol, indecent dressing by would-be victims, close proximity and interaction between victim and assailant, poverty, apart from the traditions and rites of indigenous culture.”

Figure 4.10: Effects of Indigenous culture on Sexual violence



According to the findings, shown in figure 4.10 above, cultural influence on the lives of the communities residing in the study area has been cited to be the major challenge faced by the police in the prevention and combating of sexual violence against women and girls. 29% of those interviewed indicated that indigenous

culture motivates the offenders into committing these violations, 23% indicated that indigenous culture perpetuates the commission of these offences, while 21% felt that it prevented women from reporting, and 18% felt that it hinders investigations, with 9% indicating that culture prevented arrest of offenders.

However, although indigenous culture has been cited to be exerting influence on sexual violence against women and children in Trans Nzoia County, there is a high degree of awareness within the communities on the need to discard retrogressive cultural beliefs that encourage sexual violence, while embracing those that positively promotes cultural identity of these communities. As one respondent put it “without the change of attitude in culture, customs, and traditions among the communities in Kwanza, the police will still face challenges in investigation and prevention of sexual violence”.

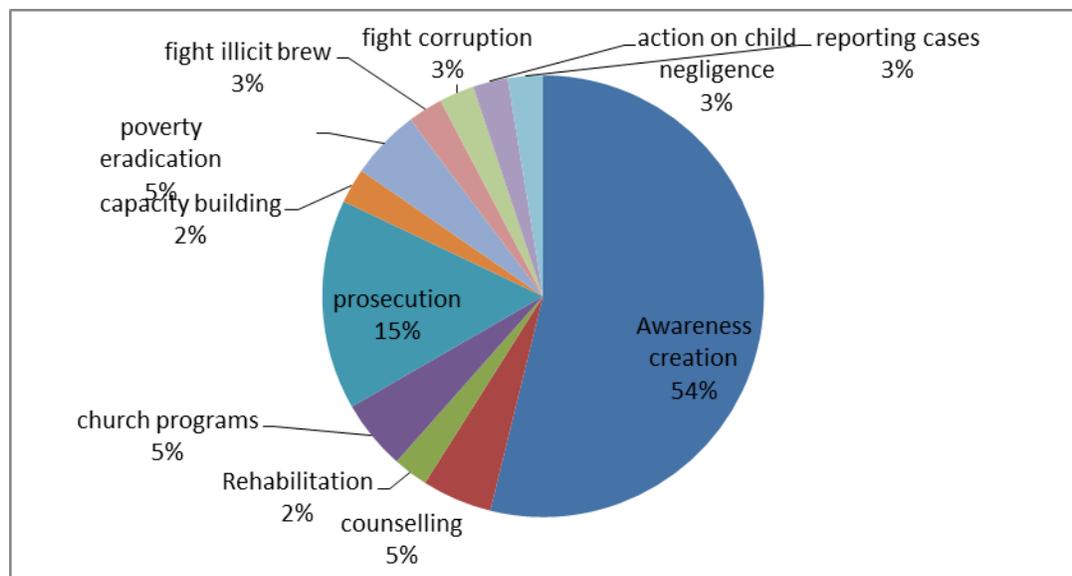
4.5 Strategies to Address Sexual Violence

Findings from this study indicated that awareness creation to the general population and in particular the potential victims of sexual violence was key to addressing the problem of underreporting of sexual violence as it will demystify some of the long-held beliefs. Additionally, effective prosecution of the offenders would be the best intervention strategies to be pursued to contain the problem at 54% and 15% respectively as shown in figure 4.11 below. Other strategies identified were counseling of victims, church programs, poverty eradication in communities to reduce vulnerabilities, eradicating illicit brews, fighting corruption, eliminating child neglect, capacity building for institutions dealing

with the problem of sexual violence including police investigators and prosecution, and encouraging victims to report incidences.

These recommendations were a reflection of the challenges faced by institutions dealing with sexual violence in Trans Nzoia County. In this way, cases could be reported to the police for investigation but due to collusion by parents of the victims and the perpetrators, a fee may be agreed to settle the dispute without pursuing legal mechanisms and the end result is derailment of the whole process which lets-off the offender; as one key informant stated “...they report only where financial agreement are violated, once fully paid, they show little interest in the case..”

Figure 4.11: Recommended strategies to address Sexual violence



CHAPTER FIVE: SUMMARY, CONCLUSION, AND RECOMMENDATIONS

5.1 Introduction

This chapter provides the summary of the findings, based on the objectives of the study as well as the conclusion of the study, derived from the analysis and interpretation of the data collected. It also covers the recommendations of the study as established through the research.

5.2 Summary of the Findings

The purpose of this research was to establish the nexus between indigenous cultures and sexual violence in Trans Nzoia County. It was guided by four objectives. The first objective was to establish factors that motivate offenders to indulge in sexual violence. According to the study findings, the researcher noted that indigenous cultural practices and tradition play a major role in certain criminal activities such as sexual violence within Trans Nzoia County.

The communities in Trans Nzoia County still engage in traditional rites of passage. This is a major influence on the youth urge to engage in sexual violence activities. Other traditional practices such as eloping with a female for marriage and honoring masculinity encouraged sexual violence. The researcher also noted that poverty is another major cause of sexual violence in the County. Other motivating factors that result into sexual violence revealed from the findings included alcoholism and drug abuse, Indecent dressing (or wearing of revealing clothing) by victims, close proximity between victim and assailant, illiteracy and

sadism. This would require that in order to dilute the effects of indigenous cultures on sexual violence amongst these people, sensitization on the negative notions it creates and targeted intervention measures such as prosecution of perpetrators and women empowerment should be spearheaded by the government with involvement of the local leadership.

According to Robertson 2000, there is a strong association between substance abuse and sexual violence in indigenous communities in Australia. This means that alcohol may facilitate and or incite violence by providing a socially acceptable excuse for negative behavior. Therefore, based on the low literacy level of most of the perpetrators of sexual violence in Trans Nzoia County, alcohol and drug abuse is a significant factor that can motivate sexual violence. It implies then that indigenous culture (traditions, rites, and customs), poverty, and other socio-economic indicators motivate offenders to indulge in sexual violence against women and girls in Trans Nzoia County.

The second objective analyzed how indigenous cultures obstructed the arrest of sexual offenders. From the study findings, the researcher noted a strong relationship between indigenous cultures and failure by the authorities in the prosecution of sexual violence offenders. To a very large extent, indigenous cultures does obstruct the arrest of sexual violence offenders in Trans Nzoia County. This occurs when the community protects and shields the offenders from the police and hiding victims so that they may not be found to testify against the culprits. The local communities in Trans Nzoia County prefer to settle inter-ethnic conflict among themselves without the intervention of the local administration,

civil societies, or the law enforcement agencies. Although alternative dispute resolution mechanism are encouraged even in Kenyan law to settle such crimes involving property, exception should be upheld in cases where sexual offences are involved. This is because of the life-long trauma the victims are subjected to in the process. If the community can cooperate with the police to ensure that all sexual violence cases are reported and sufficient evidence sought is unhindered, the same is likely to send a strong message to would be violators that punishment would be invoked by only the state.

Therefore, due to cultural activities such as female genital mutilation, rituals involved, as well as other traditions that honor masculinity and patriarchy, being accepted by the local communities, cases of sexual violence prosecution are obstructed by the communities who feel that such acts come about as a consequence of traditional norms, rites, and customs. In any case, if there is to be any intervention in regard to sexual violence and other criminal acts against any member of the community, these issues are settled by the elders or representations from the affected families and communities.

The third objective examined the influence of indigenous cultures on reporting of sexual violence. According to the findings, the researcher noted that indigenous cultures also play a vital role in the reporting of sexual violence in Trans Nzoia County. The issue of reporting sexual violence emanates from certain strict cultural values that forbid women or girls to engage with persons who do not belong to their community. The elders of the community must first be consulted on serious issues affecting them such as sexual violence that may have occurred

within the community. Due to these traditional values and customs, women and girls will seldom report sexual violence because of the fear of repercussions, fear of being ostracized, and the fear of going against the traditions of the community.

Although the above factors may be attributed to the collapse of most cases reported to police, it may also be possible that police are contributing in the way they handle victims and reportees. In a previous study in Lesotho, Chaka-Makhooane (2002) found out that Basotho police felt that they had insufficient training to deal with survivors. This was made worse by small number of female officers and limited infrastructure- such as interview rooms that would facilitate privacy. Such challenges experienced by police officers make victims to shy away from reporting to them. The infrastructural set-up of most police buildings in Trans Nzoia County, attest to this possibility as well, because they may not be adequate enough for victims of sexual violence.

The researcher established that there was insufficient office space devoid of privacy in most of the police stations in Trans Nzoia. Moreover, and as Greer et al (2000) found out, past inaction to reports reduces confidence that appropriate action will be taken by the police. Therefore, to a large extent, indigenous cultures prevent reporting of sexual violence by those people who feel obligated to resolve such weighty matters among themselves, without the intervention of third parties or the law enforcement agencies.

The fourth objective examined indigenous cultures that might hinder police investigations. According to the study findings, and from the analysis and

interpretation of the data collected, the police find it difficult to investigate sexual violence in Trans Nzoia County due to the influence of indigenous cultures. The study found out that the victims and the offenders, as well as, the community at large were not willing to cooperate with the police in regard to investigative efforts made against one or more of members of their own communities.

In other words, the communities in Trans Nzoia protect their own against prosecution or any other external issues, either by hiding victims so as to prevent them from giving testimony on any violations against the perpetrators of sexual violence or, shielding the perpetrators from the arms of law enforcement. In some instances, the community fails to offer information that can lead to arrest and prosecution of offenders. It therefore means that, indigenous cultures hinder police investigations on sexual violence to a large extent due to its influence on the perpetrators, the victims, and the community members as a whole.

5.3 Conclusion of the Study

In reference to the problem under study: Nexus between indigenous cultures and Sexual Violence reporting in Trans Nzoia, one aspect of the challenges that has been overlooked by scholars and researchers is the influence of indigenous cultures on gender-based sexual violence. From this study, one can clearly see how influential indigenous culture poses challenges to the police and other authorities in combating sexual violence due to under-reporting of such cases. To recap, indigenous culture is the major motivating factor that offenders use to commit sexual violence acts.

Indigenous culture obstructs the arrests of offenders of sexual violence in Trans Nzoia County. Indigenous culture also prevents the reporting of sexual violence, as well as, preventing the investigations of sexual violence in the County. Indigenous culture is the major determinant of resolving sexual violence activities by the police in Trans Nzoia County. Other factors noted, but of limited value, that police face in combating sexual violence include illiteracy, alcoholism, illicit brew, drugs, indecent dressing, family breakdown, sodomy, and peer pressure.

It is therefore apparent from this study that the problem of sexual violence against women and girls in Trans Nzoia County is a serious prevalence that requires immediate attention and action by the governments and other stakeholders to mitigate it. To begin with, the stakeholders need to assess the impact of indigenous cultural practices and traditional norms and values among the communities in Trans Nzoia County.

Although the government, through its agencies such as the police, is working together with other partner agencies and trying to combat this problem, nothing seems to change the tide as more violations are reported. This calls for a more permanent solution which involves all stakeholders, both victims and potential perpetrators, politicians and religious leaders, education professionals and other leaders within the communities affected most by the problem. The main focus of the intervention should be the assessment of indigenous cultural practices and traditional values and customs that create opportunities for offenders to engage in sexual violence.

5.4 Recommendations

The study looked at some possible interventions on sexual violence in Trans Nzoia County and most of the respondents both in Focus group discussions and individually indicated that it should take the form of civil education to target the community, all stakeholders, law enforcement and police, as well as, partner agencies both in government and the private sector.

Other recommended intervention measures should include the following:

- a) A national and community level educational campaigns on protection and prevention of sexual violence, as well as, conflict management and resolution that fully engages all stakeholders, should be convened in the county to sensitize the public on the negative effects of indigenous cultures, especially in regards to sexual violence.
- b) Training of more female police officers to be designed to handle sexual violence cases against women and girls. The training should capture aspects of indigenous cultures that are perceived to be undermining investigations in sexual violence cases. The trained female officers should have the capacity to offer counselling services to the victims who usually suffer in silence.
- c) To promote support programmes for victims and families of victims, as well as programmes targeting behavioural change among men and women on cultural values.
- d) Support of the formation of community justice groups under the auspices of the 'Nyumba Kumi Initiative' that gives the community the powers to identify,

assess, report, assist in the investigation and prosecution of sexual violence cases in the communities within Trans Nzoia County.

5.5 Areas of Further research

There is need to carry out further research in other indigenous communities within Kenya and especially in areas where there are high rates of sexual violence.

There is need to carry out a research on the impact of increased viewing of films with sexual content, including violent pornographic sexual material over the internet to determine how the same has impacted on indigenous cultures.

References

- Anderson, J. E., & Abraham, M., Bruessow, M., Coleman, R. D., McCarthy, K.C., & Odimgbe, H. T. (2008). *Cross-cultural perspectives on intimate partner violence*. JAAPA.
- Armstrong, S. (1994). *Rape in South Africa: An invisible part of apartheid's legacy*. Focus Gend.
- Australian bureau of statistics. (1996). *Women safety in Australia*. Canberra.
- Autesserre, S. (2012). Dangerous tales: Dominant narratives on the Congo and their unintended consequences. *African Affairs*, Volume 111, Issue 443, 1
- Baron, L., & Strauss, M. A. (1989). *Rape and its relation to social disorganization: Pornography and inequality in the USA*. Med Law.
- Burt, M. R. (1980). Cultural myths and supports for rape. *Journal of Personality and Social Psychology*, 38(2), 217-230.
- Chaka, M. L. (2002). *Sexual violence in Lesotho: The realities of justice for women*. Maseru.
- Crossman, A. (2017). *Feminist theory in sociology: An Overview of key ideas and issues*.
- Daley, E N. (2001). Intimate partner violence in college students: A cross cultural comparison. *The International Electronic Journal of Health education*.
- Don, K. (2015). *Sexual and gender based violence: The Kenyan situation*.
- Drieschner, K. H., & Lange, A. (1999). A review of cognitive factors in the etiology of rape: Theories, empirical studies, and implications. *Literature Review in Clinical Psychology Review* 19(1):57-77
- El-bushra, J. P., & Lopez, E. (1993). *Gender-related violence: Its scope and relevance*. Focus Gender.
- Ellsberg, M., & Pena, R., & Herrera, A. (2000). *Candies in hell: Women's experiences of violence in Nicaragua*. Social Science & Medicine
- Ferrante, A. M., Fernandez, J.A., Loh, N. S. N., Maller, M. G. Walsh, M. R. J. (2005). *Crime and justice statistics for Western Australia: 2005*.
- Gannon, T.A., & Polaschek, D. L. L. (2004). The Implicit Theories of Rapists: What Convicted Offenders Tell Us. In *Sexual Abuse A Journal of Research and Treatment* 16(4).
- Gurvinder, K., & Dinesh. (2013). *Sexual violence against women: Understanding cross-cultural intersections*. Retrieved on 5/4/2017.

- Heise, L., & Moore, K., & Toubia, N. (2004). *Defining "coercion" and "consent" cross-culturally*. SIECU
- Jaffee, D. S. (2013). *Sexual climate and reported rape: A state-level analysis*. Arch Sex Behaviour.
- Janet, S., & Adam, M., & Julian, P. (2003). *Child abuse and neglect in Indigenous Australian communities*. Australian Institute of Family Studies.
- Johnson, H., & Sacco, V. (1995). Researching violence against women: Statistics Canada's National Study. *Canadian Journal of criminology*.
- Joy, N. (2009). *Prevalence and Determinants of sexual violence in Uganda*.
- Kalra, G., & Bhugra, D. (2013). Sexual Violence against Women: Understanding Cross-cultural Intersections. *Indian Journal of Psychiatry*.
- Kamemba, C. (2001). *The Democratic republic of Congo: From independence to Africa's First World war*. Published by UNHCR Centre for Documentation and research.
- Kilonzo, N., Njoki, N., Nerida, N., Ajema, C., & Tsegtmeyer, M. (2009). Sexual Violence legislation in sub-Saharan Africa: The need for strengthening Medico-legal linkages. *Reproductive Health*.
- Kothari, C. R. (2008). *Research Methodology, Methods and Techniques*. New Delhi, India: New Age International Press Limited.
- Lerine, S., Koenig, J., & Allen, W. H. (1983). *Why men rape: An interview with convicted rapist*.
- Lin, M., Royo, S., & Barclay, A. (2000). The Types of Sex Offenders and the Degree of Difficulty in Treating Them: A Comparison of Perceptions by Clinicians in Taiwan and in Michigan. *International Journal of Offender Therapy and Comparative Criminology*.
- Mack, N., Woodsong, Macqueen, C. W. K.M., Guest, G., & Namey, E. (2005). *Qualitative Research Methods: a data collector's field guide*.
- Memmott, P., Stacy, R., Chambers, C., & Keys, C. (2001). *Violence in Indigenous communities: full report*. Canberra: Crime Prevention Branch, Attorney-General's Department.
- Mugenda, A. G., & Mugenda, O. (2008). *Research methods: quantitative and qualitative approaches*. Nairobi: Acts Press.
- Ortiz, F. (2013). *Rape in Brazil still an invisible crime*. Rio de Janeiro: Brazil Interpress Service news Agency.

- Peterman, A., Tia, P., & Caryn, B. (2011). Estimates and determinants of Sexual violence against women in DRC. *American journal of public Health*.
- Robertson, B. (2000). *The Aboriginal and Torres Strait Islanders: Women task force on violence report*. Department of Aboriginal and Torres Strait Islander policy & Development. Queensland.
- Rosenfield, D., & Shalka, T. (2015). *Using theory to understand and reduce campus sexual violence*. The Ohio State University.
- Rozee, P. D. (2006). Forbidden or forgiven: Rape in cross-cultural perspective. *Psychology of women quarterly*.
- Russil, D. (2013). *An introduction to criminal psychology*. New York: Rutledge.
- Sanday, P. R. (1981). *The socio-cultural context of rape: A cross-cultural study*.
- Stanley, J. R., & Goddard, C. R. (2002). In the firing line: Violence and power in Child protection work. Chichester: John Wiley & sons
Sexual offences Act 2006 (LOK)
- Thornhill, R., & Palmer, C. T. (2001). *A natural history of rape: Biological bases of sexual coercion*. Massachusetts: Massachusetts Institute of Technology Press.
- USAID. (2006). *Sexual violence against women in Lesotho: A regional evaluation project on HIV/Aids for Southern Africa*. Tulane University.
- Wade, C. M., David, S. H., Mark, E. S., & O'Toole, M. E. (2006). The motivation behind serial sexual Homicide: Is it sex, power, & control or anger. *Journal of Forensic Sciences*.
- Ward, T., & Beech, A. (2006). An integrated theory of sexual offending. *Aggression and Violent Behavior, 11*(1), 44-63.
- Ward, T., & Keenan, T. (1999). Child molesters' implicit theories. In *Journal of interpersonal violence*.
- Wilder Research report (2007). Critical issues in sexual assault July 2007.
- World Health Organization (2002). *Violence and health*. Geneva.

Appendix 1-Interview Schedule for Sample Respondents

County _____

Sub-County _____

Name of Administrative location _____

Name of Interviewer _____

Date of Interview _____

Time of Interview _____

Respondent's background information

1. Gender.

1. Male

2. Female

2. Age of respondent in years.

1. Below 18 years

2. 18-25

3. 26-33

4. 34-41

5. 42-49

6. 50-57

7. 58-65

8. 66 and above

3. Marital status:

1. Single/Never married

2. Married

3. Separated

4. Divorced

5. Widowed

4. Level of education:

1. None

2. Pre-primary

3. Primary

4. Secondary 1-4

5. Secondary 5-6

6. Middle level college

Specify_____

7. University

8. Adult literacy

9. Other specify_____

5. Religion

1. Traditional

2. Christian

3. Islam

4. Other

Specify_____

Information on sexual violence in Trans Nzoia County

6. What do you understand by sexual violence?_____

7. (a)Have you ever heard of any case of sexual violence in Trans Nzoia? 1.

Yes 2.No

b) If yes, please indicate whether or not the victim was a woman or girl. 1.

Woman 2. Girl

c) Please indicate location_____

d) The date and time of the incident_____

e) According to you, was the Chief informed 1. Yes 2. No

f) Was the police informed 1. Yes 2. No

g) If No, what are probable reason/factors for non-reporting? _____

h) Do you think culture is one such factor? 1. Yes 2. No

i) If the answer is Yes in (f) above, was the suspect arrested? 1. Yes 2. No

j) If the answer to (i) above is No, what could have caused it? _____

8. Please list the types/forms of sexual violence against women and girls you know of _____

9. Based on your knowledge, how prevalent is sexual violence against women and girls in Trans Nzoia? _____

a) Please indicate the most prevalent form of sexual violence against women and girls which you know _____

b) Based on your knowledge, what causes sexual violence against women and girls? _____

c) Which one of the types/forms of sexual violence listed below is most prevalent?

1. Rape 2. Sexual harassment 3. Sexual abuse of disabled people 4. Defilement of girls 5. Female genital mutilation 6. Other (specify)_____

10. Does your culture allow any form /type of sexual violence? 1. Yes 2. No. 3. I don't know,

please explain._____

11. Please list the main factors causing sexual violence against women and girls in Trans Nzoia County?_____

12. Please respond to the following statements.

a) Indigenous cultures perpetrate sexual violence against women and girls in Trans Nzoia County. 1. Agree 2. Disagree 3. I don't know

b) Indigenous cultures prevent women/girls from reporting sexual violence to the police in Trans Nzoia County 1. Agree 2. Disagree 3. I don't know

c) Culture prevents the police from arresting the suspects of sexual violence against women and girls in Trans Nzoia County 1. Agree 2. Disagree 3. I don't know

d) Indigenous culture hinders police investigations of sexual violence against women and girls in Trans Nzoia County 1. Agree 2. Disagree 3. I don't know

13. Who are the perpetrators of sexual violence against women and girls in Trans Nzoia

County? _____

14. What are the Socio-economic profiles of most perpetrators of sexual violence against women and girls in Trans Nzoia County in terms of the following?

1. Their ethnic group _____
2. Their gender (that is , male and female) _____
3. Their age _____
4. Their marital status _____
5. Their highest level of formal education _____
6. Their livelihood occupations _____
7. Their levels of income (specify whether High, Medium, Low) _____

15. a) Are you aware of any intervention strategies that have been used to address sexual violence in Trans Nzoia County? 1. Yes 2.No

b) If yes, please list them _____

16. Generally speaking, how effective are the following intervention strategies in addressing sexual violence in Trans Nzoia County? Use the following codes and circle your selected response for each intervention strategy. 1.Very effective 2. Effective 3. Not effective 4. Not effective at all 5. I don't know

<u>Intervention strategy</u>	<u>Response</u>
1. Prevention	1 2 3 4 5
2. Protection	1 2 3 4 5
3. Prosecution	1 2 3 4 5
4. Capacity building	1 2 3 4 5

17. a) Do you know of any organizations attempting to address sexual violence in Trans Nzoia County? 1. Yes 2.No

b) If yes, please list them_____

18. Why has sexual violence persisted in Trans Nzoia?_____

19. a) In your opinion, are there challenges faced in preventing and combating sexual violence in Trans Nzoia County? 1. Yes 2. No 3. I don't know

b) If yes, please list them_____

c) Is indigenous culture one of the factors in (b) above?_____

d) What are the possible solutions to the major challenges faced in preventing and combating sexual violence in Trans Nzoia County?_____

20. What recommendations would you give in regard to addressing sexual violence in Trans Nzoia County in the following aspects?

1. Detection and investigation._____

2. Prosecution_____
3. Trial and sentencing_____
4. Rehabilitation and correction of sexual violence offenders_____
5. Counseling and reintegration of victims of sexual violence_____

21. Please comment freely on any experiences with sexual violence not already addressed

Thank you for your co-operation and stay well.

Appendix 2-Key Informant Schedule

Name of County. _____

Name of Sub-County _____

Date of Interview _____ Time _____

Hello, my name is _____ and I am conducting a research on culture and sexual violence in Trans Nzoia County. The vice has become a serious problem not only to victims but also to the whole County and the Country at large. As a member of the community/one of the victims of sexual violence you have every reason to want to remove this scourge from the society. Therefore your assistance is kindly requested in making this research a success. The study is expected to shed light on issues such as types/forms of sexual violence and their prevalence in Trans Nzoia County, the effects of sexual violence, the factors contributing to sexual violence, the intervention strategies that have been used to address sexual violence and their effectiveness and the major challenges faced in preventing and combating sexual violence in Trans Nzoia County.

As part of the study, I would like to ask you some questions about your knowledge and/ or direct/indirect experience with sexual violence. All of the answers you give will be confidential. Participation in the study is completely voluntary. If I should come to any question you do not wish to respond to, just let me know and I will go on to the next question; or you can stop the interview at

any time. However, I very much appreciate your participation in this study since your views are important.

At this time, do you have any questions about the study?

May I begin the interview now?

Please allow me to pose to you two sets of questions, first, with regard to your background information and second, with regard to the subject of sexual violence?

Key Informant's Background Information

1. Gender

1. Male

2. Female

2. Age of respondent in years.

1. 18-25

2. 26-33

3. 34-41

4. 42-49

5. 50-57

6. 58-65

7. 66 and above

3. Marital status:

1. Single/never married

2. Married

3. Separated

4. Divorced

5. Widowed

4. Level of Education

1. None

2. Pre-primary

3. Primary

4. Secondary 1-4

5. Secondary 5-6

6. Middle level College(Specify)_____

7. University

8. Adult literacy

9. Other (Specify)_____

5. Religion:

1. Traditional
2. Roman Catholic
3. Protestant
4. Islam
5. Other (Specify)_____

6. Which organization/institution do you serve?_____

7. What is your position/designation in the organization_____?

8. How long have you stayed in this locality?_____

Information on sexual violence in Trans Nzoia County?

9. What do you understand by sexual violence against women and girls?_____

10. Do you know of any victims of sexual violence in this locality? 1. Yes 2.No

11. a) According to your knowledge, why do sexual violations against women and girls occur?_____

b) In your answer above, do you think indigenous culture contributes to the vice?

1. Yes 2. No 3. I don't know

12. a) Please list the most prevalent types/forms of sexual violence against women and girls in Trans Nzoia County

b) If available, please provide figures for the different types/forms of sexual violence against women and girls in Trans Nzoia County

13. a) Please list the main factors contributing to sexual violence against women and girls in Trans Nzoia County_____

b) In your opinion, do you think indigenous culture is one of the factors? 1. Yes
2. No 3. I don't know

14. In your understanding, do you think all victims of sexual violence in Trans Nzoia report their experiences to authorities? 1. Yes 2. No 3. I don't know

a) If your answer is (yes), above which authority is preferred? 1. Police 2. Chief 3. Elders 4. Others, specify_____

b) If your answer is No, why is it so?_____

15. Who are the key perpetrators of sexual violence against women and girls in Trans Nzoia in terms of the following?

1. Their ethnic group_____

2. Their gender_____

3. Their age_____

4. Their marital status_____
5. Their highest level of formal education_____
6. Their livelihood occupations_____
7. Their levels of income (Specify whether High, Medium, Low)_____

16. In your opinion, what motivates sexual offenders into committing this crime?

a) In your answer above, do you think culture could be a motivator? 1. Yes 2.

No 3. I don't know

17. What intervention strategies have been used to address sexual violence in Trans Nzoia County?_____

18. Generally speaking, how effective are the following intervention strategies in addressing sexual violence against women and girls in Trans Nzoia County? Use the following codes and circle your selected response for each intervention strategy. **1.** Very effective **2.** Effective **3.** Not effective **4.** Not effective at all **5.** I don't know.

Intervention strategy

Response

1. Prevention

1 2 3 4 5

- | | | | | | |
|-----------------------|---|---|---|---|---|
| 2. Protection | 1 | 2 | 3 | 4 | 5 |
| 3. Prosecution | 1 | 2 | 3 | 4 | 5 |
| 4. Capacity building | 1 | 2 | 3 | 4 | 5 |
| 5. Awareness creation | 1 | 2 | 3 | 4 | 5 |

19. a) Do you know of any organizations attempting to address sexual violence against women and girls in Trans Nzoia County? 1. Yes 2. No

b) If yes please list them_____

20. Why has sexual violence against women and girls persisted in Trans Nzoia County?_____

a) In your opinion do you think indigenous culture is contributing to this prevalence? 1. Yes 2. No 3. I don't know

21. What are the major Challenges faced in preventing and combating sexual violence in Trans Nzoia County?_____

a) In your answer above, do you think indigenous culture is a challenge? 1. Yes 2.No 3. I don't know

b) What are the possible solutions to the major challenges faced in preventing and combating sexual violence in Trans Nzoia County?_____

c) What in your opinion could be the best practices in preventing and combating of sexual violence against women and girls in Trans Nzoia County?_____

22. What activities does your organization undertake in addressing sexual violence in Trans Nzoia County? _____

23. Generally speaking, how effective are the activities your organization undertakes in addressing sexual violence against women and girls in Trans Nzoia County?

1. Very Effective
2. Effective
3. Not effective
4. Not effective at all
5. I don't know

Please explain your answer_____

24. Please comment about collaboration between your organization and other organizations in addressing sexual violence in Trans Nzoia County?_____

25. Do you think the existing laws are adequate in dealing with sexual violence against women and girls in Trans Nzoia County? 1. Yes 2. No 3. I don't know

Please explain your answer_____

26. Please comment freely on any experience with sexual violence not already addressed_____

Thank you very much for your cooperation and stay well.



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Internal Memo

FROM: Dean, Graduate School

DATE: 19th January, 2018

TO: Bernard Kiplangat Korir
C/o Security and Correction Science Dept

REF: C160/38921/2016

SUBJECT: APPROVAL OF RESEARCH PROJECT PROPOSAL

This is to inform you that Graduate School Board at its meeting of 10th January, 2018 approved your Research Project Proposal for the M.A Degree Entitled, "Nexus between Indigenous Cultures and Sexual Violence Reporting in Trans Nzoia County".

You may now proceed with your Data Collection, Subject to Clearance with Director General, National Commission for Science, Technology and Innovation.

As you embark on your data collection, please note that you will be required to submit to Graduate School completed Supervision Tracking Forms per semester. The form has been developed to replace the Progress Report Forms. The Supervision Tracking Forms are available at the University's Website under Graduate School webpage downloads.

Thank you.

ANNBELL MWANIKI
FOR: DEAN, GRADUATE SCHOOL

c.c. Chairman, Security and Correction Science Department

Supervisors:

1. Dr. Cyprian Kavivya
C/o Department of Security and Correction Science
Kenyatta University

AM/lnn

Approval of Research Proposal from Kenyatta University.

THIS IS TO CERTIFY THAT:
MR. BERNARD KIPLANGAT KORIR
of KENYATTA UNIVERSITY, 30036-100
Nairobi, has been permitted to conduct
research in Transzoia County

Permit No : NACOSTI/P/18/64621/22808
Date Of Issue : 24th May,2018
Fee Recieved :Ksh 1000

on the topic: **NEXUS BETWEEN
INDIGENOUS CULTURES AND SEXUAL
VIOLENCE REPORTING IN TRANS NZOIA
COUNTY**

for the period ending:
22nd May,2019



.....
**Applicant's
Signature**

Palenya
.....
**Director General
National Commission for Science,
Technology & Innovation**

Authorization Permit from NACOSTI



**NATIONAL COMMISSION FOR SCIENCE,
TECHNOLOGY AND INNOVATION**

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When replying please quote

NACOSTI, Upper Kabete
Off Waiyaki Way
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No. **NACOSTI/P/18/64621/22808**

Date: **25th May, 2018**

Bernard Kiplangat Korir
Kenyatta University
P.O. Box 43844-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *“Nexus between indigenous cultures and sexual violence reporting in Trans Nzoia County,”* I am pleased to inform you that you have been authorized to undertake research in **Trans Nzoia County** for the period ending **22nd May, 2019.**

You are advised to report to the **County Commissioner, the County Director of Education and the County Director of Health Services, Trans Nzoia County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit a **copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

**GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The County Commissioner
Trans Nzoia County.

The County Director of Education
Trans Nzoia County.

National Commission for Science, Technology and Innovation is ISO9001:2008 Certified

Letter from NACOSTI.

Map of Trans Nzoia County.

