

**SOCIO-CULTURAL FACTORS INFLUENCING JUSTICE SEEKING FOR DEFILED  
ADOLESCENT GIRLS IN KANYAMWA KOSEWE WARD, NDHIWA, HOMA BAY  
COUNTY, KENYA**

**BY**

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MANAGEMENT**

**SCHOOL OF ARTS AND SOCIAL SCIENCES**

**MASENO UNIVERSITY**

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**DECLARATION**

I declare that this project is my original work and has not been presented for a degree in any other university.

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## **DEDICATION**

This work is dedicated to the adolescent victims of sexual violence. Your voices won't go faint anymore.

## ABSTRACT

Globally, 120 million adolescent girls experience sexual violence and become pregnant annually. In Kenya, National Survey Report of 2019 revealed that 33.7% of females compared to 5.6% of males ages 13-17 experienced forced sexual intercourse 12 months prior to the study. Despite the fact that more than half of 13–17-year-old females (56.7%) who experienced incident of defilement disclosed to adult family members or relatives, only 9.8% sought help, with few cases reported to the police. Homa Bay County is among other counties with highest prevalence of teenage pregnancy (33%), confirming high rate of defilement. Within the county, Ndhiwa Sub-County is leading with teenage pregnancy and defilement cases, with Kanyamwa Kosewe Ward worst affected, yet the perpetrators are hardly reported to the police. However, it is unknown whether this inaction is because the community lacks knowledge on their role in seeking justice for victims or it is due to perceptions about criminal justice system (police or courts) in handling cases of defilement of female adolescents. It is also not clear whether there could be cultural factors, which hinder the community from seeking justice for the female adolescent victims. Therefore, this study, specifically, sought to (1) assess the level of awareness of the community members about their role in seeking justice for defiled adolescent girls in Kanyamwa Kosewe Ward, (2) find out how the community perceives criminal justice system in handling of defilement of adolescent girls in Kanyamwa Kosewe Ward, (3) investigate how cultural factors influence justice seeking for defilement of adolescent girls in Kanyamwa Kosewe Ward. The study was guided by Social-Ecological Model by Bronfenbrenner (1989). The study adopted a cross-sectional survey research design, combining both qualitative and quantitative approaches. The target population included community members aged 18 years and above. Out of this population, Yamane (1967) formula was used to obtain a sample of 204 study participants. The sample was then proportionately distributed in two sub-locations which were randomly selected from Kanyamwa Kosewe Ward. The respondents were selected through simple random method from list of household heads. Key informants such as chiefs, assistant chiefs, *nyumba kumi* members, teachers, the police, children’s officer, and civil society organization (CSO) officials were purposively selected and interviewed to saturation. Primary data was collected using semi-structured questionnaires administered to the randomly selected community members, while qualitative data was collected through four focus group discussions with community members and Key informant interviews. Quantitative data was analyzed using descriptive statistics and presented in table of frequencies and percentages while qualitative data was analyzed using thematic analysis. The study showed that the community had high level of awareness of their role in seeking justice for defiled adolescent girls. The highest source of awareness was vernacular radio stations and children’s department. However, the study found that the community had negative perceptions about the criminal justice system, including viewing them as being corrupt, nagging, ineffective as many cases over-delay in the court. The study also noted cultural factors hindering justice seeking, including protection of perpetrators who happen to be close relatives, fear of “blocking the girl’s future”, threats of suicide by the girls themselves, sexual affairs among adolescents regarded as normal by the community and lastly, fear of being labelled as an evil person, a witch. The study recommends strengthening of community policing to eliminate negative perceptions about criminal justice systems. It also recommends that a lot sensitization needs to be carried out through vernacular radio stations and other channels to demystify some of the cultural factors hindering justice seeking for defiled adolescent girls.

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## **LIST OF ABBREVIATIONS AND ACRONYMS**

CEWHIN	Center for Women’s Health and Information
CDC	Centers for Disease Control and Prevention
CRC	Convention on the Rights of the Child.
KNCHR	Kenya National Commission on Human Right.
NCEDP	Ndhiwa Community Empowerment and Development Project
SRGBV	Sexual, Reproductive Health Gender-Based Violence
UNICEF	United Nations Children's Fund.
US	United States of America.
WHO	World Health Organization.

## **OPERATIONAL DEFINITION OF TERMS**

**Adolescent girl-** refers to a female person below 18 years. In particular, in this study it refers to the female persons between the ages of thirteen and seventeen. This is slightly different from WHO definition of an adolescent as any person between ages 10 and 19.

**Criminal Justice system:** Includes law enforcement offices (police), chief, assistant chief, paralegals court systems and lawyers.

**Justice seeking** – means taking action against perpetrators of sexual violence, by reporting to the police and matter taken through court processes.

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

Globally, studies indicate that around 20% of girls and 5-10% of boys experience sexual violence annually (WHO, 2017). Similarly, UNICEF (2017) estimated that 120 million girls under the age of 20 years have experienced forced sexual intercourse and other forced sexual acts. In most societies, defilement of adolescent girls is mostly common within home and community and or is often committed by a person known to the family (UNICEF, 2017). There are several international legal frameworks that address forms of sexual violence against adolescents. For example, the Convention on the Rights of the Child (CRC), which constitutes the first legally binding international instrument regarding the rights of children, and in 2002, the signatory states reaffirmed their commitment by adopting the “A World Fit for Children” UN General Assembly resolution (United Nations Office on Drugs and Crime, 2015; UNICEF, 2020). However, many cases go unreported to the police and or least likely to end in conviction (UNICEF, 2020). It is thus, unclear whether there are socio-cultural factors affecting justice seeking for defiled adolescent girls in different settings.

In the USA, for example, about one in seven girls is sexually abused before they turn 18 years (Townsend, 2013). According to the Child Maltreatment 2015 report from the U.S. Department of Health and Human Services' Children's Bureau, 57,286 cases of girl child sexual violence were reported in the United States in 2015 (U.S. Department of Health and Human Services' Children's Bureau, 2015). According to WHO (2013), awareness of the nature of child sexual violence and its multiple dimensions is an essential condition for prevention, recognition, and action, and is required at individual, institutional, and societal levels. In the US, National

Sexual Violence Resource Center designated April as National Sexual Assault Awareness month, in recognition of the widespread prevalence of sexual assault nationwide, and focused on calling new voices to help bring about change to the culture of preventing sexual abuse of children (National Sexual Violence Resource Center, 2017). Consequently, there is an increasing number community members taking actions against sexual offences against girls by calling help lines is on the rise (WHO, 2020). However, due to variations in social context, the situation may not be the same elsewhere.

Similarly, in Europe, for example, England and Wales, the numbers of adult sexual offences reported to the police increased since 2012-2013, with around 43,000 cases recorded in 2019-2020 (George & Ferguson, 2021). This increasing trend was attributed to media coverage of high-profile cases and increasing awareness among the public, increased confidence in the police response to sexual violence allegations, and improvements in police recording practices. However, it was not clear from the available literature whether the same increasing trend was observed in reporting defilement of adolescent girls. In addition, George and Ferguson (2021) noted that rape victims have low levels of confidence in the criminal justice system's handling of rape complaints, with only 14% agreeing that victims could obtain justice by reporting to the police. Although these rape victims had negative perception towards the criminal justice system, it was not clear from the literature whether there could be other socio-cultural factors that hinder them from using Independent Sexual Violence Advisors (ISVAs) to seek justice for the defiled adolescent girls.

Thiara and Roy (2020), in a UK study on Black and Minority Ethnic (BME) victims of sexual violence and their experiences, attributed negative perceptions to racism as the victims from minority groups claimed that they did not get appropriate support from the criminal justice

systems including the police and court systems. According to WHO (2019) cultural and social norms are highly influential in shaping individual behaviour, including seeking justice for sexual violence. That is, taking action against perpetrators may also depend on socio-cultural orientations of a group. Thus, it is not known whether there could be differences in social contexts in informing the perceptions about the criminal justice in handling defilement.

In India, Tyagi and Karande (2021) reported that because of the sensitive and taboo nature of sexual violence, many cases go unreported, as a culture of privacy, fear of indignity, and social humiliation prevent the disclosure of such crimes. In addition, the report shows that certain forms of sexual violence, like touching, fondling of child's genitals, or breasts are wrongly perceived as minor types and are often ignored (Tyagi & Karande, 2021). However, these cultural and social norms vary from one ethnic group or country to another trigger actions in different ways. In Indonesia, in a study by Istiadah, Indah and Rosdiana (2020) indicated that the victims deliberately do not immediately report incidents of sexual harassment experienced and do not tell anyone because they think they have committed a grave sin in the form of adultery and would be blamed for it. This shows that there could be more variations in socio-cultural factors and how they influence justice seeking for adolescent girls who are victims of defilement.

In Africa, Sumner, et al., (2015) in Survey about Violence against Children found that prevalence of sexual violation against female children was  $\geq 25\%$  in five of seven countries surveyed, with Swaziland leading with 37.6% followed by Zimbabwe at 32.5% (2015). The other countries in the survey included Malawi, Tanzania and Kenya (Sumner et al, 2015). In these countries, among respondents who reported childhood sexual violence, Swaziland had the largest proportion (24.0%) of females receiving services, while Tanzania, 16.2%, Malawi, 9.6% and Kenya, 6.8% who seek services (Sumner et al., 2015). According to UNICEF (2017) most

children and families do not report cases of sexual violence because of stigma, fear and lack of trust in the authorities, social tolerance and lack of awareness. However, it is not known whether the challenge of lack of awareness on their role in seeking justice lies with the channels of dissemination of information concerning scope of what constitute sexual violence against girls, where and how to seek justice.

In Kenya, the National Survey Report of 2019 revealed that 33.7% of females compared to 5.6% of males ages 13-17 experienced forced sexual intercourse 12 months prior to the study (Ministry of Labour and Social Protection of Kenya, Department of Children's Services, 2019). The report further indicates that more than half of 13–17-year-old females (56.7%) who experienced incident of defilement disclosed to adult family members or relatives about their experience, yet only 9.8% sought help with few cases reported to the police. These findings are almost similar to the findings from a 2010 National Survey among people aged 18-24 years, which indicated that violence is a serious problem, where 32% of females and 18% of males experience defilement prior to their 18<sup>th</sup> birthday (UNICEF, National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, and the Kenya National Bureau of Statistics, 2012). In addition, nearly half of all perpetrators of the first incident of childhood sexual violence against girls were boyfriend/ romantic partners (47.3%), followed by neighbors (27.4%) and family members (15.3%) and relatively, few perpetrators were unknown or strangers (5.9%).

The “other” category includes herdsmen, church members, shopkeepers, customers, employees, and persons living in the community (UNICEF, 2012). In UNICEF (2012) respondents were asked to report who they told about the defilement experienced prior to age 18. For females, 70.3% told a relative (most often a mother, father or aunt), followed by a friend (64.2%), an



authority figure (22.4%), or a spouse/ partner (16.9%). Despite disclosure to the adults, the biggest question that arises is why the adults themselves never take action. It is thus unclear whether the relatives failed to take action because of lack of proper knowledge about the extent of what constitutes defilement of adolescents, their responsibility in seeking justice or hindered by negative perceptions about the police and court systems.

Different communities in Kenya resolve criminal cases, including sexual violence, through the traditional justice system as well as the formal legal system (Acord, 2010). For example, the Mijikenda of coastal region resolve defilement cases through Kaya elders, where the child survivor would be asked if the man should marry her, in addition to receiving a maximum of Ksh 4,000 (Acord, 2010). Where the age difference between the survivor and the perpetrator is significant, the matter is forwarded to the formal court, lest the Kaya kill the assailant (Acord, 2010). The defiled child is returned to school, and the Kaya ritually cleanses her by administering herbs to reduce stigmatization (Acord, 2010). Such traditional justice systems also exist among the Turkana community, where defilement cases are handled in similar ways, except that in Turkana the family of the perpetrator are allowed to beat the perpetrator (Accord, 2010). However, it is not known whether application of such traditional justice may be hindering justice seeking for defiled adolescent girls in other communities such as Luo.

In Kisumu County, a report on Western Kenya Human Rights Network by the Kenya National Human Rights Commission in 2011 indicates that there are concerns over increase of child molestation, exploitation, and neglect (Kenya National Human Rights Commission, 2011). The County Commissioner of Kisumu on 27<sup>th</sup> of November 2016, when launching a 16-days gender-based violence activism, revealed that more than 6400 cases of Gender Based Violence (GBV) have been reported over the last three years and 80% of such cases were related to sexual

violence including rape and defilement of girls on their way to school, yet community members fail to follow up on those cases as witnesses and they get dropped in court (Kenya New Agency, 27<sup>th</sup> November 2016). However, reports are yet to show what social and cultural factors limit community members from coming up as witnesses to ensure justice for the female adolescent victims.

In Homa Bay County, 45% of all first ante-natal clinic attendance were by adolescent girls (Oyaro & Okoko, 2017). Similarly, a report by East African Center for Human Rights showed rising cases of teenage pregnancies, with Homa Bay County ranking second with 5,932 teenage pregnancy cases during covid-19 lockdown (Koech, 2020). The same report showed that compared to other sub-counties, Ndhiwa Sub- County had the highest number of teenage girls who were pregnant between January and May 2020. That is, out 5964 teenage pregnancy cases, Homa bay Town had 742 (12.4%), Kabondo Kasipul, 788 (13.2%), Karachuonyo North, 890 (14.9%), Mbita 476 (7.9%), Ndhiwa 1123 (18.8%), Rachuonyo South 491 (8.2%), Rangwe 730 (12.2%) and Suba South had 724 (12.1%) cases (Koech, 2020). Reports from Children's department in the sub-county show that Kanyamwa Kosewe Ward is the worst affected with many cases of teenage pregnancy and defilement than other wards. Sexual violence is one of the leading drivers of these statistics, yet very few cases were reported to the police or taken to court (Koech, 2020). Despite the existence of legislations including the Sexual Offences Act 2006 that fights sexual violence against girl child and also helps in treatment of victims, it is not known how the community in this sub-county perceive the police and courts in dealing with these cases, hence fail to report, yet the victims suffer.

Merry (2009) cited in Syombwa (2014) says that knowledge of the law is power and helps in self-realization. The Kenya National Commission on Human Right (KNCHR) among other

stakeholders, since 2008 has had high-level workshop involving key policy makers to disseminate issues on Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Children Act 2001. This cascaded down to teachers, judicial officers, AAC members, chiefs, children's officers, law enforcement personnel, school administrators, health personnel, psychologists, social workers, staff of childcare institutions, traditional or community leaders and children's services providers among others (KNCHR, 2016). At the local level, it has always been the duties of the chiefs and assistant chiefs to disseminate and interpret government policies (Society for International Development {SID}, 2012). However, it is unknown whether most people do (or do not) attend such chiefs' assemblies (Baraza). At the same time, when NGOs create awareness, they may be picking on a few people who would in turn go and disseminate the same to the community members (KNCHR, 2008). In such processes, however, it is not known whether all community members (parents/guardians and children) have correct information on what constitutes sexual violence against girl child as well as knowledge of legal procedures to take when such cases occur.

Apart from having knowledge about sexual violence against girl child and legal procedures to take, it may also be important to know how the community members take action in case such violation occur within their communities. As was noted earlier, in other communities such as Turkana and Mijikenda, the council of elders arbitrate cases of sexual violence against girls (Acord, 2010). However, it is not clear whether similar approaches are used among the Luo community of Ndhiwa Sub-County. Like in Turkana community, where the girl's family conceals the defilement of the daughters, the family or clan are never to be married and or are regarded as outcasts (Acord, 2010). It is not known what punishment would be meted on the families should they fail to report cases of sexual violence against a girl in Ndhiwa Sub-County.

On the other hand, the formal justice system involves various actors such as the police, prosecutors, medical doctors, who collect scientific evidence in cases of assault and sexual violence, and the courts (Acord, 2010). However, it is not known whether the people of Ndhiwa-Sub-County would follow these laid procedures of formal justice system and seek medical services for the victims or they fail to take action fearing that it would lead to severe punishment to the perpetrators, who may be close relatives or village mates.

In addition, in many societies girl child sexual violence occurs though most of the cases are not reported to concerned authorities because of various challenges, which may be varying from one cultural group/ community to another (Sakala, 2015). For example, Egan and Hawkes (2008) noted that apart from poor community knowledge, other challenges include inappropriate response strategies towards the public health and human rights concern, and socio-cultural issues, which limit the potential to take action. Some Kenyan communities encourage early marriages and sexual engagement of girls with boys soon after initiation rites (KNBS, 2014). However, it is unknown whether such practices also exist in the study community that could provide tolerance on certain sexual violence against adolescent girls. Other studies from elsewhere show that cultural practices such as Disco Matanga (night vigil during funerals), have been blamed for increasing cases of teenage pregnancy (National Gender and Equality Commission, 2016). The reports shows that many communities in Kenya engage in specific cultural practices such as keeping vigil (*kesha*) at the home of the deceased family, which are normally accompanied or followed by loud music, singing, and prayers, consequently increasing the vulnerability of young girls, as men take advantage of the occasion to waylay and defile them. But in such circumstances, seeking justice for the survivor is difficult, as the darkness shields the perpetrator from identification (National Gender and Equality Commission, 2016).

The Luo community also have elaborate cultural practices including night vigils (Okal, Kodak, Yakub, & Okello, 2020). Despite the fact that darkness shields the perpetrators from being identified, sometimes they are known to the victims, but it is unclear whether failure to take action could be as a result of fear of the likely trouble that may be caused to wider families including the bereaved who organized for the outlawed night vigils.

## **1.2 Statement of the Problem**

Despite concerted efforts put by the government and NGOs among others, reports still show that sexual violence against adolescent girls occur at a high rate in Ndhiwa Sub-County of Homa Bay County, yet only few cases being reported to the police and taken to court. Although some studies point out that community members do not report such cases for fear of stigma, it is not clear whether they know the role they play, which is not only reporting but also becoming witnesses in order for the sexual violence cases to succeed in court. Secondly, it is not clear whether the inability of the community to take action is caused by their perceptions about the police and court systems in handling of sexual violence cases. Lack of this knowledge is likely to be a set back to the police and court systems that rely on the community members for reporting and becoming witnesses to the cases. Elsewhere, there are cultural practices such as night vigils, which have been blamed for increasing cases of sexual violence against adolescent girls. However, it is not clear how such cultural practices can compromise the ability of the community members to take action against perpetrators in order to deter the continued occurrence of the vice.

### **1.3 Research Questions**

1. What is the level of awareness of the community about their role in seeking justice for the defiled adolescent girls in Ndhiwa sub-county?
2. How does the community perceive criminal justice system handling cases defilement of adolescent girls in Ndhiwa Sub-County?
3. How do cultural factors influence community member's justice seeking for defiled adolescent girls in Ndhiwa Sub-County?

### **1.4 General Objective**

To find out how socio-cultural factors influence justice seeking for defiled adolescent girls Ndhiwa Sub-County.

#### **1.4.1 Specific Objectives**

1. To assess the level of awareness of the community about their role in seeking justice for defiled adolescent girls in Ndhiwa Sub-County.
2. To find out how the community perceives criminal justice system handling cases of defilement of adolescent girls in Ndhiwa Sub-County.
3. To investigate how cultural factors influence community members justice seeking for the defiled adolescent girls in Ndhiwa Sub-County.

### **1.5 Justification of the Study**

Defilement is a worldwide phenomenon and a major violation of human rights and fundamental freedoms that is indiscriminate and knows no boundaries including racial, ethnic, class, age, economic, religious, regions, culture or other divides. It is a criminal offence and a moral indignation as provided in the Kenyan Penal Code, the Sexual Offences Act 2006 and the Constitution 2010. The study is relevant because it will provide insights into social cultural factors affecting justice seeking in Ndhiwa Sub County.

The findings of the study will help to draw attention to relevant persons, groups, and the society at large in their endeavor to fight the vice. More specifically the findings and the recommendations will help the concerned bodies such as the government in its efforts to formulate policies, develop strategies and effective intervention mechanisms that are tailored to stamping out defilement. Furthermore, the study findings, conclusion and recommendations will contribute to the existing body of knowledge about sexual violence and the extent of support given to survivors to seek justice. More so, the study will provide useful insights and groundwork for future researchers.

### **1.6 Scope and limitations of the Study**

This study will be conducted in Kanyamwa Kosewe Ward, Ndhiwa Sub-County. The study targeted adult community members. Specifically, the study focused on awareness level of the community members on their role in seeking justice for adolescent girls who are victims of sexual violence, community perceptions about the police and courts systems handling defilement of adolescent girls, and cultural practices which could hinder them from taking action against perpetrators of sexual violence against girls. One major limitation was that the topic was sensitive and some respondents would talk with hesitation while others did not want to reveal a lot of information. Perhaps, there was no trust yet for such private matters to be disclosed. However, the study used different data collections methods to triangulate the information obtained.

### **1.7 Theoretical Framework: *Social-Ecological Model***

This study adopts Social Ecological Model developed by Bronfenbrenner (1989). This model considers the complex interplay between individual, relationship, community, and societal factors, which influence people's actions. The overlapping rings in the model illustrate how factors at one level influence factors at another level.

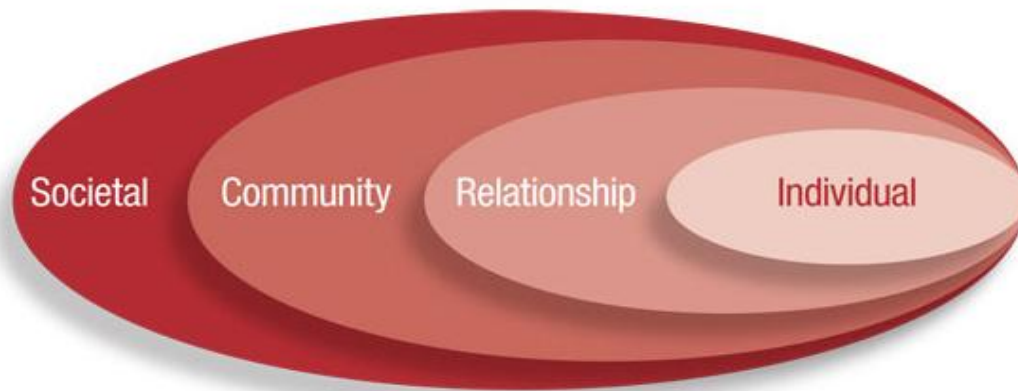


Figure 1.2. The Social-Ecological Model: A Framework for Prevention

#### **Adapted from CDC 2007**

The first level of the model (at the extreme right) includes individual biology and other personal characteristics, such as age, educational achievement, income, and health history among others. The second circle examines close relationships within the family, peers and partners. A person's closest social circle like peers, partners and family members influences their behavior and contributes to their experience. The third circle explores the settings within the community. The third level, community, explores the settings in which people have social relationships, such as schools, workplaces, and neighborhoods, and seeks to identify the characteristics of these settings that affect health and justice seeking. Finally, the fourth level looks at the broad societal



factors that favor or impair health. Examples here include cultural and social norms and the health, economic, educational, and social policies that help to create, maintain, or lessen socioeconomic inequalities between groups (CDC, 2007; Krug et al., 2002). This includes the cultural values and norms that forms part of community perceptions. This fourth outermost circle, looks at the broad societal factors that help create climate in which violence is encouraged or inhibited.

This theory has been applied by different authors in analyzing health and programmatic interventions such as CDC 2007 and Stokols (1996). Stokols (1996) in his work *Translating Social Ecological Theory into Guidelines for Community Health Promotion*, proposes four core principles that underlie the ways the social ecological model can contribute to the efforts to engage communities. He says that health status, emotional well-being, and social cohesion are influenced by the physical, social, and cultural dimensions of the individual's or community's environment and personal attributes (e.g., behavior patterns, psychology, genetics). Secondly, the same environment may have different effects on an individual's health depending on a variety of factors, including perceptions of ability to control the environment and financial resources. Thirdly, individuals and groups operate in multiple environments (e.g., workplace, neighborhood, larger geographic communities) that "spill over" and influence each other. Lastly, he says that there are personal and environmental "leverage points," such as the physical environment, available resources, and social norms, that exert vital influences on health and well-being.

In this study, this theory, the first circle, which looks at the individual characteristics, including age, education level, occupation and level of awareness and how they play a role in reporting and becoming witness to cases in the criminal justice system. Two, intra-family relations among

others, in the second circle of the theory, would be important in determining the ability of affected families to report sexual violence cases to the police. Other factors such as community perceptions and cultural norms were addressed by the last level of the circle of the theory.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter presents literature reviewed as per the objectives. The first section deals with the community knowledge on their role on seeking justice for defiled adolescent girls, community perceptions about criminal justice system in handling cases of defilement and lastly, cultural factors that hinder justice seeking for defiled adolescent girls.

#### **2.2 Community awareness of their role in justice seeking for defiled adolescent girls**

Globally, studies indicate that more girls experience sexual violence than boys. For example, about 20% of girls and 5-10% of boys experience sexual violence annually (WHO, 2017). UNICEF (2017) also estimates that 120 million girls under the age of 20 years have experienced some form of forced sexual violence. Globally, more girls experience sexual violence than boys (WHO, 20017). Studies have also shown that in most societies, sexual violence against children is most common within home and community and or is often committed by a person known to the family (UNICEF, 2012; WHO, 2012; 2017). it also occurs in schools and other educational settings, by both peers and teachers, closed workplaces, such as domestic labourers employed in private households, in institutions and in the community have also been mentioned where perpetrated by people known to the victim and others (UNICEF, 2012; WHO, 2012; 2017). Thus, sexual violence happens in all cultures with varying definitions of what constitutes sexual violence (Heise, Moore &Toubia).

As was indicated in the background, WHO (2012) noted that past, approaches to sexual violence have largely focused on the criminal justice system, but currently there is a general movement towards a public health approach, which recognizes that sexual violence is not the result of any single factor but is caused by multiple risk factors that interact at individual, relationship and

community/societal levels. This implies that addressing sexual violence against children requires cooperation from diverse sectors, including health, social science, education, welfare and criminal justice. The public health approaches aim to extend care and safety, ensuring that people who experience sexual violence have access to appropriate services and support, prevention requires addressing the root causes and social norms that allow sexual violence to occur at the same time creating awareness to give sexual violence visibility and quick response from the community and legal bodies (National Sexual Violence Resource Center, 2017). According to WHO (2012), awareness of the nature of child sexual violence and its multiple dimensions is an essential condition for prevention, recognition, and action, and is required at individual, institutional, and societal levels. In the US, National Sexual Violence Resource Center has designated April as National Sexual Assault Awareness month, in recognition of the widespread prevalence of sexual assault nationwide (National Sexual Violence Resource Center, 2017). The April, 2017 Sexual Assault Awareness Month (SAAM) campaign focused on calling new voices to help bring about change to the culture of preventing sexual abuse of children (National Sexual Violence Resource Center, 2017).

In Europe, despite the existence of legal frameworks, studies have shown that the public is not fully aware of the magnitude of sexual violence against girls, which makes it difficult to address it (Townsend, 2013). Mathews and Collin-Vézina (2016) too noted that the first challenge is the awareness problem, which even in the western nations, individual and societal sensitization to child sexual violence still remains incomplete. Other different studies have shown that there exists knowledge gaps and misperceptions about sexual violence against girl child which are widespread amongst the general public, professionals and societal opinion leaders in the Europe (Fontes & Plummer, 2010; Cromer, & Goldsmith, 2010). This is completely ironical considering

the fact that Europe has high technological advancements, such as availability of internet connections and print media and high literacy levels, where it may be expected that a lot of policies or legislations including those touching on sexual offences would be able to reach the general public very fast and to a larger percentage of the population through those media.

In Africa, it is often said that the magnitude of sexual violence against children in sub-Saharan Africa is unknown, largely due to the fact that it is seriously under-reported, as noted by a number of authors (Lalor, 2004; East, Central and Southern African Health Community January [ECSAHC], 2011). As a result, WHO (2004) refers to child sexual abuse as “a silent health emergency [that] goes unnoticed, is grossly under-reported and poorly managed [and] surrounded by a culture of silence and stigma” in Africa. According to UNICEF (2017) most children and families do not report cases of sexual violence because of stigma, fear and lack of trust in the authorities, social tolerance and lack of awareness. Although not specific to child sexual abuse, a report from Kenya notes that accurate statistics on all forms of sexual abuse are not known due to low reporting rates, as a consequence of stigma and a lack of systematic management protocols and guidelines, which (among other negative consequences) impedes the ability to prosecute (Rogena,, Mugo & Odongo, 2005 quoted in ECSAHC, 2011). However, it is not known whether the challenge of lack of awareness of all forms of sexual violence against children emanates from poor means of dissemination of information concerning scope of what constitute sexual violence against girls, where and how to seek justice.

Merry (2009) quoted in Syombwa (2014) says that knowledge of the law is power and helps in self-realization. That is, people who use the legal system must be able to guide themselves through a process that they understand and, at appropriate places along the way, they are able to recognize that they have a legal right or responsibility, so as to enable them to exercise or assume

it (Merry, 2009). In that regard, in as much there are legislations such as the Sexual Offences Act of 2006, it is possible that most people are not well informed about such child protection legislations and or what exactly constitutes sexual violence against girl child. This may be possible in terms of how information is disseminated and trickles down to the people in the grassroots. For example, according to Kenya National Commission on Human Right (KNCHR) in 2008, a high-level workshop involving more than 200 key policy makers was held to disseminate the State Party's second report and the UNCRC's concluding remarks and observations. These included the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Children Act 2001. Thereafter, district forums to disseminate the State Party's second report and the concluding observations were held (KNCHR, 2016). The State Party has continued to provide training on the Convention to teachers, judicial officers, AAC members, chiefs, children's officers, law enforcement personnel, school administrators, health personnel, psychologists, social workers, staff of childcare institutions, traditional or community leaders and children's services providers among others (KNCHR, 2016). At the local level, it has always been the duties of the chiefs and assistant chiefs to disseminate and interpret government policies (Society for International Development {SID}, 2012). However, it is possible that most people do not attend such chiefs' assemblies (Baraza). At the same time, when NGOs create awareness, they may be picking on a few people who would in turn go and disseminate the same to the community members. In such processes, it is not known whether all community members (parents/guardians and children) have corrected information on what constitutes sexual violence against girl child as well as knowledge of legal procedures to take when such cases occur.

At the same time, the government of Kenya had launched the National Adolescent Sexual and Reproductive Health Policy (2015) which emphasizes access to comprehensive sexuality education and adolescent-friendly sexual and reproductive health information and services, comprehensive sexuality education to empower adolescents to make informed decisions about their sexuality and sexual health. However, Plan International reported that comprehensive sexuality education is not going on in schools in Kisumu and Homa Bay Counties (Standard Newspaper, 21, 2016). Although this report may be hitting on what may be taking place, little empirical literature exists to give evidence to that effect.

In Kisumu and Homa Bay, in 2016, Plan International reported that teenage pregnancy is both a public health and education problem and has reached alarming levels. According to Plan International Kenya, teenage pregnancy in Kisumu County has gone up from 22% to 42% and Kisumu West and Seme-Sub Counties are the most affected (Standard Newspaper, 21<sup>st</sup>, November, 2016). The report further says that 25% of teenagers in Kisumu County reported to have had sex before the age of 15 years and 80% of teenage pregnancies occur among girls in primary school. Moreover, 42% of teenage girls have been forced to drop out of school due to unintended pregnancy affected (Standard Newspaper, 21<sup>st</sup>, November, 2016). Teenage pregnancy in Kisumu is more rampant in rural areas where there is poverty, gender inequality, lack of sexual and reproductive health information and services and lack of comprehensive sexuality education (Standard Newspaper, 21<sup>st</sup>, November, 2016). Similarly, the National Adolescent Sexual and Reproductive Health Policy 2015 indicates that while many adolescents may choose to get pregnant, many pregnancies occur in the context of human rights violations such as child marriage, coerced sex or sexual abuse (Republic of Kenya, 2015). The biggest question is why many of these cases are neither reported to the police and nor taken to court.

Team Kenya and Ndhiwa Community Empowerment and Development Project (NCEDP) (2016) reported that Ndhiwa Sub-County experiences high prevalence SRGBV, which are inextricably connected to the child marriage as well as poverty and corruption are key contributing factors. However, the report did not give level of awareness of community members regarding their role in taking action, especially reporting the perpetrators and being witnesses so that adolescent girls get justice.

### **2.3 Community perception about criminal justice system in handling cases defilement of adolescent girls**

A large body of research has also demonstrated that negative public perceptions about the police can affect reporting of sexual violence cases (George & Ferguson, 202; Murphy-Oikonen, McQueen, Miller, Chambers, & Hiebert, 2022; Hanway & Hambly, 2023). Other scholars have also illustrated that when the public perceives the police as procedurally just, the public is also more likely to perceive law enforcement as legitimate, report higher satisfaction with law enforcement (Merenda et al., 2020). In US survey, Ekins (2017) indicate that 58% of the citizens perceive criminal justice system to be unfair and fails to treat everyone equally before the law, hence unlikely to report crime. In New York, Merenda et al., (2021) demonstrates that procedural justice, especially applying fairness, voice, transparency, and impartiality, is a central factor influencing citizen attitudes toward the police. However, it is not clear from these existing studies whether such perceptions may influence seeking justice for adolescent girls who are victims of sexual violence.

In a Crime Survey for England and Wales (CSEW) on sexual assault among adolescents and women from age 16 for the years 2017 to 2020, showed that fewer than one in six victims (16%) had reported the assault to the police (Stripe, 2021). Similarly, in the same setting, George and Ferguson (2021) as well as Elkin (2018) had previously reported 14% and 17% of the victims



respectively reported their experience of rape or assault to the police. In all these three studies, the most common reasons for not reporting to the police was not only fear of embarrassment but also the thought that they could not help while a quarter of victims also thought the police would not believe them. However, Stripe, (2021) shows that as victim age increased, so did the number of victims who were reporting to the police. This implies that younger adolescent girls may suffer more sexual violence without seeking justice.

Across 34 countries in Africa, according to Logan, Appiah-Nyamekye and Katenda (2022), 47% of the respondents perceived the police to be the most corrupt among key government institutions. However, perceived corruption among the police varies widely across countries, with Tunisia (24%), Tanzania (23%), Cabo Verde (22%), and Morocco (15%) while more than two-thirds of Gabonese (69%), Ugandans (68%), Kenyans (68%), and Liberians (67%) (Logan, 2022). In Nigeria, Nyam (2020) noted that the public have the perception that the police is not trustworthy. Similarly, Idowu and Nwosu (2021), revealed that the public have low confidence in the police. Negative perception has come with the rise in violent crimes such as robbery, kidnaping, homicide and terrorism, which the police and other security agencies are unable to solve by bringing perpetrators to justice (Nyam, 2020). As a result, victims of rape are reluctant to report crimes (Nyam, 2020; Idowi & Nwosu, 2021). However, it is not clear whether the same laxity may occur in reporting of the defilement cases to the police.

In South Africa, Roberts and Gordon (2022) illustrated that the public view the police as corrupt and partial in handling crime, consequently losing confidence in them. In the same setting, Dlamini (2020) also found that the citizens showed less favorable attitudes towards the police and always lack trust in their effort to bring justice. In Ethiopia, Melkamu and Teshome (2023) found lower trust in the local police, with effectiveness, procedural fairness, and police-

community relations were statistically significant predictors of trust in the police. While this study (Melkamu & Teshome, 2023) points to low trust levels, it remains unclear how it may affect reporting of sensitive matters of sexual violence against adolescent girls.

According to the most recent Afro-barometer survey of 2023, public trust in the Uganda Police Force is both low and 77% of the public perceive the police to be corrupt (Kakumba and Krönke (2023). The survey continues to illustrate that Ugandans view the police as unprofessional and unable or unwilling to safeguard citizens' rights are also less likely to be trusted (Kakumba & Krönke 2023). Similar findings were found by Logan, et al., (2022), which showed his levels of public mistrust about the police, making them unwilling to report crime. However, these existing reports do not show whether cases of defilement may be reported to the law enforcement authorities.

In Kenya, nearly half of females (45.9%) experienced GBV in their childhood, yet only two out of five told someone about an incident (Republic of Kenya, 2019). Out of the victims, 53.6% did not seek services for sexual violence, saying they never thought it was a problem. Otieno (2020) also says that GBV is still the least talked about violation of (mainly women's and girls') human rights and remains either largely unreported. The author adds that the magnitude and forms of prevalence of SRGBV among primary school students as well as the students' emotional expressions of these experiences, making adolescent girls to be afraid to report or share GBV challenges because the abusers are their family members, teachers, neighbors, and friends. Orindi et al., (2020) reported that sexual violence among adolescent girls in Nairobi slums is common, driven by social, cultural norms and economic circumstances. In as much as teachers reported knowing that GBV occurs in various forms among female students, little was being done to prevent further injuries and consequences to students (Otieno, 2020). However, these existing

reports (Orindi et al, 2020; Otieno (2020) do not tell whether laxity to report defilement cases may be due their negative perceptions of the police.

In Ndhiwa Team Kenya and Ndhiwa Community Empowerment and Development Project (NCEDP) (2016) reported that parents felt that following up on reported cases of sexual violence is expensive because law enforcement demand for money, yet they do not adequate finances. However, the report only relied on FGD reports from a small number of the participants, which consequently called for further empirical studies to prove the claims.

#### **2.4 Cultural factors hindering justice seeking for defiled adolescent girls**

According to UNICEF, National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, and the Kenya National Bureau of Statistics (2012) of those who experienced sexual violence prior to age 18 years, 3% of females and 0.4% of males reported receiving services for any incident of sexual violence. About three out of every ten females aged 13 to 17 told someone about an incident of sexual violence experienced in the previous 12 months but only 8% of them reported receiving services (such as from a clinic or NGO) for any incident of sexual violence (UNICEF et al., 2012). Further, UNICEF et al (2012) says that females reported they did not seek services for sexual violence experienced prior to age 18 because they were embarrassed for themselves or for their family (35.1%), did not think the violence was a problem (15.2%), were afraid of getting into trouble (15.4%), and/ or did not want their abuser to get into trouble (15.4%). Other studies attributed it to a lack of systematic management protocols and guidelines, which (among other negative consequences) (Rogena, Mugo & Odongo, 2005 quoted in ECSAHC, 2011).

It may also be attributed to long bureaucratic procedures and weak judicial systems. In Kenya, different communities resolve criminal cases, including sexual violence, through the traditional justice system as well as the formal legal system (Acord, 2010). For example, the Mijikenda of coastal region, in cases of defilement, the case would be reported to the Kaya elders and the child survivor would be asked if the man should marry her, in addition to receiving a maximum of Ksh4,000 (Acord, 2010). Where the age difference between the survivor and the assailant is big, the matter is forwarded to the formal court, lest the Kaya kill the assailant (Acord, 2010). The defiled child is returned to school, and the Kaya ritually cleanses her by administering herbs to reduce stigmatization (Acord, 2010). Such traditional justice system also exists among the Turkana community, where they also handle defilement cases in similar ways, except that in Turkana the family of the perpetrator are allowed to beat him up (Accord, 2010). Noteworthy that in both communities, the traditional system has deficiencies because the compensation awards do not match the offence committed and may not deter future occurrences (Acord, 2010). However, sometimes application of such justice traditionally may vary from one community to another, selective and based on friendship and may not offer justice to the victims. However, it is not clear whether similar approaches are used among the Luo community of Ndhiwa Sub-County. Like in Turkana community, where the girl's family conceals the defilement, the daughters in that family or clan would never be married and or are regarded as outcasts (Acord, 2010), it is not known what punishment would be meted on the families should they fail to report cases of defilement in Ndhiwa sub-county. On the other hand, the formal justice system involves various actors such as the police, prosecutors, medical doctors, who collect scientific evidence in cases of assault and sexual violence, and the courts (Acord, 2010). However, it is not known

whether the people of Ndhiwa sub-county would follow the laid procedures of formal justice system.

The community needs to be involved in helping reducing or eliminating all together girl child defilement (Mhlanga, et. al., 2014). However, main challenges that may be facing the community, hence limiting their potential to take action include cultural practices and inappropriate response strategies towards the public health and human rights concern, and socio-cultural issues (Egan & Hawkes, 2008). In addition, such low level of knowledge on girl child defilement and the accompany legislations is attributed to cultural issues (Jina & Thomas, 2013). For instance, the relationship between a perpetrator and a victim where the former refers to latter as either a sister or brother-in-law (Jina & Thomas, 2013). Such cultural issues are likely to make the perpetrator to engage in sexual activities irrespective of the victim's age (Jina & Thomas, 2013).

Despite plethora of studies towards sexual violence and how communities can be involved, the above study background has established that very little has been done towards establishing specific response that need to be taken by communities. The few studies done (Miller & Rasmussen, 2010; Jina & Thomas, 2013; and Banyard, 2011) have proposed for need to have communities included in mitigating and eliminating sexual violence especially amongst children. In addition, other scholars (Banyard et al., 2010 and Stoltenborgh et al., 2011) have also proposed towards establishing strategies and responses that communities should be involved in for purposes of mitigating and eradicating sexual violence against the girl child. Therefore, the above gaps form basis for proposed study especially in exploring the community responses to girl child defilement in Ndhiwa sub-county, Homa Bay County.

Moreover, many studies that have been done on sexual violence worldwide and particularly in Kenya such as (UNICEF, 2017; Stoltenborgh et al., 2011; Krug et al. 2002; Long, 2011; Grace, 2010; Banyard et al., 2010; Abdulkadir et al., 2011; and Deokar et al., 2015) have focused on their plight and welfare in the families; types of sexual violence; psychosocial support; voices of sexually abused children; health and nutrition of sexually abused to mention but a few. However, limited studies have been done inadequate community response of girl defilement in the country especially considering inadequate knowledge occasioned by lack of awareness and also cultural issues. This has led to many of the girls to develop long-term social, economic, physical and health problems as they grow up. Most of the girls become disillusioned with life and are not able to integrate well with the mainstream society.

Team Kenya and NCEDP (2016), in Ndhiwa, noted that GBV against girls go unreported because victims feel nothing will happen to the perpetrator. The majority of the pupils highlighted that they felt nothing happened even if the cases were reported and it has been considered that teachers' may also be unwilling to report transgressions by colleagues (Team Kenya & NCEDP, 2016). Although there have been campaigns ongoing, it is not clear why the statistics of reported cases are not improving. Understanding the community response on girl child defilement, will inform interventions dealing with the well-being of sexually abused girls and other children on how to deal with the menace. Community response is a key determinant influencing the defilement rates and sustainability of interventions. It is due to this that this study seeks to establish community response to girl child defilement in Ndhiwa sub-county in Homa Bay County.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.1 Research Design**

This study adopted a cross-sectional survey research design. A cross-sectional survey research design involves the collection of data on a number of variables from different individuals simultaneously and at a single point in time in order to detect patterns of associations (David & Sutton, 2004; Gray, 2004; Neuman, 2000). The interest is in the state of the variable at a particular point in time. Data is collected from a sample of respondents about their experiences concerning on a particular topic in order to generalize the findings to the population (David & Sutton, 2004; Gray, 2004; Neuman, 2000).

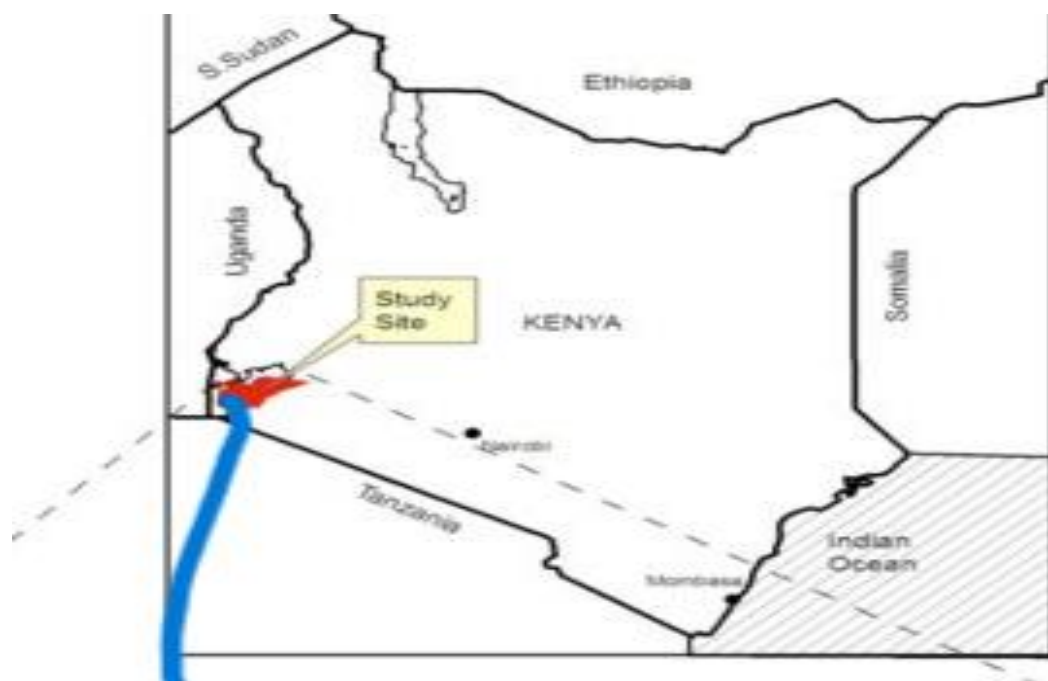
The study was conducted within a period of one month, starting with semi-structured interviews to capture statistical data. This was followed by Key informant interviews and focus group discussions. The study was simply a snap-shot, aimed at capturing the views of community members regarding seeking justice for girls who have faced sexual violence. Although not all respondents may not have experienced or witness as well but they may have heard cases regarding defilement of girls and actions taken.

#### **3.2 Study area**

The study was conducted in Kanyamwa Kosewe Ward in Ndhiwa Sub-County of Homa Bay County. The ward is predominantly inhabited by the Luo of Kenya, Kanyamwa clan. The ward comprises of Kwamo, Kayambo, Kabonyo and Kwandiku sub-locations.

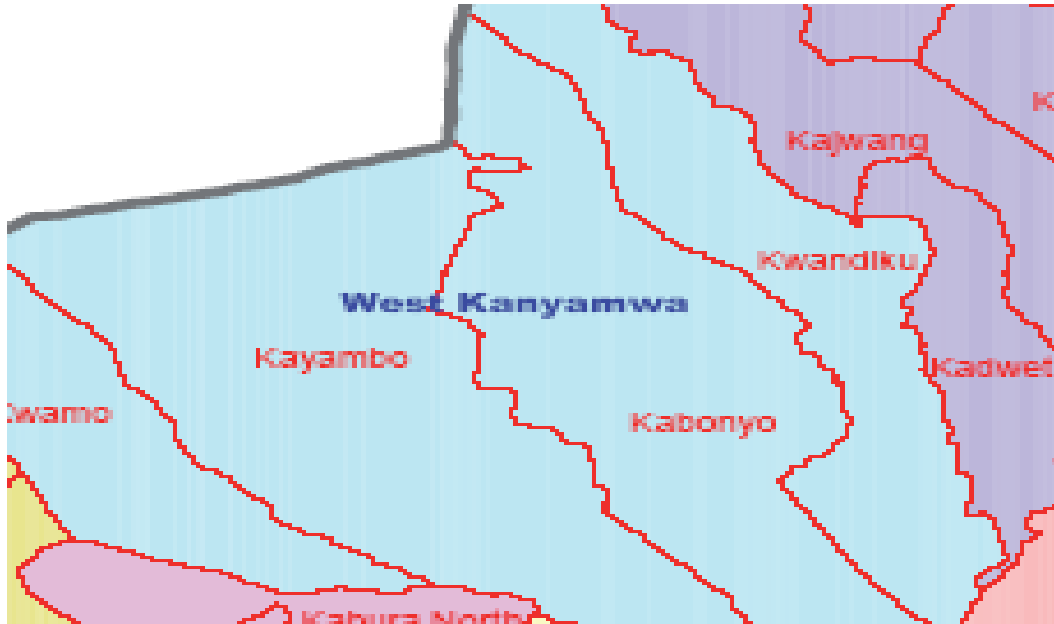
### 3.3 Target Population

The target population of the study was community members aged 18 years and above who are thought to be old enough to recall incidents of GBV either through experience or witness as well as know about the interventions regarding defilement of girls. The target population was drawn from two sub-locations of Kanyamwa Kosewe Ward of Ndhiwa Sub-County, namely Upper Kayambo and Lower Kayambo with adult population of 18,375.



**Figure. 3.3: Map Of The Study Area**





This place is situated in Homa Bay County, Kenya, with its geographical coordinates: **0° 44' 0" South, 34° 22' 0" East**

### 3.4 Sample Size and Sampling Procedure

This study adopted the formula by Yamane (1967) to determine a sample size (n) from a known population size (N) given by:

$$n = \frac{N}{1+N(e)^2} \quad \text{Where:}$$

$n$  – Required size of the sample

$N$  – Target population (18,375)

$e$  – Acceptable error (degree of accuracy) whose value is 0.07.

$$n = \frac{18,375}{1 + 18,375(0.07)^2}$$

$$1 + 18,375(0.07)^2$$

$$\mathbf{n = 204}$$

Being that ward was too large, the two sub-locations were randomly selected from the four sub-locations to represent ward. This is according to Mugenda and Mugenda (2003) who say that a sample of between 30-50% of the population suffices. The names of the sub-locations were put on pieces of paper and folded and then picked at random. Thereafter, a sample of 204 was proportionately distributed in each of two selected sub-locations. The sample was distributed as summarized in Table 3.1.

**Table 3.1: Distribution of the Sample across the Administrative sub-locations**

<b>Sub-locations</b>	<b>Total population</b>	<b>Proportion of sample</b>
Upper Kayambo	6991	78
Lower Kayambo	11384	126
<b>Total</b>	<b>18375</b>	<b>204</b>

In the second stage of sampling, simple random sampling was used to pick the individual study participants. Village elders were used to get list of household heads within their jurisdiction. The names were then put in pieces of paper, mixed in bucket and picked at random until the required sample was achieved. Lastly, purposive sampling was used to select key informants, namely 1 sub-county children’s officers, 2 chiefs, police, 10 primary school head teachers and 5 CSO officials in the region that have been implementing sexual violence interventions. These key informants were interviewed to saturation and hence their number were not predetermined prior to the study.

### **3.5 Data collection methods**

#### **3.5.1 Semi-structured interviews**

Semi-structured questionnaire with both closed and open-ended questions was administered to 204 community members to get their views about socio-cultural factors affecting justice seeking for adolescent girls who experience SV. In particular, it focused on community perceptions about sexual violence interventions among female adolescents, their level of knowledge of their role as

agents in the fight against the vice and lastly investigate how cultural practices affect justice seeking for the adolescent girls.

### **3.5.2 Key Informant Interview**

In this study the key informants included 1 county children's officers, 1 chief, 2 police officers, 4 primary school girls (class prefects, picked on the basis of their knowledge as the in charge of classes and know who is absent and may be for what reasons), 2 primary school head teachers, 2 *nyumba kumi* committee members, and 2 CSO officials in the region that have been implementing sexual and gender-based violence interventions. These key informants were interviewed to saturation.

### **3.5.3 Focus Group Discussions (FGDs)**

Four focus group discussions (FGDs) were conducted with community members, particularly those who never took part in the semi-structured interviews. These discussions were conducted separately for both male and female group members. That is, while selecting participants in the FGDs, the principle of homogeneity was considered in order to elicit opinions from a "like" representative group. It is important to note that sexual violence is gendered, in which men and women would possibly have varying opinions. The FGDs comprised of 8 participants, a moderator and a note-takers. The moderator was the researcher himself while the note-taker was field assistants. These discussions were conducted with the help of FDG guide. The discussions were conducted within the villages, each lasting 45 minutes. Specifically, two were conducted in a local church compound while the remaining were done under a tree where village elders call for community meetings. This was to ensure that the participants were in a neutral ground to avoid any biases. The FGDs were used to further probe and investigate themes and findings from questionnaires. For example, they were used to establish respondents' awareness of their role in

justice seeking for defiled girls, their perceptions of law enforcement agencies, and cultural factors that hinder action against sexual violence.

### **3.6 Reliability and Validity**

For reliability, the tools of data collection that were used (the questionnaire, the interview guide and the FGD) were pre-tested before actual data collection exercise. The pretesting was done in the same ward, but in a neighbouring sub-location called Kwamo. The exercise was conducted using 10% of the study population, giving a total of 20 respondents who were engaged in this exercise. The purpose of pre-testing was to identify any problems with the data collection instrument and find possible solutions. Pre-testing of tools also helped in finding out how long it would take to complete each tool. For validity of the tools, expert judgment from the university supervisors sufficed. Validity of data was ensured through triangulation of data collection methods for corroboration and complementarities.

### **3.7 Data Analysis**

According to Kothari (2004), data processing implies editing, coding, classification and tabulation of collected data to make it amenable for analysis while analysis refers to the computation of certain measures along with searching for patterns of relationships that exist among data groups. Quantitative data was analyzed using descriptive statistics with the help of Statistical package for social sciences (SPSS) software data and presented in the form of tables of frequencies and percentages as well as in charts. Analysis of qualitative data was undertaken simultaneously with data collection. The FGDs were coded as FGD 01 up to 04. Information collected in the FGDs and KIIs were then processed and analyzed through thematic analysis as derived from the study objectives. They were corroborated with the help of verbatim quotations.

### **3.8 Ethical Considerations**

Informed consent was obtained from all the study participants before any interviews were conducted. The respondents were provided with accurate information about the research and given consent form to sign. Research assistants were trained in terms of the importance of ethical considerations and best practice in dealing with sensitive research issues especially with parents and vulnerable victims of SRGBV. Confidentiality and privacy of the respondents were maintained throughout the exercise. On the other hand, names of the respondents were not taken. The researcher ensured that the rights of the participants were respected at all stages of the study.

## CHAPTER FOUR

### FINDINGS AND DISCUSSIONS

#### 4.1 Introduction

This chapter presents findings and discussion of the results. The findings of each objective is presented as sub-section of this chapter. It starts by presenting socio-demographic characteristics of the respondents, followed by community knowledge on their role in justice seeking for female adolescent victims of sexual violence, community perception about the criminal justice system in addressing sexual violence against female adolescents and lastly, the influence of cultural practices on justice seeking for female adolescent victims of sexual violence.

#### 4.2 Level of awareness on the role of community in seeking justice for female adolescent who are victims of sexual violence

##### 4.2.1 Socio-demographic characteristics of the respondents

##### Age of respondents

**Table 4.2.1 Age of the respondent**

<b>Age Categories</b>	<b>Frequency</b>	<b>Percent</b>
≥20	4	1.96
21-30	45	22.06
31-40	68	33.33
41-50	45	22.06
51-60	32	15.69
61 +	10	4.9
<b>Total</b>	<b>204</b>	<b>100.00</b>

A majority (33.33%) of the respondents were in the age bracket of 31-40, followed by 21-30 and 41-50 which both tallied at 22.06%. those in the age category of 51-60 were 15.69% whereas 61 and above years were 4.9%. These data tally with the census of 2019, which showed that the youth are the majority in this community, followed by those in the age bracket of 41-50 (Homa Bay County Government, 2018; KNBS, 2019, pg. 364).

### **Gender and marital status of the respondents**

**Table 4.2.2. Gender and marital status of the respondents**

<b>Gender</b>	<b>Frequency</b>	<b>Percent</b>
Male	106	52.0
Female	98	48.0
<b>Total</b>	<b>204</b>	<b>100.0</b>

<b>Marital status</b>	<b>Frequency</b>	<b>Percent</b>
Single	10	4.90
Married	104	50.98
Widowed	80	39.21
Separated	10	4.90
<b>Total</b>	<b>204</b>	<b>100</b>

Out of the 204 respondents, 52% were males while 48% were female. Although in most cases men are regarded as a household head, during fieldwork, married women were mostly available at home and accepted to be interviewed. At the same time, this near equal numbers of both genders in this study may be attributed to the high level of widowhood in this community. According to the census of 2019, Ndhiwa Sub-County recorded high percentage of widows (KNBS, 2019). This has been attributed to effect of HIV and AIDS, where Homa Bay County has been leading (NAS COP, 2021).

### **Education level of the respondents**

In terms of education levels, while the illiterate comprised of 4.9%, more than half, 52.94% had primary level of education, followed by secondary at 29.49% while tertiary and university were 4.9% and 5.9% respectively. Only 1.96% had postgraduate level of education. See table 4.2.4 below:

#### **4.2.2 Education level of the respondents**

<b>Education levels</b>	<b>Frequency</b>	<b>Percent</b>
Illiterate	10	4.9
Primary	108	52.94
Secondary	60	29.49
Tertiary	10	4.9
University	12	5.9
Postgraduate	4	1.96
<b>Total</b>	<b>204</b>	<b>100</b>

Census of 2019 indicated a majority of the people in the study area have primary level of education and followed by secondary level (Homa Bay County Government, 2018; KNBS, 2019). A very small number of the residents have had high level of education.

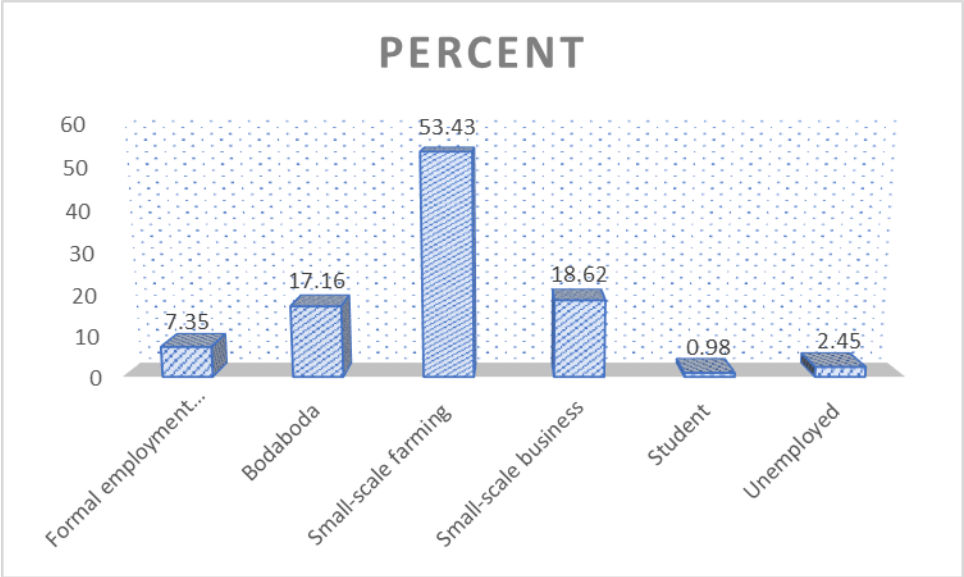


## **Occupation of the respondent**

Quantitative data shows that a majority (53.43%) of the respondents were doing small scale farming, combined with livestock rearing, while 18.62% and 17.16% were in small scale trade and *bodaboda* business respectively. The *bodaboda* were predominantly males whereas women predominate small scale trade in the local market centers. Formal employment comprised of only 7.35% whereas 0.98% and 2.45% were students and unemployed respectively. Qualitative data also confirmed that Ndhiwa residents are predominantly small-scale crop farmers combined with livestock keeping.

In this community, main source of income is crop farming. We also keep livestock. And mostly use oxen to plough. The youth are all in *bodaboda*. It is a business employing many young men in this area. Education level is low and a few people have formal employment opportunities. Mainly teachers are in the formal employment. (Key informant 01, chief)

These data also concur with census of 2019 which showed that a majority of Ndhiwa residents depend on agriculture (crop farming and livestock rearing) (KBNS, 2019). The census data also shows that only 3962 residents on Ndhiwa Sub-County residents were in the formal employment. (KNBS, 2019). Similarly, according to the Homa Bay CIDP, Ndhiwa Sub-County grows sugarcane among other food crops (Homa Bay County Government, 2018).



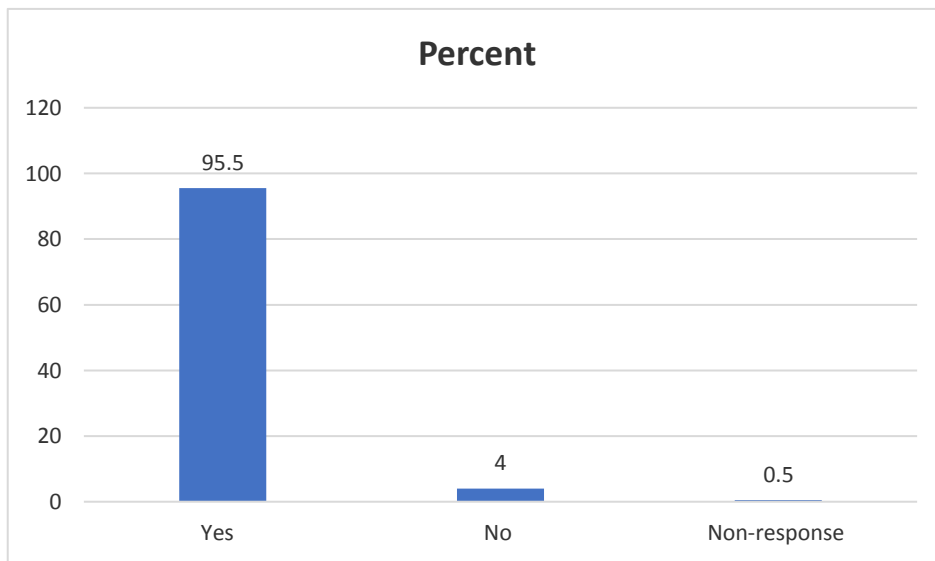
**Figure 4.2.1 Occupation of the respondent**

It is important to note that a lot of farming taking place in Ndhwa sub-county is in small scale and many families face high poverty levels (KNBS, 2019). As compared to other sub-counties in Homa Bay, Ndhwa sub-county has the highest number of Grass thatched houses with walls made of cow dung, showing high poverty levels (KNBS, 2019). The Census of 2019 also indicated that a majority of the population draw their drinking water from ponds. All these factors create further vulnerability of the adolescent girls as most cases sexual violence occur to the girls when they go to fetch firewood, water and on their way from school between the sugarcane farms.

### 4.3 Level of awareness on the role of community in seeking justice for female adolescent who are victims of sexual violence

#### 4.3.1 Awareness of sexual violence occurring against adolescent girls

In order to test the awareness levels, the respondents were first asked if they had ever heard about occurrence of sexual violence against adolescent girls in this community. As shown in figure 4.3.2 below, 95.5% acknowledged having heard about sexual violence occurring to the girls in the study area. Only 4% were had not heard of it while 0.5% did not respond to question.



**Figure 4.3.1 Level of awareness of sexual violence occurring against adolescent girls**

As contained in Figure 4.3.1, 95.5% of the respondents were aware that sexual violence occurs against adolescent girls in this community. Only 4% of the respondents said they had not heard of any sexual violence against the adolescent girls. This shows that the community is highly aware that defilement occurs against girls in the community. Further probe indicated that 93.6% of the respondents agreed that sexual violence frequently occurs to adolescent girls in this community. Only 6.4% showed that defilement less frequently occurs against the adolescent girls

in the area. See table 4.3.1. This shows that defilement is a frequent occurrence in this community.

**Table 4.3.1 Frequency of occurrence of sexual violence against girls**

<b>Frequency of occurrence of sexual violence against girls</b>	<b>Frequency</b>	<b>Percent</b>
More frequent	89	43.6
Frequent	102	50.0
Less frequent	13	6.4
Total	204	100

Data from key informant interviews and FGDs also confirmed that sexual violence against adolescent girls is a common occurrence in this area. See the excerpt from key informant interview:

Sexual violence against adolescent girls is a common thing here. Girls engage in sexual affairs very early here. In fact, from time to time, you see girls becoming pregnant. Like in my school, I have four girls who are currently pregnant. Three are in class eight (8) while one is class seven (7). Last year was worse. We had 6 girls who did class 8 examination when their delivery was almost due. The only unfortunate thing is that parents don't care. (Key informant 01, Head Teacher)

This was also confirmed by the four adolescent girls who participated in the study as key informants. The four girls were from different primary schools and all of them concurred that many adolescent girls become pregnant before they sit for their Kenya Certificate of Primary Examination. Each of them mentioned that from class six onwards, there are pregnant girls, though there are also those who procure abortion and go unnoticed. See the excerpt below:

It is true that girls become pregnant here before sitting for KCPE. Like in our class we have four girls who are currently pregnant. There are also two others who have given birth and currently at home. It is a common thing. *Ubaya* (unfortunately), some girls procure abortion. So, you may see her pregnant today but after a short time, she is flat.  
(Class eight girl, key informant)

**Different forms of sexual violence that occur to the adolescent girls**

It is also apparent that there was penetrative sexual intercourse as a form of sexual violence. Table 4.3.2 confirms that 92.6% of the respondents mentioned penetrative, followed by pornography at 58.8%, touching of private parts at 34.3%, while the remaining forms comprised of 9.8%. It is important to note that these forms of sexual violence were mentioned by more than one respondent (multiple response).

**Table 4.3.2 Forms of sexual violence that occur to the adolescent girls**

<b>Forms of sexual violence against adolescent girls</b>	<b>Frequency</b>	<b>Percent</b>
Penetrative sexual intercourse	189	92.6
Touching their private parts	70	34.3
Pornography	120	58.8
Others	20	9.8

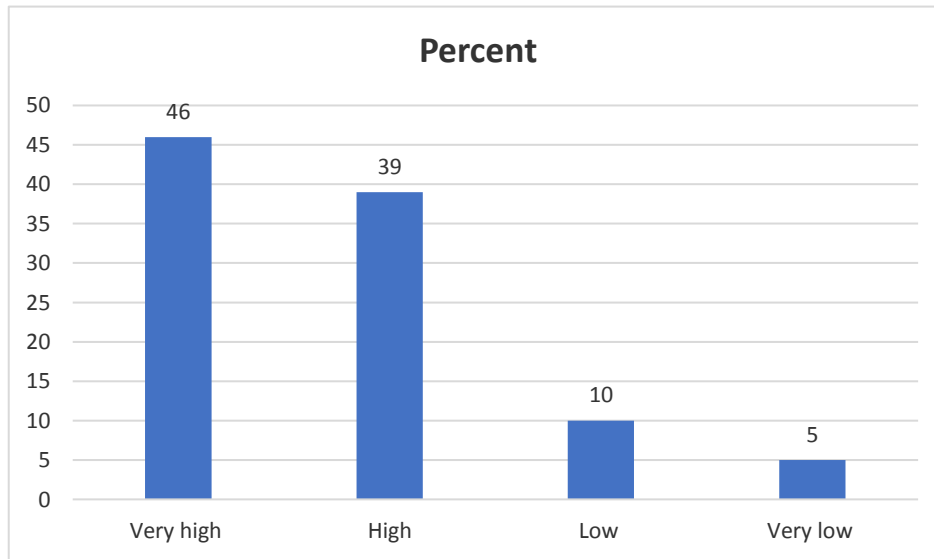
From the table, it is evident that a majority of the respondents mentioned defilement as one the forms of sexual violence commonly occurring to the adolescent girls in this community. This is not to disregard the other forms of sexual violence such as indecent assault (touching of private parts) and pornography. The findings on community knowledge tallies with WHO (2020) which shows that penetrative sexual intercourse is leading among other forms of sexual violence.

**Prevalence of pregnancy among adolescent girls in this community**

As indicated by the key informant 01 above, it is important to note that there is high prevalence of teenage pregnancy in this study area, which is highly indicative of defilement. Quantitative

data shows that 85% of the respondents affirmed that teenage pregnancy is high. Only 15% indicated that it is low.

**Figure 4.3.2 Prevalence of pregnancy among adolescent girls in this community**



This implies that adolescent girls in Ndhiwa are particularly at high risk of teenage pregnancy and STIs. This concurs with other reports (such as UNICEF (2022), Elizabeth Glaser Pediatric AIDS Foundation, 2023) which showed that in Homa Bay, teenage girls face high risk of unintended pregnancy and HIV. Other earlier reports had also shown that in Homa Bay County, 45% of all first ante-natal clinic attendance were by adolescent girls (Oyaro & Okoko, 2017). Similarly, Koech, (2020) showed rising cases of teenage pregnancies, especially during Covid-19 lockdown, where Ndhiwa Sub- County was leading at 18.8%. The UNICEF (2022) attributed the problem to cultural practice of *jaboya* (transactional sexual intercourse with fishmongers), gender inequality, difficulties in accessing services, poverty and inadequate sexual and reproductive health education in schools, which leave adolescent girls unsure how to protect themselves. Although, the practice of *jaboya* does not apply to the study area, which is predominantly an agrarian community, the rest of the factors such as poverty among others do.

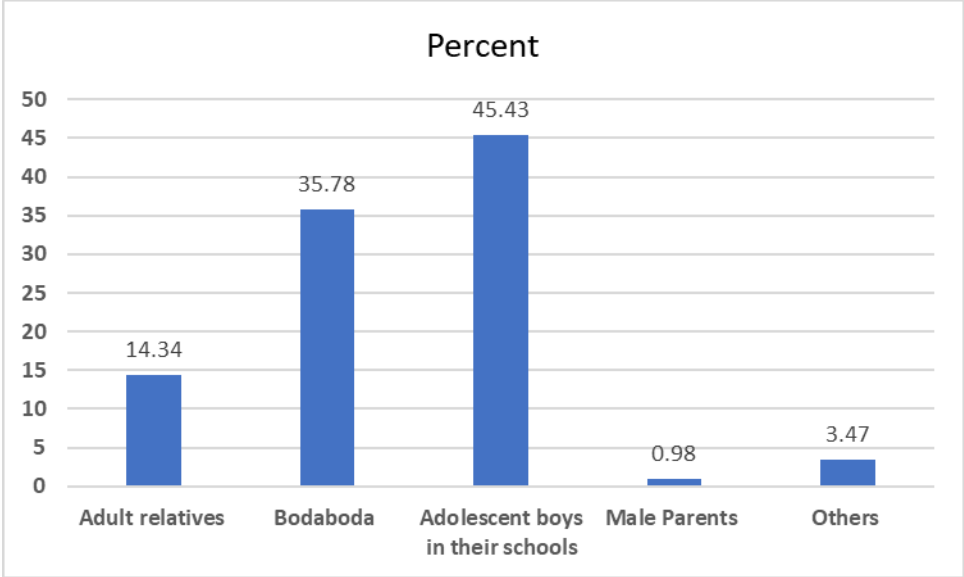
According to the social ecological model, adolescent girls' well-being is contingent upon interacting biological and environmental/contextual factors including family, community, sociocultural, economic, political, and legal influences, and the services and structures that surround them, all affecting their development through the life course (CDC, 2022).

The study also went further to find out whom the perpetrators were. As shown in figure 4.3.3, adolescent boys from within their schools and community comprised of 45.43%, followed by *bodaboda*, at 35.78% while adult relative were third in rank at 14.34%. Male parents were also mentioned by 0.98%. This shows that adolescent boys and young men (youth) play a key role in perpetuating high rates of unintended teenage pregnancy in the area. This data was supported by qualitative information from the focus group discussions and key informant interviews, which showed that adolescent girls begin to engage in sexual affairs too early, especially with their male school mates and *bodaboda* riders. See excerpt below:

In this community the adolescent boys and *bodaboda* have become dangerous. You see in this area, boys go to school when they over-age, you find a boy of 17 or 18 years still in primary school. Some of them had dropped and returned. They are sexually active and very dangerous with the girls. Being that there is sugarcane growing, some of these boys make money from casual job in the sugarcane farms, which they use to seduce the girls. They just buy them cheap things. The worst are *bodaboda* riders. Them, even parents know they have affairs with the daughters but accept some small goodies, such as sugar. Parents trade with their daughters. (Key informant 02, HT).

From the excerpt, it is evident that parents, guardians and teachers know about these affairs, which to some extent is regarded as normal. This shows that in order to prevent and reduce unintended adolescent pregnancy, health care professionals and educators need to acknowledge

that adolescent males must be an integral part of the process. In many contexts, male adolescents are never targeted with interventions, yet they play a key role in high teenage pregnancy cases (Connor, Edvardsson & Spelten, 2018; UNICEF, 2022).



**Figure 4.3.3. Perpetrators**

During a focus group discussion, it was noted that many of the girls who fall prey to the adult relative, are total orphans who come to live with maternal grandparents or maternal uncles. Below see what one FGD participant said:

Orphaned girls are very vulnerable. There are quite a number of such children who have come to live with maternal grandparents after losing their parents. Sometimes, they are with maternal uncles. So, you find adult cousins now take advantage of them. So, you wonder whether the youth of today don't understand the relationships between them and get into incest. They simply see these girls as distant relatives. In fact, incest is quite common. (Female, participant in FGD 02).



It is evident from the excerpt that orphaned girls are at high risk of becoming pregnant because male relatives that expected to protect them are the ones turning to prey on them. In Homa Bay County, rate of orphanhood has been high due to high prevalence of HIV and AIDS (Homa Bay County Government, 2018). Zulaika et al. (2021) in a study from Siaya County showed that being orphaned was associated with high teenage pregnancy and nearly three times at risk of HIV.

#### **4.3.2. Awareness on the role of community members on seeking justice for victims of defilement**

The respondents were asked if the community report the perpetrators of defilement against adolescent girls to the police or any government authorities.

**Table 4.3.3 whether community takes action against perpetrators**

<b>Action taken</b>	<b>Frequency</b>	<b>Percent</b>
Yes	70	34.31
No	127	62.26
No response	7	3.43
Total	204	100

As contained in table 4.3.3., a majority (62.26%) of the respondents showed that no action is often taken against perpetrators while only 34.31% affirmed that action is usually taken while 3.43% did not respond to the question. This shows that the community hardly takes action against perpetrators of defilement of adolescent girls in the study area. Similarly, data from key informant interviews showed that the community hardly takes action against perpetrators.

In this community, a lot of defilement cases go unreported. In our office, we always reach out to the community and tell them the importance of taking action when defilement occurs, yet we hardly see them come to report those cases. You hear cases of teen pregnancy but I wonder why they don't take action. Sometimes, we take action, and a

case goes to court but you still find the parents or relatives dropping the case. (Key informant, children’s department)

The above excerpt demonstrates that community members rarely take action against those who defile adolescent girls. This concurs with a recent report by the Republic of Kenya (2021) which shows that most of the cases of sexual violence fail to be prosecuted because of community members failure to report to the police or chiefs. Similarly, other previous reports such as UNICEF (2017) and Kelin (2018) also showed that families of the victims do not report cases of defilement because of stigma, fear and lack of trust in the authorities, social tolerance and lack of awareness. Even in cases, which have been reported to court, some caregivers or guardians of child victims fail to appear before the courts due to various reasons including the lack of expert witness or victims are prevailed upon by the family or local administration to drop their cases and accept compensation from the offenders. Thus, it can be deduced that, social ecological model demonstrates, societal factors more often limit individuals from taking action for perpetrators of sexual violence.

In this study the respondents were further asked whether they were aware of the role of community members in seeking justice for female adolescents who fall victims of defilement.

**Table 4.3.4 demonstrates that a majority (65.2%) of the respondents had awareness of the role of the community**

<b>Whether the respondents were aware that they have role in seeking justice for adolescent girls</b>	<b>Frequency</b>	<b>Percent</b>
Yes	133	65.2
No	62	30.3
Non-response	9	4.5
Total	204	100

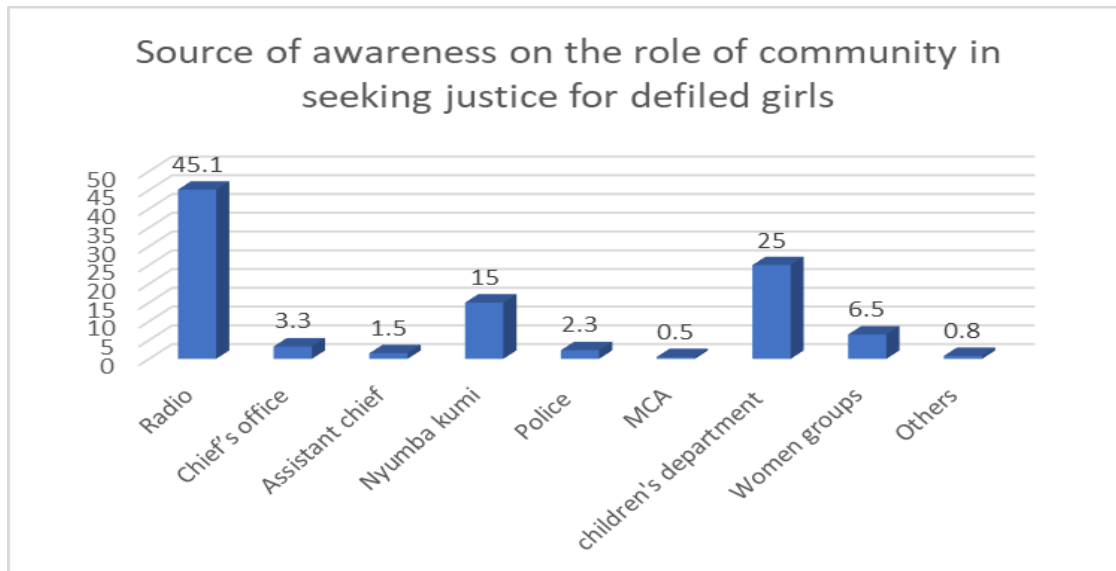
Table 4.3.4 demonstrates that a majority (65.2%) of the respondents had awareness of the role of the community in seeking justice for adolescent girls who fall victims of defilement. This shows

that there was high level of awareness that the community members had a responsibility when it comes to seeking justice for defiled girls. A crosstabulation of awareness on seeking justice still shows that both men and women are almost at par as shown in table 4.3.5 of page 36.

**Table 4.3.5 Awareness of their in seeking justice gender of respondent**

		<b>Female</b>	<b>Male</b>	<b>Total</b>
	Yes	66	67	133
	No	28	34	62
	Non-response	4	5	9
<b>Total</b>		<b>98</b>	<b>106</b>	<b>204</b>

This further shows that failure to action against perpetrators was not due to lack of awareness on their role in justice seeking. This is contrary to UNICEF (2017) which showed families do not report cases of defilement because of lack of awareness. The respondents mentioned several sources of awareness of the role of community members with regard to seeking justice for defilement cases. See figure 4.3.4 below. It is evident that radio has been the highest source of knowledge regarding the seeking justice for the defiled adolescent girls at 45.1%. This was followed by children’s department (25%), *nyumba kumi* (15%) and women groups at 6.5%. However, chief’s offices and the police were among the list cited sources of knowledge regarding seeking justice.



**Figure 4.3.4 Sources of awareness on the role of community members on seeking justice**

Data from qualitative sources also indicated that radio has been doing a lot sensitization about the rising cases of teenage pregnancy and high school dropout in the region. More so, the vernacular radio stations have been reaching many people with information on what to do especially when defilement occurs as discussed in the next section. One of the informants said:

Usually, a lot of such programmes are aired on weekends. For example, Ramogi Radio, a vernacular station, often has a programme called *Siwindhe Nyiri* (Girls' dormitory). It used to be facilitated by someone called Prof. Jackline Oduol. She teaches girls how to behave when with boys, sexual abstinence, importance of girl child education, and more importantly protection from defilement. Girls are taught on what to do when one is defiled. Apart from that, there are occasions when children's officers are also invited to give a talk on issues of children especially defilement. So, people must be aware of why and how to seek justice for defilement cases.

From the excerpt, the name is *Siwindhe* refers to a Luo word for the girl's dormitory (Ochollah-Ayayo 1976; Cohen 1989, cited in Wenje, 2015). It was usually the hut of an old woman who in

particular is a grandmother to the girls of the village and such a woman commanded a lot of respect among the girls and enjoyed some intimacy with the children (Wenje, 2015). Wenje (2015) adds that for the females, *Siwindhe* was just indispensable, as this was where they were taught on how to relate to the males, how to take care of themselves and the acceptable aspects of behaviour especially how to relate to boys or maintain their virginity (Ochollah-Ayayo 1976, 134; Omindhe 1952, 37; Cohen & Odhiambo 1989, 93; Wenje, 2015, 3). As wenje (2015) notes Currently, vernacular radio stations such as Ramogi FM borrow from this institutional approach to girls' socialization that has since died due to the influence of modernization (Wenje, 2015).

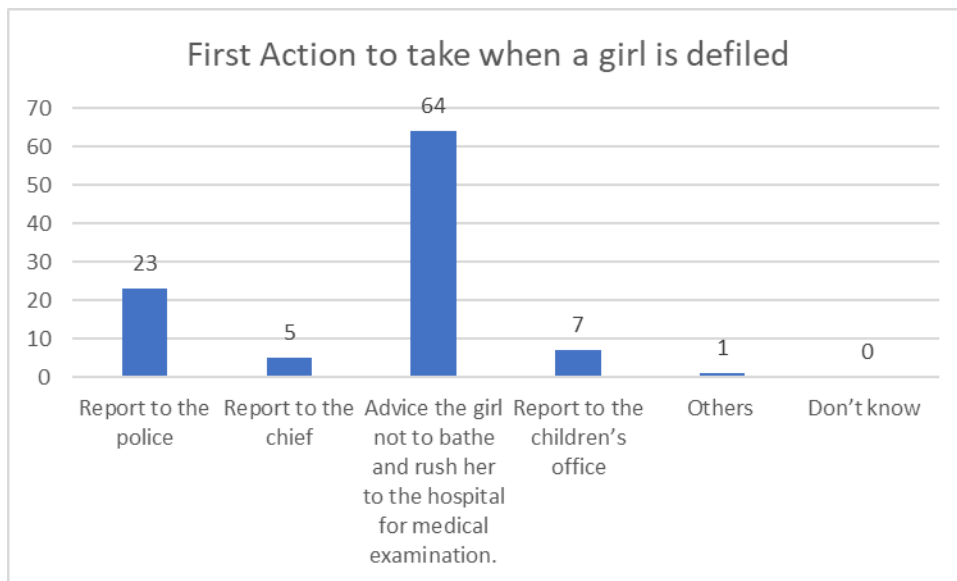
#### **4.3.3 Knowledge about actions to take when adolescent girl is defiled**

In order to confirm more detailed information respondents had about seeking justice, they were asked, what the first action to take is if an adolescent girl is defiled. A total of 64% affirmed that the first thing is that girl is advised not to bathe and rushed to the hospital for medical examination, while 23% said that it is reported to the police. On the other hand, 7% and 5% of the respondents felt that the case is reported to the children's department and chief respectively. Qualitative data, for example, respondent 010 narrated that when such incident occurs, *we have been taught that we have to protect evidence such as not bathing, going hospital examination and keeping the cloths intact without washing them and then report to the police.*

Another respondent also said:

People know what to do except that they don't want to take action. Radio stations talk about this every time. Remember after covid-19, there was an upsurge of teen pregnancy. Since, then a lot of sensitizations has been going on. The law requires that such a child doesn't bath until medical examination is conducted to ascertain that indeed defilement occurred, any torn cloth must be kept and any other evidence must be kept. That medical

attention also helps because any injuries will be addressed. After going for medical examination, then the girl can bathe. The case is then reported to the police for action. This action should be taken by any community member regardless of the relationship with the victim. (Respondent 10)



**Figure 4.3.5 First action to take when an adolescent girl is defiled.**

The above explanation demonstrate that the community has high level of awareness of the first procedure to take when defilement occurs. According to Center for Women's Health and Information (CEWHIN, 2022), when defilement occurs, the first step is that do not clean or disturb anything in the area where the assault occurred, preserving all physical evidence of the assault, and girl should not shower, bathe, douche, eat, drink wash your hands or brush your teeth and medical examination be done before she can do any of these. Meaning, a majority of the community members know right procedure when defilement occurs.

Further, the respondents were asked whom they think should take the defiled adolescent girl to the hospital. As contained in the table 4.3.5, 36% of the community thought that parents should be the ones taking the defiled girl to the hospital, while 21% thought close relatives should.

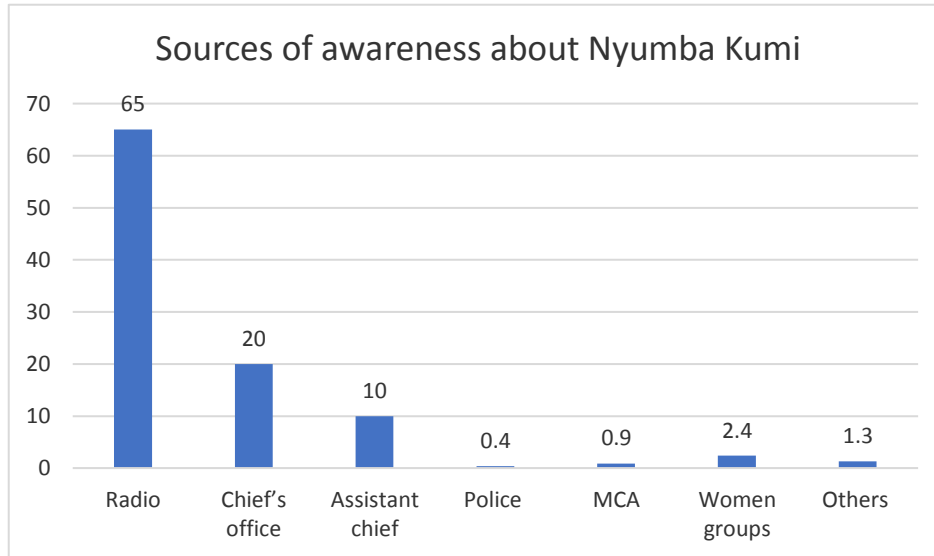
Further, 19% and 15% of the respondents thought that children’s officers and *nyumba kumi* respectively should do so. Of course, all these people should work hand in hand in support of the adolescent girl search for justice. For example, in cases where parents are not available, close relatives fall in place to take responsibility, as they work in collaboration with *nyumba kumi* and children’s department.

**Table 4.3.5 whom the community thinks should take the defiled adolescent girl to the hospital**

<b>The person to take the defiled adolescent to the hospital</b>	<b>Frequency</b>	<b>Percent</b>
Parents	73	36
Close relatives	43	21
Chief	4	2
The police	14	7
Children’s officer	39	19
<i>Nyumba Kumi</i> representative	31	15
Don’t know.	0	0
<b>Total</b>	<b>204</b>	<b>100</b>

The work of children’s department and *nyumba kumi* were often mentioned during FGDs that they support community members with such cases of defilement. *Nyumba kumi* as commonly known, is a community policing which is a recent approach whereby the public partner with the police in preventing and managing crime as well as other aspects of security in an area (UN, 2018). It is based on the recognition that, by enlisting the cooperation of the public, police get improved information about crime, new material resources, and moral support for their activities, and respect (UN, 2018). According to CEWHIN, (2022), the adolescent girl, the victim, can confide in any family member, friend or someone else she trusts who can be with her and give her psychosocial support.

The respondents were asked where they knew about *nyumba kumi* whom they say should be helping in seeking justice. Data shows that radio still led with 65% followed by chief’s office and assistant chief at 20% and 10% respectively as well as women groups (2.4%).



**Figure 4.3.6: Chief’s office and assistant chief at 20% and 10% respectively as well as women groups (2.4%).**

This shows that radio is key in reaching out to the public on matters of public interest. In Kenya, *nyumba kumi* initiative was first launched in the year 2005 by the then President, H.E Mwai Kibaki (National Police Service, 2017). The community policing is founded on the development of partnerships between the police and the communities they serve to address issues of security and social disorder. The practice of community policing in Kenya seeks to expand the partnership to all other government agencies, the private sector, Non-Government Organizations (NGO’s) and the civil society, faith-based organizations, special needs groups and general public especially the youth and women (NPS, 2017). Apart from radio, assistant chief and chief were good sources of information about *nyumba kumi* initiative. The chief and his team are key in establishing *nyumba kumi* members. They work through selected committee members, led by the chief. This demonstrates how like in social ecology; community members interact and perform jointly at different levels.



#### 4.3.4 Whether Nyumba kumi seek justice for adolescent victims of defilement

When the community members were asked what *nyumba kumi* takes action when an incident of defilement occurs, only 20% said yes while 62.3% said no, while 17.7% did not respond to the question.

**Table 4.3.6 Whether Nyumba kumi seek justice for adolescent victims of defilement**

Whether Nyumba kumi seek justice for adolescent victims of defilement		
	Frequency	Percent
Yes	41	20.0
No	127	62.3
Non-response	36	17.7
Total	204	100

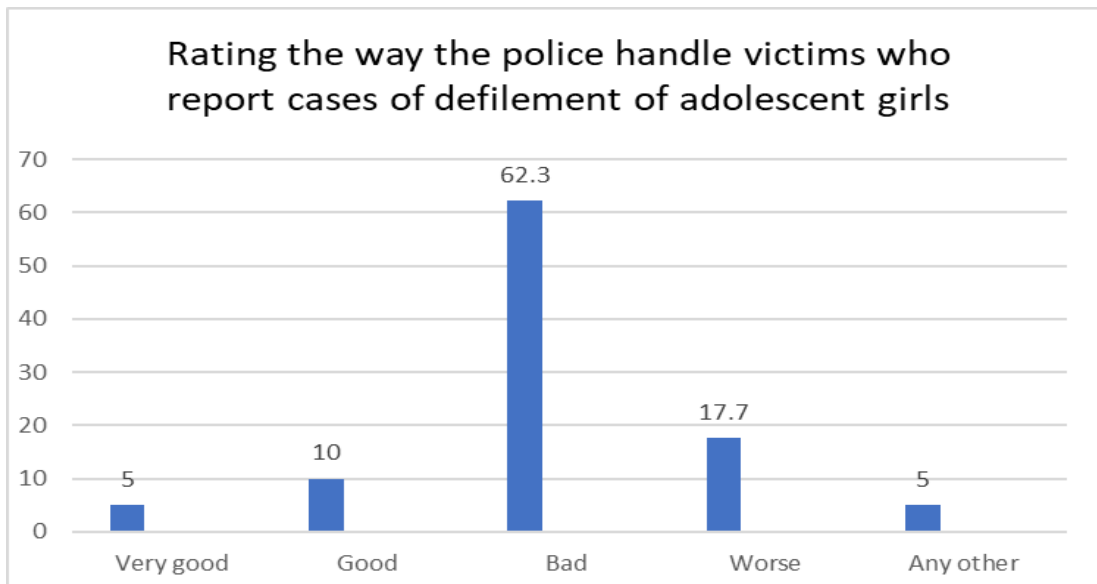
This demonstrates that despite high knowledge of the role of community members in seeking justice for defilement cases and the presence of *nyumba kumi*, data shows that action is rarely taken by the *nyumba kumi* and other community members. Only 20% of the respondents acknowledged that *nyumba kumi* takes action. An interview one of the *nyumba kumi* members showed that:

We don't actively take action unless the parents of the victim come up strongly to demand for justice. This is because some of the community members turn against us and we end up being enemies. So, even if we reported case, there will no one to stand before court to provide evidence. (Key Informant, Nyumba Kumi)

This shows that despite sensitization and institutionalizing community structures, there are other societal factors that still stop them from taking action against perpetrators. When *nyumba kumi* feel threatened, they retreat from taking action. Elsewhere, Ndono et al, (2019) noted that lack of inclusivity especially of the youth is a big limitation in the effectiveness of *nyumba kumi* initiative in Kenya.

#### 4.4. Community perception about criminal justice system with regard to handling perpetrators of defilement of adolescent girls

In order to understand why the community members, fail to report cases of defilement of adolescent girls to the police or government authorities, the study participants were asked about their perceptions of the criminal justice system, including the police, chief or courts. To start with, they were asked to rate the way the police handle victims who report cases of defilement of adolescent girls. A total of 62.3% said bad while 17.7% said worse, with only 15% being positive about the way the police handle adolescent girls who fall victims of sexual violence. This implies that a majority (80%) of the respondents perceived the way the police handle cases of sexual violence against adolescent girls negatively. They have little faith in the institution.



**Figure 4.3.7: Rating the way police handle victims who report cases of defilement of adolescent girls.**

Data from the FGDs with the community members also supported the view that the police don't handle cases of defilement well. See the excerpt below:

The police don't handle cases of sexual violence seriously. You find a parent has reported her or his daughter is pregnant and wants the man behind it to be arrested, the police would ask a lot of questions, which are quite discouraging. Sometimes, they arrest the boy and release him shortly after. So, you wonder. (a parent, during FGD 03)

In contrast the few (15%) who had positive rating of the police indicated that they do their work as long as the girl is willing to cooperate and give details of the man. Among those giving positive rating, demonstrated that community do not understand they the way the police work with evidence and not hearsays. According to the republic of Kenya (2021) the community lack civic education on sexual offences Act and procedures of handling related criminal cases.

When the respondents were asked why the community members are very negative about the police and other criminal justice systems, different themes emerged, as discussed below:

#### **4.4.1 The police or chiefs are corrupt**

The respondents (43.6%) indicated that the police are difficult to deal with. When this was interrogated further, it noted that the community perceive the police as corrupt and demand money before taking any action:

The police can't help. In fact, they demand for kickbacks upfront for them to take action. Who has that money to give? If they were no demanding money, cases would be reported very fast. So, like here, when you hear of a case reported, it must be pushed by some organizations such as Action Aid. Otherwise, no one will have that money to give to obtain justice. (Respondent 02)

Another respondent also said:

It is needless taking cases to the police. These are people of kickbacks. Once they get some good kickback. You leave the suspect in custody but he is released so fast such that you get home at the same time. Chief is the same. You must have money for him to follow up on a case. So, it discourages people. (Female, respondent, 12)

This claim was supported by key informants and FGD data that the police are corrupt, making it difficult for them to report defilement cases. This concurs with Team Kenya and NCEDP (2016) that attributed low reporting of defile to corruption. However, the Team Kenya and NCEDP (2016) did not explicitly link it to the perception people have about the police.

Inasmuch as there were claims of corruption, it is noteworthy that community members sometimes mistake releasing suspects on bond or cash bail for corruption. See the excerpt below:

As the police, we all understand that all suspects have a right to bail or bonds. So, when they ask for it, and it is ascertained we have no choice but to grant such opportunities so that they attend to the cases from home. To the communities, we are corrupt. (Key informant, police).

During FGDs, the concept of bond and cash bail appeared not to be known to many of the respondents. According to the Republic of Kenya (2021), the Bail and Bond Policy, 2015 developed by the Judiciary under the auspices of the National Council on the Administration of Justice, lays down various guidelines that should be used when making a determination of a bond and bail application. In setting out factors for judicial officers and police officers to consider when granting bail or bond, the policy seeks to balance the rights of suspects and accused persons to be presumed innocent until proven guilty and ensure that interests of victims of crime

and witnesses to crime are protected. This, therefore, points to the need for more civic education as recommended in the national policy on the prevention, response and protection from unlawful sexual acts and the administration of justice in sexual offences of 2021. As pointed out in the social ecology model, lack of individual awareness of the policy matters could be a hindrance to seeking justice.

#### **4.4.2 The police are nagging**

The respondents reported that the police are nagging. When a case is reported, the police ask a lot back and forth questions which discourage those reporting:

The police are quite nagging. Sometimes they ask questions, back and forth, that discourage those reporting. They go round and round with issues. For example, when the girl was raped, who was there? What did the suspect put on? How did you put on? You answer so many questions until you get discouraged. Sometimes, they even tell you the girl also defiled the partner-the boy. (Respondent, 25)

This was supported by data from FGDs which showed that community members get discouraged especially when they are asked several questions. However, it must be noted that the police may be mistaken when they probe to ascertain the truth. The police have to do due diligence to have proof beyond any reasonable doubt for any case to go through in court. According to Bwire et al., (2021) due diligence standard requires governments to investigate sexual violence when it does occur, to punish and to hold to account perpetrators for their actions, and to adhere to the principles of accountability and non-impunity. That implies that thorough investigations and arrest, prosecution and punishment of perpetrators of sexual violence are important measures of accountability and indicators of compliance with the due diligence standard. Therefore, all these

claims of the police being nagging could be as a result of lack of awareness by the community with regard to the depth of information the police require to get a case that succeed in court.

#### **4.4.3 Court cases drag for so long, who has that time and money?**

The community members also felt that court cases drag for years. This would not only eat into their time but also money as one respondent said:

Court cases take too long, you will go back and forth for years. Where is that time and money to waste on the road from time to time? I saw a case that started in 2012 and went up to 2017 before it was determined. Finally, the suspect was acquitted for lack of enough evidence. (Respondent 53).

The above except shows that community perceived courts to be less effective. However, this depends on serval other issues including other pending cases (case load) and investigations and many more. According to the Republic of Kenya (2011), lack of a national policy framework and guidelines for its implementation and administration contributed to the ineffective investigation, prosecution and adjudication of such cases, cases taking too long to be resolved, resulting in an injustice to survivors. Republic of Kenya (2021) also noted that Cases take too long to finalize because of numerous adjournment requests.

#### **4.4.4 Chiefs are harmless, they are like ordinary citizens (Chief jal jaranono. Joweng nenogi ka rahia)**

The community members have had low opinion about the role chiefs and their assistants play with regard to handling of defilement cases. One the respondents explicitly explained that since Chief's Act was repealed, chiefs lost powers and can no longer summon suspects and take action against them.

**Respondent:** Chiefs and their assistants are harmless leaders. You report a case and you don't expect anything to happen. People despise them. They cannot arrest neither can they summon suspects to appear before them.

**Interviewer:** why do you say so?

**Respondent:** Since chief Act was changed, they have remained toothless dogs. They can make noise in their barazas and in funerals but people take their cautions for granted. (Respondent, 51)

From these data, chiefs are viewed as harmless because they do not have powers to arrest on own. When they summon offenders, they do not honour. However, inasmuch as the respondent felt that chief and assistant chiefs have no capacity, they work in partnership with the police (NPS, 2017). They also work in partnership with community members through *nyumba kumi* initiative for effective handling of criminal cases (NPS, 2017).

#### **4.5 Socio-cultural factors influencing justice seeking for defiled adolescent girls**

The respondents were asked whether there are socio-cultural issues which influence justice seeking for adolescent girls who are victims of defilement. A total of 70.1% of the respondents were affirmative while only 28.92% said no.

**Table 4.5.1 Whether there are other socio-cultural factors that hinder justice seeking for defiled adolescent girls**

Yes	143	70.1
No	59	28.92
Non-response	2	0.98
<b>Total</b>	<b>204</b>	<b>100</b>

This shows that the community members were highly aware of socio-cultural issues which affect justice seeking for the defiled girls. On further probe, the respondents were asked to describe those cultural issues they feel influence justice seeking for female adolescent who are victims of defilement interventions. Several themes emerged as outlined in the table below:

**Table 4.5.1 Cultural factors limiting justice seeking for defilement cases**

<b>Other cultural factors limiting justice seeking</b>	<b>Frequency</b>	<b>Percent</b>
(Protection of close relative with incest cases ( <i>Thuol odonje eko</i> ))	106	51.96
Fear of blocking the girl's future (Belief that jailing would lead to the death of the perpetrator, consequently blocking the girl's future marriage life.	87	42.65
Compensation (negotiated compensation)	66	31.88
Fear of being regarded as an evil person ( <i>Ngat ma teri ejela en jajuok</i> )	57	27.94
Girls threaten to commit suicide	56	27.45
It is normal having sexual affairs with boys of their age (regarded as normal)	43	21.07
Girls having multiple sexual relationships, making it difficult to pinpoint on one person to arrest.	24	11.76
Fear of retaliation	21	10.29

**4.5.1 Protecting our own: A snake has entered into a milk gourd (Thuol odonjo eko):**

It emerged that a lot of cases neither go the police nor reported anywhere because the cases involve close relatives. More than half of the respondents (51.96%) mentioned incest as a big barrier to seeking justice, which was often put in a *dholuo* expression *thuol odonje eko* (literally translated as “snake has gotten into a gourd of milk”). This is an expression of the dilemma. For example, do you smash the gourd to kill the snake? And if you smash it, what will the family use



to store and churn the milk in future? This container (gourd) was very important in the Luo community, not only as a storage and churning facility but also as a symbol of oneness.

In the context of this study, families more often want to protect their own and keep their matters private to protect their image. For example, breaking the gourd is like exposing the family secrets to the outside world as one informant put it:

For me this expression, *Thuol odonjo eko*, it is about keeping the image of the family. How would you dare expose such a dirty thing in public? For example, you find the perpetrator is a brother or a cousin, and those are common cases. People look at it against how the public would view the family. You know, sometimes, out there the person involved is highly respected. Remember people think only young boys get into these, even adults do. May be, this is the guardian; how do you start? Even if it is a young boy, it would be covered because they want to protect one of their own and the image of the family. (Key informant, village elder)

Apart from the girls who are defiled within their paternal home environment, there were those other cases of girls who lived with relatives such as married sisters and brothers-in-law or aunts (sister to their fathers). More often such girls happen to be orphans (either partial or total). When they live these, they are regarded as *yuoro*, which predisposes them to defilement by the in-laws. The moment the vice is realized, no one wants to take action, because *thuol odonjo eko*:

The other bad thing here is this idea of *youra*, (*in-law*). Among the Luo, you may find a girl who has come to live with her sister is defiled by the brother-in law (husband to her sister). And what brings this, is the idea *yuoro*. She is viewed as a potential suitor. So, when defilement occurs, no one wants to take action because

you cannot sacrifice one of your own. Similarly, the brothers to man can also commit the same offense and they all enjoy same social immunity. So, it is not easy. (KII, 04)

From the excerpt, it is clear that when a defilement incident is perpetrated by a brother or cousin to the brother-in law, all these relatives would want to cover up. Even her sister would not want to strain her relations with the husband's relatives. When she reports to the police, all these husband's relatives would see her an enemy, a killer. Similar cases of defilement by close relatives have been reported elsewhere. For example, on September 4<sup>th</sup>, 2021 Kenya News Agency reported that leaders from Bungoma County including the clergy, non-governmental organizations and youth organizations raised alarm over the surge in cases of defilement of minors by close relatives including their fathers and the cases remain covered by the very families. Action of Children in Conflict (2014) also reported that defiled children and other family members prefer to keep mum because when they report, a relative would be arrested and maybe he/she is the breadwinner of the family. This is very much in line with the Social ecological model which shows family (in the second circle) can influence justice seeking.

#### **4.5.2 Fear of blocking the girl's future**

Approximately 43% of the respondents mentioned fear of blocking the girls' future life. This was in reference to the belief that jailing could lead to the death of the perpetrator, which would have dire consequence in the girl's future life. In particular, fear of blocking the girl's future marriage:

The problem here is that people fear that the perpetrator would be jailed for long and die in prison and later haunt the girl, causing blockage in her future life. You have heard people saying, future life is more important (*ngima makiny, duong*

*moloyo*). So, they decide to make it silent-no action. (Nyumba Kumi, Key informant)

This implies that whereas parents or relatives of the defiled girls tend protect the future of the girls, they downplay harm caused at this age. Defilement causes not only physical harm being that the girls are not yet mature, they also cause psychological harm which may have serious consequences in their future life (WHO, 2013). More so, the relatives seemed to be keen on protecting future life (marriage life of the girls) yet that is a social life which one can choose either to get into or not. At the societal level, social ecological model shows how social norms and beliefs result into psychological fear resulting into inaction relating to justice seeking.

#### **4.5.3 Fear of being labelled as an evil person**

Quantitative data showed that 27.94% indicated that fear of being labelled as an evil person causes laxity in reporting cases of defilement. The respondents explained that in this community, people have the notion that prison is bad, comparable to death. To that effect, there is a common saying, *Ngat ma teri ejela en jajuok, en ngat ma onegi*- translating as whoever takes you to jail is a witch, she or he is an assailant). For that matter, anyone who takes someone to court is labelled negatively, a witch, a killer.

Data from KIIs, also indicated that *nyumba kumi* did not push to report matters of sexual violence against adolescent girls because of the same fear of being labelled as an evil one.

Our people still view imprisoning someone as a wrong thing. When you want to say no to some these practices and report to the police, the attention shifts from the defiled girl to the arrested suspect. The whole village joins to defend. You become labelled as an evil person, a witch and all sorts of names. So, it discourages people from taking action. Like me, a *Nyumba Kumi*, you hear people

talk about you, *ojasusre* and that's not even her daughter (poking her nose on matters that are not of her concern). (Nyumba Kumi, Key informant)

On the issue of labeling, another *nyumba kumi* put it this way:

Here when you take action, people begin to talk about you, that woman has turned evil, she is just jailing people (*chi joka ng'ane tinde olokore en otweyo mana ji-*), even her children are not Engels, yet no one has ever taken action against them. This will you find even the parents of the defiled girl also talk like that. So, you wonder. (Nyumba Kumi, 02)

This shows that the community still views sending a culprit to prison is an evil thing. Prison is regarded as a very dangerous place, where even if someone commits crime, then the person should be left alone. These are societal issues, which in the social ecological theory, definitely would limit the capacity of the community members from taking action. Previous studies have shown how people fear being labelled as witches. Witches are people who kill, as a result, they are feared and hated (Nyabwari and Kangema, 2014). In other setting those accused of witchcraft may be beaten up, harassed, or sometimes killed or ostracized by members of the community, sometimes leading to the death of innocent people (Kombo, 2003). Federici (2008) refers to witch-hunting as the recurrence of punitive expeditions by young male vigilantes or self-appointed witch-finders, often leading to the murder of the accused and the confiscation of their properties.

#### **4.5.4 Girls threaten to commit suicide**

Quantitative data showed that 27.45% of the respondents mentioned that people fear taking action because some of the defiled girls tend to protect the perpetrators by threatening to commit

suicide. Qualitative data shows that where the girls have had sexual relationship, they they make such threats:

Parents have a big problem. You find your daughter having an affair with some young man or schoolmate, when you try to arrest them boy, the girl threatens to take away her life. Unfortunately, these current generation don't care. We have seen here where a primary school girl committed suicide because her father arrested her boyfriend. Even as a teacher, we can't take action (head teacher, key informant).

According to WHO (2019) 3,214 Kenyans committed suicide in 2019, with adolescents between 15 to 19-year-old girls leading. According to WHO (2019) Kenya is ranked position 114 among 175 countries with the highest suicide rates. Although the report did not give probable causes of suicide, it may be attributed to some sexual relationship issues while others as a reaction to disapproval of their affairs by the people around them.

Among the Luo community, death through suicide is often seriously feared because they are believed to turn around to haunt the rest of the family members. According to Atieno (2019), anybody who committed suicide would be buried outside home to keep the ghost away from coming back to haunt the living.

#### **4.5.5 Having sexual affairs boys of their age regarded as normal**

Out of the total respondents, 21.07% indicated that dealing with adolescent boys is difficult. This is because, in this study community sexual affairs among the adolescents themselves is regarded as normal thing. Parents or relatives hardly raise an alarm unless pregnancy occurs. In figure 4.3.3, adolescent boys were reported as the highest perpetrators of defilement cases. Data from key informants and FGDs showed that parents regard it as a learning process and do not take it seriously. See the excerpt below:

Here, teen sexual affairs is not a big deal. Parents usually don't make a big issue out of it. It is like a learning process. In the past, parents would question if their daughters were not engaging in such kinds of affairs. Although things have changed, as people now emphasize so much on academic work, you still find parents just cautioning adolescent girls and not take action against boys. (FGD, discussant)

In the traditional past adolescent boys and girls were allowed to have relationships, although with some guidance from grandparents (Mboya, 1969). Specifically, they would not be allowed to have penetrative sex and of course not have relationships with persons of their lineage.

Further, a key informant, *nyumba kumi* said that when you find that these are adolescents themselves, you do not even know how to react. Both of them are minors, so you can't claim who is defiling who. This shows that interpretation of the law creates a big dilemma, especially regarding cases where both the girl and perpetrator are minors. Okwach (2019) noted that the application of Section 8 of the Act by courts of law has, encountered some challenges, however, especially where adolescents are involved. He adds that key among them is the identification of a victim where there is mutual defilement by children; the interpretation of Section 8(5) and (6) which provides a defense where the said child acted as an adult; the unjust outcomes of the mandatory minimum sentences in the Act. This shows that confusion arises in the interpretation of the law especially where minors are involved. However, in this context, more weight is given to the cultural practice where adolescents are expected to have sexual affairs. Moreover, researches from elsewhere have shown that earlier sexual relationships are not always a result of defilement, but of adolescent exploration and experimentation (Michielsen et al., 2014).

#### **4.5.6 Compensation (negotiated compensation)**

A total of 31.88% said that in cases of defilement most families often opt for negotiated compensation. See the excerpt below:

In this area, when such a case occurs, families often negotiate on some payment given to the family of the girl. I can remember, there was a case of some teacher, who accepted to pay the girl's family some amount of money. The teacher pleaded to save his job. The family further demanded that he pays for the girl's school fees until she is through with her secondary school. The girl was in class 8 at the time of incident. You see, this is just because of poverty. Secondly, it was a relationship that had gone for so long, where it only blew up when pregnancy occurred. So, chief was called and they met at school and agreed. After delivery, the girl was taken to a local day school where the teacher used to pay her fees. But what I didn't know is whether the relationship continued or stopped.  
(Key informant, *nyumba Kumi* member)

From the above excerpt, the idea of negotiated compensation may be attributed to high poverty levels in this community. This is because a parent who has financial capacity cannot decide to abdicate his duty to another person. However, it may also be argued that community members have had their mechanisms of dealing with such kinds of cases where a perpetrator would be forced to compensate the girl. It must be noted that in other communities such as Turkana and Mijikenda, the council of elders arbitrate cases of defilement of against girls (Acord, 2010). Like in Turkana community, where the girl's family conceals the defilement, the daughters in that family or clan are never to be married and or are regarded as outcasts (Acord, 2010). In this study, the compensation was negotiated informally between the perpetrator and the girl's family, though chief was mentioned to be present. Some parents feel that there is some gain when they

get monetary compensation as opposed to a situation where the criminal justice will only punish the offender after several days of attending court sessions. At the individual level of the social ecological model shows that economic factors is key in influencing individual actions especially in relation to justice seeking.



## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATION

#### 5.1 Introduction

This section presents summary of the findings, conclusions and recommendations. The summary is presented as per the objectives.

#### 5.2 Summary

##### 5.2.1 Level of awareness on the role of community in seeking justice for female adolescent who are victims of defilement

A total of 93.6% of the respondents acknowledged that defilement frequently occurs to adolescent girls in this community. Teen pregnancy was noted to be highly prevalent and perpetrators who were mentioned included adolescent boys as the leading followed by *bodaboda* riders, and adult relative.

In terms of awareness, the study found out that a majority (65.2%) of the respondents were aware of the role of the community in seeking justice for adolescent girls who fall victims of defilement. They were equally aware of the *nyumba kumi* as an initiative that ensured that the police and the public work together. This study contradicted other previous studies that showed that the community does not have knowledge of the role they should play in ensuring that perpetrators of defilement are brought to book.

The study found out that, despite high knowledge levels of their roles, the community still had difficulties taking defilement cases to the police and courts. This concurs with the social ecology theory which of course shows that societal issues have a great influence in individual actions.

Inasmuch as have education levels and have high level of awareness, there are cultural and other social factors that hinder their ability to take action.

### **5.2.2 Community perception about criminal justice system with regard to handling perpetrators of defilement against female adolescent**

The study found out that the community have negative perceptions about the criminal justice. These included the perception that with the police as corrupt and court systems demand money before taking any action. Despite the fact that the issues of corruption were raised, partly the community confused issues of bail and bonds as part of being corrupt. It must be noted that each suspect has a right to bond and bails unless it is proven beyond any reasonable doubt that they suspect can interfere with witnesses and evidence.

The study also found that the community views the police to be nagging. Anytime a case is reported, the police ask several questions, back and forth, until they feel ashamed and give up. However, it must be noted that the police have a duty to do due diligence. They must collect all facts to enable them make an arrest. It is not automatic. There has to be proof. So, they must verify.

The community also perceived court cases to be ineffective because they drag with cases. However, it must be noted that it depends on other pending cases (case load) and investigations and many more. Others felt chiefs are harmless. The community members have had low opinion about the role chiefs and their assistants play with regard to handling of defilement cases. The respondents felt that since Chief's Act was repealed, chiefs lost powers.

### **5.2.3 Cultural factors influencing justice seeking for adolescent girls who are victims of defilement**

The study identified five cultural factors which hinder justice seeking for defiled girls. These included issue of protecting perpetrators who are own relative from arrest (*thuol odonjo eko*), fear of blocking the girl's future, threats of suicide by the girls themselves, regarding sexual affairs of adolescents as normal and lastly fear of being regarded as an evil person, a witch. More often, cases of defilement involving relatives were concealed. The family members did not want to expose one of their own to the police, making it difficult to report. At the same time, the community believes that when a perpetrator is arrested and imprisoned, they may die and later come back to haunt the girl and block her future-prevent her from getting married.

Third issue was that of adolescent girls themselves threats of suicide. These related to cases of boyfriend/girlfriend relationships. So, adolescent girls did not see this as a crime but an interference in their social life. To some extent, the adolescent girls were reported come up to protect such boyfriends, whenever they got arrested. The girls would threaten that they would suicide if the boyfriend was not released from custody. Others would cheat that they are no longer children, implying that they willingly consented to the sexual act.

Fourth, it was noted that the community regarded sexual affairs among adolescents as normal and part of social growth. Parents from both sides (girl's or boy's side) would not raise an issue. They were viewed as young people exploring their sexual life and were on the path to maturity. Such boys would get immunity from the public should any parent raise complaint to the police. However, concern would be raised only when pregnancy occurs. Even so, the case would die out without getting to the police as the public would not support arresting a young boy over sexual offence.

Fifth, fear of being labeled as an evil person, a witch. In this community taking someone to jail is equated to killing, and thus regarded as an evil person. So, even if one has committed a grave criminal offense such as defilement, people begin to sympathize with him because of life or long-term imprisonment. Whoever insists on taking up a case to court would be regarded as an evil one, a label that the community members feared. Therefore, each community has its unique cultural factors that have serious implication on justice seeking for defilement cases that need to be understood in order to win the war on defilement of girls.

### **5.3. Conclusion**

The study concludes that the community has a high level of knowledge on the role they should play in seeking justice seeking for adolescent girls who have been defiled. The role of vernacular radio stations was applauded more. However, some limiting factors were identified. These included negative perceptions the community has about criminal justice system. For example, they regard the police and court systems to be corrupt, ineffective and nagging. At the same time, some cultural factors were identified to hinder community actions against perpetrators of sexual violence against adolescent girls. These included *thuol ondojo eko* (protecting one of their own), fear of blocking the girl's future, regarding sexual affairs of adolescents as normal and lastly fear of being regarded as an evil person, a witch. Therefore, in order to win the war against defilement of adolescent girls, the government need to consider these factors during policy making and also in interventions.

## **5.4. Recommendations**

### **5.4.1 Recommendations for policy interventions**

- Based on the fact that radio was noted as the major source of information on issues of sexual violence against adolescent girls, this study recommends that the role vernacular radio stations have been playing need to be encouraged more to enhance awareness and action against perpetrators.
- Policy makers and implementors need to relook at the partnership between the community and the criminal justice system to eliminate negative perceptions the community have towards the system in handling matters of GBV against adolescent girls. Any arrested person has a right to bails and bonds. So, study recommends that the community be sensitized on these two rights to avoid being mistaken as corruption.
- Set up special courts and police desks to offer friendly services to the adolescent girls who are victims of defilement. This will make it very easy for victims and parents to reports up cases.
- The government and other stakeholders need to tailor in cultural issues identified as hinderance to seeking justice. More sensitization and discussions need to be done on such matters to demystify them so that girls can get their right to justice.

### **5.4.2 Recommendation for future study**

- In future, similar studies need to be conducted elsewhere to compare with the current study, which would lead to wholesome policy making and interventions that would cut across different counties and cultures.

- Another study needs to focus on the adolescent girls and boys to know their views of the law regarding their consensual sexual relationships, which currently is regarded as defilement.

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## APPENDICES

### Appendix I: Semi-Structured Questionnaire

#### Socio-demographic characteristics

1. What is the gender of the respondent?

a) Male [ ]

b) Female [ ]

2. What is the age of the respondent?

a) Below 20 years [ ]

b) 21-30 [ ]

c) 31-40 [ ]

d) 41-50 [ ]

e) 51-60 [ ]

f) 61 and above [ ]

3. Marital status of the respondent?

a) Single [ ]

b) Married [ ]

c) Widowed [ ]

d) Divorced/separated [ ]

4. Level of education of the respondent?

a) Illiterate [ ]

b) Primary [ ]

c) Secondary [ ]

d) Tertiary college [ ]

e) University [ ]

f) Postgraduate [ ]

5. Occupation of the respondent

a) Informal employment [ ]

b) Formal employment [ ]

c) Not employed [ ]

**Community awareness on their role in seeking justice for female adolescent who are victims of sexual violence**

6. Have you ever heard about an occurrence of sexual violence against adolescent girls in this community?

a) Yes [ ]

b) No [ ]

c) None response [ ]

7. If yes, how frequent does sexual violence occur to adolescent girls in this community?

- a) More frequent            [   ]
  - b) Frequent                    [   ]
  - c) Less frequent            [   ]
  - d) Non-response            [   ]
8. What forms of sexual violence occur to the adolescent girls? -----  
-----
9. How is the prevalence of pregnancy among adolescent girls in this community?
- a) Very high                [   ]
  - b) High                        [   ]
  - c) Low                         [   ]
  - d) Very low                 [   ]
10. Does the community take action against the perpetrators of sexual violence against adolescent girls?
- a) Yes                        [   ]
  - b) No                         [   ]
  - c) No response            [   ]
11. As a person, has your daughter or close female adolescent relative fallen victim of any form of sexual violence?
- a) Yes                        [   ]
  - b) No                         [   ]
  - c) Non-response            [   ]
12. If Yes, could you describe what happened to the daughter or close female adolescent relative? -----

13. If yes, was action taken against the perpetrator?

- a) Yes [ ]
- b) No [ ]
- c) Non-response [ ]

14. If yes, what action was taken with regard to seeking justice for the adolescent girl?

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15. If no action was taken, what were the reasons for that?

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16. Are you aware that community members have a role to play in seeking justice for female adolescents who fall victims of sexual violence?

- a. Yes [ ]
- b. No [ ]
- c. No response [ ]

17. If yes above, where did you learn about it?

- a) Radio [ ]
- b) Chief's office [ ]
- c) Assistant chief [ ]
- d) Nyumba kumi [ ]
- e) Police [ ]
- f) MCA [ ]
- g) Women groups [ ]

h) Others .....

18. Explain the answer in question 17 above.

19. If a girl is defiled, what is the first action to take?

- a. Report to the police [ ]
- b. Report to the chief [ ]
- c. Advise the girl not to bathe and rush her to the hospital for medical examination.  
[ ]
- d. Report to the children's office [ ]
- e. Others [ ]
- f. Don't know [ ]

20. Could you describe why is it important to take a defiled girl to a hospital for medical

examination? -----  
-----

21. As a community member, whom do you think should take the defiled adolescent girl to the hospital?

- a. Parents [ ]
- b. Close relatives [ ]
- c. Chief [ ]
- d. The police [ ]
- e. Children's officer [ ]
- f. All of the above. [ ]
- g. Don't know. [ ]

22. Within what period of time should the girl be taken for medical examination?

- a. Within 72 hours [ ]
- b. Within one day [ ]
- c. Within one hour [ ]
- d. Within one week [ ]
- e. Don't know [ ]

23. As a community member, whom do you think should take the defiled adolescent girl to the police to record a statement?

- a. Parents [ ]
- b. Close relatives [ ]
- c. Chief [ ]
- d. The police [ ]
- e. Children's officer [ ]
- f. *Nyumba Kumi* members [ ]
- g. All of the above. [ ]
- h. Don't know. [ ]

24. Apart from reporting the defilement case to the police, what are the other roles of community members in seeking justice for the adolescent girl? (List them)

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25. Why do you think community members sometimes fail to take action against perpetrators of sexual violence against adolescents? -----  
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26. Have you ever heard about *Nyumba Kumi*?

- a. Yes [ ]
- b. No [ ]

27. Where did you hear about *Nyumba Kumi*?

- a. Radio [ ]
- b. Chief's office [ ]
- c. Assistant chief [ ]
- d. Police [ ]
- e. MCA [ ]
- f. Women groups [ ]
- g. Others [ ]

28. If yes in question 26 above, does *Nyumba Kumi* take action whenever an adolescent girl falls victim of sexual violence?

- a. Yes [ ]
- b. No [ ]
- c. Non-response [ ]

29. Describe actions that *Nyumba Kumi* takes whenever an adolescent girl falls victim of sexual violence in this community?  
-----

**Community perception about criminal justice system in handling sexual violence against female adolescent**

30. How would you rate the way police handle victims who report cases of defilement?

- a) Very good [ ]
- b) Good [ ]
- c) Bad [ ]
- d) Worse [ ]
- e) Any other (specify) [ ]

Explain the responses given.....  
.....

31. In cases of sexual violence against adolescent girls occur, why do you think the community members fail take action against the perpetrators?

.....

32. In your own opinion, do you think the community members feel the police provides fair justice to adolescent victims of sexual violence?

- d. Yes (If yes, probe where and what exactly happened?.....) [ ]
- e. No [ ]
- f. No response [ ]

33. Could you please describe how the community members refer cases to the police?

.....

34. If the community less frequently report defilement cases to the police, why is that so?

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-----

35. Do you think the community feel free to report to the police cases of defilement?

- a. Yes [ ]
- b. No [ ]
- c. Non response [ ]

36. If yes, why? .....

.....

37. If no, why? .....

38. Are there cases that have been reported and taken to court?

- a. Yes [ ]
- b. No. [ ]

39. What challenges do you think the community face when they refer defilement cases to the police? .....

40. What challenges do you think the community face when they refer defilement cases to court? .....

**Cultural practices influencing female adolescent sexual and gender-based violence interventions in Ndhiwa Sub-County**

41. In your own opinion, are there cultural norms which influence justice seeking against sexual violence against adolescent girls?

- a) Yes
- b) No
- c) No response

42. If yes above, could you please describe those cultural practices that influence justice seeking for female adolescent who are victims of sexual violence interventions?

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-----  
-----

43. Probe for free sexual relationships among young adolescents in laws, early marriages

44. What would you say in the influence of the expression *thuol odonjo eko*?

45. Which categories of girls are vulnerable to defilement than other?

- a. Orphans [ ]
- b. Those will parents [ ]
- c. Those living in households other than with parents [ ]
- d. Others. [ ]

Probe for explanation on each response. (probe to find out girls living with their sisters or aunts) as well as orphans.

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## **Appendix II: Key Informant Interview Guide**

### **Level of knowledge on the role community in seeking justice for female adolescent who are victims of sexual violence**

1. What forms of sexual violence occur to the adolescent girls?
2. How is the prevalence of pregnancy among adolescent girls in this community?
3. In cases of defilement, could you describe what actions are taken against the perpetrator?
4. What is the role of the community members in seeking justice for female adolescents who fall victims of sexual violence?
5. How did you learn about the role of the community in seeking justice for adolescent victims of sexual violence?
6. Why do you community members fail to take action against perpetrators of sexual violence against adolescents?
7. What action does Nyumba Kumi take whenever an adolescent girl falls victim of sexual violence in this community?

### **Community perception about criminal justice system in handling sexual violence against female adolescent**

8. In cases of sexual violence against adolescent girls occur, what actions do the community members take against the perpetrators?
9. In your own opinion, describe how the community members report to the police the perpetrators of sexual violence against adolescents in this community?
10. What are the views of the community regarding the ability of the police to handle cases of sexual violence against adolescents in this community?

11. Could you please describe how the community members refer cases to the court systems?
12. Why do you think the community less frequently report defilement cases to court?
13. What challenges do you think the community face when they refer defilement cases to the police?
14. What challenges do you think the community face when they refer defilement cases to court?

**Cultural factors influencing female adolescent sexual and gender based violence interventions in Ndhiwa Sub-County**

15. In your own opinion, what cultural norms influence justice seeking against sexual violence against adolescent girls?
16. (Probe for free sexual relationships among young in laws, early marriages)
17. What would you say in the influence of the expression *thuol odonjo eko*?
18. Which categories of girls are vulnerable to defilement than other? (Probe for explanation on each response)

### **Appendix III: Focus Group Discussion Guide**

#### **Level of knowledge on the role community in seeking justice for female adolescent who are victims of sexual violence**

1. What forms of sexual violence occur to the adolescent girls?
2. How is the prevalence of pregnancy among adolescent girls in this community?
3. In cases of defilement, could you describe what actions are taken against the perpetrator?
4. What is the role of the community members in seeking justice for female adolescents who fall victims of sexual violence?
5. How did you learn about the role of the community in seeking justice for adolescent victims of sexual violence?
6. Why do you community members fail to take action against perpetrators of sexual violence against adolescents?
7. What action does Nyumba Kumi take whenever an adolescent girl falls victim of sexual violence in this community?

#### **Community perception about criminal justice system in handling sexual violence against female adolescent**

8. In cases of sexual violence against adolescent girls occur, what actions do the community members take against the perpetrators?
9. In your own opinion, describe how the community members report to the police the perpetrators of sexual violence against adolescents in this community?
10. What are the views of the community regarding the ability of the police to handle cases of sexual violence against adolescents in this community?
11. Could you please describe how the community members refer cases to the court systems?

12. Why do you think the community less frequently report defilement cases to court?
13. What challenges do you think the community face when they refer defilement cases to the police?
14. What challenges do you think the community face when they refer defilement cases to court?

**Cultural factors influencing justice seeking for defiled female adolescent girls in Ndhiwa Sub-County**

15. In your own opinion, what cultural norms influence justice seeking against sexual violence against adolescent girls? (Probe for free sexual relationships among young in laws, early marriages)
16. What would you say in the influence of the expression *thuol odonjo eko*?
17. Which categories of girls are vulnerable to defilement than other? (Probe for explanation on each response)