

STATE INTERVENTION STRATEGIES IN THE MANAGEMENT OF  
DOMESTIC VIOLENCE IN VIHIGA COUNTY, KENYA

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A Thesis Submitted in Partial Fulfilment of the Requirements for the Award of the Degree of  
Doctor of Philosophy in Peace and Conflict Studies of Masinde Muliro University of Science  
and Technology

2019

**DECLARATION AND CERTIFICATION**

**DECLARATION BY THE CANDIDATE**

This thesis is my original work prepared with no other than the indicated sources, support and has not been presented elsewhere for any award.

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## **DEDICATION**

The thesis is dedicated to my parents, family and those who tirelessly work to combat domestic violence in society worldwide.

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## ABSTRACT

State intervention strategies undertaken to manage domestic violence in Vihiga County of Kenya remain a challenge due to recurring domestic violence offences. The justice system has lapses in enforcing the law on domestic violence in Vihiga County despite the law enforcement by the state. The study revealed gross human rights violations, perpetration and manifestations of physical, sexual, psychological and emotional violence against household individuals in Vihiga County. The overall objective of the study examined state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The Specific objectives examined the nature and extent of domestic violence, assessed state intervention strategies in dealing with domestic violence and evaluated the challenges encountered by the government in combating domestic violence in Vihiga County, Kenya. The research was informed by a conceptual framework, liberal peace and feminist theories that were instrumental in literature review, identification of study gaps and compilation of the findings. The study adopted both qualitative and quantitative research techniques in data collection and analysis. Descriptive research design was employed to examine state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The study sampled 400 respondents using random and purposive sampling. The study sample comprised of 338 Household heads randomly sampled while purposive sampling was applied to get 4 Court Officers, 4 Children Protection Officers, 41 Assistant Chiefs and 13 Police Officers who took part in the study. Closed-ended 5 point Likert Scale questionnaire, interview and FGD guide was employed for data collection. Qualitative data was thematically cleaned, coded and analyzed while quantitative data from questionnaires was analyzed using Statistical Package for Social Science (SPSS) and Excel then presented in frequency tables, bar graphs and pie charts in accordance to the study variables. Cronbach's alpha was used to validate research instruments on content and reliability valued at 0.79. The study established that domestic violence was commonly perpetrated to male, females and children in families in Vihiga County. The existing law enforcement strategies and institutions have challenges in providing justice to victims and prosecuting perpetrators of domestic violence in Vihiga County. Both constitutional and non-violent conflict management strategies were used in combating domestic violence by the law enforcers and the community. The findings show that domestic violence legislation has challenges due to lack of institutional records, ineffective forensic investigation due to lack of equipment and qualified personnel, corruption, failure of witness to provide information, escape of perpetrators, compromise of law enforcers and community elders during arbitration. Technology, illiteracy, poverty, aggression and patriarchal practices were cited as factors contributing to family violence in the study area. The study recommended Vihiga County Government to effectively enforce domestic violence laws and protocols to prevent domestic violence in Vihiga County. The findings revealed domestic violence was common; lapses in legislation of family laws by enforcement institutions prompting personnel training needs to enhance integrated proactive human rights based approaches for effective management. The government should restructure the legal framework on domestic violence offences to protect citizens against family violence in Kenya. The findings therefore filled the gap on state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The study recommended for the need effective interventions strategies that encompass individuals, community leaders, government officials and non-governmental organizations in preventing and addressing domestic violence in Kenya. The study contributed to state intervention strategies in the management of domestic violence in Vihiga County, Kenya.

## TABLE OF CONTENTS

DECLARATION AND CERTIFICATION .....	ii
COPYRIGHT.....	iii
DEDICATION.....	iv
ACKNOWLEDGEMENTS.....	v
ABSTRACT.....	vi
LIST OF TABLES.....	xiv
LIST OF FIGURES .....	xvii
ABBREVIATIONS AND ACRONYMS .....	xviii
OPERATIONALIZATION OF CONCEPTS.....	xxii
CHAPTER ONE.....	1
INTRODUCTION .....	1
1.1 Background to the Study.....	1
1.2 Statement of the Problem.....	9
1.3 Objectives of the Study .....	11
1.4. Research questions.....	11
1.5 Justification of the Study .....	12
1.6 The Scope of the Study .....	13
1.7 Chapter Summary .....	14
CHAPTER TWO .....	16
LITERATURE REVIEW .....	16

2.1. The Nature and Extent of Domestic Violence .....	16
2.2. State Intervention Strategies Employed in Dealing with Domestic Violence .....	23
2.2.1 Management Strategy by the Judiciary .....	24
2.2.1.1 Domestic Violence Enforcement by the Law Courts .....	27
2.2.1.2 Community Involvement in Dealing with Domestic Violence.....	30
2.2.2 Public Awareness Strategy .....	32
2.2.3 Training Law Enforcement Personnel .....	33
2.2.4 Implementation of Human Rights.....	34
2.2.5 Police Enforcement on Domestic Violence .....	35
2.2.6 Community Policing Strategy .....	37
2.2.7 Cultural Practices .....	38
2.2.8 Rehabilitation of Victims and Perpetrators.....	40
2.2.9 Gender Mainstreaming Strategy .....	41
2.3 Challenges State Governments Encounter in Combating Domestic Violence .....	43
2.4. Conceptual Framework.....	46
2.4.1 Liberal Peace Theory .....	47
2.4.2 Feminist Theory .....	50
2.5 Conceptual Model.....	52
2.6 Chapter Summary .....	54
CHAPTER THREE .....	55
RESEARCH METHODOLOGY.....	55
3.1. Research Design.....	55
3.2 The Study Area .....	56



3.3. Study Population.....	59
3.4. Sampling Techniques and Sample Size .....	59
3.4.1. Household Heads. ....	59
3.4.2. Assistant Chiefs .....	60
3.4.3. Court Officers .....	60
3.4.4. Police Officers .....	61
3.4.5. Children Protection Officer.....	62
3.4.6 Summary of Respondents in Vihiga County .....	64
3.5 Data Collection .....	67
3.5.1. Primary Data Collection Instruments.....	68
3.5.2. Questionnaire .....	68
3.5.3. Interviews.....	68
3.5.4. Focus Group Discussions (FGD).....	69
3.6. Validity and Reliability of Research Instruments .....	70
3.7. Data Analysis and Presentation .....	71
3.8. Limitations of the Study.....	72
3.9 Ethical Considerations .....	73
CHAPTER FOUR.....	76
THE NATURE AND EXTENT OF DOMESTIC VIOLENCE IN VIHIGA COUNTY, KENYA.....	76
4.1. Socio-demographic Information of Respondents .....	76
4.1.1. Gender of Respondents .....	77
4.1.2 Age of Respondents .....	80

4.1.3 Religion of the Respondents .....	82
4.1.4 Respondents Level of Education .....	83
4.1.5 Marital Status of Respondents .....	85
4.2 The Nature and Extent of Domestic Violence in Vihiga County .....	88
4.2.1. Types of Domestic Violence and Incidences .....	88
4.2.2 Frequencies of Types of Sexual Violence .....	93
4.2.3 Fighting and Battering .....	103
4.2.4 Body Parts Targeted during Physical Assault.....	105
4.3.1 Time of Domestic Violence .....	107
4.3.2 Frequency of Sexual Abuses.....	109
4.4 Perpetrators and Victims.....	112
4.4.1.1 Male as Perpetrators.....	113
4.4.1.2 Females as Perpetrators.....	116
4.4.1.3 Children as Perpetrators .....	121
4.4.2 Victims of Domestic Violence.....	122
4.4.2.1 Male as Victims .....	123
4.4.2.2 Females as Victims .....	124
4.4.2.3 Children as Victims.....	125
4.5. Factors Influencing Domestic Violence.....	128
4.5.1 Availability of Weapons for Instigating Domestic Violence.....	129
4.5.3 Availability of Drugs .....	133
4.5.4 Aggression against Individuals .....	134

4.5.5 Awareness of Protection and Safety Rights.....	138
4.5.6 Patriarchal Practices.....	139
4.5.7 Inequitable Distribution of Resources .....	142
4.5 Chapter Summary .....	144
CHAPTER FIVE .....	146
STATE INTERVENTION STRATEGIES EMPLOYED IN DEALING WITH DOMESTIC VIOLENCE IN VIHIGA COUNTY .....	146
5.1 Legal Justice Strategies.....	146
5.1.1 Domestic Violence Law Enforcement Guidelines.....	147
5.1.2 Non-violent Conflict Resolution Strategies .....	151
5.1.3 Domestic Violence Law Enforcement Strategies .....	156
5.1.3.1 Management Strategies by the family.....	156
5.1.3.2 Strategies by Assistant Chiefs.....	158
5.1.3.3 Strategies used by Police Officers .....	164
5.1.3.4 Strategies by Children Protection Officers .....	175
5.1.3.5 Strategies by Court Officers.....	178
5.1.4 Prosecution of Perpetrators of Domestic Violence.....	180
5.2 Gender Mainstreaming Strategy .....	185
5.2.1 Involvement of Women in Combating Domestic Violence.....	187
5.3 Government Legislation on Domestic Violence in Vihiga County.....	188
5.3.1 Law Enforcement on Domestic Violence Incidents .....	189
5.4.2 Accessibility to Domestic Violence Legal Instruments.....	191
5.4.3 Dispute Awareness Programmes on Domestic Violence.....	192

5.4.4 Distribution of Family Property .....	193
5.5.1 Domestic Violence Strategy by Community Elders .....	194
5.5.2 Dispute Conflict Resolution Strategy .....	196
5.6.1 Education Approach Strategy .....	198
5.7.1 Law Enforcement Institutions Combating Domestic Violence .....	200
5.7.2 Effectiveness of law Enforcement Institutions .....	203
5.8 Chapter Summary .....	210
CHAPTER SIX.....	212
CHALLENGES ENCOUNTERED BY THE GOVERNMENT IN COMBATING DOMESTIC VIOLENCE IN VIHIGA COUNTY .....	212
6.1 Inadequate Law Enforcement Personnel in Vihiga County.....	212
6.2 Ineffective Law Enforcement Institutions .....	216
6.3 Ignorance of Domestic Violence Law .....	219
6.4 Compromise of Victims.....	226
6.5 Lack of Domestic Violence Records .....	227
6.6 Criminalization of Domestic Violence Offenders .....	228
6.7 Challenges of Gender Mainstreaming .....	232
6.8 Aggression towards the Police Officers.....	235
6.9 Ineffective Police Guidelines and Regulations .....	237
6.10 Awareness of the Law Enforcement Procedures .....	242
6.11.1 Forensic Investigation on Domestic Violence .....	247
6.11.2 Law Enforcement Personnel in Dealing with Domestic Violence .....	248

6.12 Challenge of Technology .....	250
6.13 Violation of Human Rights .....	254
6.14 Influence of Cultural Practices on Domestic Violence .....	257
6.15 Influence of Drugs and Substance abuse .....	259
6.16 Chapter Summary .....	260
CHAPTER SEVEN .....	262
SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS .....	262
7.1 Summary of the Findings .....	263
7.2.1 Conclusions .....	267
7.3. Recommendations .....	269
7.4 Suggestions for Further Research .....	271
REFERENCES .....	273
APPENDICES .....	295

## LIST OF TABLES

Table 3.1 Population Distribution and Administrative Units.....	57
Table 3.2 Sampling Matrix of the Study Population and Sample size.....	64
Table 3.3 Summary of Respondents in Vihiga County.....	66
Table 4.1 Frequency Distribution on Gender of Respondents.....	80
Table 4.2 Frequency Distribution on Religion of Respondents.....	83
Table 4.3 Level of Education of the Respondents.....	85
Table 4.4 Marital Status of Respondents.....	87
Table 4.5 Frequencies on types of Sexual Violence.....	97
Table 4.6 Fighting and Battering.....	105
Table 4.7 Body Parts targeted during Physical Violence.....	107
Table 4.8 Time of Domestic Violence Perpetration.....	109
Table 4.9 Frequency of Sexual Abuses.....	110
Table 4.10 Domestic Violence Perpetrators .....	122
Table 4.11 Victims of Domestic Violence.....	128
Table 4.12 Availability of Weapons for Perpetrating Domestic Violence.....	131
Table 4.13 Frequency of Aggression against Individuals.....	139
Table 4.14 Frequencies of Patriarchal Practices.....	142
Table 4.15 Inequitable Distribution of Resources.....	144
Table 5.1a Domestic Violence Law Enforcement Guidelines.....	148
Table 5.1b Domestic Violence Law Enforcement Guidelines.....	150
Table 5.2a Nonviolent Conflict Resolution Strategies .....	152

Table 5.2b Nonviolent Conflict Resolution Strategies .....	155
Table 5.3 Management Strategies by the family.....	157
Table 5.4 Intervention Strategies by Assistant Chiefs.....	161
Table 5.5 Intervention Strategies by Assistant Chiefs.....	164
Table 5.6 Strategies by the Police Officers.....	167
Table 5.7 Strategies by the Police Officers.....	175
Table 5.8 Strategies by Children Protection Officers.....	177
Table 5.9 Strategies by Court Officers.....	180
5.10a Prosecution of Perpetrators of Domestic Violence.....	181
Table 5.10b Hamisi Magistrate Court Domestic Violence Prosecution .....	183
Records 2008 - 2014	
Table 5.10c Vihiga Magistrate Court domestic violence Criminal .....	185
Records 2008- 2014	
Table 5.11 Gender Mainstreaming Strategy .....	186
Table 5.12 Law Enforcement on Domestic Violence.....	189
Table 5.13 Support Strategy on Domestic Violence.....	194
Table 5.14 Domestic Violence Strategy by Community Elders .....	196
Table 5.15 Dispute Conflict Resolution Strategy.....	198
Table 5.16 Educational Approach Strategy.....	200
Table 5.17 Law Enforcement Institutions Combating Domestic Violence.....	203

Table: 5.18 Effectiveness of Law enforcement Institutions .....	207
Table: 5.19 Institution Legislative Support on Domestic Violence .....	209
Table 6.1 Inadequate Personnel on Law Enforcement in Vihiga County.....	215
Table 6.2 Ineffective Law Enforcement Institutions.....	219
Table 6.3 Ignorance of Domestic Violence law.....	225
Table 6.4 Compromise of Victims.....	227
Table 6.5 Criminalization of Domestic Violence Offenders.....	231
Table 6.6a Challenges on Gender Mainstreaming.....	233
Table 6.6b Challenges on Gender Mainstreaming.....	234
Table 6.6c Aggression towards the Police.....	237
Table 6.7 Ineffective Police Guidelines on Domestic Violence.....	242
Table 6.8 Awareness of Law Enforcement Procedures.....	247
Table 6.9 Challenge of Technology.....	254



## LIST OF FIGURES

Figure 2:1 Conceptual Model showing Interaction of Variables.....	53
Figure 3.2 Location of Vihiga County in Kenya.....	58
Figure 4.1 Distributions on Age of Respondents.....	82
Figure 4.2 Types of Domestic Violence Offences Perpetrated in Vihiga County.....	93
Figure 4.1 Availability of Alcohol.....	133
Figure 4.2 Availability of Drugs.....	134
Figure 5.1 Involvements of Women in Combating Domestic Violence.....	188

## **ABBREVIATIONS AND ACRONYMS**

<b>BCS:</b>	British Crime Survey
<b>BCUNHR:</b>	British Crime Unites Nations Human Rights
<b>CDCPI:</b>	Child Development Community Policing Intervention
<b>CEDAW:</b>	Convention on the Elimination of All forms of Discrimination Against Women
<b>CMIS:</b>	Computerized Management Information System
<b>CWGL:</b>	United States based Center for Women Global Leadership
<b>CJS:</b>	Criminal Justice System
<b>DRH:</b>	Division of Reproductive Health
<b>DSC:</b>	District Security Committees
<b>DRC:</b>	Democratic Republic of Congo
<b>FGD:</b>	Focus Group Discussion
<b>FIDA:</b>	Federation of Women Lawyers
<b>GBV:</b>	Gender - Based Violence
<b>GJLO:</b>	Governance Justice Law and Order
<b>GRHRS:</b>	Global Report on Human Rights Settlement
<b>GVRCAR:</b>	Gender Recovery Centre Annual Report
<b>IASC:</b>	Inter-Agency Standing Committee
<b>ICCPR:</b>	International Covenant on Civil Political Rights
<b>ICJK:</b>	International Criminal Justice in Kenya
<b>ICSCR:</b>	International Covenant on Social and Cultural Rights

<b>IFRCRCS:</b>	International Federation of Red Cross and Red Crescent Societies
<b>KDHS:</b>	Kenya Demographic Health Survey
<b>KGGVSOA:</b>	Kenya Governance Gender Violence Sexual Offence Act
<b>KGJLO:</b>	Kenya Governance Justice Law and Order
<b>KNBS:</b>	Kenya National Bureau of Statistics
<b>KNGEC:</b>	Kenya National Gender and Equality Commission
<b>KNGECA:</b>	Kenya National Gender and Equality Commission Act
<b>KNGMMSV:</b>	Kenya National Guidelines on Medical Management of Sexual Violence
<b>KNH:</b>	Kenya National Hospital
<b>KPS:</b>	Kenya Prison Service
<b>MMUST:</b>	Masinde Muliro University of Science and Technology
<b>MMUSTSGS:</b>	Masinde Muliro University of Science and Technology School Graduate Studies
<b>MoH:</b>	Ministry of Health
<b>NACOSTI:</b>	National Commission of Science Technology and Innovation
<b>NGO:</b>	Non-Governmental Organization
<b>NPG:</b>	Nkyinkyin Project of Ghana
<b>NRCCSVCK:</b>	National Rape Care Committee on Sexual Violence Crimes
<b>NSP:</b>	National Standards and Protocols
<b>NVAWS:</b>	National Violence against Women Survey
<b>NVWS:</b>	National Violence against Women Survey

<b>OCPD:</b>	Officer Commanding Police Division
<b>OCS:</b>	Officers Commanding Police Station
<b>ONFWE:</b>	Oxfam NGO and the Forum for Women Educationist
<b>PTSD:</b>	Post-Traumatic Stress Disorder
<b>QSISMDV:</b>	Questionnaire on State Intervention Strategies in the Management of Domestic Violence
<b>SAGAP:</b>	South Africa Gender Advocacy Programme
<b>SOA:</b>	Sexual Offences Act
<b>SOAITF:</b>	Sexual Offences Act Implementation Taskforce
<b>SPSS:</b>	Statistical Package of Social Sciences
<b>TM:</b>	Traditional Mediation
<b>STISCDV:</b>	State Intervention Strategies Combating Domestic Violence
<b>UCDVP:</b>	Uganda the Center for Domestic Violence Prevention
<b>UDHR:</b>	Universal Declaration of Human Rights
<b>UNDEAW:</b>	United Nations Declaration on Elimination against Women
<b>UNDFW:</b>	United Nations Development Fund for Women
<b>UNICEF:</b>	United Nations International Children’s Education Fund
<b>UNIFEM:</b>	United Nations Development Fund for Women
<b>UNSAID:</b>	United States Agency for International Development
<b>UNSC:</b>	United Nations Security Council
<b>US:</b>	United States

**USAID:** United States Agency International Development  
**VAWS:** Violence against Women Survey  
**WCWHR:** World Conference for Women's Human Rights  
**WOAT:** World Organisation Against Torture

## OPERATIONALIZATION OF CONCEPTS

**Aggression:** In this study aggression refers to any act of coercion, injury or harm of person within the intimate relationship or household. Aggression involves verbal abuse, psychological trauma subjected by perpetrators within households. The study will try to address violence that arises against individuals among households or the community.

**Children:** Means any household individual below 18 years in accordance to the constitution of Kenya 2010. It also applies to siblings under the care of parents in a household.

**Combating:** Means the mechanisms employed by the law enforcement institutions in Vihiga County to deal with all forms of domestic violence against individuals in households. The enforcement lays emphasis on crime reports, witness giving evidence in court and the Police Stations for arrest and prosecution of the offender while supporting the victims involved in domestic violence.

**State Intervention Strategies:** Is used in the study will to denote law enforcement procedure enhancing the implementation of domestic violence laws and protocols of the penal code in the country and society. The structures undertaken in this study were judiciary, the police officers children protection officers, assistant chiefs and the households

**Dispute Conflict Resolution:** In this study the concept of conflict resolution is used to imply strategies deployed by nonprofessional in reaching out to victims and

perpetrators of domestic violence. The skills of mediation, negotiation, arbitration, reconciliation, forgiveness and other traditional dispute resolution mechanisms were used by assistant chiefs, religious leaders and community elders.

**Corruption:** the term means the illegal mechanisms used by law enforcer to request for payments or kickbacks before they can officer services to the victims. The officers may interfere with the prosecution process hence compromise victims and perpetrators of domestic violence leading to termination of the case.

**Cultural Practices:** The concept refers to traditional approaches used by community elders, household heads, and assistant chiefs' etc. use to help manage domestic violence offences in Vihiga County. The mechanisms employed were able to resolve dispute cases between victims and perpetrators of domestic violence among households and the entire community in the study area.

**Domestic Violence:** The researcher look at domestic violence as a pattern of behaviour relationship in which persons of intimate relationship physical assault, psychologically and emotionally abuse each other within a household or community. Domestic violence may also mean patterns of abusive behaviour that include physical, sexual and psychological maltreatment used by persons in intimate relationship against another to gain or maintain power.

**Drugs and Substance abuse:** In this study drugs and substance abuse is used as a factor of considerable measure of domestic violence incidence and occurrences

among individuals in households and community. Alcoholics and drug addicts are aggressive to spouses; children plus other members of the family hence instigate violence.

**Educational Awareness:** Educational awareness means domestic violence sensitization program of domestic violence legislation and enforcement in managing domestic violence. In the study men, women and children in household seemed not to be aware of their protection rights yet the state law enforcement programs are already in place.

**Domestic Violence Laws:** Means a legal system established within a state to govern events, transactions or having a connection to the state. Domestic law consists of the executive, judiciary and the legislature.

**Forensic Investigation:** Means the scientific aspects of investigating domestic violence crimes, ways of collection of defences and witnesses, maintenance of investigation resources such as database, manuals and training the law enforcers. The investigation cuts across violent crimes, sexual assault, use of DNA technologies, crime scene investigation, witness investigation and forensic sexual examination through the orders of the courts and legal systems.

**Gender Mainstreaming:** means involvement of both male and female in combating domestic violence in Vihiga County communities. Men and women need to be empowered through education, employment opportunities, legal literacy, human



rights education and information regarding domestic violence. Integrated supportive services, legal intervention strategies including counselling, relocation, credit support, and employment should be availed to household members.

**Gender-Based Violence:** Is any physical or psychological act of violence perpetrated against a person's will based on socially ascribed gender differences between males and females. Gender-based violence is viewed as violence intended to maintain structural gender inequalities against women, children and men in the society. The violence is a powerful predictor of rape, sexual assault perpetrated against gender groups in relation to community ascribed gender roles.

**Judiciary:** Means the state organ established to discharge justice to the citizens. It further means the system of courts that interpret and applies the law in Kenya. In this study the term judiciary has been operationalized to mean all the law enforcement mechanisms and institution managing domestic violence. In this category we have the police officers, judges, children protection officers, assistant chiefs, community policing and community elders.

**Justice System:** Means a set of agencies and processes established by the government to control crime and impose penalties on those who violate laws. In this study it implies state mechanism in making domestic laws and effectively enforcing them through her legal institutions. It also implies that law should protect all citizens from perpetrator of violence in the family and the society.

**Human rights:** In this study the term means basic law enforcement requirements intended to support and protect victims of domestic violence. The rights of the victims can only be addressed only when the perpetrators are apprehended and tried before the court of law. Families affected need to be supported by human rights advocacy institutions for restoration of justice in Vihiga County.

**Domestic Violence:** Meaning all forms of domestic violence instigated by individuals within a family relationship by children, men and women. The study's main focus is on types of physical, psychological, sexual, gender-based and emotional violence commonly instigated against household individuals in intimate relationships.

**Household:** the concept in this study applies to mean a spouse, a child who may be an adopted child, step-child or fostered, an adult son or daughter, a parent, a sibling or any other relative related to the family. Relatives mean father, mother, grandfather, grandmother, stepmother, stepfather, father-in-law or mother-in-law living in a household. These individuals engage or are constantly involved in violent family conflicts in relation to their gender roles.

**Law Enforcement:** In this study law enforcement means constituted legal framework comprising enforcement officers (Police, Court Magistrates, Assistant chiefs, Children Protection Officers, Paralegal Agencies, Non-governmental Organizations, Human rights, Religious groups) who enforce domestic violence Acts of 2006, State government and International Protocols in combating domestic violence in Vihiga County.

**Protection Orders:** Means the final order made by the court in a matter concerning domestic violence. In this respect a person who is facing domestic violence may apply to the court for a protection order in respect to that other person. This order is enforced by police officers, social worker, probation, attorney, medical practitioner and children officers. The officers or appropriate authority is required to investigate the act or omission of domestic violence and forward the findings to court as directed by the authority.

**Physical Violence:** In this study the term physical violence means any form of coercive or aggressive acts of assault to cause bodily harm. The study looks at sexual violence, rape, battery of intimate partners, children and other family members. The intention of the perpetrator is to, kill, harm and intimidate the victim.

**Psychological Violence:** Means all forms of violence perpetrated against any person to deliberately cause stress, depression, emotional violence that lead to trauma or psychosis. These forms of violence are caused through intimidation and harassment by perpetrators living in intimate relationships.

**Sexual Violence:** Is applied in this study to mean any sexual act or attempt of an individual to obtain a sexual act through sexual sexuality by coercion, threats of harm or physical force against any person regardless of relationship. This attributes to sexual offences such as rape, incest, penetration of objects in the genitals or touching of a male or female for the intention of rape or causing harm, sexual harassment or intentionally having forced sex in intimate relationship.

**Technology:** The concepts means the instrumental way domestic violence perpetrators use to intimidate their victims. In this respect messages, faxes or to direct to threaten individuals in families in demands for certain services against the wishes of the victim. Mobile phones are used by domestic violence offenders to intimidate and frustrate individuals in the community.

**State Intervention Strategies:** Meaning the state legislative mechanism and the law enforcement by the government through the judiciary, the police, Assistant Chiefs, Children Protection Officers, Court Magistrates and the households against all forms of violence and violation of human rights against citizenry in order to maintain justice within the state. In this study management strategies primarily focused on resolving domestic violence conflict through arrests, reporting offenders, investigations of the violent acts, prosecution of the offenders, imprisonment and rehabilitation of the offenders, supporting the victims. At the same time the conflict management strategies and conflict resolution skills such as arbitration, adjudication, mediation, negotiation, dialogue, and collaboration were the focus on law enforcement institutions in combating domestic violence in Vihiga County of Kenya.

**Victim of Domestic Violence:** This applies to men, women, children who are affected by domestic violence crimes that need support and protection by the government law enforcement institutions, Human rights and non-governmental organisations. The victims experience both physical, psychological violence and human rights violations that need address by the law enforcement institutions.

## **CHAPTER ONE**

### **INTRODUCTION**

The chapter discusses state intervention strategies in the management of domestic violence in order to form a framework for the study. The literature review covered the nature and extent of domestic violence, state intervention strategies and challenges state encounter in dealing with domestic violence. Other components of discussion included statement of the problem, objectives, research questions, justification and scope of the study.

#### **1.1 Background to the Study**

Domestic violence has been cited as global phenomenon affecting people of all cultures, age, economic and educational background around the world. According to Kenny (2012) domestic violence affects people of all cultures, ages, economic and educational backgrounds. The violence occurs between family members and intimate partners who may include husband, wife, children, elderly persons, siblings and relatives. Domestic violence depicts any form of violence, threat or imminent danger against other person in a domestic relationship (Kenya Gazette Supplement Act, 2015). According to Kenya Gazette Supplement Act 2015 domestic violence on men, women and children lack specific legislation. The violence may comprise physical, psychological and sexual methods of control perpetrated by male and female gender (Kenney, 2012). Intimate partner abuse include emotional abuse in form of emotional abuse such as humiliation, forced isolation, loss of control over finances leading to threats with weapons to scare the victim (Kenney, 2012).

According to Adebayo (2014) domestic violence manifest in forms of domestic abuse, spousal abuse, battering, family violence, dating abuse in intimate partner relationship. The perpetration patterns of behaviour involve abuse by one partner against another in an intimate relationship or within the family. The survivors experience physical aggression or assault such as hitting, kicking, biting, shoving, restraining, slapping, throwing objects and battery, threats, sexual abuse, psychological abuse, controlling or domineering; intimidation, stalking, passive or covert abuse and economic deprivation are the major incidences perpetrated by male and female individuals (Adebayo, 2014). The nature, extent and prevalence of domestic violence are a devastating phenomenon that requires state and non-state actors action (ibid). According to Justice Nancy Baraza in Kenya Gazette Supplement of 2015, the journey towards achieving domestic violence legislation is long and protracted calling for concerted efforts with the civil society and the parliament of Kenya for prevention.

The statistics of child victims during domestic violence crimes are difficult to pin down but studies has shown 3-10 million children witness their parents suffering from intimate partner violence each year. In Northern Nigeria 16% of female patients who sought STIs treatment were children under 5 years of which 10% comprised defilement and incest. Abusive parents also physically, emotionally or sexually abuse children leading to depression, anxiety, aggression that develops into serious emotional and behaviour problems (Kenney, 2012). In this aspect conflicting partner's project their anger towards children through physical or psychological abuse. In many cases children are passive victims of domestic violence in homes where violence is the order of the day. The issue of child neglect, abandonment and

maltreatment call for proper legislative guidelines and interventions (ibid). According to Harne (2011) policies to safeguard children against domestic violence remain violated by states. Many policies tend to be discriminatory against abused mothers and children. Harne further posits that the police have failed to protect families as their system favours male perpetrators.

A study conducted by Kaluyu (2007) showed that in South Africa one adult woman out of every six was assaulted regularly by her mate with no recourse. In Uganda 41% women aged between 20-44 years reported to have been beaten or physically harmed by intimate partners with no protection by law enforcement. Other studies have shown violence against men has been on-going in society but under great cover. Men suffer violence in silence and fear of intimidation by other men (Kaluyu, 2007). According to research domestic violence typically happens behind closed doors, a crime not always reported to the police, friends or neighbours hence no realization of abuse unless physical signs are manifested on the victim (Kenney, 2012). Domestic violence has persistently remained a challenge to state intervention agencies enforcing the law on offenders and victims of the violence.

According to Kaye (2006) spousal battering or intimate partner violence is a mixture of physical and coercive behaviours designed to manipulate and dominate family relationships. Domestic violence considers gender as a social construction of power dominance between men and women in intimate relationships (ibid). Johnson (2008) pointed out that domestic violence situations were characterized by anger, frustrations and intense emotions by perpetrator in household. Johnson further observed that in

America circumstances surrounding both the abuser and the victim required different criminal justice legislation.

Johnson reiterated that the police arrest does absolutely nothing to remedy too many underlying problems within the family (Johnson, 2008). The perpetrator and victims of household violence continue to increase because the criminal justice system had lapses in providing justice in society. Lockton & Ward (1997) pointed out that many researchers have noted that domestic violence was under-reported to the police although there were discrepancies amongst the researchers on the extent of under-reporting varying from 98% to 29%. Studies show only 12% of the reported cases of domestic violence were made subject of crime report. The literature highlights ineffectiveness of domestic laws; increase of domestic violence victims and perpetrators a gap the study sought to fill.

Survey statistics indicated that despite public awareness domestic violence problem is still a vast. In Britain 25% of women who experienced domestic violence 10% reported similar incidences within 12 months. In 1992 British Crime Survey reported 990, 000 (46%) of all violent crimes against women 100, 000 occurred in homes (Lockton & Ward, 1997). Kaur & Garg (2008) observed that in United States of America 85% of all crimes experienced by women were cases of intimate violence compared to 3% of experienced by men. The survey has compounded statistic and mainly focusing on women alienating the male victims. These therefore call for a significant survey to examine the extent of violation of male gender by female gender in the family setup.



According to Kenya National Crime Research Centre (NCRC) of Kenya gender based violence is pervasive, largely unreported while the reported instances were retracted and settled. Governments have developed policies and legislations to mitigate its occurrences yet the violence still reoccurs. The non-state actors have tried to provide victims with psycho-social support and public sensitization with no significant but no progress have been realized (NCRC, 2014). The report advances that the rights of men, women, boys and girls still remain at the whims of gender-based violence perpetrators (ibid). State and non-state actors should enact policies and guidelines to provide law and order to situations that lead to human rights violation. These brought out a gap on state intervention strategies in the management of domestic violence this study sought to fill.

According to Lockton & Ward (1997), domestic violence is a problem within the society. There is under-reporting of violence against men, women and children, published figures mainly capture women but alienate men and children victims. The adequacy of the civil and criminal justice to deal with perpetrators of this crime was the subject the study gaped (ibid). Studies conducted show domestic violence prevalence attempts remain a challenge to state intervention worldwide.

Coomaraswamy (2000) observed that legislation in regard to domestic violence stands out as a modern phenomenon that requires drafting of special laws, remedies and procedures to prevent it. In 1998 National Elder Abuse report showed 450, 000 elderly persons above 60 years were abused and neglected by adult children and spouses in domestic settings. A study by Mulinge (2008) showed 13 million children suffered HIV/AIDS infections in Sub Saharan Africa. In 2003 Sub Saharan African

female population translates to two thirds of the youths living with HIV/AIDS infection. All these challenges are attributed to poverty and lack of conformity to law enforcement guidelines (Mulinge, 2008).

According to Benekos& Merdo (2006) the Georgian law in United States of America convicts offenders of violent offences are convicted of a life imprisonment. In California judges impose a life sentence or triple sentence for offences of domestic violence. Megan, Grimm & Kunz (2007), pointed out that the police service is to protect and promote human rights in states. Thompson & Hickey (2002), observed that the police service is highly linked to the criminal justice system, is vested with the authority to arrest criminals, maintain law and order within states. United States Agency for International Development [UNSAID] (2013) also reported that sexual violence was a crime against humanity that needed effective law legislation for criminal justice. The reviewed literature revealed that in America and other states police protected families from perpetrators of domestic violence (ibid).Law enforcement institutions act as pillars against human rights violations of which lapses lead to a state of lawlessness.

Studies by International Federation of Red Cross and Red Crescent Societies [IFRCRCS] report (2015) show Haiti government legal framework prohibits Gender Based Violence [GBV] crimes and guarantees the right to life, health and respect to all citizens without distinction. Inter-Agency Standing Committee [IASC] (2005) guidelines provides intervention in humanitarian settings and coordinate multi-sectorial interventions to combat sexual violence. It therefore calls for African governments, civil society, the private sector, schools and colleges to take a leading

role in combating GBV. According to these studies state institutions have a task of implementing legal legislation on managing perpetrators and victims of domestic violence.

In Zimbabwe Musasa project offers shelter, counselling and legal services to survivors of domestic violence for young men and women in tertiary institutions through non-violent conflict resolution mechanisms (Terry & Hocare, 2007). South Africa's Gender Advocacy Programme (SAGAP) tackles domestic violence through health services and treatment of survivors of domestic violence while Nkyinkyin Project of Ghana (NPG) works with traditional and religious leaders to engage communities in combating intimate partner violence.

According to Murungi (2012) the legal framework in Kenya has limitations in enforcing gender violence laws and protocols in communities. Megan *et al* (2007) observed that Kenya Police hardly apprehended perpetrators nor investigated domestic violence incidences within families in Kenya. The police have the obligation to enforce the state laws on protection of every Kenyan. Ineffectiveness of this institution creates loopholes and challenges which this study sought to fill.

Kenya act of parliament 2015 provides for protection and relief for spouses, children plus other dependent persons against domestic violence in the family. Kenya National Gender and Equality Commission [KNGEC] in accordance to article 59 (4) and (5) of the Constitution of Kenya 2010 and the Kenya National Gender and Equality Commission Act (KNGECA) (2011) spearheads for the promotion of gender equality, inclusion and freedom from discrimination by ensuring all laws, policies and

guidelines are enforced to mitigate GBV in Kenya. KNGECA (2014) and United Nations Children's Fund [UNICEF] (2005) emphasized for educational management strategies that can increase knowledge and assertiveness among families to prevent gender violence. The state should collaborate with civil societies to strengthen the current national legislations for zero tolerance on domestic violence crimes (UNICEF, 2005).

Constitution of Kenya (2010) legislates on elimination of gender discrimination, gender violence and enforcement of human rights. According to Rehn & Sirleaf (2002) state governments should enact new legislations to strengthen old laws prosecuting perpetrators of domestic violence and GBV. Ouma (2013) observed that Kenya Governance Justice Law and Order (GJLO) mechanisms should enhance the security of its citizens as well as protecting their rights. This background information exhumes constitutional amendment on domestic violence law legislation and enforcement for effective management of domestic violence crimes. The reviewed literature revealed prevalence of domestic violence, challenges in implementing law enforcement on perpetrators and victims of domestic violence in society the study sought to investigate.

According to Capis (2012) ineffective law enforcement systems warrant offenders with criminal history to commit further offences. Atetwe (2008) recommended the need for research on domestic violence occurrences in order to establish the magnitude of elderly abuse in Emuhaya district. A study conducted by Capis (2012) observed perpetrators of defilement and rape hardly faces the arms of the law in courts leaving families vulnerable to violence. The literature reviewed revealed gaps

in the law enforcement, escalation of domestic violence, ineffective guidelines and policies managing domestic violence victims and perpetrators, un-reporting of incidences and challenges faced by law enforcement institutions. It was on this background the study sought to examine state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The finding revealed physical violence, sexual abuse, psychological abuse were prevalent and basically perpetrated by females, males, children, parents, in-laws, house helps and other relatives within the households in Vihiga County.

### **1.2 Statement of the Problem**

Domestic violence has persistently remained prevalent among individuals within family households in Vihiga County of Kenya. World Organisation against Torture (OMCT) report (2008) revealed that domestic violence was rampant in Kenya despite interventions by the state and Civil Society actors. According to Uwayo (2014) Kenya is deeply plagued by intimate partner violence, it's private, isolated and marred with traditional and cultural considerations. Research reports on service providers show women suffer domestic fights under many circumstances. According to gender studies reveal that domestic violations in households accounts for 48% of the world statistics. Caffrey & Mundy (1995) posits that domestic violence is biological or learnt through cultural socialization.

Thousands of inhabitants in Vihiga County are significantly affected by domestic violence incidences despite law enforcement strategies employed by the government of Kenya. The justice systems have challenges in dealing with domestic violence in

Kenya (Aura, 2018). The criminal justice lacks effective interventions strategies to prevent human rights violations in Vihiga County. The law enforcement institutions are ineffective protecting domestic violence survivors and prosecuting perpetrator hence create loopholes for further violations in the study area. Increased attention by policy-makers, civil society, religious leaders, law enforcers and human rights organisations hardly enforce social justice in society.

The inconsistencies in non-compliance by individuals to the Constitution of Kenya 2010 in upholding on the law enforcement and human rights legislative mechanisms contributory factor to ineffectiveness of the law in Kenya. Devolution of state functions in 2013 created gaps in criminal justice system leading to dysfunctional law institutions on structural injustices in families (ibid). Studies by Atetwe & Onkware (2008) in Emuhaya and Capis (2012) in Vihiga in sub-counties recommended further research on family violence in both Emuhaya and Vihiga districts of Kenya. The researcher's survey in 2013 from social media bulletins, hospitals, witnessing isolate intimate partner violence and literature reviewed from Vihiga Court archives indicated there was a problem to be addressed. Uwayo (2014) recommended research on cultural factors contributing to domestic violence in Kenya.

The survey revealed ineffectiveness of law enforcement by institutions, inadequate records on victims and perpetrators due to under-reporting of domestic violence violations. The researcher also realized that domestic violence offender's prosecution records were inadequate or unavailable leaving gaps in data violated victims in the region of study. The background helped to examine state intervention strategies in the management of domestic violence in Vihiga County. The literature in subsequent

chapters was reviewed on the nature and extent of domestic violence, intervention strategies employed by the government in dealing with domestic violence and challenges encountered by the government in combating domestic violence in Vihiga County. The study findings sought to fill this gap.

### **1.3 Objectives of the Study**

The overall objective of the study was to examine state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The specific objectives were:

- i. To examine the nature and extent of domestic violence in Vihiga County, Kenya
- ii. To assess state intervention strategies employed in dealing with domestic violence in Vihiga County, Kenya
- iii. To evaluate the challenges encountered by the government in combating domestic violence in Vihiga County, Kenya

### **1.4. Research questions**

- i. What types and extent of domestic violence incidences are manifested in Vihiga County, Kenya?
- ii. Which state intervention strategies are employed to deal with domestic violence offences in Vihiga, Kenya?
- iii. What challenges does the government encounter in combating domestic violence in Vihiga County, Kenya?

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

The philosophical justification of the study is that whereas domestic violence is considered to be patriarchal or a male problem in the world, in Kenya particularly Vihiga County domestic violence takes a diverse direction whereby males, females and children are key perpetrators and victims as well as revealed by the study findings.

The academic and policy justification a few studies carried out in Vihiga County Atetwe & Onkware in 2008 focused on drug abuse as causing family violence and elderly abuse by and socioeconomic factors on relapses of reformed criminals by Capis (2012). These studies did not address intervention strategies on domestic violence hence created a gap to be filled by this study. Studies have not been carried out to examine physical violence, emotional violence and the challenges of the law enforcement on domestic violence in Vihiga County. Uwayo (2014) pointed out that the greatest research gaps within the realism of intimate partner violence were lack of reliable studies to determine its prevalence in non-physical forms. Uwayo observed that statistics under reported non-physical forms of intimate partner violence hence created difficulties in establishing the prevalence of psychological and emotional violent occurrences. According to Durkheim (1938) social control theory the absence of close relationships within conventional strategies cannot free individuals from social constraints hence promoting delinquency. Peer groups get involved in negative relationships, commit crime, and break laws by violating social norms governing the society. No study has examined state intervention strategies in the management of domestic violence in Vihiga County, Kenya hence creating a gap for this study to fill. The study contributed to knowledge gaps on state intervention strategies, the nature



and extent and challenges the government encounter in combating domestic violence in Vihiga County, Kenya.

The findings may assist Vihiga County government and the state in formulating policy framework to manage domestic violence in Vihiga County and the rest of Kenya. The study used secondary literature, liberal peace and feminist theories and research methodology formed the basis on which the findings were grounded. The study established that domestic violence was common among the families despite intervention strategies by the government in Vihiga County. State intervention strategies seem to have lost efficacy in preventing domestic violence. The findings derived in chapter four, five and six tried to fill gaps in this study.

### **1.6 The Scope of the Study**

The study sought to contribute to knowledge gaps on state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The study was conducted in 2017 covering a period of 4 months commencing in January and ending in April of the same year. During the period the researcher collected data from the respondents through interviews and questionnaires. The study was confined in Vihiga County for the following reasons: the area is densely populated with a high poverty index of 65% with a high dependency ratio in family households. Secondly several incidences of sexual violence and violation of human right have been cited in the area. Family violence occurrences and courts reports have attracted political, media, public health and non-state actor's attention.

The study sampled five sub counties (Vihiga, Sabatia, Hamisi, Luanda and Emuhaya) in Vihiga County inhabited by Abanyole, Tiriki, Abalogoli sub tribes and other groups to provide information on domestic violence. The study sought to examine the nature and extent of domestic violence, access state intervention strategies employed in dealing with domestic violence and to find out challenges encountered by the government in combating domestic violence in Vihiga County, Kenya. The study was enriched by gaps from the reviewed literature, theories, documents, surveys, internet search, interviews and findings of the study.

### **1.7 Chapter Summary**

The background literature reviewed identified gaps in the prevalence of domestic violence, challenges encountered by law enforcement combating domestic violence states. The chapter discussed the impact of the current domestic violence legislation, acts and protocols on domestic violence to establish lapses in the law. Subsequent secondary data was reviewed and documented in line with variables on the nature and extent of domestic violence, state intervention strategies employed in dealing with domestic violence and challenges encountered by the government in combating domestic violence in Vihiga County, Kenya. The statement of the problem was instrumental in setting the ground for the study. The scope of the study was 4months from January to April in 2017. Research questions, academic and policy justification were also considered. The key informants comprised household heads, assistant chiefs, police officers, county officers and children protection officers. The chapter forms a link to the in chapter two on literature review on specific objectives on the nature and extent of domestic violence, state intervention strategies managing domestic violence and challenges encountered by the government in combating

domestic violence in Vihiga County, Kenya. The next chapter will review secondary data on the independent and dependent variables in the study, this will be, state intervention strategies and domestic violence in order to identify literature gaps and setting ground for primary data collection and analysis.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

The chapter discusses themes on the nature and extent of domestic violence prevalence among families within states. The next focus will be on state intervention strategies in the management of domestic violence. The last theme discusses challenges state governments encounter in combating domestic violence. Conceptual framework informed by liberal peace and feminist theories formed an integral part of the study.

#### **2.1. The Nature and Extent of Domestic Violence**

International Federation of Red Cross Recovery Centre Society [IFRCRCS] (2015) defined domestic violence as the use of force or power in an action or omission in any setting, threat, perceived or actual harm against oneself, another person, a group, a community that may result in death, physical injury, psychological or emotional harm and mal-development or deprivation. Johnson (2008) alluded that partner violence was essentially provoked by tension and emotions that led individuals to indulge in acts of domestic violence. In this respect domestic violence may be minor or singular depending on the type of relationships involved in perpetration of the violence hence prompting further research.

According to Sullivan (2018) domestic violence is a pervasive social problem with devastating physical, psychological and economic consequences to victims across the world. Studies have shown that over one third of women and one in every four men in United States have been victims of physical and sexual assault or stalked by intimate partners. Domestic violence include violence between a husband and wife, a girl

friend and a boyfriend, a gay or lesbian partners, parents and children, adult children and the elderly parents or between siblings in a family household. It is also manifested in both heterosexual and same sex relationship (Felser, 2014). Family violence and domestic abuse of women is a devastating worldwide problem (IFRCRCS, 2015).

Gender-based violence is practiced to maintain structural gender inequalities against women, children and men in which rape; sexual assault against women mainly perpetrated by men (National Violence against Women Survey [NVWS], 1998). A study by Harne (2011) demonstrated that women violence against male partners consists of slapping and throwing objects for self-defence. Men use threatening physical attacks, intimidation, humiliation and psychological to harm victims. British Crime Survey (BCS) showed women victims experienced greater fear, anxiety and physical injuries than men during family violence. In many households violent fathers undermined relationships by intimidating, abusing and raping mothers in front of children hence encouraging them to participate in verbal and physical abuses towards family members (Harne, 2011). The studies in United Kingdom revealed that 30-60 Percent of fathers used physical violence. The perpetrators hit victim's head with fists or push their heads in dishwater, threw weapons, hang them out of the window during victimization hence impeding intervention strategies on domestic violence.

According to Adebayo (2014) women aged 15-49 justified being hit or beaten by husbands under certain domestic violent circumstances. Studies revealed that 90% of women in Afghanistan and Jordan, 87% in Mali, 86% in Guinea and Timor-Leste, 81% in Laos, and 80% in Central African Republic justify that women were the main victims of domestic violence. Stockard & Mirriam (1992) observed that 25% to 50%

of the women in United States were abused by partners or children in family. In Palestine (50%) of murdered women was perpetrated by men while (62%) of murdered women in Canada was by husbands or domestic partners. According to feminist theory gender inequalities is a major factor in male-female violence in which men used social power to control and dominate women (Felser, 2014). Deflem (2019) alluded to the fact that understanding normative expectations of individuals and sanctioning of social behaviour can address inequalities generating conflicts in society. Deflem further reiterated that deviance caused tension in stable systems hence advocated for legal social controls to retain the system to equilibrium.

According to Wachege (1994) physical assault, sexual, psychological molestation or harassment was detrimental to the health and well-being of victims hence needed legal intervention. IASC (2005) reported that rape of women by men was used as a weapon to punish them for transgression of social or moral codes such as adultery or drunkenness. Women and men experience incest, gang rape, marital rape and sodomy in most communities in the world. Violence against Women Survey (VAWS) (1998) also revealed that 15% of the women and 2.1% of the men victims experienced rape in their life time. The statistics illustrated the extent by which family violence was instigated within states across the world on male and female perpetrators and victims of gender-based violence this study sought to gap.

According to Isaksen & Aaron (1957), sexual harassment arises in the process of exercising power amongst people in intimate relationship. Studies show 80% to 90% of sexual harassment and assault were children and young people in the family. The studies also revealed that men patriarchal practices legitimized rule of law on

domestic violence prevention globally. The model illustrated that male dominance was maintained by cultural patterns of male-female interaction that socialized men into aggressive and domineering sexual behaviours against females. In another study Stebbins (1988) observed that suicide cases were hardly reported to legal authorities for legislation but traditionally resolved by community elders. He further stated that many of these criminal incidences took place in hideout where traditional practices were used to compromise domestic violence offenders and victims (ibid). The background identified patriarchal practices as a contributory factor to domestic violence perpetration within states the study tried to fill.

Durkheim (1938) demonstrated that economic crisis engager suicides in a population and believed that suicide was not caused by poverty rather than the crisis that disturbed the equilibrium of social order in society. He pointed out that the process unfolded the desire for money, sex and material goods hence may escalate family violence if unattended to (Stebbins 1988:24). Stebbins also observed that suicide cases were hardly reported for legislation but traditionally resolved by community elders. Many of these criminal incidences took place in hideout where perpetrators were close family members or relatives. Victims were compromised due to fear of stigmatization and tribal intimidation hence challenging the law enforcement on offenders (ibid). Studies have shown suicidal crimes were related to socio-economic challenges in families and communities in developing countries. These call for the government intervention strategies to address inequalities in families. Effective enforcement of domestic violence is requisite in preventing violent occurrences in the family (Stebbins 1988:24).

Poipoi (2011) observed that in Sub-Saharan countries young people were sexually abused in homes despite the government legislation on such crimes. According to Kimani (2012) African governments, the civil society, private sector, schools and colleges should help in combating GBV in the society. State parties should consult with the civil society to strengthen current national legislation on GBV by enforcing zero tolerance to violence in the family. Traditional dispute resolution a component of African patriarchal practices poses a challenge to state intervention in managing domestic violence the study sought to address.

In Zimbabwe Musasa Project offers shelter, non-violent conflict resolution mechanisms and legal services to young men and women victims in tertiary institutions. The government introduced domestic violence and GBV in the school curriculum to prevent violence in communities (Geraldine & Hocare, 2007). Non-violent conflict resolution mechanisms strategies efficacy in Zimbabwe was benchmarked for further investigation by this study. A study by Terry & Hocare (2007) show South Africa's Gender Advocacy Programme (SAGAP) tackles domestic violence by providing services and treatment to victims of domestic violence in families.

Nkyinkyin Project of Ghana (NPG) works with traditional and religious leaders to engage communities in fighting domestic violence. Government interventions in preventing domestic violence remain challenged due to increasing prevalence of domestic violence in the world (ibid). According to Kenya Demographic Health Survey [KDHS] (2008-2009), women aged 15-49 years, men, boys and girls experienced physical and sexual violence accompanied with psychosocial



consequences. According to domestic laws of Kenya; sexual offences are punishable though law enforcement encounter challenges on prosecution of perpetrators and support of the victims (ibid). Kenya Police Report of 2012 highlighted that 23140 assault offences were perpetrated between 2009 and 2010 in Western Province of Kenya. The report did not highlight on state legislative measures on victims and integration of perpetrators who perpetually continued instigating domestic violence in the community. Deflem (2019) affirmed that the state laws played an educational role in promoting conventional processes of socialization that influence uniform systems of behaviour for continuation of the social order. In situations of lapses in law enforcement there is a likelihood of violation of human rights and unsettled conflicts.

According to Njonjo, Kitonga & Ponge (2011) crime was due to rapid growth in urban population, housing shortages, declining economic prosperity; rising unemployment and collapse of government institutions. Constitution of Kenya (2010), legislation on elimination of gender discrimination, gender violence and enforcement of human rights on violent crimes still face challenges. Kenya penal code enforcement on Sexual Offences Act 2006 has challenges in preventing domestic violence against family household individuals (ibid). According to Rehn & Sirleaf (2002), Kenya government should introduce new legal legislation to strengthen existing laws for effective management of sexual violence in the community. The state should create an enabling environment for efficient enforcement of laws and regulations for provision of justice to its citizens (ibid). There is need for effective implementation of laws, policies and guidelines on gender equity and inclusion for mitigation of GBV (KNGECA, 2014). In Kenya victims of domestic violence hardly report domestic violence incidences to the police for fear of intimidation by perpetrators and

community elders (Wachege, 1994). Literature gaps on state interventions, law enforcement by the police force, judiciary, non-state actors, and community interventions formed the basis of study.

According to Murungi (2012), cultural stereotypes contributed to physical and sexual violence against women and girls. The logic behind was that gender-based violence is a patriarchal societal practice that subjects women to male power dominance. Minas (1993) related assault to alcoholism and drug abuse which distorted reality, clouded judgment causing men and women exposure to violence. Nelson (2002) observed that most assaults by women to male spouses triggered serious spousal violence in family. Murungi (2012) observed that wife battering went against the social order and ethos hence needed mandatory legislative interventions. Studies show women remained reluctant in reporting domestic violence incidences for fear of further attacks from perpetrators.

A study by Capis (2012) showed that insecurity among household individuals increased due to inadequate law enforcement systems in communities in Vihiga. Obwoye (2011) related violence in Emuhaya to idleness and unemployment of youths. Atetwe (2008) observed that violence had become a serious social problem in Emuhaya with no interventions being undertaken to protect families. Her study showed arson, rape and family breakups affected families in Emuhaya district. Capis (2012) associated alcohol consumption and unreformed criminals in Central Maragoli Location to domestic violence perpetration. While Atetwe attributed sexual violence to alcoholism and drug abusers to 22.8% of incest, verbal abuses, sexual harassment and child abuse manifested in Emuhaya. A researcher survey at Luanda Police Crime

Department (2013) revealed Emuhaya Sub-County had traces of gender-based violence perpetration against family members.

The background literature established that domestic violence incidences were prevalent in Kenya and other states globally. The reviews show both male, female and children were perpetrators as well as victims of family violence. The available statistics majorly captures women gender-based violence alienating men and children. For the purpose of bridging the identified gaps the researcher sought to examine the nature and extent of domestic violence in Vihiga County. The next section will address state intervention strategies employed combating domestic violence.

## **2.2. State Intervention Strategies Employed in Dealing with Domestic Violence**

The section discusses studies on the state intervention strategies employed in dealing with domestic violence worldwide. Further empirical studies reviewed on community involvement strategy in managing domestic violence and rehabilitation of victims and perpetrators within states. Legislation of the law by courts, police officers and other non-state actors are vital on enforcing domestic violence laws. Public awareness, training law enforcement personnel, implementation of human rights and protection of families against domestic violence were also considered. The study also focused on community policing management, cultural practices, and gender mainstreaming strategies for prevention of domestic violence in the family. The study was integral in laying the background to the findings of these study.

### **2.2.1 Management Strategy by the Judiciary**

According to Kenya Constitution (2010), the judicial authority exercised by the courts and tribunals help to instil criminal justice and protection of citizens. Herring (2001) points out that mediation and counselling prevents family conflicts. The courts use dispute resolution strategies such as reconciliation, mediation, arbitration, and traditional resolution mechanisms to promote justice among citizens. Deflem alludes to the fact that the legal professionals through integrative nature of attorney-client relationship can help people effectively manage tension arising from conflicts of interest during intimate relationships in society (Deflem, 2019). Deflem reiterates that trial courts should adjudicate through appellate courts, review and coordinate the interactions of all citizens with conflicts of interests by specifying the balance of rights and their obligations relative to individual interests to prevent violence. According to Benekos & Merdo (2006), Georgia law in United States offenders twice convicted of violent offences were sentenced to life imprisonment without parole, pardon or early warning. In California, judges are required to impose a sentence of 25 years to a life sentence for offenders with minor felonies.

Charlie and Minor reiterated that the law enforcement should be through practice and training of health care, social services, police and the judiciary involved in handling crime (ibid). According to Deflem (2019) an order will be called law if it is externally guaranteed by the probability that physical or psychological coercion will be applied by a staff of people in order to bring about compliance or avenge violations. Legal control must have the backing of the political force to ensure punitive sanctions are absent from both the state and international laws on domestic violence in society. The police intervention infrastructure should comprise trained professionals on forensic

examination, shelter care, legal and counselling services in combating crime. Global Report on Human Rights Settlement [GRHRS] (2007) pointed out that increase in physical and sexual assault offences was due to ineffective law enforcement. Elias, Catura, Dione, Gilson & Manuel (2007) observed that women in Kenya are faced with obstacles in accessing justice in courts. In practice, the only justice available to many Kenyans is through faith-based organizations, local chiefs and community elders.

The International Criminal Justice in Kenya (ICJK) has the mandate to promote, protect the rule of law and democracy to ultimately secure human rights. The ICJ should run projects to strengthen the legal protection and enforcement of laws. The Constitution of Kenya (2010) in Chapter 4 on the bill of rights part 2 on rights and fundamental freedoms article 48 advocates for access to justice. Kenyan Constitution of 2010 highlighted on the functions of the Judiciary and legal systems in enforcing the law against crime in Kenya. Chapter 10 Part 1 section 157 article 2 executes the judicial authority stipulates that courts and tribunal shall be guided by the principle that justice shall be accessed irrespective of status and not delayed. To resolve disputes courts officers should use dispute resolution mechanisms such as mediation, arbitration and traditional dispute resolution.

In Kenya sexual offenses Act 2006 incriminates rape sexual assault, defilement, indecent acts, gang rape, child pornography, incest by male and female persons, sexual harassment, deliberate transmission of HIV or sexually transmitted diseases, stupefying with sexual intent, forced sexual acts for cultural or religious reasons. The Act provides for stiff penalties of 10 years imprisonment or a life sentence of the

offender (NCRC, 2014). Sexual offences law in Kenya provides for a life sentence on perpetrators but does not provide the minimum legislation hence challenges the magistrate's authority during trials and judgement. The law acts as a legal social control (ethno-imperative) coordinating states on ethical rules of behaviour or moral codes regulating human conduct as the general commands for restorative justice.

Thompson & Hicky (2000) observed that trials in the criminal court dockets were extremely crowded and take long for arbitration and adjudication. Judges play a key role in offering criminal justice, discretion in accepting pleas, admitting evidence, instructing jurors and sentencing offenders of crime. Today methods of punishing behaviours have changed as well as societal view of crime. In the past offenders were chained together, laboured on state-owned farms and public roads (ibid). Thompson & Hickey (2002) observed that serious offenders of gender violence have their freedom restricted by incarceration in the local and state institutions. Most prisoners were usually released on parole before finishing jail sentence hence repeated the offences (ibid). Herslin (2000) reiterated that many judges and prosecutor were corrupt.

According to Herslin (2000) in 2004 the number of women sentenced to prison increased compared to 7% (103,310) in federal and state prison. The study shows men are 8 times likely to be re-imprisoned for repeated offences compared to women. According to Algora (2007) punishment helps to restructure children and adults immature conscience. Sub-Saharan African countries mandate a minimum imprisonment of ten years or more for rape offences. In Botswana, a person found guilty of rape faces a sentence of ten years to life imprisonment while Ethiopia's

Criminal Code provides for five years or life imprisonment for rape (Horvath *et al*, 2007).Kenya Prison Service (KPS) has the mandate of rehabilitating and reforming prisoners to facilitate justice opportunities for social integration (Murungi, 2012).

According to Herslin (2000) the justice system has challenges in rehabilitating perpetrators of domestic violence in Kenya. Constitution of Kenya 2010 legal framework has the mandate of transforming perpetrators in order to prevent further violent incidences in communities. Studies show judges and prosecutors are reluctant in providing requisite social justice to victims of family violence (Algora, 2007). According to Cefrey (2009) victims need to be educated on their legal rights. Each state has its own laws and systems dealing with domestic violence offenders hence not harmonized globally.

The ICJ has the mandate to promote and protect the rule of law to ultimately secure human rights in Kenya. The Constitution of Kenya (2010), chapter 4 illustrates that the function of prisons is to rehabilitate and transform criminals into useful responsible members of the community. Basing on the background the study sought to assess judicial strategies managing domestic violence in Vihiga County, Kenya.

### **2.2.1.1 Domestic Violence Enforcement by the Law Courts**

According to Horvath, Zukani, Eppel, Kays, Konare, Park, Pischalnikova, Shankard & Zinger (2007) rape set out laws precludes, acknowledgement and punishment by the judiciary leaving the victims of sexual violence without recourse to justice. They reiterated that rape within the family was not protected by the existing laws. According to Horvath *et al* (2007) Liberia criminal law under the Penal Code on rape

in 2005, DRC Penal Code 2006 and Kenya Sexual Offences Act 2006 dealt with domestic violence legislation. According to Uwayo (2014) there are no current laws outlawing intimate partner violence in Kenya and the rest of the world. Laws on sexual offences do not recognize rape within marriage yet 13% of women are victims of marital rape. An attempt to ratify this law has stalled. Domestic violence protection bill of 2007 in Kenya recognized intimate partner violence as unacceptable by the act of parliament. The published act has challenges in providing justice to domestic violence offences (Uwayo, 2014). According to Deflem (2019) the functions of the law requires it to act as an arbiter between the opposing interests by compromising their differences to end the conflict. Conflict management involving negotiations should be applied to handle grievances and settlements by a non-partisan party. South Africa legislation introduced Criminal Law on sexual offences to protect victims in the community. In Ghana Domestic Violence Act 2007 undermine marital rape hence interfering with the prosecution processes by law practitioners.

In 2002 only South Africa and Mauritius had enacted specific domestic violence statutes combating domestic violence. Zastrow & Browler (1994) observed that courts were criticized for long delays in adjudicating domestic violence cases, conclusion and sentencing offenders. According to the study by Zastrow and Browler, 80% of the population believe that courts were not harsh enough to domestic violence offenders. Emily *et al* (2010) reiterated that cases of domestic violence in courts have limitations that hardly represented the society. Courts in communities with high levels of domestic violence hardly offer the desired justice to the victims due weakness of the law (Emily *et al*, 2010). Pillars of justice are enshrined in the law, its effectiveness lies within the obligations of the judiciary hence failure to implement escalates its



prevalence (ibid). Judicial situations neutralises conflicts and transforms them from being viewed as personal matters to having public and impartial representation (Deflem, 2019).

According to Njonjo, Kitonga & Ponge (2011) crime sharply arose in Kenya in 1980 due costly formal courts that were time-consuming, had complexities in due processes and being geographical inaccessible by citizens in rural areas. In the same courts efforts for women seeking legal rights were limited. Kenny (2012) pointed out that 60% of the protection orders were violated by police officers who failed to produce criminals unless provided with arrest warrants or legal documents by courts (Horvath *et al*, 2007). The police have the obligation of maintaining law and order in protecting citizens against domestic crime. They have the authority to arrest, investigate and to prepare crime reports for effective management of domestic violence in the community.

Liberia, India and Bolivia embrace awareness campaign against domestic violence by Oxfam NGO, Forum for Women Educationist (ONFWE) and Schools. Public media through television, radio, newspapers, pop songs and music videos were used in combating domestic violence (Kenny, 2012). Constitution of Kenya (2010) chapter 4 on the bill of rights; highlighted on the functions of the Judiciary and legal systems enforcing laws on domestic violence. The constitution gave emphasis on mediation, arbitration and traditional dispute resolution mechanisms as strategies dealing with domestic violence victims and perpetrators. Despite the legislation by the courts; human rights violations remain persistent in the society. Kenya government legal

framework on law enforcement need re-visitation hence prompted the researcher to assess judicial legislation on domestic violence within states. In these respect social institutions must train individuals to conform to the rules or face punishment. Lapses in the justice systems create cracks in the law leading to weakness in the enforcement strategies combating domestic violence offences. Deflem 2019 stated that the styles of legal social controls are punitive, customary and confrontational responses that may involve the taking of life, liberty and property. Punishment is applied through a criminal law when the guilty offender in which condemned to suffer pain, deprivation or humiliation (Deflem, 2019).

#### **2.2.1.2 Community Involvement in Dealing with Domestic Violence**

According to Wahab & Odetokun (2014) mediation in traditional Chinese that involves conflict resolution is legitimized by the government law resolving domestic violence in the family. Wahab and Odetokun pointed out that traditional conflict management and resolution techniques in China utilized community members, community-based judicial and legal decision-making apparatus in combating family conflicts. The approach facilitates dialogue for unity and togetherness of parties in conflict.

Studies by Wahab & Odetokun also showed that Traditional Mediation (TM) was an effective strategy in dealing with interpersonal, group conflict, marital problems, inheritance, ownership rights, murder, bride price and rape in families. Coomaraswamy (2000) further pointed out that community elders and religious leaders have a responsibility of preventing domestic violence in society. Examining doctrines and cultural practices that lead to subordination of women and violation of

human rights were to be addressed by the community. The indigenous conflict management strategy was considered to be appropriate in resolving domestic violence offences compared to the Western legal justice approach (Wahab & Odetokun 2014). Traditional dispute resolution strategy lays a firm basis of domestic violence investigation addressed by this study.

According to Njonjo *et al* (2011) rapid growth in urban population, house shortages, declining economic systems, unemployment and collapse of law enforcement institutions are contributory factors to domestic violence in the community. According to UNICEF (2006) education and socioeconomic status of households individuals can help to reduce family violence. Capis (2012) pointed out that ineffective law enforcement contributed to household offences. UNIFEM (2003) emphasises on advocacy and networking of the law enforcers in promoting awareness and public education to prevent domestic violence in states.

Murungi (2012) pointed out that domestic violence was challenged by cultural indifferences and barriers. Charlie & Minor (1992) advocated for equality in public and women's rights interventions against GBV. United Nations Development Fund for Women [UNIFEM] (2003) show Vienna Tribunal advocacy for proper conflict resolution mechanisms to end extreme domestic violence in the world. According to Boulding (1990), domestic violence escalates against families and community setups prompting continual engagement and negotiation in society. The study sought to assess the efficacy of community management strategy combating domestic violence in the family.

### **2.2.2 Public Awareness Strategy**

Kenny (2012) observed that in Canada men participate in educational workshops, fundraising to provide general awareness, wear a white ribbon implying a personal pledge to condone sexual violence against women. Uganda Center for Domestic Violence Prevention (UCDVP) works with group volunteers for violence prevention in the community. UNICEF (2006) recommended education and socioeconomic empowerment of households as an intervention strategy to prevent violence in the family. According to UNIFEM (2003) Kenya government should adapt new legislation to strengthen old laws dealing with domestic and GBV.

The KNGEC recommended for public education and coordination of multispectral responses in managing domestic violence in Kenya. The commission advocated for mainstreaming gender, empowering the youths and women in the fight against family violence (KNGEC, 2014). In US the Green Book Project recommended that legal systems should collaborate with child protective services and the courts in addressing child abuse in communities in the world. The Child Development Community Policing Intervention (CDCPI) program of 1992 at Yale University School of Medicine emphasised for prevention of family violence through legislation. The law enforcers need training to deal with violence against children. Child victims to be referred to mental health providers for psycho-social support (Bragg, 2003). According to Schmalleger (2004) family education level can determine the socioeconomic status required by families. According to Owolabi (2006) education awareness skills and training on prevention help in reducing criminal activities and violation of human rights in society. Herslin (2002) recommended education as a way of reaching the desired goals of individuals in society.

According to Coomaraswamy (2000), preventive measures, public information and education can help to change family attitude toward gender. Men organizations need to provide leadership in the community to prevent violence against women. Murungi (2012) observed that combating domestic violence needed a comprehensive platform for redress. UNSAID (2012) emphasize the need for education programs for teachers, parents and councils to prevent structural violence in society. UNSAID recommended the enactment of legal infrastructures to minimize GBV. The organization cited for integration of GBV prevention strategies in law enforcement sectors in order to reduce harmful family practices in society. UNSAID advocated for establishment of intra-agency working groups, bureaus and state departments for internal coordination and integration of GBV.

### **2.2.3 Training Law Enforcement Personnel**

Training and equipping legal institutions enforcing domestic violence law forms an integral legislative mechanism of the government. Horvath *et al* (2007) suggested that governments should train counsellors, the police and judges to support victims. According to Khan (2000), training and sensitization of police officers and law enforcers must be instituted for intervention of violent crimes. Gordon (2002) pointed out that in America, government grant justice department funds to train the police, track and centralize domestic violence cases. America has legal advocacy programs for victims and perpetrators of family violence. Lake, Kays, Obaid & Aosse (2009) reiterated that strategies of training the police, social service personnel, health personnel, parents and children was necessary in confronting domestic violence in society. Law enforcement officers need to identify children exposed to violence for

referrals to mental health service providers for assistance (Bragg, 2003). Lake *et al* (2009) observed that states should revise family laws and also monitor court cases to enhance the criminal justice.

In the security sector, police, military and peacekeeping personnel should practice zero-tolerance to gender-based violence. According to Emily, Roberts & Thomberry (2010), domestic violence legislation in courts has limitations hence unable to discharge the desired social justice in the community. The system of legal social control should not be retributive but restorative in that it should assist the people during trouble, repair damaged relationships through conciliation for peace and harmony (Deflem, 2019). The study sought to assess the effectiveness of the law enforcement personnel in combating domestic violence in families within states.

#### **2.2.4 Implementation of Human Rights**

IFRCRCS report of (2015) shows the government of Haiti ratified international human rights instruments on women's rights including CEDAW Convention Human of Rights for the purpose of ending household violence. Haiti's legal framework prohibits GBV crimes and guarantees the right to life, health and respect for all Haitian citizens. Coomaraswamy (2000) pointed out that Inter-American Court of Human Rights advocates for prevention human rights violations.

According to United States Agents of International Development [UNSAID] (2012) promotion of human rights collaboration with non-governmental organizations, faith-

based organizations, and government institutions increase prevention of GBV victims. United States also works with states, multilateral organizations, civil society and private sectors to remove barriers on discriminatory laws (UNSAID, 2012). UNIFEM (2003) emphasised advocacy and networking of law enforcers to prevent intimate partner violence. Megan *et al.* (2007) stressed the need for restorative justice when dealing with victims and perpetrators of family violence.

Kenya Constitution (2010) fights gender violence through justice systems, integrated support services and public awareness programmes. The constitution legislates for elimination of gender discrimination for protection of citizens within the state. Kenya government gender violence and Sexual Offences Acts (KGGVSOA) (2006) addresses sexual violence against women in Kenya. According to KNGEC; crime against humanity should be managed through public education and coordination of multispectral responses. United States works with states multilateral organizations, civil society and the private sectors to break down barriers on discriminatory laws and policies against women and girls (*ibid*). Gaps identified on human rights, law enforcement, support of victims and perpetrators, criminalization of offender, use of multilateral organizations helped in discussing the findings of the study.

### **2.2.5 Police Enforcement on Domestic Violence**

In Rwanda, the police have established gender desks at police stations under trained women to deal with sexual violence and GBV victims. This mandates the police to investigate cases of violence for prosecution (Kimani, 2012). Huseyn, Ekici & Inankul (July 2014) stated that efforts to combat domestic violence in Turkey faced

serious challenges on ratification of international treaties and agreements on domestic violence awareness. Lake, *et al* (2009), pointed out that strategies of training the police, social service personnel, health personnel, parents, child development was necessary in preventing domestic violence in society.

According to Herring (2001) traditional methods should be used as the last resort in combating domestic violence. Herring posits that the police should adopt social work, counselling and support victims of family violence. Anita (1998) pointed out that in-depth investigation by the police was necessary in establishing the nature and extent of domestic violence. Megan *et al.* (2007) observed that the Police Service has the mandate to protect and maintain law and order. The police were directly linked to the criminal justice system and the public on law enforcement (William & Joseph, 2002). The police are corrupt and hardly investigate domestic violent acts nor apprehend perpetrators for prosecution. Cook (2006) reiterated that the police should use computerized management information system (CMIS) to respond to crime. The family advocacy centres should alias with social agencies in communities on issues of family violence and abuse in households. According to Johnson (2008) most police services have no specific categories of femicide disaggregated data hence making investigation and research difficult to address the violence against women.

Muiruri (2013) pointed out that P3 forms were inaccessible during reporting and prosecution of perpetrators of gender violence and sexual offences (KGGVSOA, 2006) legislates on sexual violence against women. According to (Charlie & Minor, 1992; Murungi, 2012) domestic violence is challenged by cultural indifferences and



barriers in the society. According to the police report, spousal violence against men and women increased from 1995 to 2001 whereby the rate of violence against men was lower than the rates against women. In 2001 there were 344 incidents for every 100,000 women aged 15 years to the older population compared with 62 incidents for every 100,000 men. The report further stipulated that physical violence was 72% on the female and 64% on male victims. The use of weapons was more common in male victims (21%) than the female 9%.

The Kenya Police Crime Report (2010) showed that in 2009 assault was 12080 and indecent assault was 113 compared to 2010 of 11063 assault and indecent assault 109 respectively as criminal offences perpetrated against persons in Western Province of Kenya. The figures were not categorical on the magnitude of gender violence perpetrated and the gender. These violent crimes were accompanied with creating disturbances recorded as 1767 and 1609 in 2009 and 2010 respectively while affray statistics were 363 in 2009 and 376 in 2010. The background unearthed lapses in the police law enforcement strategies combating domestic violence as assess by the study.

#### **2.2.6 Community Policing Strategy**

Otieno (2007) reiterated that in 1993 crime in Canada decreased due to the impact of community policing. Community policing services work with groups of men, women of integrity and community members to combat violence in Canada. The groups review security situations, define geographical position of crime for administrative purposes. Otieno further stated that in Canada communities get 20% of personnel

support from Royal Canadian police, while the community provides 80% mounted police information to fight crime.

Community policing was launched in Kenya in 2004 to control and reduce crime by collaborating with Kenya Police. Community policing was established as equal partnership between the police and the public for safety, resolve family disputes and implement protection orders. They enhanced education, capacity building and community mobilization in addressing crime.

Conflict resolution mechanism enables the police to resolve disputes or conflict in communities under their jurisdiction. The conflict resolution mechanism enables the police to conduct collaborative conflict resolution techniques amongst conflicting groups. Secondly, they form the linkage between conflict resolution and government structures such as District Security Committees (DSC). Community policing work with the police and the community in identifying security priorities needs. Caffrey & Mundy (1995) posits that the police interlink with community services including victim advocacy, conduct clinic for legal advice and counselling families. Caffrey and Mundy further stated that the Criminal Justice System (CJS) must coordinate with the police for prosecution and sentencing the perpetrators of family violence. Community policing being a new law enforcement strategy can act as a guiding principle in the prevention domestic violence in the community.

### **2.2.7 Cultural Practices**

The cultural and social construction of men and women determine gender roles, responsibilities, relationship and socio-economic factors of individuals in the family.

Poipoi (2011) observed that patriarchal family systems produce social structures of inequalities in which masculinity and cultural norms fasten violence. According to Herring (2001) the law subordinates women when reforming domestic violence campaigns in the community. Statistical report show in 2003-2308, 2004-2908, 2005-202 women and children were raped by male perpetrators in Kenya compared to 40% of all female homicide in United States.

Each year women suffer dowry-related deaths or disfigurement by acids by rejected suitors in Bangladesh, Colombia, India Nigeria and Pakistan. According to feminist theories patriarchal arrangement of family's ideals of masculinity and a cultural acceptance of the use of force children and women offer a social environment for perpetration of family violence (Felser, 2014). Wahab & Odetokun (2014) observes that traditional conflict management should be community-based judicial resolving conflicts. The approach facilitates dialogue, traditional mediation in dealing with interpersonal or group conflicts. Coomaraswamy (2000) pointed out that community elders and religious leaders have the responsibility of preventing domestic violence in society. The religious leaders need to assess doctrines and cultural practices that subordinate women's rights.

A study conducted by Wahab and Odetokun in 2014 at Ondo city in Nigeria show(93.26%) of the respondents agreed that domestic conflicts should be handled by elders or a third party. The approach of conflict management helps community elders to deal with domestic violence offences in the family. Indigenous conflict management strategy is effective, cheap and takes a short time compared to the Western criminal justice approach. The mediators use persuasive words, stories, and

ancestral references to reconcile parties in conflict (ibid). Cultural practices and patriarchal family systems create a research gap filled by this study.

### **2.2.8 Rehabilitation of Victims and Perpetrators**

According to Dorpat (2007), punishment was based on the assumption that deviance was an inherent human nature characteristic. Humane judges are usually reluctant to convict male offenders of sexual violence unless compelled by parties in conflict. At the same time prisons have challenges in rehabilitating incarcerated sexual violence inmates before they are released to the community (Zastrow & Browler, 1994).

According to Zastrow & Brawler (1994) victims of domestic violence need counselling to break the trauma. They recommend involvement of women in decision-making, designing and implementing policies on domestic violence to change attitudes. Psychosocial support and life skills programs for adolescent need promotion for healthy relationships in the family. Effective GBV interventions strategies should encompass local organizations, community leaders, government officials and non-governmental organizations (UNSAID, 2012). According to Borat & Leibbrandt (2001) education that can redeem poverty and improve earnings for economic growth hence help to reduce domestic violence in society.

Megan *et al* (2007) advocated for restorative justice in dealing with victims and perpetrators of domestic violence. The Constitution of Kenya (2010) empowers law enforcement institutions to fight domestic violence through GBV integrated support services and public awareness. Rehabilitation of victims and perpetrator of domestic violence remain a global human rights agenda that need redress (ibid). The courts

have the right to justice and protection for every individual in society. Ineffectiveness in law-making leave innocent people unprotected. The study assessed rehabilitation strategies applied on victims and perpetrators of domestic violence in Vihiga County.

### **2.2.9 Gender Mainstreaming Strategy**

United Nations Development Fund for Women [UNDFW] (2003) observed that gender violence was rampant in many countries across the world. Statistically in United States intimate partners killings constitute 40 Percent of the female homicide in United Kingdom. Thousands of women suffer dowry-related deaths in Bangladesh, Colombia, India Nigeria and Pakistan women. Herslin (2005) stipulated that women lacked equal access to national decision-making. Statistics of women legislatures show Sweden has 43 Percent, Japan and Iran 1 Percent while Kuwait and United Emirates 11 Percent of the seats in parliament.

Green (1999) observed that sexual relationship and patriarchy influenced family violence. According to radical feminists patriarchy indoctrinates males and females through socialization into gender roles. Rodriguez & Natukunda (2005) reiterated that gender was a social and cultural construction of female and male identities. Murungi (2012) observed that wife assault has been a focus of research and theory for over 20 years but tends to evolve over time in society. Mbiti (1969) alluded that culture was used as an excuse to perpetration of domestic violence against women. Dowry was paid in regarded to enslave women in accordance to cultural beliefs and practices.

According to Murungi, rural women believed violence was a way of life hence persevere violent men in households. Violence against women remains a severe

problem worldwide and prevalent in Kenya, data remain inadequate challenging campaigns and legislative reforms dealing with domestic violence (Beijing World Conference of Women, 1995). United Nations Development Fund for Women (UNIFEM) (2003) affirmed that gender violence is influenced by social structures surrounding males and females. Studies show a correlation of women education and their abilities to protect themselves against GBV.

UNIFEM further stipulated that women movement has developed concepts and definitions that violence originates from the society's structures of social and economic inequalities that discriminate women. In 1993 World Conference for Women's Human Rights (WCWHR) and Vienna Tribunal organized by United States-based Center for Women Global Leadership (CWGL) discussed patterns of violence against women survivors. The Conference report shows that mechanisms preventing violence against women were flawed by states including human rights organization that only intervene family violence escalates (Stockard & Johnson, 1992). Charlie & Minor (1992) showed that equality in public life helped in managing GBV.

Kenya Demographic and Health Survey (KDHS) 2008 – 2009 show violence of any kind has a serious impact on the state economy. Kenyan Government sexual offense Act No. 3 of 2006 offers protection for victims and provides for prosecution of perpetrators of domestic violence. KDHS (2008-2009) survey report show that spousal violence decreases as the wealth quintile increases. 53% of the women in the lowest wealth quintile experience emotional, physical or sexual violence compared to 40% of the women in the highest wealth quintile. This implies that wealthy families have less domestic violence incidences compared to families in Kenya. Hagedorn

(1994) stated that women are primary providers of housework and care for the children in addition to labour force employment. Women who head single-parent families and support of parents can succeed if they have a better economic status. United Nations report shows that women do two thirds of the world's work but receive only 10% of all the income portraying high levels of economic discrimination. Lack of rights to property keeps women economically dependent on male spouses. Kenyan government need to ensure men and women have equal opportunities on income for the realization of gender rights. UNICEF (2007) show that women in politics have been effective advocates of children both at National and local levels, they also advocate for peace in post-conflict reconstruction. Records show that women's participation has remained unlimited at all levels of conflicts.

Anekha (2011) stated that children exposed to domestic violence often exhibit behavioural problems such as aggression, depression, low levels of social competence and low self- esteem. Children victims who witness spousal assault are six times more likely to assault other children outside their family. Children from violent homes are 20 times more likely to commit suicide than children from non-violent homes. Hence sets to assess gender mainstreaming strategy in dealing with domestic violence.

### **2.3 Challenges State Governments Encounter in Combating Domestic Violence**

African countries do not have specific laws prosecuting domestic violence and gender specific related violence against men, women and children. The greatest problem in regard to domestic violence in Africa is non-enforcement of existing laws and constitutional discrimination of sex in the family (Jackson, 2008). One of the challenges is that domestic violence is deeply rooted and hidden from the public eye.

Fear of social stigma and serious health by male and female victims in intimate relationships impedes the law enforcement (Felser, 2014). United Kingdom gender neutral policy on domestic violence has obscured the significant role of violent fathers and father figure in harming children. Similarly many Western states are limited to interfering with fathers in familial relationship (Harne, 2011).

According to Bragg (2003) domestic violence in ethnic communities were due to racial discrimination, disability, gay, lesbian and marginalization. The goal of the state is to protect the victims and prosecute perpetrators of domestic violence incidences in the community. The Police Service of Northern Ireland spread awareness on male victimization and promotes reporting of family violence incidences (<http://wikipedia>, the free encyclopaedia). According to NCRC (2014) there is lack of national framework on data base statistic and legislation on GBV in many states in the world. NCRC also show Kenya has not enacted a national framework on clear definition of GBV hence infringes law enforcement.

According to Emily *et al* (2010) attempts to eradicate and regulate domestic violence is hindered by challenges of ineffective laws, cultural practices, gender stereotypes and western ideology. Most countries in Africa do not have specific laws prohibiting domestic violence and the associated gender specific abuses against women and children. Senegal, Tanzania and Zimbabwe laws prohibiting violence against women and girls are rarely enforced (Jackson, 2008). Wright (2008) pointed out that 2001 of domestic violence victims in Asia withdrew cases against perpetrators for fear of being tortured by the police. United Nations Tribunal for the former Yugoslavia reveals that many victims refused to testify to safeguard their lives from perpetrators.



In Turkey, the police did not cooperate with other government and nongovernmental institutions in combating domestic violence but protected the abused victims (Kara, Ekici & Inankul, 2014). The study further illustrates that domestic violence victims were hardly protected by the police due to corruption of the cases. The state empowers the police to carry investigation, arrest offenders for prosecution and support victims.

Bragg (2003) emphasised that the police case records and forms should accurately identify the victim and perpetrators of domestic violence. They are to address effects of intimate partner violence and children so as to provide protection and safety of the victims. Bragg warned that any information in case records or public documents should be never shared with the abuser. Disclosures made by the victim and children regarding their safety plan or accounts of the violence should not be shared with the abuser for safety reasons.

Benekos & Merdo (2006) observed that capital punishment was a troubling aspect of the society and difficult to implement by the legislation of domestic violence. Thompson & Hicky (2000) stated that trials in criminal court dockets were crowded and take many years for justice to be attained. According to Thompson and Hickey, perpetrators of domestic violence are released before finishing jail sentence hence continue perpetrating violence. Many judges have been accused of assisting criminals to escape trails in courts (Herslin (2000). Murungi (2012) posits that the government has challenges in establishing rehabilitation centres for abused women and children in Kenya. Green (1999) noted that patriarchal structures with traditional ideologies influence violence towards women in society. According to Jackson (2008) several

African countries have failed to enforce existing laws and international human rights policies combating domestic violence in their states. The confusion of rape laws in Sierra Leone considers elderly rape as a felony but for a child as a misdemeanour with different justice jurisdiction (Jackson, 2008).

Murungi also observed that patriarchy influence socio-cultural practices that challenge gender roles in the family. According to Fitzgerald (2002), the Western legal system empowers the courts to adjudicator conflicts. The justice system faces challenges of inadequate staff to adjudicate domestic violence cases in Kenya. Megan *at el* (2007) observed that judicial procedures for prosecuting sexual abuse, gender-based and domestic violence are gender bias. There is need for a linkage between legal and medical policies for dispensation of justice. NCRC (2014) recommends for public awareness on rape in order to reduce its prevalence.

A Study by Dorpat (2007) recommended enactment of transformative strategies that can change structures support inequalities and domestic violence perpetration. According to KNGEC (2014) state legislative framework should ensure effective legislation of laws, policies and guidelines to deal with violent conflicts in the community. It was on this background study sought to evaluate challenges encountered by the government in combating domestic violence derive in Vihiga County.

#### **2.4. Conceptual Framework**

The study was informed by liberal peace theory advanced by philosophy Immanuel Kant (1795) and feminist theory by Mary Wollstonecraft (1559 – 1797) which was

further advanced during the political movement of women in America against gender discrimination of the period between 1500 and 1700.

#### **2.4.1 Liberal Peace Theory**

Liberal peace theory was advanced by Immanuel Kant (1795) through his philosophy of perpetual peace between 1500 and 1700, the period of enlightenment or modernism. Is a classical liberal peace theory that posits that democracies are hesitant to engage in armed conflicts with other identifies democracies and also curb intra state conflicts among its citizens. According to Wiebrecht (2013) liberal states are founded on individual rights, legal equality of citizens, separation powers of the government, civil liberties and protection of state property. The theory was instrumental in reviewing literature and analysing primary data on state intervention strategies in the management of domestic violence in Vihiga County. According to Immanuel Kant perpetual peace can only be guaranteed by acceptance of peace within states (Wiebrecht, 2007). The proponents of liberal theory advocate for the real world ramification that engender political and moral harm by shifting democratic deliberations to actualize and legitimize large-scale violence. In this respect states are to yield to international peace and security to achieve liberal peace in resolving disputes (ibid). Wiebrecht (2007) reiterated that liberal peace should foster legal equality of citizens for restorative justice system among its citizens.

The proponent of the theory posits that states should redefine power relations between monarchy and parliament to enhance the principles rights of individual citizens. In this study the state intervention strategies (independent variable) managing domestic violence should have a well-defined and established justice system to enhance law

enforcement through the judiciary, awareness of domestic violence laws, policies and regulations and protection orders in dealing with disputes among citizens. The key tenet of liberal democracies is to improve policies, policy-making processes that foster peace and tranquillity through political faculties of citizens and public deliberation on the ideals of the society. The state intervention strategies (independent variable) were influenced by law enforcement challenges (intervening variable) corruption, under-reporting, ignorance, technology, cultural practices and gender mainstreaming in within the state.

On justice system, states have adopted a well-defined judiciary system to identify the legitimacy of the law through ideologies of justice, fairness and recognition of power relations. The liberalists stress on a just law, neutrality, impartiality, objectivity and rigorous systems of conflict resolution. States have developed criminal law that helps to arbitrate among citizens in accordance to the rules of justice. According to interactive conflict resolution theory advanced by Jonathan Fisher, small group problem-solving are facilitated by impartial a third party in resolving conflicts (Fisher, 2005). According to the theory intrapersonal conflicts within individuals can be resolved through face to face interaction. Interactive conflict resolution theory lays emphasis on use of workshops in resolving group conflicts mutually to reach an agreement. In this study the judicial system intervention strategies managing domestic violence, bring perpetrators to justice at the same time support victims of domestic violence in Vihiga County. According to Johan Galtung states should strive for negative peace (absence of violence) and positive peace as the capacity to deal with conflicts non-violently and creatively through the justice system (Abu-Nimer, 2001).

Galtung reiterated that states should limit reconciliation process to professionals as an official intervention strategy for arbitrating conflicts (Abu-Nimer, 2001). Schellengberg (1996) emphasized on a primary approach to conflict resolution to change individuals to a lesser aggressive behaviour. He advances that social approaches of resolution can develop new ways of handling conflicts to avoid unproductive confrontations between parties.

In democratic states every citizen or individual is equal before the law irrespective of class, race, gender or religion hence accounts for the legitimacy of the law in society. The third party (judiciary) designs the agenda for discussions between participants, the level of interaction and the interventions employed foster peace to individuals (Kelman & Fisher, 2016). Well integrated individuals, groups or communities are less likely to be rife with contradictions hence reduce destructive conflicts (Deutsch, Coleman & Marcus, 2006).

The weakness of liberal peace theory is that it mainly advocates for formal legislation, mere adherent to the rules hence not effective in providing a peaceful conflict resolution strategies. The system of justice is rigid and does not allow for open dialogue during conflicts hence provides room for future conflicts. Intra-psycho conflicts, conflicts related to issues and feelings towards parties are not addressed. Conflict resolution requires a political space in which the actors address interests in mutual relationships control and eliminate violence (ibid). Durkheim (1938) posited that deviance can only be reduced if conflict groups individual are weakened or altering perpetrator's boundaries. The theory doesn't consider motivation issues that

restrain individual's engagement in deviant social activities. The limitations of liberal peace theory made the researcher to factor in the feminist peace theory to address variables on domestic violence in Vihiga County. However the study sought to examine state intervention strategies in the management of domestic violence in Vihiga County, Kenya.

#### **2.4.2 Feminist Theory**

The theoretical perspective of feminist theory mainly attributed to by Mary Wollstonecraft (1559 – 1797) emerged in the period between 1500 and 1700 further developed during the political movement of women in the first wave of the 1900 to the 1990s to the present. Feminist theory involves sociological and political theories on gender differences that lead to conflicts in the family. The fundamental goal was to understand women oppression, racial discrimination, gender, class, sexual preference in relation to gender equality between men and women in society.

According to feminists theory domestic violence is perpetrated by males against females in households. There is gross violation of women's legal rights, rights to bodily integrity and autonomy, abortion rights, reproduction rights and girls including domestic violence, sexual harassment, rape and discrimination. The theory tries to address patriarchal domination of females by male counterparts. There is advancement for women rights, complete eradication of exploitation and oppression of females in states, families and intimate relationships. The proponents propound that women face rape, sexual assault, female infanticide and dowry related cruelty and domestic violence in their daily life. The theory looks at domestic violence as a

patriarchal practice, violation of the rights of women and unequal power relationships between men and women. Feminist theorists equate domestic violence to wife beating, women battery, or women abuse, family violence, spouse abuse, marital violence and conjugal violence linked to patriarchal structure of male domination over females.

According to feminist's domestic violence, rape and sexual harassment are parts of systematic oppression of women. Systematic and structural mechanism of patriarchal control of women is built on male superiority, female inferiority, sex stereo-typed roles and expectations, social, economic and political predominance of men. According to the feminist's; economic dependency of women on men contributes male power domination in the family. As applied in this study the theory holds that gross violation of the rights of women and patriarchy influences domestic violence (independent variable) that comprise gender-based violence, sexual violence, psychological violence and physical violence the study examined. Jackson (2007) women experienced sexual assault, staking, rape, and domestic violence. In this aspect males are branded as perpetrator of which the victims are females in households (Jackson, 2007). The theory alienates the fact that women are also perpetrators and victims of domestic violence as well. Men equally suffer domestic violence atrocities this study tried to fill the gap.

Other theories that helped to fill this study was the attachment theory propounds that perpetrators of domestic violence with negative experience in the family of origin perpetrate intimate violence hence the need to reappraise batterers functionality to regulate the attachment distress (Jackson, 2007).The study also looks at nested

ecological theory intra-psychoic features of violent offenders. Nested ecological theory helps to explain the rates of violence in a targeted population, an individual, and groups with similar qualities. The theory postulates that wife beating lies in subordination of females and their subjection to male authority and control. It also posits that the ideology of patriarchy holds that male supremacy is natural and enshrined in the legal and religious dogma (Gutton, 2006). Nested ecological theory tries to explain how macro system such as unemployment, socio-cultural, absence of social support, peer groups, stress, low self-esteem, aggression factors contribute to domestic violence in families. The theory also advances that micro-level expression of a dominant social structure and ideology based on male hierarchical ordering of society. According to Gutton (2006), men who had seen parents physically attack each other were three times likely to hit their own wives than those who never experienced such an offence.

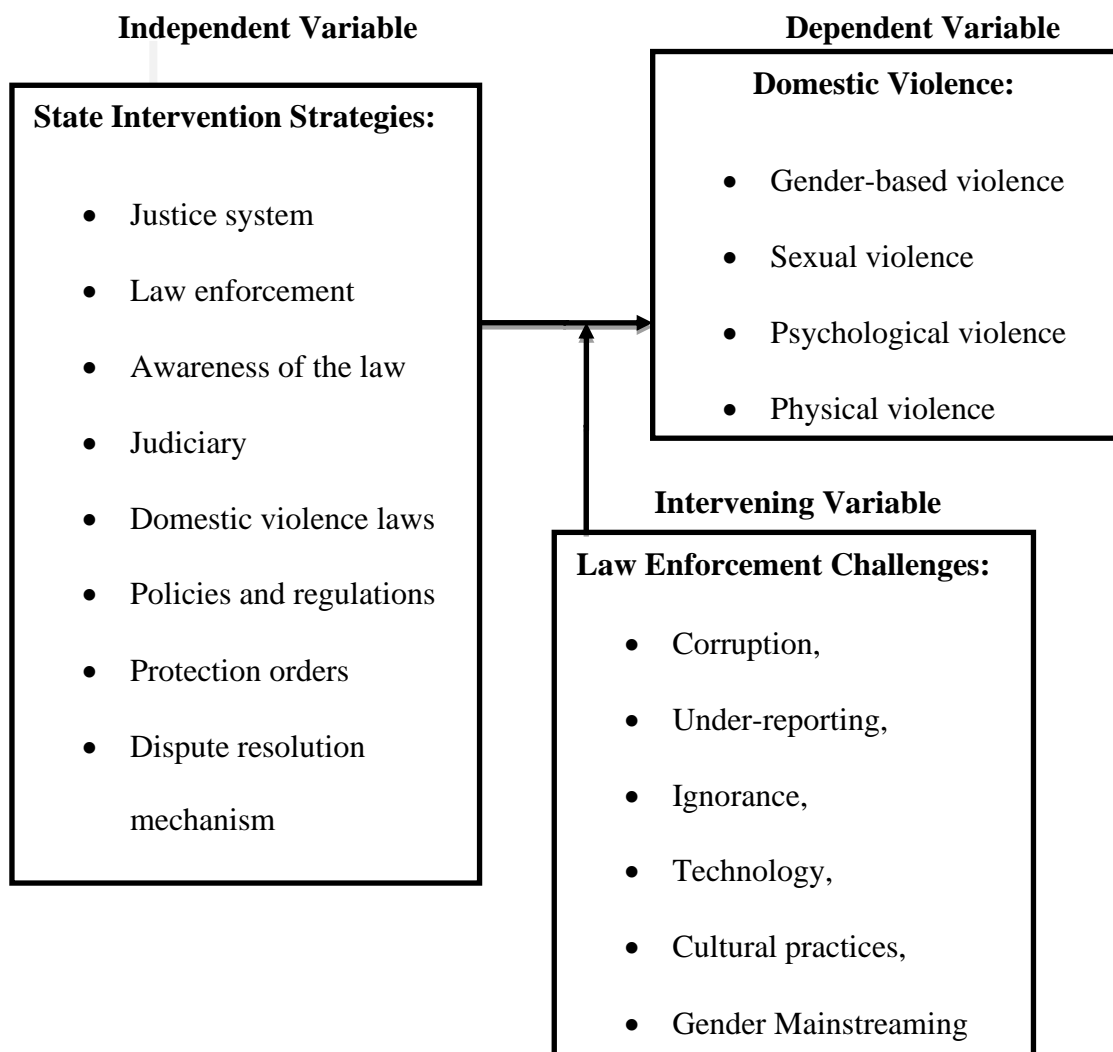
The cycle of violence theory holds that violent behaviour is learnt within the family and bequeathed from one generation to the next. The theory posits that children raised in violent family are likely to become an abuser as an adult (Gutton, 2006). Albert Bandura (1973) in his social learning theory posited that integrated cycle of violence was an adopted learned behaviour by abusive adults during early childhood. It's on the ground of this theories the literature was reviewed, data was collected, analyzed and findings documented.

## **2.5 Conceptual Model**

The model focused on state intervention strategies (independent variable) in the management of domestic violence focusing justice system, law enforcement,



awareness, judiciary, domestic violence laws, policies and regulations, protection orders, and dispute resolution mechanisms by the law enforcement personnel as the independent variable. The dependent variable was domestic Violence that comprised gender-based violence, sexual violence, psychological violence and physical violence influenced by law enforcement challenges as intervening variable. The intervening variable included corruption, under-reporting, ignorance of the law, technology, cultural practices and gender mainstreaming significantly influenced state intervention strategies and domestic violence hence helped in generating the study findings.



**Figure 2.1 Conceptual Model showing Interaction of Variables**

**Source: Researcher (2015).**

## **2.6 Chapter Summary**

The chapter discussed literature on state intervention strategies managing domestic violence. According to the studies, domestic violence prevalence challenges the state justice system; hence, the researcher examined state intervention strategies (independent variable) and domestic violence (independent variables) to review the literature gaps of the study. Law enforcement challenges (intervening variable) comprised corruption, under-reporting, ignorance, technology, cultural practices, human rights violation, and gender mainstreaming undermined state intervention strategies on domestic violence. Studies reveal state governments have lapses in upholding justice to prevent human rights violations, prosecute perpetrators, and offer social support to victims of domestic violence. The conceptual framework comprised liberal democratic peace and feminist theories that informed the study variables. The next chapter three discusses research methodology to lay a background for data collection procedures, analysis, and report making. These contributed to identifying literature gaps and findings on state intervention strategies in the management of domestic violence in Vihiga County, Kenya.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

Descriptive research design with both quantitative and qualitative techniques was applied to generate information for the study. In this chapter, the researcher used various steps to solicit data to fulfil the study objectives. The steps include the research design, study area, study population, sampling techniques and sample size, data collection instruments, reliability and validity of research instruments, data analysis and presentation, limitations of the study, ethical considerations. In order to increase reliability and validity of the research findings, construct, internal and external validity was used at various levels to control variables to generate accuracy results of the study. The overall study ensured respondent's responses on state intervention strategies in the management of domestic violence in Vihiga County were protected under ethical issues of research regulations.

#### **3.1. Research Design**

Research design involves processes of arriving at effective solutions to problems through systematic collections, analysis and interpretation of data (Mugenda & Mugenda, 2003). According to Amin (2005) a research design is the overall plan which the study will follow. It involves a series of advanced decisions under-taken by the researcher in making up a master plan or model for systematically and scientifically obtaining the data to be analysed. The researcher used descriptive design that employed both qualitative and quantitative methods in data analysis and presentation of the findings. The descriptive research design was instrumental in

guiding the study in data collection through questionnaires, interview schedules and Focus Group Discussions as per the study objectives.

### **3.2 The Study Area**

The study was conducted in Vihiga County that borders Nandi County to the East, Kakamega to the North, Siaya to the West and Kisumu to the South. Vihiga County has its Headquarters at Mbale Town served by Luanda, Maseno, Chavakali, Mudete, Majengo, Serem, Jeptulu, Jebrok and Kilingili urban centers with an urbanization rate of 31% of the population (Howtodoit, 2017).

Vihiga County comprise of five Sub-Counties with a population distribution as follows Luanda (95923), Emuhaya (89147), Hamisi (148259), Sabatia (129678) and Vihiga (91616) total 554622 with an area of 531.0 Km<sup>2</sup> illustrated in Table 3.1. It is located in Western Region of Kenya within the Lake Victoria Basin with an altitude ranging between 1,300 m and 1,800m above sea level. The County is covered with undulating hills and valleys, streams flowing from northeast to southwest draining into Lake Victoria (Vihiga County Strategic Plan 2013-2017). The general population comprised of 554622 (262,716 males and 291,906 females) (KNBS, 2009) with a National Census density of 1051 persons per Km<sup>2</sup> of with a poverty index of 65% and a dependency ratio of 100:90. The County is inhabited by three main Luhya sub-tribes namely Abanyole of Luanda and Emuhaya Sub-Counties, Omulogoli of Sabatia and Vihiga Sub-Counties with Tiriki making up Tiriki Sub-County (Vihiga County Strategic Plan 2013-2017).

According to KNBS (2014), Vihiga County has 125945 household heads of which 49000 (40.4%) are female-headed, 600 are youth headed majorly dependant on subsistence farming and micro-finance business holdings for a livelihood. KNBS statistics show the age distribution stood at 01-14 years (45%), 15 – 64 years (49%) and above 65 years (6%) with the youths representing 25% of the population. The main resources are forests, rivers, stone quarry, and hills for a tourist attraction with agriculture in tea farming on smallholdings, small-scale crop and livestock farming as the main economic activities among households (Howtodoit, 2017).The researcher used a map of Kenya to illustrate and justify the location of Vihiga County comprising Sabatia, Vihiga, Luanda and Hamisi Sub counties.

**Table 3.1 Population Distribution, Administrative Units, Household and Area in Km<sup>2</sup> of Sub-counties of Vihiga County**

Sub-county	No of sub-location	Population	Households	Area in Km <sup>2</sup>
Hamisi	28	148259	32461	156.4
Emuhaya	25	89147	22030	94.5
Luanda	29	95923	23233	85
Vihiga	18	91616	20479	90.2
Sabatia	31	129678	27742	110.9
Total	131	554622	125945	531

**Source: KNBS (2013)**

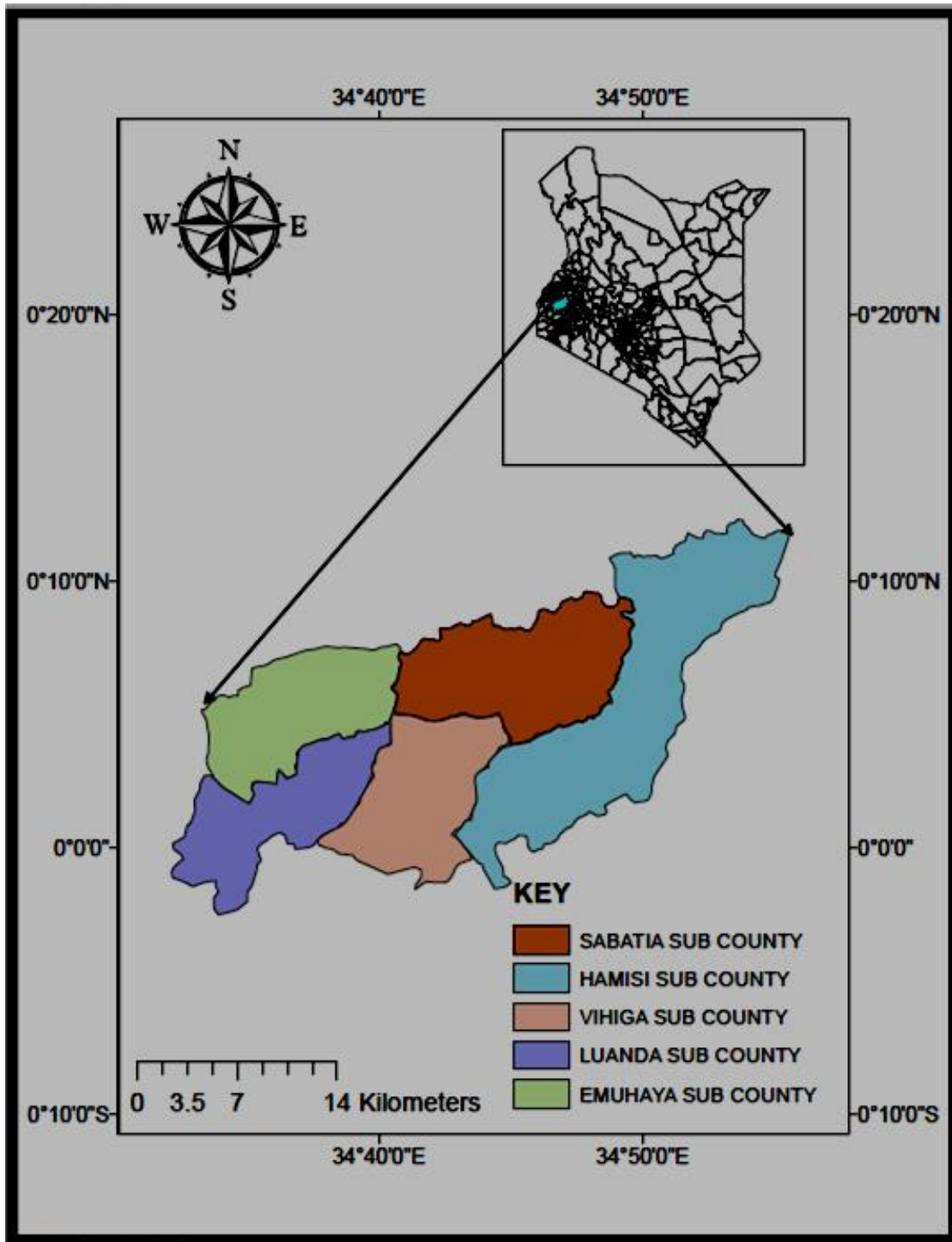


Figure 3.1. Location of Vihiga County in Kenya

Source: GIS, Expert 2018.

### **3.3. Study Population**

A study population refers to a group of people, events or things of interest that the researcher wishes to investigate (Sekaran, 2003). In order to gather the required data to respond to the three research objectives, the researcher sampled 462 respondents. They comprised 384 household heads, 50 Assistant Chiefs, 4 Court officers, 20 Police Officers and 4 Children Protection Officers. According to Mugenda & Mugenda (2003), a target population helps the researcher collect the requisite data for generalization of the results of the study.

### **3.4. Sampling Techniques and Sample Size**

The target population was 125945 Household heads, 115 Assistant Chiefs, 41 Court Officers, 208 Policemen and 4 Children Protection Officers (KNBS Department: Vihiga County, 2014) giving a total population of 124080 people. Sample is illustrated in table 3.2.

#### **3.4.1. Household Heads.**

The researcher applied Kathuri and Pals (1993) random sample formula on 125945 household heads to sample 384 household heads for the study. Kathuri and Pal's was useful in determining a sample of a randomly chosen sample from a given finite population of N cases such that the sample proportion should be within plus or minus 0.05 of the proportion with 95% level of confidence (Mugenda & Mugenda, 2003). The sample size of 384 was distributed evenly distributed to the five sub-counties of Vihiga, Luanda, Hamisi, Sabatia and Emuhaya. The Household heads were chosen to respond to the nature and extent of domestic and state intervention strategies

managing domestic violence in Vihiga County, Kenya. Household individuals are at the epicentre of domestic violence incidences, experience and resolve the violence directly and forward also forward to the law enforcement agencies for further management.

### **3.4.2. Assistant Chiefs**

The researcher applied purposive sampling on 131 Assistant Chiefs (Vihiga County Strategic Plan, 2013 – 2017) to select a sample size of 50 Assistant Chiefs of which 10 were distributed equally to five sub-counties (Hamisi, Sabatia, Vihiga, Emuhaya and Luanda) of Vihiga County. According to Sekaran (2003), purposive sampling involves specific types of people who can provide the desired information because of expertise or conform to some criteria set by the researcher. The Assistant Chiefs were chosen because they are charged with implementing the legal framework at the community level. As security personnel they are good position of providing information domestic violence perpetration and victims, law enforcement and challenges encountered on legislation domestic violence laws in Vihiga County (ibid).

### **3.4.3. Court Officers**

The researcher used judgmental sampling strategy on a target population of 41 Court Officers to select 4 respondents from Vihiga and Hamisi Law courts of which 2 were distributed to each court. Vihiga County has two strategic courts one at Vihiga and the other at Hamisi for purposes of managing and enforcing criminal justice to the communities in the region. They were sampled to participate in the study because they have knowledge on sexual offences Acts 2006, 2001 Children Act, chapter of the Bill



of Rights (Constitution of Kenya, 2010), domestic violence laws and protocols, Human Rights Accord (UN) and handling domestic violence legislation. The courts have the mandate to treat both civil and criminal matters that involve parental responsibility, custody and maintenance, guardianship for protection of children. According to Vihiga County Strategic Plan (2018-2022), a cardinal principle of governance is the protection and promotion of the rights of individual citizens under the constitution by all the organs of government.

The court officers are trained on dynamics of domestic violence, specific types of abuses, gender and power relations, analysis of relevant laws, legal procedures and services available to victims and strategies for supporting both the victim and the abuser (Coomaraswamy, 2000). The group was involved in collection of data on the nature and extent of domestic violence, state intervention strategies and challenges encountered by the government in dealing with domestic violence in Vihiga County, Kenya.

#### **3.4.4. Police Officers**

The same judgemental strategy was applied on 208 Police Officers (Vihiga County Police Commander, 2015) to sample 20 officers of which 4 were distributed to each of the 5 Sub-Counties (Luanda, Vihiga, Sabatia, Hamisi, Emuhaya) of Vihiga. Judgmental sampling involves the choosing subjects of the target population that are of advantage in providing the required information to be generalized in the study (Sekaran, 2003). The police officers receive reports from the victims of domestic violence; prepare P3 forms to arrest perpetrators, present offenders for prosecution in

courts, are mandated to provide protection orders to families and victims in households. It is on this strength the researcher involved them to participate in this study.

The Police Officers were sampled because of their expertise and capacity in enforcing domestic violence laws in Vihiga County and the state of Kenya as a whole. The police are also linked to community based - policing department aimed at law enforcement at community level and civil society to find solutions to community security concern(Vihiga County Strategic Plan, 2018-2022),

#### **3.4.5. Children Protection Officer**

From a population of 4 Children Protection Officer (Vihiga County Children Officer, 2015) all the 4 officers were purposively selected to participate in the study. The respondents were selected because have expertise in dealing with violence against children and law enforcement in Vihiga County. This sample of 4 informants was evenly distributed to Sabatia, Emuhaya, Luanda and Vihiga sub-counties with 1 informant each. Kenyan Constitution (2010) empowers the law enforcement organs to offer protection to children against crime and violation of human rights. In 2001 Children Protection Act No. 8 article 41 was aimed at integrating the United Nations Convention on the Rights of the child, effective protection facilitate, the administration and safeguards of children's rights hence the mandate of Children Protection Officer (World Organisation Against Torture [WOAT], 2008).

Children live in households where parents, siblings, house helps and relatives are involved in cycles of violence. The perpetrators project their anger to even innocent children hence needs protection. The children protection officers are strategically placed in each sub-county to receive reports of family violence against children, investigate and forward perpetrators for prosecution.

The findings revealed the children protection officers as service providers are unaware or unable to follow guidelines and protocols when handling victims. Poor infrastructure, lack of training and budgetary allocation for the management of domestic violence is the cause for persistent child abuse. The officers are understaffed hence ineffective in discharging protection orders on children. All officers are expected to be thoroughly familiar with the contents domestic laws, statutes, protocols and guidelines construed by case laws, and to act with appropriate discretion and competence in carrying out these provisions (Barker, Polito & Bennett, 2017). It was on this strength they were selected to provide data and information to fill the gap on domestic violence perpetration and state intervention. Table 3.2 Sampling Matrix of the Study Population and Sample Size next page.

**Table 3.2 Sampling Matrix of the Study Population and Sample Size**

<b>Category</b>	<b>Study Population</b>	<b>Sampling</b>	<b>Sampling Technique</b>	<b>Sample Size</b>
Household heads	125945	Probability	Random Sampling	384
Assistant Chiefs	115	Non-probability	Purposive Sampling	50
Court Officers	41	Non-probability	Judgmental Sampling	4
Children Protection Officers	4	Non-probability	Purposive Sampling	4
Police Officers	208	Non-probability	Judgmental Sampling	20
<b>TOTAL</b>	<b>126,313</b>			<b>462</b>

**Source: Researcher (2015)**

### **3.4.6 Summary of Respondents in Vihiga County**

Table 3.3 on the summary of participants show Emuhaya had 73 out of 400 (18.25%), Luanda had 74 out of 400 (18.50%), Sabatia had 84 out of 400 (21%), Vihiga had 85

out of 400 (21.25%) while Hamisi had 84 out of 400 (21%) giving a total of 400 of those who returned the research instruments for analysis and documentation into the study. According to the findings, there was equitable distribution and response (18.25% and 21%) on the research instruments of the study in all the Sub- Counties of Vihiga County. This is backed up by Amin (2005) who reiterated that a sample should be a representation of the population with most characteristics presented in the sample so as to realize the objective of the study.

The findings show equal distribution of respondents in the five sub counties of Vihiga helped to generate balanced information for documentation. The figures include household heads, Assistant Chiefs, Children Protection Officers, Court Officers and Police Officers who participated in the study. The sample should help the researcher draw conclusions that would be generalized to the population of interest (ibid). According to Amin, the researcher must determine a sample that will provide sufficient data to answer the reach problem and generalization of the findings to the entire population (Amin, 2005). The respondent's data adequately helped to evaluate state intervention strategies in the management of domestic violence in Vihiga County, Kenya. Table 3.3 Summary of Respondents in Vihiga County on the next page.

**Table 3.3 Summary of Respondents in Vihiga County**

Sub Counties of respondents	Household Heads	Assistant Chiefs	Police Officers	Court Officers	Children Protection Officers	Total
Emuhaya	66	6	0	0	1	73 18.25%
Luanda	62	8	3	0	1	74 18.50%
Vihiga	70	8	4	2	1	85 21.25%
Sabatia	68	9	0	0	1	84 21%
Hamisi	72	10	6	2	0	84 21%
Total	338	41	13	4	4	400
	84.50%	10.25%	3.25%	1%	1%	100%

**Source: (Field Data, 2017)**

### **3.5 Data Collection**

The study used secondary and primary data. The secondary data was derived from libraries, court archives, Internet sources, Scholarly Journals, Books, Research Articles and Print media for checking knowledge gaps and interaction with primary data on the nature and extent of domestic violence, state intervention strategies and challenges encountered in managing domestic violence in Vihiga County collected from the field through questionnaires, interviews and FGDs. The primary data tools were effective, cheap and reliable in gathering raw data from a large group within a short time (Mugenda & Mugenda, 2003).

The instruments were developed in accordance to research objectives and literature review. The questionnaires on the nature and extent of domestic violence and the state intervention strategies in managing domestic violence in Vihiga County were randomly administered to 384 (192 male and 192 female) Household heads comprised of youths of either gender, men and women 20-50 and above for data collection on the study constructs.

Open-ended structured interview guides for collecting data on state intervention strategies in managing domestic violence and challenges encountered by the government in enforcing domestic violence law enforcement was through 50 Assistant Chiefs, 4 Children Protection Officers, 4 Court Officers, 20 Police Officers and 2 FGDs of 10 members each with mixed gender in Emuhaya and Vihiga sub counties of Vihiga County. Gender equity was considered during distribution of the instruments and data collection to achieve the intended purpose of the study.

### **3.5.1. Primary Data Collection Instruments**

Primary data collection instruments comprised of a 5-point Likert scale questionnaire for household heads, interview guide for Court Officers, Assistant Chiefs, Police Officers and Children Protection Officers and FGD guide for data collection on the objectives on state intervention strategies in managing domestic violence in Vihiga County, Kenya.

### **3.5.2. Questionnaire**

A 5-point Likert scale questionnaire on the nature and extent of domestic violence and state intervention strategies in managing domestic violence were equally administered to 384 household heads on the basis of gender equity. The 5-point Likert scale questionnaire ranged from strongly agree (SA) = 5 as the highest and strongly disagree (SD) = 1 as the lowest score. The instrument had 3 sections; Section A: Socio-demographic information with 5 items, Section B: the nature and extent of domestic violence with 18 items, Section C: State intervention strategies in managing domestic violence in Vihiga County with 33 items as indicated in Appendix 1.

### **3.5.3. Interviews**

The researchers used face to face structured interview guide to probe and prompt the 4 Court Officers, 50 Assistant Chiefs, 20 Police Officers and 4 Children Protection Officers to provide requisite information on, domestic violence, intervention strategies used in combating domestic violence and challenges encountered government in dealing with domestic violence law enforcement in Vihiga County. Mugenda & Mugenda (2003) observed that interviews provide in-depth data required



for the study compared to the questionnaires. The structured interview guide had Section A: Socio-demographic information (6 items), Section B: had (25 items) illustrated in Appendix 2.

#### **3.5.4. Focus Group Discussions (FGD)**

Focus Group Discussion (FGD) is a research methodology in which a small group of between six to twelve participants gather to discuss a specific topic to generate data (Muoka, 2015). The aim was to give the researcher an understanding on participants' perspective on the topic under inquiry. The participants were involved in plenary discussions on issues emerging from the topic as the researcher interrogated the participant, summarized and documented the information under study (ibid).

The researcher held two Focus Group Discussions, one in Vihiga and the other in Luanda Sub Counties of Vihiga County. The first was attended by 10 participants from households, community, law enforcement institutions and religious institutions in Luanda. The second was attended by 6 assistant chiefs drawn from six (6) sub-locations, three (3) community elders and one (1) Social worker in Vihiga Sub County. The participants were aged between 20 to 50 years of age who were subjected to research instrument in Appendix 3 on the nature and extent of domestic violence, State intervention strategies and challenges encountered by the government in combating domestic violence in Vihiga County. According to Serakan (2003) FGD members must be chosen in accordance to their expertise on the topic of discussion to generate information for the study.

### **3.6. Validity and Reliability of Research Instruments**

Validity refers to the accuracy and meaningfulness of inferences based on research results. According to McBurney & White (2010) validity is an indication of accuracy or the extent to which a research conclusion corresponds with reality. In this case the analyzed data should represent the actual phenomenon or variables of the study (state intervention strategies in the management of domestic violence) for accuracy and meaningful inferences.

The researcher adapted construct validity for the accuracy and meaningfulness of theoretical concepts in line with the study objectives and the conceptual framework. Content validity was employed to measure the degree of the data collected by the questionnaires, FGDs and the interview guide for coherence and accuracy before documenting into the report (Mugenda & Mugenda, 2003). To improve the validity of the instruments; the researcher sought the expertise of professionals, supervisors from Masinde Muliro University of Science Technology School of Graduate Studies to verify the data collection tools. My supervisors in department of Peace and Conflict Studies were very handy in validating the research instruments before being used for data collection.

Internal validity was used to control extraneous variables to avoid falsifying the results. External validity was used to control representative sample of the target population for generalization of the results (Mugenda & Mugenda, 2003, McBurney & White, 2010; Wilson & Maclean, 2011). A Closed-ended 5 point Likert scale questionnaires were validated for internal consistency. According to Mugenda &

Mugenda (2003), instruments are considered to be acceptable and reliable if  $\alpha \geq 0.8$  hence  $\alpha \geq 0.79$  was good and reliable for the study.

External and construct validity was used to generate correct and accurate results from reviewed literature, collected data for analysis and generalization of the findings to the study population in Vihiga County. Statistical validity was useful in validating questionnaires, FGDs, and interview guide during data analysis for accuracy (McBurney & White, 2010). The Cronbach's alpha coefficient for internal consistency of the research instruments was validated at  $\alpha = 0.79$ . According to Wilson & Maclean (2011) Cronbach's alpha is good for calculating the degree of association in individual items to increase validity of the research instrument to achievement the objectives of the study.

### **3.7. Data Analysis and Presentation**

The researcher employed both quantitative and qualitative techniques in analysing data and presentation of the results. Quantitative data was collected by the 5 point Likert scale questionnaires which were cross-checked for missing items, corrected and assigned to Statistical Package of Social Sciences (SPSS) then analyzed into descriptive statistics, frequency tables, bar graph, pie charts and percentages to generate the findings of the study.

According to Oso & Onen (2008) the method draws statistical conclusions for the expected results of the study. SPSS was used to analyze biographical data (residence,

gender, marital status, age and level of education) presented into descriptive statistical, frequency tables, pie charts and bar graphs. Cronbach's alpha ( $\alpha$ ) for literal validity and reliability the Likert Scale questionnaires was validated at  $\alpha = 0.79$  for instruments reliability acceptable for this study. Qualitative data from literature review, open-ended questionnaires, FGDs and interview schedules were thematically analysed by sorting them into common themes, coding and then documented in the report.

### **3.8. Limitations of the Study**

The limitation of the study was its sensitivity to the respondents who provided data on the on state intervention strategies managing domestic violence in Vihiga County, Kenya. This was overcome by the researcher acquiring authority from relevant administrative institutions, upholding to confidentiality, integrity and protection of informants. The collected data was confined to the researcher and only used to make the report but availed to the public domain in accordance to research ethics. The researcher will maintain the informed consent of the respondents for a period of 3 years after the completion of the study (Bhattacharjee, 2012).

According to Mugenda & Mugenda (2003), respondents should be protected by keeping their information confidential, protected from misconceptions during and after data analysis. The researcher sought the approval of Vihiga County Commissioner, the 5 Sub-County Commissioners of Vihiga County, Vihiga County Police Commander and Vihiga Children Protection Officer before collecting data.

Limitations of the study were addressed by paraphrasing and restructuring interview guides for clarity on constructs in order to acquire requisite information from informants. Early booking of respondents was organised by the researcher to avoid delay of face to face interviews. Straightforward questionnaires were employed to avoid stereotyping, avoid confusion and repetition of data. The researcher prepared additional 50 questionnaires targeting 10 respondents from each sub-county to compensate those spoiled and unreturned.

### **3.9 Ethical Considerations**

The ethical issues considered in this study were the privacy and confidentiality of the respondent's information on the key variable on the nature and extent of domestic violence perpetrated against individuals in households and state intervention strategies managing domestic violence enforcement in Vihiga County. Since the study was dealing with individual in intimate relationship it could be dangerous to leak the information that would spark violence in families. The researcher sought the informed consent of the informants and promised to maintain privacy and confidentiality of the data collected. The nature of the information being sensitive it was treated in accordance to research laws and regulations to avoid discrepancies. Obtaining the required sample for the study from the law enforcement institution required prior arrangement with officers in order to derive the required data to avoid misconceptions.

However the respondents were given freedom to respond to questions at their freewill without coercion. Unanswered questions from the investigation instrument were filled

by other randomly sampled respondents in the same category to fulfil the objectives of the study. The researcher adhered to concept of anonymity by having the participants to remain anonymous by protecting their integrity and identities during the study. The researcher acquired research approval authority and permit from National Commission of Science Technology and Innovation (NACOSTI) of Kenya, Vihiga County Commissioner, the 5 Sub-County Commissioners, Vihiga County Police Commander and Vihiga Children Officer for authority to involve Court Officers, Assistant Chiefs, Police Officers, Children Protection Officers and household heads for the study. The primary and secondary data was acknowledged and kept confidential from the public domain in accordance to research ethical policy framework.

### **3.10 Chapter Summary**

The study employed descriptive research design and a conceptual framework to examine the variables on state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The study population comprised a random sample of 338 household heads; 4 Court Officers, 4 Children protection Officers 41 Assistant Chiefs and 13 Police Officers purposively sampled to derive a total of 400 respondents for the study. 5 point Likert scale questionnaire, interview and FGDs guides were applied in collecting the required data. FGDs generated information on state intervention strategies managing domestic violence and the nature and extent of domestic violence in Vihiga County. Both qualitative and quantitative techniques were used to analyze the data.

Quantitative data from the Likert scale questionnaires was analyzed into descriptive statistics using SPSS then presented in frequency tables, bar graphs and pie charts. The software was also used to analyze biographical data of Household heads, Assistant Chiefs, Police Officers, Children Protection Officers and Court Officers. The research methodology was pivotal in helping to tabulate the findings on study objectives in Vihiga Count, Kenya. The next chapter four discusses the findings on the nature and extent of domestic violence in Vihiga County, Kenya

**CHAPTER FOUR**  
**THE NATURE AND EXTENT OF DOMESTIC VIOLENCE IN VIHIGA**  
**COUNTY, KENYA**

The chapter covers the presentation of analyzed data from questionnaire, semi-structured interview guides and FGDs. 400 respondents (338 household heads, 41 Assistant Chiefs, 4 Court officers, 13 Police Officers and 4 Children Protection Officers) were categorically analyzed in accordance to the socio-demographic data in terms of Sub-County of origin, gender, marital status, age, the highest level of academic qualifications. The chapter also discussed constructs on the nature and extent of domestic violence in Vihiga County. These comprised domestic violence incidence, sexual violence, parts of the body targeted, time of perpetration, perpetrators and victims, factors influencing domestic violence. The findings were presented in frequency tables, bar graphs and pie charts. The chapter concluded that domestic violence was prevalent among family households in Vihiga County of Kenya.

**4.1. Socio-demographic Information of Respondents**

The socio-demographic information of 338 Household heads, 41 Assistant Chiefs, 4 Court Officers, 13 Police Officer and 4 Children Protection Officers totalling to a sample size of 400 which was categorized as the name of Sub-County, gender, marital status, age, the level of academic qualifications and Religion. The data of 400 respondents (Household heads, Children Protection Officers, Court Officers, Police Officer, Assistant Chiefs) issued with questionnaires and interviewed 400 (86.58%) responded to the research instruments that was analyzed and documented. Three



hundred and thirty eight 338 out of 384 (88%) Household heads, 4 out of 4 (100%) Children Protection Officers, 4 out of 4 (100%) Court Officers and 13 out of 20 (65%) Police Officer and 41 out 50 (82%) were Assistant Chiefs.

The data shows that the study sample was balanced hence adequate for the research findings of the study report. According to Mugenda & Mugenda (2003), a study sample of 80% is appropriate and recommended for analysing the collected data by the research instruments. In this respect, all the acquired sample of 400 out of 462 qualified the data for analysis and documentation of the study on state intervention strategies in the management of domestic violence in Vihiga County, Kenya.

#### **4.1.1. Gender of Respondents**

Of the 400 respondents who participated in the study, there were 215 out of 400 (53.75%) males and 185 out of 400 (46.25%) females as indicated in table 4.1. In the category of household heads we had 172 out of 338 (50.89%) male and 166 out of 338 (49.11%) were female respondents. The overall sample was 338 out of 400 (84.5%) of the study participants. The analysed data findings show equitable distribution of household head questionnaire in relation to gender category in the study.

The findings on Assistant Chiefs showed 34 out of 41 (82.93%) male and 7 out of 41 (17.03%) female participated in the study. The findings show 34 out of 41 (89%) male respondents was higher than the female assistant chiefs. The reason rational behind is

that the state had previously discriminated female gender employed in this category. Female data was 7 out of 41 (17.03%) reflecting fewer women employed as assistant chiefs in Vihiga County compared to male counterparts. The job is male-dominated due to gender stereotypes that it was intended for men and not women. The government had challenges in employing female as assistant chiefs until the ratification of the gender rule of the Constitution of Kenya 2010.

The results of Police Officers were tabulated as 6 out of 13 (46.15%) male while 7 out of 13 (56.85%) female giving gender balance distribution. The total sample interviewed were 13 out of 20 (65%) appropriate for the study. The results had a good distribution for prudent generation of data on law enforcement that helped the researcher fill the study gaps on the constructs of investigation. 7 out of 20 respondents never returned the questionnaires for analysis and documentation.

The frequencies indicate equal distribution of research instruments to respondents of either gender to avoid falsification of the study findings. The police were sampled as the most appropriate because they collaborate with social workers, probation officers, medical practitioners, children officers or other appropriate person or authority in investigating offenses of domestic violence and forward findings directly to the court for adjudication (National Council for Law Reporting, 2015).

The Court officers had 2 out of 4 (50%) male and 2 out of 4 (50%) female targeted respondents. The findings show the researcher achieved the objective on gender balance and met the targeted sample of 4 respondents from Hamisi and Vihiga County

Courts amounting 100% hence highly recommended for the study. The Court officers were sampled to collect data on state intervention strategies on domestic violence in Vihiga County. The results were balanced on gender lines of 50% male and 50% female officers hence the data collected was not bias. The court officers were sampled because the act of Parliament empowers them to provide protection and relief for victims of domestic violence which include spouse and children or other dependent persons and prosecution of the perpetrators (Kenya National Council of Law Reporting, 2015).

Children Protection Officers results show 1 out of 4 (25%) male and 3 out of 4 (75%) were female who participated in the study hence accepted by the researcher. The children protection officers' distribution was adequate for collection of data on the nature and extent of domestic violence against children and state intervention strategies in managing domestic violence against children in the study area. The data is illustrated in table 4.1. According to Kaye (2006) gender is a social construction of power between men and women in relation to identity, values, roles and responsibilities. Children protection officers have power and functions for the protection of children under an Act of parliament in Kenya (ibid). Philomena (2009) relates gender violence to crimes committed against women by male perpetrators while IASC (2006) refers gender to social differences between females and males through life cycles that are learnt and changeable in varied culture in society.

In Kenya domestic violence related to gender-based violence manifests in the form of wife and husband battery, rape, defilement, murder, sexual harassment, assault,

grievous harm, verbal abuse, emotional and psychological abuses commonly instigated in Vihiga County (ibid). Gender Violence Recovery Centre Annual Report [GVRCAR] of 2011-2012 show that GBV has remained an endemic problem across all groups in Kenya established on the patriarchal basis that violates human rights.

**Table 4.1 Frequency Distribution on Gender of Respondents**

Gender of Respondents	Household heads	A/chief	Police Officers	Court Officers	Children Protection Officers	Total
Male	172	34	6	2	1	215
	50.89%	82.93%	46.15%	50%	25%	53.75%
Female	166	7	7	2	3	185
	49.11%	17.03%	53.85%	50%	75%	46.25%
Total	338	41	13	4	4	400
	100%	100%	100%	100%	100%	100%

**Source: (Field Data, 2017)**

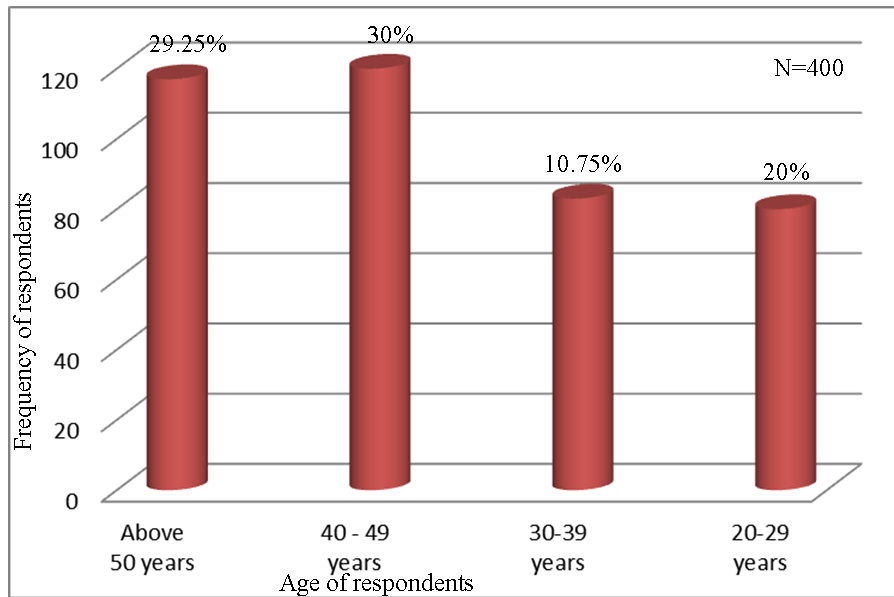
#### **4.1.2 Age of Respondents**

According to the distribution of frequencies on the age of 400 respondents figure 4.1 results show 20-29 years were 80 out of 400 (20%), 30-39 years were 83 out of 400 (20.75%) were, 40-49 years were 120 out of 400 (30%) and above 50 years were 117

out of 400 (29.25%). The 400 out of 462 (86%) respondents completed and returned the questionnaires for analysis. According to the finding youths of both gender in the category of 20-29 years was 80 out of 400 (20%) of the four categories sampled for data collection. 20 % response was a significant distribution on average 25% of the expected scope hence recommended for the study. Those between 30-39 years were 83 out of 400 (20.75%) for both male and female met required balanced for collection of primary data of the study. 40-49 years were 120 out of 400 (30%) made the majority sample. This group was highly considered to be of convenience on constructs of the nature, extent and intervention strategies currently managing domestic violence in Vihiga County, Kenya.

The frequencies of respondents aged 50 years and above were 117 out of 400 (29.25%) whom the researchers targeted for requisite data to meet the requirements of the study findings. The frequency was above 25% of the standard set for each category of the construct as per the requirement of the study. The study concluded with 400 (100%) respondents completing data collection instruments for analysis on state intervention strategies in the management of domestic violence in Vihiga County, Kenya.

According to Sekaran (2003) a reliable and valid sample should enable the researcher to generalize the findings from the sample to the population under investigation. The sampled statistics should be reliable estimates that reflect the population parameters closely within the narrow margin error. According to the findings the researcher achieved his objective by involving respondents of the required age categories for primary data collection, analysis and preparation of the report.



**Figure 4.1 Frequency Distribution of Age of the Respondents**

**Source: (Field, 2017)**

### **4.1.3 Religion of the Respondents**

Table 4.2 on the religion of respondents show Christian comprised 368 out of 400 (92%): Muslims were 22 out of 400 (5.5%) while other religions were 10 (2.5%). All these distributions illustrated that 400 out of 462 (86.58%) respondents represented their religious groups within the area of study. The religious leaders have the responsibility to examine religious doctrines and cultural practices that undermine religious beliefs, the rights of their congregations.

Religious groups manifest the doctrine of gender equality, love and peace as part of the values or virtues among their adherents. This filled the gap that religion plays an integral part on domestic law enforcement in Vihiga County and the state in general. A study by FIDA show that domestic violence occurred in all cultures, races, religions

and classes in which both men and women were perpetrators and victims of domestic violence in society.

**Table 4.2 Frequency Distribution on Religion of Respondents**

Religion	Household Heads	A/chief	Police Officers	Court Offices	Children Protection Officers	Total
Christians	306	41	13	4	4	368 (92%)
Muslims	22	0	0	0	22	22 (5.5%)
Other religions	10	0	0	0	10	10 (2.5%)
Total	338	41	13	4	36	400 (100%)

**Source: (Field data, 2017)**

#### **4.1.4 Respondents Level of Education**

According to the analysis on the respondents highest level of academic qualification 85 out of 400 (21.25%) were degree holders, 130 out of 400 (33.25%) had diploma while 182 out of 400 (45.50%) were certificate holders. The distribution was illustrated in Table 4.3 below. The analysis show the researcher fairly distributed the research instruments to all the respondents in regard to their level of education. This significantly contributed to the authenticity of the results of the study. The researcher

considered this category of respondents because of their ability to provide the required information on key constructs of the study.

The respondents had significance to this study because their level of education was treated vital in providing information on both state intervention strategies managing domestic violence, the nature and extent of domestic violence in Vihiga County. Since this was a sensitive problem of inquiry the respondents need requisite educational and conventional skills to prudently respond to data collection instruments administered by the researcher.

Schmallegger (2004) pointed out that the effects of family divorce ruin the educational levels of children and the socio-economic status of households. The children of divorced parents live in depression and frustration leading to criminal activities such as juvenile delinquency, rape, early marriage, child labour, murder, incest, assault within the community. UNICEF (2006) recommended that education and socioeconomic status of households be prioritized in order to reduce household violence. UNIFEM (2003) recommended that Kenya government should introduce new legislation on domestic violence and GBV in dealing with gender equality and inclusion in Kenya. According to Owolabi (2006), poorly educated societies have numerous criminal activities and violation of human rights. Herslin (2002) impressed education as the main approved way of reaching the desired goals of an individual in the society and confrontation of household conflicts. Table 4.3 Respondents Level of Education on the next page.



**Table 4.3 Respondents Level of Education**

Education level of Respondents	Household Heads	A/chief	Police Officers	Court Officers	Children Protection Officers	Total
Degree	77	4	0	4	0	85 (21.25%)
Diploma	113	10	8	0	2	133 (33.25%)
Certificate	148	27	5	0	2	182 (45.50%)
Total	338	41	13	4	4	400 (100%)

**Source: (Field Data, 2017)**

#### **4.1.5 Marital Status of Respondents**

According to Table 4.4 marital status of the respondents was 75 out of 400 (18.75%) were single, 289 out of 400 (72.25%) were married, 14 (3.5%) were separated, 10 (2.5%) were divorced while 12 or 3% were widowed. The results show the highest frequency was 289 (72.25%) of the participants were married compared to the rest of the groups taking part in the study. The single was 18.75%, 3% were widowed, 3.5% separated hence formed the group of respondents in the category of the most vulnerable to domestic violence that is the objective of the study. The study looked at the family as a common context of violence in the society. Family members are likely to be killed, physically assaulted, sexually victimized, hit, beaten up, slapped, and spanked in their own homes by other family members than anywhere else in society. The findings revealed that conflicts between partners and spouses arose from issues

pertaining to divisions of labour, communication, lack of attention to each other, sex, children, finances, and leisure time.

According to Kenya Demographic Health Survey [KDHS], 2008-2009 on marital status revealed that divorced, separated, or widowed women were exposed to domestic violence at the rate of 60% compared to 42% or 25% who were single (Mboyah, 2013). According to Zinn & Eitzen (1999) violence in families is difficult to examine we prefer to picture a family as an arena for love and gentleness rather than a place for violence. The statement clearly implies that much attention should be given to families in order to identify causes of domestic violence and intervention combating it. Studies by Parrillo (2002) show women who depend on men for financial support faced domestic violence. According to KNBS (2009) report and KDHS 2008 – 2009 reveal that violence against women contributes to ill health and psychological burdens that further led to emotional, physical, sexual violence against households. Stockard & Johnson (1992), further pointed out that men abuse their spouses when unemployed or during economic hardships. Check Table 4.4 Frequencies on Marital Status of Respondents in Vihiga County on the next page

**Table 4.4 Marital Status of Respondents**

Marital status of respondents	Household heads	Assistant Chiefs	Court Officers	Police Officers	Children Protection Officers	Total
Single	73	1	0	0	1	75 18.75%
Married	229	40	4	13	3	289 72.25%
Separated	14	0	0	0	0	14 3.5%
Divorced	10	0	0	0	0	10 2.5%
Widow or Widower	12	0	0	0	0	12 3%
Total	338	41	4	13	4	400 100%

Source: (Field data, 2017)

## **4.2 The Nature and Extent of Domestic Violence in Vihiga County**

The study examined types of domestic violence and incidences experienced by household individuals in Vihiga County. Sexual violence and abuses, fighting and battering, body parts targeted by perpetrators during physical assault, time of domestic violence was perpetrated in family households. Victims comprised male, female and children who had experienced physical, sexual abuses, psychological and emotional, Factors influencing domestic violence such as availability of weapons, alcohol and drugs were examined under this study, Aggression against household individuals, violation of protection and safety rights of family members, patriarchal practices and inequitable distribution of resources were also considered as factors influencing domestic violence in Vihiga County. The chapter concluded with summary findings on the nature and extent of domestic violence in Vihiga County, Kenya.

### **4.2.1. Types of Domestic Violence and Incidences**

On the nature and extent of domestic violence, 338 Household heads were asked to list types of domestic violence crimes perpetrated within their communities. According to Figure 4.5: verbal abuse had 266 out of 338 (28.3%), physical abuse had 216 out of 338 (23.0%), sexual abuse had 136 out of 338 (14.5%), psychological abuse 128 out of 338 (13.6%), emotional abuse had 113 out of 338 (12.0%) while spiritual abuse had 81 out of 338 (8.6%). According to household heads verbal abuse (28.3%), physical abuse tabulated at 23.3%, sexual abuse (14.5%), psychological abuse (13.6%), emotional abuse (12.0%) and spiritual abuse (8.6%) was significant evidence that domestic violence was instigated against intimate partners, spouses,

children, in-laws, house helps, parents, grand parents and other relatives in Vihiga County. Murungi (2012) reiterates that violence varies between cultures depending on the belief system, forms of organization, norms and values and effects of a patriarchal system have affected the justice system in the society. Nested ecological theory explains that rates of incidences of psychological, psychiatric and sociological violence occur within individuals or intergroup generate violent conflicts (Gutton, 2006). According to feminist theory family violence is due to deeply rooted patriarchal culture that encourages and male domination against females and children (Tandon, 2008).

Findings on verbal abuse which had 266 out of 940 counts (28.3%) clearly show it's a common practice among households in communities in the study area. This kind of violence was instigated by male, female and children individuals against each other due to disagreements. Verbal abuse likely sparked physical violence, psychological violence and sexual harassment among household individuals. The results on physical abuse show that household heads had 216 out of 940 frequency counts (23.0%). The findings significantly reflect physical violence perpetrated against men, women and children in Vihiga County. Physical violence that comprised domestic violence incidences of rape, incest and defilement among children, assault, homicide, suicide, sexual harassment, grievous harm, maiming, spousal violence and fighting among others causes adverse physical and psychological health on the victims. During FGDs discussions one Social Worker said: both male and female including children in households exchanged blows.

According to frustration–aggression theory; the occurrence of aggressive behaviour always presupposes the existence of frustration that leads to violent outcomes among individuals. The theory further propounds that aggressive response to a frustration may also be directed towards individuals not responsible for the inference with the attainment of a goal (displaced). In this respect the aggressors targeted husbands, wives, parents, children, house helps, the elderly, in-laws, and relatives in family households.

Sexual abuse tabulated at 136 out of 940 counts (14.5%) showed that there was instigation of sexual violence incidences against household individuals in intimate relationship especially among spouses, children and individuals living in households in Vihiga county communities. Sexual violence incidences were manifested as rape, defilement, incest, sex denial by spouses, infection with HIV/Aids and sexually transmitted diseases (STIs) leading to psychological trauma among the victims. The frequencies reflect the prevalence of sexual violence in the area of study. The findings implied that the perpetrators used coercion to subdue victims in order to justify their sexual desires within the family setup. The findings are backed up by the feminist theory that propounds that patriarchal arrangement of family’s ideals of masculinity and cultural acceptance of the use of force creates a social environment for wife abuse and other forms of family violence (Felser, 2014).

Psychological abuse tabulated at 128 out of 940 counts (13.6%) show evidence on the occurrences of violent aggression of household members in family setup in the region of study. Spouses, children, siblings, relatives and house helps victimized each other

through intimidation, threats and harassment as punishment on matters of indifference on family matters. The figures of 128 (13.6%) weighs a lot of signification on domestic violence perpetration in any family set up hence filled the gap that psychological abuse was manifested in Vihiga county. According to feminist theorists the findings significantly show males become aggressive to females and vice versa especially when they experience powerlessness amongst themselves hence maintain a cycle of family violence (Felser, 2014).

Emotional abuse as part of psychological violence had 113 out of 940 counts (12.0%) implying it's had traumatic and health consequences on household individuals. Emotion cause depression and stress that affect the mental health of people and if not addresses may trigger other forms of domestic violence to the family members. Abuse through treats, mobile phone messages, disagreements, physical violence acts and sexual violence acts lead to negative emotions among the affected victims. Dollard's frustration aggression theory illustrated that the strongest tendency to act aggressively is attributed to gender factor or same-sex interactions. Harne (2008) sexual violence are acts linked to physical violence often perpetrated to immediately after physical assault commonly accompanied by verbal violence. According to Harne there are difficulties in differentiating rape from sexual assault, media stereotypes of rape and the continuing stigma make women victims not to identify it as rape. In relation to a study by British Crime Survey 2001 on sexual assault to women sexual assault (28%), sexual abuse (18%) and forced sex (23%) as an account to rape in intimate relationship. According to the feminist theory gender inequality is a major factor in male-female violence. It encompasses a social power structure in which men control and dominate aggression toward their female counterparts (Felser, 2014).

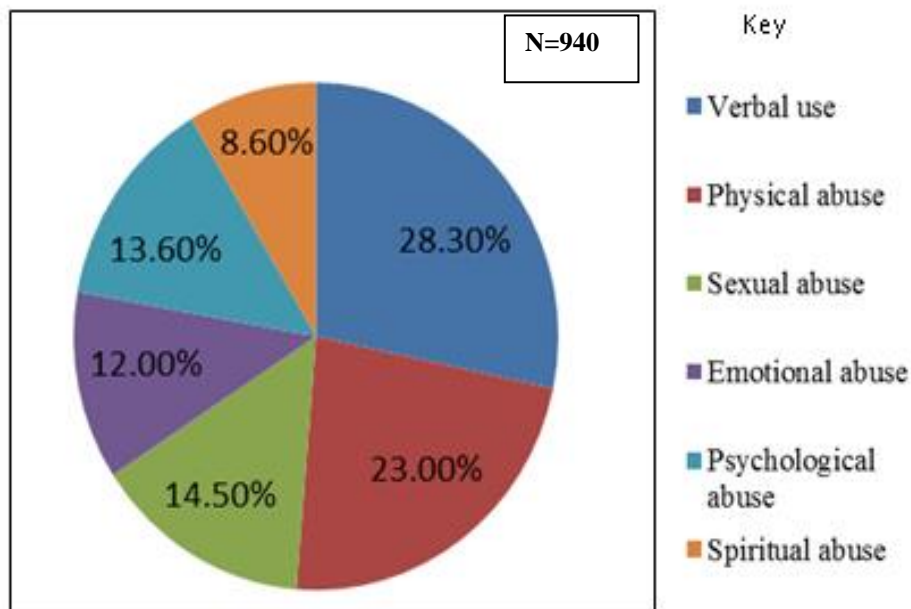
At the same time spiritual abuse with 81 out of 940 counts (8.6%) also base on the moral standards of the members of the community as a measure of well-being. People of low integrity and bad moral standing are intolerant to others beliefs or religious affiliation hence use such platforms to instigate psychological violence. Violent conflicts in families adversely affect household individual in accordance to their religious and denominational affiliation in Vihiga County.

The findings significantly showed that verbal abuse (28.3%) and physical abuse (23.0%) were rated as the most common forms of domestic violence offences perpetrated in Vihiga County. According to Felser (2014) intimate partner violence and sexual abuse is related to increased mortality, injury and disabilities preventing work, worse health, chronic pain (neck pain, backache), migraines, stutter, vision problems, frequent headaches, indigestion, reproductive disorders, unwanted pregnancies and many other ailments against family members. In line with the findings Felser further reiterated that emotional distress may lead victims to commit suicide, indulge in alcoholism, drug abuse, eating and sleep disorders, physically inactive, loss of self-esteem, unsafe sexual behaviour, increases exposure to injuries, post-traumatic disorders and self-harm.

Horvath *et al* (2007) reiterated that sexual violence was outlawed by domestic violence law by majority of states in the world. The varying definition in many countries sets law precludes acknowledgement and punishment by the judiciary, leaving victims to most egregious form of sexual violence without recourse to justice.



The findings on this constructs justifies that frustration-aggression leads to overt or covert, physical or verbal violence against individuals in society.



**Figure 4.2 Types of Domestic Violence Perpetrated in Vihiga County**

**Source: Field Data, 2017**

#### **4.2.2 Frequencies of Types of Sexual Violence**

The research sought to establish whether household heads encountered sexual assault in their families. The findings in Table 4.5 show that 49 out of 295 (16.61%) said they experienced rape, 25 out of 295 (8.47%) were raped using an object, 34 out of 295 (11.54%) male and female adults including children experienced sodomy, 75 out of 295 (25.42%) household individuals experienced forced sexual assault in intimate relationship, 84 out of 295 (28.47%) stated that they were forced to engage in sex when ill by their male spouses.

The trauma encountered accelerated pain and suffering to victims in families in Vihiga County. The results revealed that 28 out of 295 (9.49%) had forced sex in intimate partner relations of which children, spouses, the elderly, house helps, in-laws, parents, relatives and other individuals suffered incest, sodomy and fornication. The findings revealed that sexual assault was significantly instigated against family members in Vihiga County. According to the findings forced sexual intercourse had the highest occurrences followed by rape, sodomy and forced sex by intimate partners respectively. Forced sex was common against among men and women in intimate relationships when conjugal rights were denied by spouses. Children and other siblings in the family were subjected to domestic violence experiences in the region. Fathers coerced the girl child into sexual relationships such as incest, defilement, fornication resulting to early pregnancies and psychosocial challenges. The findings relate to feminist theory that posits that domestic violence includes both husband and wife, girlfriends, boyfriends, gay or lesbian partners, parents and children and the elderly who maintain aggressive cycle of violence in family households Vihiga County (Felser, 2014).

Findings from Vihiga Law Courts Criminal Registry (2014) showed that defilement statistics between 2008 and 2014 were 108 offences perpetrated against women and girls by men aged 35 years and above. The offender was sentenced between 14 to 20 years of imprisonment while those who defiled children were subjected to a life sentence. Some offenders were fined 20,000 to 50,000 Kenya shillings or both imprisonment plus fines. In 2016, 105, 668 crimes of domestic violence were reported in Florida by the law enforcement agencies resulting to 63, 193 arrests, the state certified domestic violence centers to provide 600,621 emergency shelters to 16,

362 survivors of family violence. The strategies challenge the law enforcement institutions managing domestic violence in Vihiga County, Kenya.

The results showed domestic violence was perpetrated against individuals in Vihiga County despite the law enforcement. According to the findings domestic violence is significantly perpetrated in the study area despite state intervention strategies managing it. Sexual offences remain a challenge calling for new approaches of managing the victims and perpetrators. A further problem is the context by which domestic violence is instigated within the family households. There are complexities in convicting the perpetrators due to negligence by the law enforcers hence escalating more violence against family members in the area of study. Self-care deficit theory of domestic violence posits that individuals engage in battering due to threats to one-self hence need preventive measures to curb hazards to life, functioning and wellbeing.

According to the interview by the Court Officers, the results show 4 out of 4 (100%) reported incidences of sexual violence, gender-based violence, sexual harassment, defilement, incest, assault and grievous harm against individuals were reported to police for prosecution. The findings significantly show domestic violence was significantly common against children, spouses, the elderly, house helps, in-laws, parents, relatives and other individuals in Vihiga County. The court officers reflected in evidenced statistics showed cases of domestic violence prosecuted in Vihiga and Hamisi law courts under their jurisdiction had a myriad of unreported offences for adjudication and provision of social justice to victims in the households.

Lack of accessibility to the police and other law enforcement agencies was noted as challenge. The court officers being charged with the responsibility of enforcing domestic violence laws and prosecution of perpetrators lack proper legislation to enforce the law on perpetrators of domestic violence in Vihiga County. The courts are entitled to implement, adapt and periodically review domestic violence legislation for effectiveness in elimination of family violence, prosecution and rehabilitation of offenders and support victims in Vihiga County. According to Fisher (2005), understanding and intervening in conflict situations requires specific knowledge about the conflicting parties, their aspirations and conflict orientation in line with the social norms. Understanding the nature and extent of domestic violence is vital in enhancing legal justice to victims among families in Vihiga County.

According to Aura (2018) effective protection can be established by preventing sexual violence, identifying the risks and responding to victims through multisectoral approaches. Aura also posited that Kenya legal framework should address sexual gender based violence levels to meet the plight of the victims. The legal policies mainly focus on the accused persons but hardly alleviate the conditions of the victims.

The findings of 13 out of 13 (100%) Police Officers from Emuhaya, Luanda, Vihiga, Hamisi and Sabatia affirmed that assault, homicide, suicide, defilement, rape, sexual harassment, incest, grievous harm, maiming, verbal abuse, emotional abuse, spousal violence and fighting offences were reported and forwarded for prosecution in Vihiga County Courts. The findings from Children Protection Officers showed that 4 out of 4 (100%) reported that children experienced incidences of assault, defilement, incest,

wife battering, rape, and child neglect offences were prosecuted in Vihiga County. According to the Children Protection Officers domestic violence incidences were instigated to the children by male and female spouse, children and other household members who violated the rights. A Study by Kaluyu (2007) in support of these finding indicate that domestic violence impact negatively on children, whether they witness domestic violence or themselves abused that result to behavioural problems often associated with child management.

**Table 4.5 Frequencies on Types of Sexual Violence**

<b>Types of Sexual Violence Experienced by Respondents</b>	<b>Responses</b>	
	<b>No</b>	<b>Percent</b>
Rape	49	16.61%
Rape using an object	25	8.47%
Forced sex intercourse	75	25.42%
Forced sex when ill	84	28.47%
Forced sex by intimate	28	9.49%
Sodomy	34	11.54%
<b>Total</b>	<b>295</b>	<b>100%</b>

**Source: (Field, 2017)**

According to the survey undertaken by the researcher in 2013 and 2014 from Luanda and Vihiga Police Crime Department; 32 men were reported of rape at Luanda Police Station, Vihiga Police Station had 3 men and 46 men who were prosecuted at Hamisi Magistrate Court. The police and the court officers observed that victims were female of average age while males of 21 to 35 years were the perpetrators of the violence. In accordance to Kenya Police Annual Report of 2009 and 2010; 727 rape offences and 785 were reported in Western Province of Kenya. These findings imply that domestic violence incidences are manifested in Vihiga County hence filled the gap on the nature and extent of domestic violence in Vihiga County, Kenya.

According to Nelson (2002) women were victims' of spousal violence, sexual and physical assaults, threats, criminal harassment in family households and community. Johnson (2008) pointed out that domestic violence situations were characterized by anger, frustrations and intense emotions as perpetrators controlled the victims. Most studies on domestic violence show many violent fathers undermine relationships by intimidating; abusing and raping mothers in front of children hence encouraged them to participate in perpetrating verbal and physical abuse against family members when they become adults.

According to the findings of 41 out of 41 (100%) of the Assistant Chiefs interviewed; bullying, verbal abuse, rape, sexual harassment, affray, child abuse, defilement, corporal punishment, assault, wife battering, child neglect, mobile user abuse, throwing objects victims, psychological and emotional abuse, physical abuse, intimidation, sexual abuse, marital violence, abortion, threatening texts, sexual denial,

burning with a hot substance, mob injustice by In-laws and neglect of the elderly were types of domestic violence offences reported to have been instigated against households individuals in Vihiga County. These law enforcers were considerable accessible to families and victims of domestic violence incidences in the study area hence justified the findings.

The data from these informants clearly show domestic violence incidences were frequently manifested in Vihiga County in general. The findings are justified by conflict and aggression frustration theories that states that conflicts generate aggression hence spark violence in society. A Luanda female victim remarked:

Refusing to submit to a husband's wishes has been a reason for frequent punishment, intimidation and humiliation (Luanda Female victim, 2017).

According to a Sabatia Assistant Chief:

Wife beating insults by women, verbal abuse, emotional and psychological abuse, intimidation, sexual harassment, interference from in-laws, neglect of the elderly and children is an issue in the region (Sabatia Assistant Chief, 2017).

Another Assistant Chief from Luanda sub-county stated:

Wife and husband battering, child abuse, rape and defilement were common household crimes in Luanda (Luanda Assistant Chief, 2017).

The findings from interviews by the Police Officer, Children Protection Officers, and Assistant Chiefs significantly show that domestic violence was a common crime perpetrated against children in households and communities in Vihiga County. The findings clearly indicated a significant manifestation of domestic violence among

communities in the area. This can be affirmed by Northern Territory Australia Domestic Violence Act 2017 that stipulates that domestic violence is any form of conduct committed by a person against someone in domestic relationship. The violence can be through harm, intimidation, damaging property, stalking, economic abuse, sexual or other assaults or threats hence the police are entitled by the law to be able to identify domestic violence incidences and forward for judicial management (Northern Territory Australia Judiciary Act, 2017).

According to VAWS report of 1998; 15% of the women and 2.1% of the men are victims of rape. UNIFEM (2003) observed that rape survivors in many countries described judges as being impartial to victims yet recent studies show 15-20% of men are raped or sodomised (homosexuality) in Kenya. Nelson (2002) states that most assaults by women are on the slap the cad genre and are not intended and do not physically injure the husband but later the woman becomes the victim. The findings reveal that females violate male right since they are not protected by domestic violence laws in Kenya. The state has remained silent on domestic violence abuses against men in households in Vihiga County.

The findings from Hamisi Police Officers revealed the presence of many forms of domestic violence incidences in Vihiga County. One of the officers said:

Household heads experience assault, verbal abuse, rape, defilement, incest, sexual harassment, sexual abuse, murder, suicide, grievous harm and maiming mainly perpetrated by men (Hamisi Police Officer, 2017).



The findings from 2 out of 4 (50%) Court Officers from Hamisi and 2 out of 4 (50%) Vihiga Principal Magistrate Court revealed sexual harassment, defilement, incest, assault, grievous harm, sexual assault, and gender-based violence were perpetrated against household individuals in Vihiga County. Vihiga Principal Magistrate said:

Sexual gender-based and domestic violence offenders were common cases prosecuted at Vihiga law Courts (Vihiga Principal Magistrate, 2017).

The informants are charged with the responsibility of managing domestic violence offences reported by the law enforcement institutions in Vihiga County. The court officers work in liaison with the police, assistant chiefs, children protection officer, human rights, FIDA and other non-governmental agencies to protect occurrences of domestic within the state. According to Herring (2001) the state has a central responsibility to proactively deal with domestic violence, holding offenders publicly accountable for their violent behaviours. The findings significantly show there were occurrences of domestic violence incidences in Vihiga County. Herring (2001) reiterated that the police officers seem prejudicial to victims when dealing with domestic violence. They fail to record incidences of neither crime nor arrest offenders even when there is legal evidential grounds for justice.

The findings from 4 out of 4 (100%) Children Protection Officers from Emuhaya, Luanda, Hamisi, Sabatia and Vihiga revealed that defilement, wife battering, rape, sexual assault, incest, child neglect were common domestic violence offences instigated in Vihiga County. According to the findings of Children Protection Officers, domestic violence incidences encountered were defilement, wife battering,

rape, sexual assault, incest and child neglect. According to WOAT (2008) Kenya as a national resource centre on child abuse, neglect and children's rights has to provide information and technical expertise on child protection and child rights issues, carry out research on emerging children's issues, lobby governments, donors, NGOs and communities to prevent violence against children. One Emuhaya Children Protection Officer said:

We handle many complex domestic violence offences from many families in this County. At the same time, we refer some to the court, chiefs, FIDA and the police for further management (Emuhaya Children Protection Officers, 2017).

According to this statement the victims, parents, next of kin or caregivers reported perpetrators and domestic incidences against children for arbitration and adjudication to them. It's the mandate of the children protection officers to implement legal framework on the protection of children in liaison with other state enforcement agencies in Kenya and globally. These findings were backed up by McCue (2008) who observed that domestic violence presents inform of spousal abuse, domestic abuse, domestic assault, battering, partner abuse, dysfunctional relationship, intimate fighting or mate fighting among family households. According to Kaye (2006), domestic violence is private in nature and is difficult to quantify. He argues that men have the right to control women plus their income and behaviour.

Kaye observed that domestic violence takes the form of sexual abuse, physical assault, battering, abuse, and emotional abuse, psychological abuse accompanied with effects of suicide, homicide and infanticide or feticide morbidity. According to Jaluo

(2011) study in Lugari District of Kenya revealed that 17.6% of the children exposed to violent scenes exhibited abusive languages compared to 5.9% of those exposed to immorality. The figures indicate the prevalence of domestic violence in former Lugari district of Western Kenya. In a study conducted by Harne (2011) on 100 heterosexual couples demonstrate that women's violence towards male partners consist of slapping and throwing objects for self-defence while man use threatening violence through physical attacks, intimidation, humiliation and psychological harm to their victims. Studies from the British Crime United Nations Human Rights Committee [BCUNHRC] in April 2005 reported that the prevalence of domestic violence against women remains a recurrent practice in Kenya hence cannot protect females against sexual violence (Nyaundi, 2005). In the United Kingdom, 30-60 Percent of fathers use physical violence such as hitting the victim head with fists, throwing weapons, hanging victims out of the window or pushing their head in the dishwasher to victimise them (Nyaundi, 2005). The findings filled the gap on the nature and extent of domestic violence in Vihiga County, Kenya.

#### **4.2.3 Fighting and Battering**

The researcher sought to examine whether fighting and battering was experienced in the family. According to the findings in Table 4.6 household heads responses showed pushing the victim was 108 out of 597 counts (18.1%), hitting, slapping the victim was 21 out of 597 (3.58%), Kicking the victim was 83 out of 597 (13.9%), pulling the victim's hair was 42 out of 597 counts (6.9%), hitting the victim's head against the wall was 55 out of 597 counts (9.2%), using a weapon to harm the victim was 46 out 597 counts (7.7%), attempted strangulation of the victim was 27 out of 597 (4.5%)

while burning the victim with a hot substance had 23 out of 597 (3.9%). According to the findings the frequency distribution on spousal abuses encompass pulling, hitting, slapping, kicking, pulling the hair, and targeting the head of the victims was due to aggression and frustration of individuals. The incidences resulted into assault or physical harm and injuries to men, women, children, parents, in-laws, and other individuals living in households.

Domestic violence arises in instances of unresolved differences or economic deprivations of individual's needs. This state of violence is explained by Karl Mark's conflict theory and Bandura's social learning theory which postulates that deprived individual project aggression and frustrations in intimate relationships. The findings also show that family individuals experienced attempted strangulation, burns from hot substance and other violations by perpetrator. These frequencies revealed the manifestations of domestic violence incidences among gender groups in Vihiga County. Feminist theory propounds that there is need for anti-violence focus on preventing harm by addressing the root causes of violence and reasons why individuals engage in family violence (Gutton, 2006).

According to frequencies and responses computed from the household heads sexual violence is widely experienced hence need intervention. In another study by McCue (2008) observed physical abuse, neglect, assaults were manifested through painful pinching, squeezing, pushing, shoving, jerks, blows, shakes, pulls, slaps, bites, kicks, throws, broken bones, miscarriages, abortion were perpetrated against family members. Jaluo (2011) also pointed out that domestic violence abuses such as hitting,

slapping, punching, choking, pushing, were common intimate partner violence in society. The study backs up the findings that domestic violence remains unresolved in families hence need new enforcement approaches and preventions.

**Table 4.6 Fighting and Battering**

Fighting and Battering	No of Counts	Percent
Pushing the victim	108	18.1%
Hitting and slapping the victim	21	35.8%
Kicking the victim	83	13.9%
Pulling the victim's hair	42	6.9%
Hitting the victim's head against the wall	55	9.2%
Using a weapon to harm the victim	46	7.7%
Attempted strangulation of the victim	27	4.5%
Burning the victim with a hot substance	23	3.9%
<b>Total</b>	<b>597</b>	<b>100%</b>

**Source: (Field Data, 2017)**

#### **4.2.4 Body Parts Targeted during Physical Assault**

The study sought to find out from the household heads the parts of the body targeted most by offenders during physical assault. According to table 4.7 household heads had 144 out of 416 counts (34.6%), 137 out of 416 counts (32.9%) targeted arms and

hands, 65 out of 416 counts (15.6%), targets on legs and feet 50 out of 416 counts (12%) targeted the torso and 20 out of 416 counts (4.8%) targeted the genitals. According to the findings, most of the offenders targeted the head 34.6%, the hands and arms 32.9% while the rest of the attacks significantly affected the victims despite low occurrences recorded. The perpetrators mostly targeted the victim's head for quick control, coercion and incapacitating during domestic strifes in Vihiga County.

According to the findings women and children were molested by hitting their head on the wall, with hard or blurred objects in order to inflict pain. 65 out of 416 (15.6%) of the respondents stated that perpetrators targeted arms and hands, the reason behind was to disable the victim from gaining control for self-defence and protection likewise to 50 out of 416 (12%) who targeted legs and torso. Family violence theories propounds that battering is a repeated physical or sexual assault within a context of coercive control and emotional abuse against family members (Felser, 2014). Domestic violence puts battered women at a higher risk of health problems hence the need for state intervention.

The legs were attacked using blunt objects such as clubs, *rungus*, stools, chairs, sticks, whips and other weapons within the vicinity of the offenders. The weapons were meant to cause physical assault to victims. Findings in table 4.7 show 20 out of 416 counts (4.8%) on genitals targets implying that the perpetrators were engaged in rape, defilement, incest or forced sex against family members. Genital area is treated as private and painful parts of the human body. In some instances, the offenders targeted multiple parts of the victim's body. In Jaluo study of 2011 domestic violence abuses

comprised hitting, slapping, punching, choking, pushing and physical injury of domestic violence victims. Physical abuses included denying the victim of medical care, depriving the victim sleep or basic functions necessary for life. According to Felser 2014 women and children experiencing both physical and sexual abuse develop serious health problems such as gastro-intestinal and psychological disorders.

**Table 4.7 Body Parts Targeted during Physical Violence**

Body Parts Targeted during Physical Violence	Frequency	Per cent
Head	144	34.6%
Torso	50	12.0%
Arms and hands	137	32.9%
Legs and feet	65	15.6%
Genitals	20	4.8%
Total	416	100.0%

**Source: (Field Data, 2017)**

#### **4.3.1 Time of Domestic Violence**

The researcher sought to find out from household heads the time when sexual violence took place in the family. Table 4.8 show 90 out of 327 (27.5%) household heads strongly disagreed that sexual violence took place during day, 48 out of 327 (14.7%) disagreed, 54 out of 327 (16.5%) were neutral on the construct while 62 out

of 327 (21.6%) strongly agreed and 73 out of 327 (22.3%) agreed that sexual violence took place at daytime. According to the results, most of the household heads disagreed that sexual violence took place at night giving a total frequency of 90 (27.5%) and 48 (14.7%) respectively. According to a study in Kisumu district by Mutiso, Chessa, Chesire & Kemboi in 2010 out of 47 women who experienced domestic violence 20 (43%) reported being assaulted between 8:00 p.m. and 12:00 midnight, 10 (21%) were assaulted between 5:00 p.m. and 8:00 p.m., 12:00 midnight to 7:00 a.m. Fewer cases 7 (15%) occurred after midnight (Mutiso, Chessa, Chesire & Kemboi, 2010). The finding significantly showed that domestic violent acts were majorly instigated at night with a few incidences during daytime.

According to these findings, most of the domestic violence crimes were not perpetrated at daytime implying that most household members were engaged elsewhere away from home. Mboyah (2013) alluded to the fact that gender-based violence occurred daily in family households. He further highlighted that Kenya Demographic Health Survey (KDHS) of 2009 indicated that 64% of the gender-based violence occurs within the victims homes. The statement shows that as much as household heads felt that domestic violence was majorly instigated at night some occurrences were witnessed at daytime in the region of study. Table 4.8 Time of Domestic Violence Perpetration on the next page.



**Table 4.8 Time of Domestic Violence Perpetration**

Time of occurrences of domestic violence	SA	A	N	D	SD	TOTAL
Family violence incidences takes place during day	19.0%	22.3%	16.5%	14.7%	27.5%	100%
	62	73	54	48	90	327
Family violence incidences takes place at night	54.8%	20.6%	11.8%	3.6%	9.1%	100%
	181	68	39	12	30	330

**Source: (Field Data, 2017)**

#### 4.3.2 Frequency of Sexual Abuses

The research sought to examine how frequent family member experienced assault in households. The findings of household heads in table 4.9 show 59 out of 332 (17.8%) stated that family members were frequently assaulted. 90 out of 332 (26.6%) were assaulted fewer times depending on the nature and extent of the violence, 183 out of 332 (54.1%) reported none while 6 out of 332 (1.8%) reported never. The findings show male, female children, siblings, the elderly and other individuals generally experienced physical assault in family households.

The findings significantly indicate that physical assault is instigated against family individuals in Vihiga County. Physical assault perpetrated included pinching, squeezing, pushing, shoving, jerks, blows, shakes, pulls, slaps, bites, kicks, throws, broken bones, miscarriages, abortion and burning with hot substances. These

frequencies show the magnitude of domestic violence perpetrated against men, women and children in the five Sub-Counties of Vihiga County. Nelson (2002) found out that women experienced assault, sexual harassment, physical assaults and threats in the households. According to UNICEF survey women aged 15–49 justified being hit or beaten by their spouses. 90% in Afghanistan and Jordan, 87% in Mali, 86% in Guinea and Timor-Leste, 81% in Laos and 80% in Central African Republic experienced family violence in their homes. 62.4% of women in Tajikistan stated that women are beaten if they leave home without telling their husband. 68% stated that women who argued with husbands were beaten while 47.9% were forced to have sex against their consent while 80% of women in rural Egypt faced physical assault (Adebayo, 2014).

**Table 4.9 Frequency of Sexual Abuses**

Assault occurrence among household heads	Valid Percentage	Percent	Cumulative per cent
Several times	59	17.8%	17.8%
Few times	90	27.1%	44.9%
None	183	55.1%	100.0%
Total	332	100.0%	
Missing counts	6		
Total	338		

**Source: Field Data, 2017**

The study sought to examine whether family violence took place at night. The results from the household heads show 181 out of 330 (54.8%) strongly agreed that family violence took place at night, 68 out of 330 (20.6 %) agreed, 39 out of 330 (11.8 %) were neutral, 12 out of 330 (3.6%) while those who strongly disagreed were 30 out of 330 (9.1%) out of a total of 338 questionnaires returned from the field for analysis. The results from the table 4.11 show 54.8% and 20.6% (75.4%) agreed that family violence took place at night. The results significantly show family violence takes place at night. The reason for the violence could be frustration and aggression due failure to attain daily family needs. This type of violence occurs in families encountering challenges of resource or poverty cycles. The household heads that cannot provide family support because they are frustrated and may resort to violence against family members.

These findings attributes to frustration-aggression that postulates that deprivation of basic provisions for individuals lead to family strives and conflicts. According to Kaluyu (2007) factors like lack of resources, increasing level of poverty, cultural ideologies, lack of legal protection, and alcoholism are key attributes to family violence. The management of domestic violence calls for integration approach between the law enforcers and communities in Vihiga County. According to Wollstonecraft both sexes contribute to inequalities hence need education to ensure necessary changes of their social attitudes (Tandon, 2006).

The findings of 13 out of 13 (100%) Police Officers and 4 out of 4 (100%) Court officers, 4 out of 4 (100%) Children Protection Officers and 41 out of 41 (100%) Assistant Chiefs reported that rape victims were coerced and raped at night in dark

places. The perpetrator used clubs, hatchets, spears, knives, machetes and other weapons to instigate violence against family members. One of the Luanda Assistant Chiefs said:

Perpetration of domestic violence was a closed-door family event mainly perpetrated at night compared to daytime occurrences (Luanda Assistant Chief, 2017).

The findings revealed that perpetrators not only used psychological abuse but also weapons to inflict pain and injuries against family members in the study area. According to Barnish (2014) violations, unevenness on responses and inability to deliver good practice are reasons why domestic violence is not reported. The police lack consistency in arrests and charging responses linked to proactive domestic violence policing strategies. Police systems are poorly designed, management and with inefficient dissemination systems. This significantly show domestic violence is poorly managed by law enforcers hence creating challenges between intervention strategies, victims and perpetrators.

#### **4.4 Perpetrators and Victims**

The section examined the extent by which male, female and children perpetrated domestic violence in the family households. The section looked at male as Perpetrators and Victims, female as Perpetrators and Victims and children as Perpetrators and Victims of domestic violence in Vihiga County. The findings established that males, females and children were direct linked to instigators of domestic violence in the community. The construct examined incidences where men were reported to have perpetrated domestic violence against individual within a family relationship. According to Mutiso *et al* (2010) domestic violence in households

is perpetrated by husbands, father, male children and other family members on which the findings was based.

#### **4.4.1.1 Male as Perpetrators**

The study sought to examine whether men perpetrated domestic violence in Vihiga County. The results in table 4.10 show 143 out of 322 (44.4%) strongly agreed 83 out of 322 (25.8%) agreed that men perpetrated of domestic violence against family members. 39 out of 322 (12.1%) were neutral, 23 out of 322 (7.1%) disagreed while 34 out of 322 (10.6%) strongly disagreed that men perpetrated domestic violence against family members in the study area. From the analysis of those who agreed and strongly agreed (223 or 70.2%) was significant that male gender perpetrate domestic violence against family individuals. The findings show male's patriarchal power dominance over women and children in families and society. According to Mutiso *et al* (2010) women who experienced domestic violence reported being assaulted by husbands, fathers and male children.

The assistant chiefs showed 23 out of 41 (56.1%) affirmed that men are perpetrators of domestic violence while 18 (43.9%) were neither neutral nor disagreed that men perpetrated domestic violence in Vihiga County. A Sabatia Assistant Chief said:

Men have assumed power over their spouse and children hence violate the human rights accord (Sabatia Assistant Chief, 2017).

Court Officers frequencies show 3 out of 4 (75%) from Vihiga and Hamisi Principal Magistrate Courts rank men as perpetrators while 1 out of 4 (25%) remained neutral on the construct significantly showing men perpetrated domestic violence against family members. The Magistrates being the custodians of social justice and domestic

violence law enforcement acknowledged prevalence of male violence in Vihiga County. According to Abu-Gyamfi (2004), legal protection within the sanctity of the home is a strong factor that perpetuates violence against women and children. He further stated that in many countries violence was exacerbated by legislation, law enforcement and judicial systems that do not recognize domestic violence as crime. The law enforcement officials frequently reinforce the barterer's attempts to control and demean the victims.

The findings from Children Protection Officers revealed that 3 out of 4 (75%) illustrated male perpetration of domestic violence in Vihiga County, 1 out of 4 were neutral on the construct. The officers have the mandate of handling cases on violence against children in the study area. From the analysis 1 out of 4 (25%), Children Protection Officers remained neutral on the construct. The results illustrated that 3 out of 4 (75%) Children Protection Officers clearly revealed that children and other family members were subjected to male violence. According to Abu-Gyamfi 2004 children get hurt when they see parents being yelled at, pushed or hit, they feel confused, stressed and depressed. They may eventually develop negativity in life likely to commit violent criminal acts as juveniles and adults. Vihiga county children protection officers have to investigate violence perpetrated by men against children in order to develop intervention strategies to end the practice.

The Police Officer's results illustrated 9 out of 13 (69.23%) acknowledged men as perpetrators of domestic violence in Vihiga County. 4 out of 13 (30.77%) disagreed that men are perpetrators of domestic violence in the family. The frequencies and percentages of the police 9 (69.23%) who agreed are higher compared to 4 (30.75%)

that disagreed significantly illustrating that male violence was experienced by individuals. Kenya police criminal records of 2009 and 2010 show defilement was 2242 in 2009 and 660 in 2010, incest was 157 in 2009 and 192 in 2010, sodomy was 148 in 2009 and 130 in 2010, bestiality was 18 in 2009 and 23 in 2010 and bigamy was 5 in 2009 and 5 in 2010. The figures were decimal in showing challenges in reporting and documenting incidences of domestic violence. It significantly reflects inadequacy of interventions by law enforcement institutions in Kenya.

The gender violence mostly affected females with prime perpetrators being males. The criminal report clearly illustrated domestic violence as common practice among individuals in families in Vihiga County. This implies that the police were responsible in enforcing the law for protection of families against domestic violence. The findings show male power dominance as factor in perpetration of family violence. According to Poipoi (2011) domestic violence is propagated by men towards women in any social relationship of humanity. Philomena (2009) stipulated that traditional anthropological studies of kinship and family are patriarchal, male-based ignoring and misrepresenting matriarchal roles of women.

The frequencies from household heads accumulatively show 226 (70.2%), Assistant Chiefs 23 (56.1%), Court officers 3 (75%), Children Protection Officers 3 (75%) and Police Officers 9 (69.23%) men are perpetrators of domestic violence. The frequencies significantly show that male dominance in family households leads to serious perpetration of domestic violence in Vihiga County. In a survey carried out between 2008 and 2014 on domestic violence; 32 men were reported to Luanda Police

Station for rape while Vihiga Police Station had 49 men prosecuted at Vihiga County Courts. One of the Police Officer from Vihiga Police Station said:

Females were sexually assaulted by males aged between 21 to 35 years who perform the acts of violence under the influence of alcohol and drugs locally available in communities in Vihiga County (Vihiga Police Officer, 2017).

In relation to this study Orlale (2013) observes that KDHS statistics between 2008 and 2009 men perpetrated violence against intimate partners in Kenya. According to FIDA, in 2010 79.2% of men were identified as perpetrator of gender-based violence compared to 14.6% female spouses. McCue (2008) observed that the oppression of women and the right of husbands to physically abuse their wives is rooted in patriarchal male power. Harne (2011) observed that fathers use physical violence against both mother and children estimated at (30-60) %. According to the findings of the study men are perpetrators of domestic violence in Vihiga County. Feminist view patriarchy as a manifestation of hierarchy and power hence advocate for the state intervention strategies to end anarchical struggles in the family.

#### **4.4.1.2 Females as Perpetrators**

The researcher sought examine whether women were perpetrators of domestic violence in Vihiga County. The results in table 4.10 show 74 out of 321 (23.1%) of household heads strongly agreed and 64 out of 321(19.9%) agreed that women perpetrated domestic violence against individuals in households, 63 out of 321 (19.6%) were neutral, 45 out of 321 (14.0%) disagreed and 75 out of 321(23.4%) strongly disagreed that women perpetrated domestic violence against individual in households in Vihiga County.



The results show that women significantly perpetrated domestic violence against males and children in Vihiga County. The percentages of 74 (23.1%) and 63 (19.9%) totalling to 138 (43%) clearly show female gender perpetrate domestic violence in families. The respondents who were neutral 63 (19.6%) while 45 (14%) disagreed and 75 (23.1%) strongly disagreed female perpetrate domestic violence against family members in Vihiga County. Women are equally aggressive in the family especially when provoked or violated. There were instances whereby women have burnt their spouses with hot substances and used weapons during family violence incidences. They project violently to anybody in vicinity, hit children and house helps with blunt objects accompanied with verbal abuses and intimidations. One woman household head during FGD discussion said:

My husband intimidated me, cohabited with other women, and abandoned the family so I decided to burn him with hot water due to anger (Woman from Luanda Sub County, 2017).

According to Adebayo (2014) men's group in Kenya named *Maendeleo Ya Wanaume* (Progress for Men) announced an initiative for nationwide protest against female perpetrated domestic violence. All men were to boycott meals made by wives and partners but eat away from home, share domestic abuse experiences whether physical or emotional. Adebayo reiterated that men who don't provide for their families suffered deformed faces, broken legs, burnt bodies and chopped private parts (Adebayo, 2014).

Interviews conducted by the researcher with Assistant Chiefs show 19 out of 41 (46.34%) Assistant Chiefs cited women as perpetrators of domestic violence among

households while the rest 22 out of 41 (53.66%) in table 4.10 stated that women were not perpetrators of domestic violence in the area of study. According to the results perpetration of domestic violence has a low rating as compared to their male counterparts. The assistant chiefs arbitrated domestic violence offences referred to them by police officers hence they had right information on the nature and extent in which females were perpetrators. The changing gender role has created competition of interest between men and women leading to violence across family and community levels. According to Renzetti & Curran (2003) women commit crimes generally characterized as masculine traditionally committed by men. Family conflicts are frequent due to changing gender norms. They carry out their tasks independently without particular attachment of men (Oyeneye, 1998).

The information justifies the findings that women are perpetrators of domestic violence in Vihiga county families and communities. Harne (2011) study of 100 household couples in United Kingdom women were violent towards male partners by slapping or throwing objects for self-defence as compared to men who intimidate their victims physically. It was therefore clear that females perpetrated domestic violence in Vihiga County.

The finding of Court Officer show 1 out of 4 (25%) stated that women perpetrated domestic violence against household individuals which was significantly low compared to 3 out of 4 (75%) who reiterated that women hardly perpetrate domestic violence against household individuals in Vihiga County. The Court Officers being the custodians of law enforcement on domestic violence and prosecutor of offenders stated that women were the victims during domestic violence occurrences compared

to men. The findings therefore affirmed that females contributed to domestic violence perpetration in the study area.

Domestic violence brings out gender as a social construction of power between men and women in relation to their individual identity, values, roles and responsibilities that are socially constituted (Kaye, 2006). The findings from Police Officers in table 11b show 2 out of 13 (15.35%) that women perpetrated domestic violence in Vihiga County. The rest of the Police respondents 11 out of 13 (84.85%) stated that women are barely involved in the perpetration of domestic violence in the family households. These results imply that women instigation of domestic violence was less rated compared to the male counterparts in the community.

The contributing factors could be lack of reporting, fear for further intimidation and violence in close relationships. These deters the law enforcer from keeping relevant criminal data on gender groups involved in instigating family violence in Vihiga County. According to the Australian law a police officer or child protection officer must apply for a local court of protection for the wellbeing of the victim (Northern Territory of Australia Judiciary, 2017).

On whether both men and women instigated domestic violence, Table 4.10 revealed that 127 out 330 (38.5%) household heads strongly agreed and 97 out of 330 (29.4%) agreed that both men and women instigated domestic violence. Out of the total responses, 56 out of 330 (17%) were neutral or uncertain on the construct while 23 out of 330 (7%) disagreed and 8.5% strongly disagreed that both men and women instigated domestic violence against family members in Vihiga County. The

accumulative frequencies of the household heads that strongly agreed and agreed were 280 (67.9%). There is significance that both men and women instigate domestic violence against the household individuals in Vihiga County.

According to the findings 23 out of 41 (56.9%) Assistant Chiefs stated that both male and female gender instigated domestic violence against individuals in family households while 19 out of 41 (43.1%) disagreed to the statement. Hamisi and Vihiga Principal Magistrate Courts show 3 out of 4 Court Officers (75%) reported that both men and women instigated domestic violence while 1 out of 4 (25%) disagreed, 4 out of 4 (100%) Children Protection Officers and 9 out of 13 (69.23%) Police Officers accepted that both male and female perpetrated domestic violence. 4 out of 13 (30.73%) Police Officers remained neutral. Studies have shown that females are aggressive and use weapons to assault male and child in the family (Felser, 2014).

According to household heads, assistant chiefs, court officers, children protection officers and police officers both males and females perpetrated domestic violence in Vihiga County. The results revealed that men and women confronted each other for self-defence and protection. Studies also show men and women are inherently aggressive when provoked. Atetwe's study of 2013 proved elderly abuse and spouse violence stood at 12.9%, adult children violence was counted at 24.9%, grandchildren 15%, siblings 3.1%, daughter's in-law 27.9%, other relatives 8%, other 7.8% and unknown 0.9%. In another study conducted by FIDA in 2005 domestic violence in the form of physical abuse, sexual abuse, intimidation was perpetrated by men, women and same-sex (Nyaundi, 2005). The findings affirm that both genders in perpetrated domestic violence against household members.

#### **4.4.1.3 Children as Perpetrators**

The household heads were asked whether children took part in perpetrating domestic violence. The results in table 4.10 show 63 out of 327 (19.4%) and 62 out of 327 (19.1%) strongly agreed and agreed that children perpetrated domestic violence, 53 out of 327 (16.3%) were neutral, 56 out of 327 (17.2%) disagreed while 93 out of 327 (28.0%) strongly disagreed that children perpetrate family violence in Vihiga County. Those that strongly agreed and agreed 125 (38.5%) and 53 (16.3%) significantly show children perpetrated domestic violence against family members in Vihiga County.

A total of 149 (45.2%) disagreed and strongly disagreed significantly showed that children do not perpetrate domestic violence in Vihiga County. The frequencies evidently show that children can be influenced to indulge by parents in perpetrating domestic violence. According to Jaluo (2011) boys who see their fathers beat their mothers become abusive. Gyamfi observed that children exposed to family violence grew up learning that it's okay to hurt other people and vice versa. Studies have shown that boys who witness fathers beat their mothers are ten times likely to be abusive adults in intimate relationship (Abu-Gyamfi, 2004). This implies that children inherently develop and replicate violent behaviours from violent adults. Table 4.10 Domestic Violence Perpetrators on the next page.

**Table 4.10 Domestic Violence Perpetrators**

Household heads response on domestic violence perpetrators	SA	A	N	D	SD
Men perpetrate domestic violence among households	44.4% 143	25.8% 83	12.1% 39	7.1% 23	10.6% 34
Women perpetrate domestic violence among households	23.1% 74	19.9% 64	19.6% 63	14.% 45	23.4% 75
Both male and female perpetrators of domestic violence among households	38.5% 127	29.4% 97	17.0% 56	7.% 23	8.2% 27
Children as perpetrators of domestic violence among households	19.4% 63	19.1% 62	16.3% 53	17.2% 56	28.0% 93

**Source: (Field Data, 2017)**

#### **4.4.2 Victims of Domestic Violence**

The Federation of Women Lawyers in Kenya advocates for a society that is free from all forms of discrimination against women (Uwayo, 2014). At the same time the constitution of Kenya 2010 in chapter of the bill of rights protects all citizens against all forms of violence and discrimination. The section discusses findings of male, female and children victims in relation to other studies.

#### **4.4.2.1 Male as Victims**

The researcher sought to examine whether men were victims of domestic violence in the family. Table 4.11 show 91 out of 328 (27.7%) strongly agreed that men were victims of domestic violence, 46 out of 328 (14.0%) agreed, 55 out of 328 (16.8%) were neutral, 64 out of 328 (19.5%) disagreed while 72 out of 328 (22.0%) strongly disagreed. According to the general analysis 91 out of 328 (27.7%) strongly agreed and 46 out of 328 (14.0%) agreed men experience incidences of domestic violence in their families.

Violence against men was instigated by female spouses, children or fellow men due to failure to meet their basic roles in the family. The total frequency of household heads 138 out of 321 (43%) strongly agreed and agreed that men were victims of domestic violence. Men and women suffer family conflicts since both encounter challenges that need to be addressed in order to prevent violence. The findings show domestic violence was perpetrated against men in family households in the study area. Feminist theorists advocate for legal rights, rights to bodily integrity and autonomy for the protection of victims of domestic violence, sexual harassment, rape and other forms of gender violence in the family (Gutton, 2006).

According to Calfrey & Mundy (1995) male violence manifest as rape, battering and murder instigated through patriarchal instruments of violence enshrined in society. Domestic violence against men has been on steady increase in Kenya and its assuming a worrisome dimension. In 2011 five hundred thousand (500) men were battered by wives, mainly attributed to female superiority complex against men. In 2011 BBC reported 460 men acknowledged being subjected to domestic abuse

(Adebayo, 2014). The problem with men suffering domestic violence is that men are violated in the society. They are hardly given a listening, branded as aggressors even neglected by the police and law enforcement agencies (ibid). It is therefore evident that men were victims of domestic violence in Vihiga County.

#### **4.4.2.2 Females as Victims**

The results in table 4.11 illustrated that 149 out of 325 (67%) household heads strongly agreed, 69 out of 325 (21.2%), agreed that women were victims of domestic violence in Vihiga County while 36 out of 325 (11.1%) remained neutral, 33 out of 325 (10.2%) disagreed and 38 out of 325 (11.7%) strongly disagreed that women are victims of domestic violence. The results significantly show women are victims of domestic violence 218 out of 325 (67%) agreed and strongly agreed compared to 107 out of 325 (41.7%) were neutral, disagreed and strongly disagreed on the construct.

One female victim in FGDs said:

He went to the kitchen, picked a wooden club, grabbed me, brutally hit my forehead like a snake, and canded me like a little child using a whip, broke my left rib plus right hand leaving me helpless (Luanda Female FGD, 2017).

In regard to intimate partner violence FIDA provides legal representation in court cases as well train clients to represent them in court. The organization further provides individual, group and peer counselling to female victims (Uwayo, 2014). In relation to these findings selected global statistical survey show intimate partners who were killed three quarters were females while a quarter was males. In 1999 in the United States 1,218 women were killed by intimate partners and 1181 females in 2005. In England and Wales about 100 women are killed each year and 156 women in 2008 in



France. Women experienced higher levels of physical or sexual violence computed at 44% compared to 18% of men globally (Adebayo, 2014). Kenya demographic health survey 2010 also shows 45% of women aged 15-49 years have experienced physical and sexual violence. Kenya Police crime records 2007 show 1151 cases of rape and 1782 cases of defilement having been reported to Kenya Police.

The Waki Report (2008) 524 or 80 Percent of survivors of GBV treated at the Nairobi Women's Hospital suffered from rape and defilement, 65 or 10 Percent from domestic violence with the remaining 10 Percent counted for physical and sexual assault. According to Murungi (2012), women face traditional injustice that is male-oriented. In Britain women victims experience physical injuries compared to men; one (1) in every three (3) girls experience sexual violence while one (1) in four (4) girls experience physical violence from male partners. Harne (2011) observed that violent fathers raped and damaged spouse's image in front of children estimated at a rate of (30-60) %. In conclusion, it is imperative that women are basically victims of domestic violence in Vihiga County and Kenya. Sweetman (1998) believes that men's violence is rooted in unequal relations of power between men and women. Patriarchal practices entrenched in male power dominance can be addressed through amendment of domestic law enforcement and the constitution of Kenya 2010 on the rights of household individuals.

#### **4.4.2.3 Children as Victims**

The results in table 4.11 below show 141 household heads out of 323 (43.7%) strongly agreed, 120 out of 323 (37.2%) agreed, 34 out of 323 (10.5%) were neutral,

13 out of 323 (4.0%) disagreed while 15 out of 323 (4.6%) strongly disagreed that Children are at times subjected to domestic violence by parent. The analysis of the households who strongly agreed and agreed on the construct show 261 out of 323 (80.95% stated that children face domestic violence in Vihiga County. The figures significantly illustrated that children were prime victims of domestic violence conflicts in households. Hamisi Police Officer stated:

In 2014 a 13-year old girl at St Mathews Hamisi Primary school in Vihiga County was raped and later her mother was compromised by the perpetrator at only Ksh 50, 000 to withdraw the case (Hamisi Police Officer (Hamisi Sub-county Police Officer, 2017).

Another chief Vihiga sub-county said:

In August 2014, a 21 year young man's body was found dipped in a pit latrine for about 2 months at Echichibulo in Vihiga County (chief Vihiga Sub-county, 2017).

Most of the children fall prey to perpetrators during violent conflicts in the family. Intimate violence perpetrators project violence towards children when intimidated, injured or fail to achieve their intended acts of violence. Parents neglect, abandon or harass their own children on matters of indifference or misunderstanding. Children may suffer violation during divorce or separation of souses during conflict. According to the Law of Kenya 2015 amendment act of parliament, a child is at risk by seeing or hearing physical, sexual, or psychological abuse during domestic violence perpetration. According to domestic law partner violence directly affects the child psychologically that result to post-traumatic disorders.

Vihiga Law Courts Criminal (2014) show that defilement between 2008 and 2014 was counted at 108 cases perpetrated by men of averaged 35 years or above mostly perpetrated against women and girls. The offenders were sentenced between 14 to 20 years of imprisonment while those who defiled children of 1 to 5 years had a life sentence. Fines ranging from Kenya shillings 20,000 to 50,000 or imprisonment were also levied on the offenders. According to Preller domestic violence Act 116 of 1998 of South Africa; victims of domestic violence are given the best possible protection the law can offer.

The Hamisi Magistrate Court data between 2008 to 2014 show 108 defilement offences were committed in Vihiga County. Luanda Police Station 2014 statistics revealed 52 cases of defilement in Emuhaya District were charged Vihiga County Magistrate Courts. Sexual offences by the Kenyan law provided for a maximum of a life sentence but not a minimum sentence giving magistrates liberty to rationalize judgement on perpetrators. The legal framework of criminal justice is laid down by the legislation that specifies the penalties available during court trails.

During FGD discussion one participant stated that in February 2014 a man aged 30 years was sentenced to 20 years of imprisonment by the Court Magistrate for defiling a 14 years old girl from Ebusakami Location. The participants also cited a case of a man put on probation for attempting to defile a 7 year old girl at Wekhomo Village in Emuhaya Sub-county. A study by Nyaundi (2005) revealed that in Khayega and Ciswa in Kakamega County of Kenya several cases of defilement, sodomy, rape, incest, and impregnation of underage girls were witnessed.

According to Muiruri (2013) in 2011 a total of 7,200 children were sexually assaulted and in 2012 there were 6,345 due to underreporting and inconsistent data. According to this study women and children account for 84% of the domestic violence cases reported at Kenyatta National Hospital (KNH). Harne (2011) continues to emphasize that children are physically hit with pockets, bottles, furniture and even banged against the walls by biological fathers rated at 16% of the 14% cases perpetrated by stepfathers. The study of Muiruri (2013) and Harne (2011) therefore backs up the findings that children are victims of domestic violence in Vihiga County.

**Table 4.11 Victims of Domestic Violence**

Victims of Domestic Violence	SA	A	N	D	SD
Males as victims of domestic violence in the family	27.7%	14.0%	16.8%	19.5%	22.0%
	91	46	55	64	72
Females as victims of domestic violence in the family	45.8%	21.2%	11.1%	10.2%	11.7%
	149	69	36	33	38
Children as victims of domestic violence in the family	43.7%	37.2%	10.5%	4.0%	4.6%
	141	120	34	13	15

**Source: (Field Data, 2017)**

#### **4.5. Factors Influencing Domestic Violence**

Factors that lead to domestic violence perpetration were cited as availability of weapons, use of alcohol and drugs, aggressive behaviour, lack of awareness of

protection and safety rights, patriarchal practices, technology and inadequate resources. According to Stockard and Johnson (1992), men usually abuse their spouses due to traditional influence on gender roles. Chalangat (2010) point out that high level of domestic violence in families is influenced by depressed economic conditions in the community. Chalangat further denotes that deprivation, discrimination, gender parity and cultural background cause inequality, powerlessness that influences domestic violence in the family.

#### **4.5.1 Availability of Weapons for Instigating Domestic Violence**

The household heads were asked whether perpetrators used weapons instigating domestic violence. The findings in table 4.12 show 107 out of 317 (33.8%) household heads strongly agreed that weapons were used during perpetration of domestic violence, 78 out of 317 (24.6%) agreed, 62 out of 317 (19.6%) were neutral, 33 out of 317 (10.4%) disagreed while 37 out of 317 (11.7%) strongly disagreed that weapons were used to perpetrate domestic violence against family members. According to the findings, a total of 185 (58.4%) agreed and strongly agreed that weapons were used in perpetrating domestic violence against family members in Vihiga County. The percentages significantly revealed weapon and dangerous substances were used by violent family members to commit physical assaults in the households.

Weapons cited by household heads comprised machetes, hatchets, knives, acids, hot water, thorns, clubs, itchy substances from poisonous trees (*erambatsa*), ropes, stones, fire, an blunt and sharp were used by the perpetrator to perpetrate physical violence against men, women, children and other household individuals. Sharp weapons were

majorly used to cause cuts, bodily injuries, grievous harm and murder of the victims. Substances like acids, petrol and hot substances (water, oil, fats and salads) were purposed to harm and disfigure the victims. Out of the responses 62 (19.6%) were neutral that weapons were used in perpetrating domestic violence in Vihiga County.

The results significantly showed weapon enabled perpetration of domestic violence against family individuals. According to Feldman, Karl Marx, Friedrich Engels and Emile Durkheim theories, conflicts generate aggression that lead individuals to commit violence against each other in society. The perpetrators with aggressive behaviours are prone to use weapons against intimate partners. National Violence Against Women Survey [NVAWS] of 2002 revealed 41.5% of women sustained injuries, cuts and bruises, broken bones, internal injuries, knife wounds, gunshot wounds by intimate partners attacks (Roberts, 2002). Feminist studies reveal that both female and male use weapons to assault their victims. They reiterate that in severe injuries 71.4% of males and 22.2% of females use weapons to perpetrate domestic violence in households (Felser, 2014).

**Table 4.12 Availability of Weapons for Perpetrating Domestic Violence**

Weapons used to perpetrate domestic violence	SA	A	N	D	SD
The perpetrators use weapons in instigating domestic violence	33.8%	24.6%	19.6%	10.4%	11.7%
	107	78	62	33	37

**Source: (Field data, 2017)**

#### 4.5.2 Availability of Alcohol

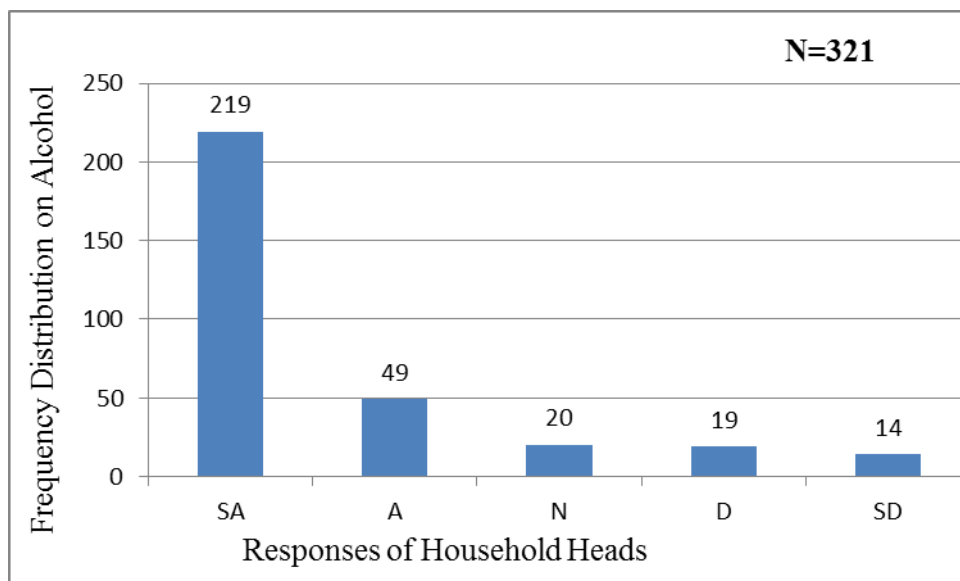
The research sought to find out whether availability of alcohol contributed to violence in the family. The findings on alcoholism in Figure 4.1 show 219 out of 321 (68.4%) of household heads strongly agreed that availability of alcohol contributed to violence in the family. 49 out of 321 (19.2 %) respondents agreed, 20 out of 321 (5.3%) were neutral that availability of alcohol contributed to family violence in Vihiga County. In the same category 19 out of 321 (2.5 %) disagreed while 14 out of 321 (4.0 %) strongly disagreed that availability of alcohol influenced family violence in Vihiga County. According to the household heads, a total of 87.6% (68.4% and 19.2%) agreed and strongly agreed that alcoholism majorly influenced family violence against family household individuals in Vihiga County. The category of household heads who were neutral were 20 (5.3%) while 33 (7.1%) disagreed and strongly disagreed that availability of alcohol did not influence family violence in Vihiga County.

The results show a significant relationship between availability of alcohol and domestic violence in Vihiga County. Alcoholism contributes to sexual and physical abuses against men and women in households. A study in Kisumu by Uwayo (2014) affirmed that wives whose husbands drink alcohol were at a higher risk of being physically and sexually abused in their life time. The law of Kenya 2009 states that intoxication shall not be a defence for any criminal charge if thereof the person charged is aware of the act of omission complained whether it's wrong or right. According to the respondents alcoholic substances consumed by perpetrators in Vihiga County are *chang'aa* and *busaa* (local illicit brews) commercial liquor such as Countyman Spirits, Gin Wine, Beer, Sapphire Spirits, Coffi Spirits, Dry Cane, *Uganda Waragi*, *Simba*, Steroids, Inhalants, Glue and Petrol and other intoxicating

substances. Alcoholism impairs mental capacities leading to aggression that generate violence acts against family members in Vihiga County. A female victim from Luanda said:

Men work for money but instead of purchasing food and other household need they spent it all on drinking *chang'aa* and *busaa*. When they reach house they violently demand for providing food (Luanda Female Victim, 2017).

According to the findings men, women and children who indulge in consuming these substances cause violence in families. Drunkards who fail to provide for the family are intimidated, humiliated, assaulted and harassed by intimate partners. It is evident that alcohol consumption activated perpetration of domestic violence against family members in Vihiga County. According to Mutiso *et al* (2010) family disagreements, financial constraints and extramarital affairs of spouses led to fights due to alcoholism and substance abuse. The findings are justified by frustration aggression theory that propounds that people become frustrated when they fail to attain their goals hence strike other through tongue lashing to overt violence.



**Figure 4.1 Frequency on Availability of Alcohol Source: Field Data, 2017**



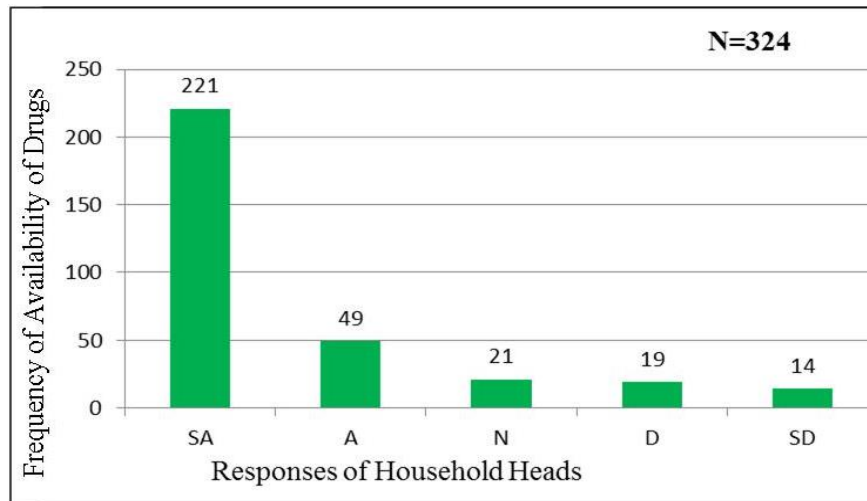
### 4.5.3 Availability of Drugs

The findings on whether drug abuse contributed to violence in the family. Figure 4.2 show 221 out of 324 (68.2%) household heads strongly agreed that drug abuse contributed to family violence, 49 out of 324 (15.1%) agreed, 21 out of 324 (6.5%) were neutral, 19 out of 324 (5.9%) and 14 out of 324 (4.0%) disagreed that drug abuse contributed to family violence in Vihiga County. The results significantly show drug abuse contributed to family violence offences in Vihiga County. Some of the most abused drugs include *mirra*, *kuber* and cannabis (*bhang*) locally available in Vihiga County communities. The finding of those who agreed and strongly agreed tabulated at 270 (83.3%) indicates a high level of drug abuse and addiction leading to high frequencies of family. The study found out that most of the perpetrators who use cannabis (*bhang*) used weapons to instigated violence against family individuals. Drug abuse was cited as a major cause of GBV in Nyeri County.

In a study conducted by NCRC in 2014 on GBV in Kenya a GK Prisons Officer observed:

Some men abuse alcohol and drugs such as *bhang*. They become irresponsible, with some failing to take care of their families, others sexually abusing their daughter and beating their wives. The women can no longer persevere but decide also to beat the men when drunk, others pour hot water on them while others stab them to revenge or vent out the frustrations caused by irresponsible behaviour (GK Prisons Officer, 2017).

According to NCRC (2017) men who abuse their wives do it under the influence of drug abuse such as *bhang*. They become irresponsible failing to take care of their families, sexually abuse their daughters and batter their wives. At the same time women may beat their fellow men when drunk, pour hot water on them, stab to revenge or vent out the frustrations.



**Figure 4.2 Frequencies on Availability of Drugs (Field Data, 2017)**

**Source: Field Data, 2017**

#### **4.5.4 Aggression against Individuals**

The findings on whether aggression by males or females contributed to domestic violence in Vihiga County. According to table 4.13, 113 out of 336 (33.5%) household heads strongly agreed that men were aggressive to female spouses and children, 83 out of 336 (24.8%) agreed, 65 out of 336 (19.4%) were neutral while 37 out of 336 (11.0%) disagreed and 36 out of 336 strongly disagreed that men, women and children were equally aggressive in families. The frequencies with strongly agreed counted as 113 out of 336 (33.5%) and agree 83 out of 336 (24.8%) totalizing to 196 (58.3%) clearly implied that aggressive individuals contributed to domestic violence against households in Vihiga County in forms of assaults, rape, physical, emotional and psychological violence. Feminist theory affirms that dominance, strength, virility, superiority, passivity, weakness and inferiority attributes to aggression and self-defence that are predictors of domestic violence in family households.

The household heads were asked whether women aggressiveness generated family violence. According to the findings in table 4.13: 181 out of 330 (54.8%) strongly agreed, 68 out of 330 (21%) agreed that aggressive women generated violence in the family. 39 out of 330 (11.8%), 12 out of 330 (3.6%) disagreed and 30 out of 330 (9.1%) that women equally committed domestic violence offences against family members. The results show aggressive women sparked domestic violence against household members in Vihiga County. According to the household heads aggression by intimate partners contributed to domestic violence incidences. Most of domestic violence cases comprised arson, assault, defilement and murder of spouses. According to a Sabatia Assistant Chief:

Women exaggerated domestic violence by being hostile to their husbands (Sabatia Assistant Chief, 2017).

Another Sabatia Sub-county Assistant Chief added:

Spouses caused bodily harm to one another, threatened, abused, caused psychological torture and emotional abuse (Sabatia Sub-county assistant Chief, 2017).

Sabatia Children Protection Officer (2017) added that men are wife batterers whenever misunderstandings arose in the family. The interview with Hamisi police Officer revealed that women and children were prime victims of domestic violence. In most of the communities' women and children victims were the recipients of domestic violence atrocities. Hamisi & Vihiga Police Officers conceded that:

In some cases women punish their husbands on matters of indifference during decision making in household (Hamisi and Vihiga Police Officers, 2017)

A Sabatia Assistant Chief said:

Male perpetrators are dangerous persons to everyone including the police. At times both gender batter each other following domestic differences (Sabatia Assistant Chief, 2017).

Stress among household individuals was cited to trigger aggression against spouses and children leading to domestic violent incidences. FGDs acknowledged that men and women who indulged in alcoholism and drug abuse exhibit aggressive behaviours that spark family violence in Vihiga County communities. One FGD female respondents said:

Aggressive parents assault, practice incest as well as rape against each other and even subject children to domestic violence (FGD, 2017).

According to Poipoi (2011) males are involved in bullying females. These type of violence included calling names, hitting, kicking, teasing, threatening and verbal bullying of victims. Male masculinity is associated with aggression and sex conquest domineering sexual behaviour and violence (Poipoi, 2011). One Luanda Assistant Chief cited:

Some degree of disrespect and anger is unleashed to spouses. Husbands who are stressed project to their household members to release stress and anger (Luanda Assistant Chief, 2017).

Pride was cited as a contributor to domestic violence in Vihiga County. Pride can be used as tool of escalating aggression among household individuals. According to Vihiga Assistant chief:

Women are perpetrators of domestic violence because they are proud and are always ready to separate to live a single life (Vihiga Assistant chief, 2017).

Another Sabatia Assistant Chief said:

Violence originates when spouses feel inferior due to disparity in income. The one with more income intimidates the other hence spark disagreement and physical violence against individuals within the households (Sabatia Assistant Chief, 2017).

In line with these findings Oketche (2015) posits that since the middle of the 20<sup>th</sup> century, domestic violence against children has been manifested as psychological or social phenomenon. According to Oketche gross violation of children rights affect their physical safety, psychological security and wellbeing.

The household heads were asked whether people with inequality in property distribution led to family violence. The result in table 4.13; show 46 out of 313 (14.7%) strongly agreed 35 out of 313 (11.2%) agreed that people inequality in property led to domestic violence while 58 out of 313 (18.5%) remained neutral, 61 out of 313 (19.5%) disagreed and 113 out of 313 (36.1%) strongly disagreed that inequity in property generated family violence in Vihiga County. According to the findings, 174 out of 313 (55.6) disagreed and strongly disagreed insignificantly implied that property led to domestic violence against household individuals in Vihiga County.

The results of household heads who disagreed had higher frequency 174 (55.6%) compared to 139 (44.4%) who significantly alluding to the fact that domestic violence across cuts all levels of class among households. Most of this violence was due to unequal distribution of property of resources. The deprived household individuals resorted to violence in demand for property rights. According to Stockard & Johnson

(1992) men abuse their spouses on issues of gender roles and socioeconomic obligations.

**Table 4.13 Frequencies on Aggression against Household Individuals**

Occurrences Aggression	SA	A	N	D	SD	TOTAL
Aggressive men commit domestic violence offences	33.5%	24.8%	19.6%	11.0%	11.3%	100%
	113	83	66	37	38	337
Aggressive women commit domestic violence offences	54.8%	21%	11.8%	3.6%	9.1%	100%
	181	68	39	12	30	330
People with property instigated family violence	14.7%	11.2%	18.5%	19.5%	36.1%	100%
	46	35	58	61	113	313

**Source: (Field Data, 2017)**

#### **4.5.5 Awareness of Protection and Safety Rights**

Lack of awareness of individual protection and safety rights was cited as a factor causing escalation of domestic violence. Sabatia Assistant Chief said:

The less educated household members physically coerce spouse and children while the educated ones go by consensus (Sabatia Assistant Chief, 2017).

According to Sabatia Assistant Chief:

Uneducated family individuals believe that a man has a right to beat his wife (Sabatia Assistant Chief, 2017).

In another interview with Hamisi Assistant Chief; there is competition and aggression by the educated individuals in households. The Assistant chief said:

When both parties are educated, there is the issue of who is who among the households (Hamisi Assistant Chief, 2017).

The report from the FGDs significantly showed that most family violence was due ideological differences and intolerance by family members. The respondents attributed this factor to illiteracy that caused misunderstandings and frequent violent conflicts among households. According to Vihiga court officer (2017) those who have higher education use rational as compared to the illiterate who lacked requisite skills for resolving family disputes in their families. The findings show that majority of household members in Vihiga County were ignorant of domestic violence laws. Hamisi Court Magistrate Stated: Men are insecure with educated spouses (Hamisi Court, 2017). Schmallegger (2004) pointed out that family education level determine socioeconomic status individuals and if depraved generate cycles of conflicts.

#### **4.5.6 Patriarchal Practices**

On whether patriarchal practices contributed to domestic violence; the findings from the Assistant chiefs, the Police officers, Court Officers and Children Protection Officers show retrogressive cultural practices helped to instigate domestic violence in Vihiga County.

According to Hamisi Police Officer;

Retrogressive cultural practices press down women from reporting violations by male counter parts amongst the households (Hamisi Police Officer, 2017).

One of the Assistant Chiefs from Vihiga stated:

Domestic violence is influenced by culture and traditions of a given people (Vihiga Assistant Chief, 2017).

According to Vihiga Court Magistrate:

Sometimes women are raped and sexually molested by their husbands within households but they hardly report the offences to authorities (Vihiga Court Magistrate, 2017).

In this respect Poipoi (2011) noted that girls in societies where women of low status suffered sexual violence victimization. Poipoi reiterated in Latin America, South Asia and Islamic East Asia, sexual violence against girls was prohibited for it infringed sexual purity of girl gender. Luanda Assistant Chief said:

Women spouses suffer psychological trauma and temperament due traditional cultural practices that insubordinates them in society (Luanda Assistant Chief, 2017).

In some cases domestic violence involves family next of kin hence hinder the evidence for court proceedings and prosecution of the offenders. One Emuhaya Assistant chief said:

Most husbands believed that domestic violence was solved customarily hence treated as a household matter (Emuhaya Assistant chief, 2017).



Table 4.14 show 76 out of 338 (22.5%) household heads strongly agreed, 76 out of 338 (22.5%) agreed that cultural practices helped to fan domestic violence. 55 out of 338 (16.3%) were neutral, 55 out of 338 (16.3%) disagreed while 76 out of 338 (22.5%) strongly disagreed on the construct. The frequencies of those who agreed 152 (45%) reflected that cultural practices enshrined in patriarchy contributed to domestic violence. cultural practices of gender socialization, cultural definitions of appropriate sex roles within relationships, belief in the inherent superiority of males accelerate family violence considered as private sphere and under male (Mutiso *et al*, 2010).According to Poipoi (2011), sexual violence was a product of gender relations enshrined in patriarchal systems that produce social structures of inequality in society. Poipoi reiterated that male consciousness conforms to the general concepts of masculinity as demonstrated in the Kenyan cultural norms of power, predatory behaviour and aggression. Murungi (2012) observed that traditional stereotypes on gender roles and male-oriented criminal justice made the domestic violence law enforcement extremely difficult.

**Table 4.14 Frequencies of Patriarchal Practices**

Household heads response	Total	SA	A	N	D	SD
Household heads cultural practices contributed to domestic violence in family	338	22.5%	22.5%	16.3%	16.3%	22.5%
		76	76	55	55	76

**Source: (Field Data, 2017)**

#### **4.5.7 Inequitable Distribution of Resources**

Poverty was cited as one of the factors causing domestic violence among households in Vihiga County. One of the Assistant from Sabatia Sub-County reiterated that:

The economic status of individuals in households dictates on how domestic violence is instigated in communities (Sabatia Assistant Chief, 2017).

According to Vihiga Court Magistrate poor families are compromised by perpetrators due to poverty. She stated that:

Financial challenges compelled poor families to indulge in domestic strife and violence (Sabatia Assistant Chief, 2017).

According to Vihiga County Strategic Plan 2013-2017 unemployment among the inhabitants was rated at 65% and economically inactive population pegged at 55% leading to massive poverty and insecurity in the region. Chalangat (2010) points out that depressed socioeconomic status such as unemployment promote high levels of gender violence in society. Renzetti (2011) observed that neighbourhoods with concentration of poverty had high unemployment accompanied with high rates of intimate partner violence, sexual assault and psychological abuse.

The research also sought to find out whether an equitable distribution of family resources helped to reduce domestic violence. According to table 4.15, 133 out of 317 (42.0%) of household heads strongly agreed and 77 out of 317 (24.3%) agreed that inequitable distribution of resources influenced family violence while 41 out of 317 (12.9%) remained neutral, 34 out of 317 (10.7%) disagreed and 32 out of 317 (10.1%) strongly disagreed that inequitable distribution of resources influenced family violence in Vihiga County. The findings show 210 out of 317 (66.3%) of the

informants agreed that inequitable distribution of resources influenced family violence. The results significantly show the scramble for resource allocation generated domestic violence in families.

According to KDHS (2008-2009) survey, spousal violence decreases as the wealth quintile increase and at the same time 53% of women in the lowest wealth quintile experience emotional, physical or sexual violence compared to 40% of women in the higher wealth quintile. The study supports the findings that resource distribution or possession of wealth cannot be banked on as a reliable strategy for combating domestic violence among individuals in Vihiga County.

**Table 4.15 Inequitable Distribution of Resources**

Possession of Property	Total	SA	A	N	D	SD
Equitable distribution of property	311	34.4%	31.2%	13.2%	10.6%	10.6%
help to reduce domestic violence		107	97	41	33	33
Inequitable distribution of resources	317	42.0%	24.3%	12.9%	10.7%	10.1%
influence family violence		133	77	41	34	32

**Source: Field Data, 2017**

#### **4.5 Chapter Summary**

The chapter examined the nature and extent of domestic violence in Vihiga County. The data was categorized into socio-demographic information of which 338 respondents 172 (50.9%) females and 166 (49.1%) males were further grouped into gender, marital status, age, level of education and religion. The responses of respondents were analyzed using SPSS, tabulated into frequency tables, bar- graphs and pie charts as documented in the report. According to the findings of the study there was domestic violence perpetration manifested through gender-based violence, spousal abuse, sexual assault, wife and husband battery, intimate fighting, emotional and psychological abuse. Household heads reported verbal abuse at 28.3%, physical abuse (13.6%), emotional abuse (12%), spiritual abuse (8.6%), and sexual abuse (23%). Physical violence was in the form of pushing 18.1%, hitting and slapping 35.18%, kicking 13.9%, pulling the hair 6.9%, hitting the head against the wall 9.2%, using a weapon 7.7%, strangulation 4.5%, burning with a hot substance 3.9% were significantly experienced families in Vihiga County.

The study revealed that most of the perpetrators targeted the head 34.6%, arms and hands 32.9%, torso 12% and genital was 4.8%. Findings show the violence was instigated at night (75.4%) by females, males and children. Traditional practices, culture, educational background, gender role, income levels, poverty, availability of weapons, alcohol and drug influenced domestic violence in families. Findings of Court Officers show sexual violence, gender-based violence, sexual harassment, defilement, assault, grievous harm, murder, homicide, rape, incest and maiming were common among households in Vihiga County. The police reported affray, corporal punishment, child abuse, wife battering and child neglect. Children Protection

Officers reported sexual harassment, defilement, incest, assault, grievous harm, rape, child and elderly neglect, sexual assault, gender-based violence were commonly perpetrated in Vihiga County. The findings justify the persistent domestic violence as a common practice among families in Vihiga County. The next is chapter five that discusses findings on state intervention strategies employed in dealing with domestic violence in Vihiga County.

## **CHAPTER FIVE**

### **STATE INTERVENTION STRATEGIES EMPLOYED IN DEALING WITH DOMESTIC VIOLENCE IN VIHIGA COUNTY**

The chapter dealt with state intervention strategies employed in dealing with domestic violence in Vihiga County, Kenya. The intervention strategies comprised of non-violent Conflict resolution Strategies. Domestic Violence Law Enforcement Strategies by the family, Assistant Chiefs, Police Officers, Children Protection Officers and Court Officers. Prosecution of perpetrators, gender mainstreaming and involvement of women in combating domestic violence strategies were discussed. Government legislation, law enforcement on domestic violence and support of domestic violence Victims also formed a focus of discussion. Accessibility to legal instruments, dispute awareness programmes on domestic violence, distribution of family, property, and community elders strategies. Dispute conflict resolution, educational approach strategy, law enforcement and effectiveness of law enforcement institutions

#### **5.1 Legal Justice Strategies**

The Kenya constitution (2010) ratified law legislation on the elimination of gender violence and enforcement of human rights accord in Kenya. According to Sirleaf (2002) new legislation to strengthen the old laws on domestic violence is necessary for prosecution of perpetrators in the society. The law enforcement institutions seem to have lapses that encourage domestic violence perpetration in Vihiga County.

### **5.1.1 Domestic Violence Law Enforcement Guidelines**

The researcher asked whether there were law enforcement guidelines dealing with domestic violence in Vihiga County. The findings in table 5.1a show 56 out of 316 (17.8%) household heads strongly agreed, 47 out of 316 (14.9%) agreed, 55 out of 316 (17.5%) while 59 out of 316 (18.7%) disagreed on the construct and 98 out of 316 (31.1%) strongly disagreed that law enforcement guidelines were employed by the government to deal with domestic violence in Vihiga County. According to the findings, 103 (32.7%) agreed there were law enforcement guidelines dealing with domestic violence compared to 212 (67%) household heads who disagreed implying that law enforcement guidelines dealing with domestic violence were unavailable in Vihiga County. The results significantly show the law enforcement on domestic violence remains a legislative challenge in Vihiga County. The findings illustrate that the state has not rolled down legal framework on intervention of domestic violence at community level. The community remains significant if we have to end the war on domestic violence in the family. Benekos & Merdo (2006) observed that legislation in all states require community registration to develop notification legislation to monitor offenders of sexual violence in the community.

In accordance to domestic violence law of Kenya, the police facilitate reporting and prosecution processes to protect the victims (Law of Kenya, 2015). This means that lack of information on domestic laws is a major challenge to persistent domestic violence offences in Vihiga County. The law clearly stipulates in article 7 section 1 that any person who reasonably suspects that an offence of domestic violence is being committed may give such information to the police officer or any other person in authority (Law of Kenya, 2015). Efforts to prevent domestic violent cannot be

effectively be achieved until both the police and the family work in collaboration. USAID (2012) affirmed that the state governments need to establish intra-agency working groups and other state departments for internal coordination, integration, prevention and response in managing domestic violence in families. Coomaraswamy (2000) pointed out that legislation on domestic violence was a modern phenomenon that required drafting of special enforcement laws to combat it.

### 5.1a Domestic Violence Law Enforcement Guidelines

<b>Domestic violence law enforcement guidelines</b>	<b>Total</b>	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
Availability of management strategies dealing with domestic violence in Vihiga County	316	17.8%	14.9%	17.5%	18.7%	31.1%
		56	47	55	59	98

**Source: Field Data, 2017**

The Household heads were asked to list state management strategies they use to combat household violence. According to the results 338 household heads offenders were reported to police stations and assistant chiefs for prosecution. The family members dialogued with each other to resolve family conflicts. At times household heads sought the intervention of faith-based institutions. Dispute resolution mechanism such as mediation, compromise of victims, reconciliation, avoidance, family meetings and prayer for conflicting parties were applied. The findings of firms



that state management strategies employed by household heads depended on the nature and extent of domestic violence perpetrated in the family.

Household heads reported offenders to police station because they have the capacity to enforcement domestic violence laws protect the victims and prosecute the perpetrators. Those who reported to assistant chiefs show that the victims had faith in the assistance provided in dealing with perpetrators for restoration of justice. The results significantly show assistant chiefs, community elders, religious leaders applied dialogue, dispute resolution mechanisms, mediation, family meetings, compromise, reconciliation and avoidance to resolve domestic violence conflicts in the study area. Despite the management strategies applied by law enforcement institutions, domestic violence remains a challenge in families in Vihiga County. According to Felser:

Male offenders are treated more harshly than females by the criminal justice during domestic violence law enforcement. In cases where only the male partner was injured the female partner was charged at 60.2% of the case but in case of a female partner was injured the male perpetrator were charged at 91.1%. No injury males were charged 52.5% while female was 13.2%. (Felser, 2014)

NCRC (2014) survey report in Kenya show women (37.5%) reported having experienced rape by intimate partners compared to non-intimate partners (9.6%) against intimate partners. Only 10.3% of women and 6.8% men reported not being assisted whenever they experienced physical or sexual violence in the family. Some of the victims who reported domestic violence incidences to the police officers and assistant chiefs stated that they received good support. The study showed more men 56.5% than women 32.4% reported GBV violations for intervention. According to Kalungu (2007) victims of domestic violence reported to friends (12.5 %) and relatives (11.25 %) because they confidentially wanted to share their problem with

someone they trusted. Others did not want to report their partners to the police or elders for fear of intimidation, punishment and harassment by the perpetrators. Kalungu further pointed out that the low percentage (8.75%) of victims who visited psychological counsellors was due to unavailability of such services in the community. Families who lacked counselling sought the help of witchdoctors and diviners to manage family violence.

According to World Health Organization, most International Organizations embark on providing shelter and creating gender violence awareness. A study carried out in Kitui District of Kenya in 2007 show that 80% of GBV victims needed medical services and 50% stated they needed policies and laws to protect family against GBV. Families recommended for education campaigns, human rights awareness and support services domestic violence (Kalungu, 2007).

**Table 5.1b Domestic Violence Law Enforcement Strategies by households**

Responses	Total	Domestic Violence Law Enforcement Strategies by households
Household Heads	338	Report the cases to the crime desk, reporting to assistant chiefs, dialogue with family members during conflicts, involvement of faith based institutions, dispute resolution by elders and mediation between the conflicting parties, family meetings, compromised victims, reconciliation, avoidance, praying for victims and perpetrators.

**Source: Field Data, 2017**

### **5.1.2 Non-violent Conflict Resolution Strategies**

The researcher sought to establish whether the law enforcement institutions used non-violent conflict resolution strategies to combat domestic violence among the households. Table 5.2a results show 34 out of 41 (82.93%) Assistant Chiefs, 4 out of 4 (100%) Court officers, 4 out of 4 (100%) Children Protection Officers and 10 out of 13 (76.92%) Police Officers picked “yes” response implying that a non-violent conflict resolution strategy were applied to resolve domestic violence offences among households. Those who picked “No” option were 7 out of 41 (17.07%) Assistant Chiefs, 0 out of 4 (0%) Court officers, 0 out of 4 (0%) Children Protection Officers and 3 out of 13 (23.08%) Police Officers implied that non-violent conflict resolution strategies were unavailable hence applied law enforcement strategies.

The findings significantly show the law enforcer majorly used enacted domestic violence legal framework instead of non-violent conflict resolution mechanisms to address domestic violence among households as indicated in Table 5.2a. According to Nabwire (2013), peace building has not been achieved by the government but has proactively used by the police as a major instrument for managing conflicts in families. He emphasised for a legal redress to improve relationships in order to change attitudes of conflicting parties, enact processes and systems that promote empowerment, justice, peace, forgiveness and reconciliation to end conflicts in society. In accordance to the law of Kenya the court may take into account the circumstances of domestic violence case direct the parties to participate in counselling and conciliation programmes or any other programme acceptable to the court (Law of Kenya, 2015). The counselling section was meant to provide respect for the law prohibiting domestic violence, the promotion of protective environment for all within

the family and promotion of harmonious domestic relations between and among the parties involved.

**Table 5.2a Non-violent Conflict Resolution Strategies**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
	Response	N	%	N	%	N	%	N	%
Non-violent conflict resolution strategies combating domestic violence	Yes	34	82.93	4	100	4	100	10	76.92
	No	7	17.07	0	0	0	25	3	23.08

**Source: Field Data, 2017**

The household heads were asked to state nonviolent strategies applied in combating domestic violence in Vihiga County. The results in table 5.2b showed excommunication had 49 out of 1289 counts (3.8%), arbitration 108 out of 1289 counts (8.9%), compensation 52 out of 1289 counts (4.1%), mediation 109 out of 1289 counts (8.5%), reconciliation 164 out of 1289 counts (12.7%), conciliation 64 out of 1289 counts (5.0%), dialogue 162 out of 1289 (12.6%), rehabilitation 47 out of 1289 counts (3.6%), guidance and counselling 190 out of 1289 counts (14.7%), taboo and rituals 80 out of 1289 (6.2%), negotiation 10 out of 1289 counts (7.8%), adjudication 12 out of 1289 counts (0.9%), compromise 34 out of 1289 counts (2.6%),

education 85 out of 1289 counts (6.6%) while collaboration attained 32 out of 1289 counts (2.5%) totalling to 1289 counts or 100% of responses. The results were pegged on the frequency strategies applied on domestic violence incidences perpetrated against an individual in the family household. In this respect an individual involved in a single, double or multiple abuses of violence was subjected to more management strategies.

The total distribution of strategies was counted at 1289 (100%) of all the management strategies applied by the household heads in Vihiga County, Kenya. The findings show that varieties of nonviolent conflict resolution strategies were used in resolving domestic violence offences in Vihiga County. It was therefore significant that both the law enforcers and the community applied these strategies in dealing with perpetrators and support of victims of domestic violence.

According to the findings in table 5.2b guidance and counselling had 190 out of 1289 counts (14.7%) implying that it was the most common strategy used domestically to resolve domestic violence offences in households. Reconciliation 164 out of 1289 counts (12.7%) and Dialogue 162 out of 1289 counts (12.6%) were also frequently used strategies applied in resolving domestic violence conflicts in among household individuals in Vihiga County. Education, negotiation, taboo and rituals, conciliation, mediation, arbitration, collaboration, compromise, adjudication, rehabilitation, compensation and excommunication were significantly used in managing of domestic violence incidences. According to liberal peace theory, the role of the civil societies is

to resolve disputes between individual citizens by following legal rules that guarantee fairness and equality (Byrne & Senehi, 2012).

In conclusion household heads apart from seeking legal strategies they used multiple non-violent conflict resolution management to combat domestic violence to restore peace and harmony in the family. According to (Maternowska *et al*, 2009), legal and justice services dealing with efficient and timely referrals within the criminal justice system such as the police, prosecution and courts of law on the nature of sexual violence require multipronged approach woven in the justice system and health system tracking sexual violence in Kenya. Kaur & Garg (2008) points out that in Florida advocates created 113907 tailored safety plans, provided 412,454 hours of advocacy, counselling services, received 122,999 hotline calls as strategies of managing domestic violence. The findings significantly justify that non-violent conflict resolution strategies were not effective in managing domestic violence incidences. Table 5.2b illustrates frequencies on non-violent conflict resolution strategies on the next page.

**Table 5.2b: Nonviolent Conflict Resolution Strategies**

Nonviolent Conflict Resolution Strategies	Responses	
	No	Percentage
Excommunication	49	3.8%
Arbitration	108	8.4%
Compensation	52	4.0%
Mediation	109	8.5%
Reconciliation	164	12.7%
Conciliation	64	5.0%
Dialogue	162	12.6%
Rehabilitation	47	3.6%
Guidance and counselling	190	14.7%
Taboo and rituals	80	6.2%
Negotiation	101	7.8%
Adjudication	12	0.9%
Compromise	34	2.6%
Education	85	6.6%
Collaboration	32	2.5%
TOTAL	1289	100%

Source (Field Data, 2017)

### **5.1.3 Domestic Violence Law Enforcement Strategies**

The section documented findings on law enforcement strategies applied by family households, Assistant Chiefs, Police Officers, Children Protection Officers and Court Officers in order to combat on domestic violence in Vihiga County. This involved strategies by the family, assistant chiefs, police officers, children protection officers, court officers, household heads and women.

#### **5.1.3.1 Management Strategies by the family**

The household heads were asked to list management strategies employed by the family in combating domestic violence in Vihiga County. The findings in Table 5.3 show household heads reported domestic violence incidences to the Police Desk and Assistant Chiefs for investigation and prosecution after traditional dispute strategies had failed. The households stated that families applied dialogue between the victims and perpetrators during family conflicts. Some victims sought help from Muslim, and Christian faith-based institutions for mediation, counselling and reconciliation.

Dispute resolution committees and community elders dealt with human rights, children problems as complicated cases were referred to chief's barazas. Other conflict resolution strategies used included mediating conflicting parties; family meeting, compromise, reconciliation, avoidance and prayer were cited as key management strategies conflicts in Vihiga County. According to WOAT (2008) Kenya has challenges in dealing Sexual Offences Act of 2006 and other forms of violence against children due to lack of policy and legal framework on domestic violence in communities. This means that relevant government departments in Kenya



and Vihiga County are unable to formulate work plans on prevention of domestic violence against household individuals.

Conflict management strategies applied by family members could have been effective used if they had basic training skills on domestic violence management. Life skills and conflict resolution can be effective if counsellors or psychologist can trace underlying factors influencing domestic violence. Failure to enforce the laws leaves gap for further perpetration of domestic violence in the society. According to finding household institution still encounter challenges in resolving incidences of domestic violence in Vihiga County. According to Sullivan (2018) United States has support programmes such as advocacy, transitional housing, support groups, supervisor centres, outreach and counselling services for victims of family violence.

**Table 5.3 Management Strategies by the Family**

Respondents	Management Strategies by the Family
Management strategies employed in households	338 Dialogue with the victims during conflict by faith based institutions, dispute resolution committees and community elders. Other conflict resolution strategies used included mediation between the conflicting parties, family meetings, compromise, reconciliation, avoidance and prayer for victims and perpetrators

**Source: Field Data, 2017**

### **5.1.3.2 Strategies by Assistant Chiefs**

The assistant chiefs were asked to list conflict management strategies they used in combating household violence in Vihiga County. The results show 41 Assistant Chiefs stated that they arrested the offenders of domestic violence and encouraged victims to report to Police Stations. The Assistants Chiefs acknowledged counselling conflicting parties to end family disagreements or conflicts.

The assistant chiefs also used education awareness programmes to sensitize the family against domestic violence perpetration in the community. This was intended to guide families to be tolerant, avoid aggressive behaviours against intimate partner violence including children. Assistant chiefs applied basic law enforcement and life skills to prevent family violence. Negotiation, mediation, family meeting and reconciliation skills were used in managing family conflicts. The conflict parties were summoned to assistant chief's barazas or homesteads for discussion and settlement of domestic conflicts.

Cultural resolutions mechanisms were majorly based on Luhyia patriarchal practices. The Luhyia traditional dispute resolution strategies; community elders are believed to be experienced on ideals and norms protecting individuals against family violence. Arbitration skills were applied by assistant chiefs to resolve domestic violence cases affecting the family under the help of Nyumba Kumi.

Application of peace building strategies was used to manage violation of human rights. Stress management skills was applied to restore traumatised parties in the family while compromise, avoidance, accommodation, collaboration reconciliation

and team dynamics strategies were used to reconcile victims and perpetrators in intimate relationship in Vihiga County. Assistant chiefs reported that they counselled offenders, victims and organized public awareness programmes on domestic violence.

Chief's Barazas helped to prevent domestic violence though some individuals failed to attend such meetings. One Vihiga Assistant Chief said:

The affected parties reconciled and pleaded for forgiveness. The law enforcers are corrupt hence compromised domestic violence cases and also failed to report for prosecution. He also stated that some communities could not go against their traditional taboos by managing domestic violence because of the laid down patriarchal system structures (Vihiga Assistant Chief, 2017).

In Luanda, one of the assistant chiefs said he used conflict resolution, public barazas, education programmes, arrested perpetrators and helped victims manage their stress. In Sabatia sub-county one of the assistant chiefs reported using mediation through local elders and the rule of law to deal with offenders of domestic violence. Another informant said:

I used mediation through local elders to put tough measures against offenders of domestic violence and also embraced the rule of law on deviant members of the family (Field Data, 2017).

To reinforce the findings of the study Megan *et al* (2007) stressed the need for restorative justice in dealing with victims and perpetrators of violence in the family institutions. Kenya Constitution (2010) empowers law enforcement institutions to fight gender violence through GBV programs to increase access to justice, integrated support services and public awareness to end GBV in the society. Interactive conflict resolution and liberal peace theories justifies the use of a trained third party

practitioner in arbitrating intergroup conflicts. In this respect the state government should empower the judges and counsellors to resolve domestic violence cases in Vihiga County (ibid).

The research sought to establish from the household heads whether Assistant Chiefs enforced domestic violence laws in Vihiga County. According Table 5.4 findings 68 out of 318 (21.4%) household heads strongly agreed and 85 out of 318 (26.7%) agreed that assistant chiefs enforced the domestic laws in Vihiga County. 52 out of 318 (16.4) were neutral on the construct while 48 out of 318 (15.1%) disagreed and 65 out of 318 (20.4%) household heads strongly disagreed that the Assistant Chiefs enforced domestic violence laws in Vihiga. The findings significantly imply that assistant chiefs have challenges in managing domestic violence against family members in Vihiga County.

According to the findings household heads received minimal protection from assistant chiefs (Provincial Administration) in Vihiga County. The informants who strongly agreed (21.4%) and agreed (26.7%) was low hence revealed the inadequacy of domestic law enforcement in the study area. The findings revealed that a total of 113 out of 318 (35.5%) cumulatively disagreed and strongly disagreed that Assistant Chiefs hardly enforced domestic violence laws to avert domestic violence in communities. This was due to lack of conformity on domestic violence legal framework and policies on state intervention of domestic violence in Vihiga County. Those who never responded were likely to be uninformed group on policy guidelines managing domestic violence in Kenya.

Wahab & Odetokun (2014) recommended that conflict management and resolution techniques should utilize community members and the judicial for legal in order to resolve conflicts. Kenya Constitution (2010) empowers institutions to fight gender violence through GBV programs that increase access to justice, integrated support services and public awareness. The findings of the study revealed lapses on domestic violence law enforcement filled by the study.

**Table 5.4 Intervention Strategies by Assistant Chiefs**

Responses	Total	SA	A	N	D	SD
Guidelines dealing with domestic violence in Vihiga County	318	21.4%	26.7%	16.4%	15.1%	20.4%
		68	85	52	48	65

**Source: Field Data, 2017**

According to the interview with assistant chiefs on state intervention strategies combating domestic violence; 41 (100%) of the assistant chiefs in Table 5.5 reported that sexual violence incidences such as rape, defilement, sexual harassment were resolved through public awareness, counselling and sensitization of the victims. The assistant chiefs stated that offenders were arrested and taken to police stations for prosecution.

Alcoholism and drug abuse were managed through public awareness and sensitization programmes through chiefs barazas. Dangers of drugs and substance abuse were

addresses by community elder, chiefs, religious leaders and government officers. Alcoholics and drug addicts were arrested and prosecuted at Hamisi and Vihiga County Law Courts. The county government has banned the sale and use of liquor and narcotic drugs in communities in Vihiga County. The ban was enforced to prevent perpetration of domestic violence against the family household individuals.

Arson was resolved through cultural resolution practices, prosecution and sensitization strategies. According to Luhya culture the act of arson was equated to murder whereby victims and the perpetrators were to offer sacrifices to ancestor. The elders performed a ritual of cleansing ceremony to appease the dead for protection and forgiveness. According to the assistant chiefs and the police most offences of arson involved family members leading to settlements at community level. Lack of evidence was a challenge to law enforcers hence abandoned such incidences to families to make resolutions.

Incest was handled by counselling the victims at home, chief's barazas or police stations. The offenders faced the council of elders or apprehend for prosecution under sexual violence act of Kenya. Under certain circumstances cultural resolutions was applied by the community elders through rituals and punishment by paying a sheep plus other compensation to the victim. The police officers assistant chiefs and court officers sensitized victims on dangers of incest or rape as well as intervention procedures against such violence.

Sexual assault was resolved through awareness, prosecution, adjudication and sensitization. Suicide were reported with victims being counselling by family

members, chief, human rights and other law enforcers, At some instances the survivors were prosecuted in the court of law, suicide been an infringement of the law elders used cultural resolutions to deal with the problem, Verbal abuse was controlled through awareness, prosecution, arbitration, mediation of the affected parties. Psychological abuse was handled by counselling the parties in conflict, creating awareness, mediation, avoidance and accommodation to end the conflict.

Threatening text messages were resolved by creating awareness, prosecuting the perpetrators or sensitization of the family to create public awareness dangers of misuse of technology. Abuse over mobile phone was resolved through awareness, prosecution of the offenders at the same time sensitize and dialogue with family individuals involved. Burning with hot substances was a serious offence witnessed in Vihiga County against intimate partners. The violence was resolved through public awareness and prosecution of the offenders. The offenders paid medical bills for the victims. Threatening looks was taken as harassment of the victim hence attracting awareness, arbitration, sensitization, avoidance and dialogue conflict resolution skills Vihiga County households. Table 5.5 Intervention Strategies used by Assistant Chiefs on the next page.

**Table 5.5 Intervention Strategies used by Assistant Chiefs**

Respondents	Intervention Strategies used by Assistant Chiefs
Assistant Chiefs 41	Arrested offenders, victims reported to the police, counselled conflicting parties, used educational awareness programmes, used negotiation skills, mediation, family meetings, used cultural resolutions, church leaders, held chiefs Barazas, used <i>Nyumba Kumi</i> (elders), peace building, stress management skills, compromising, avoidance, accommodation, collaboration, reconciliation, team dynamics

**Source: Field Data, 2017**

### **5.1.3.3 Strategies used by Police Officers**

The police officers were asked to list management strategies they used in combating domestic violence in Vihiga County. The results of 13 (100%) Police officers show domestic violence cases were reported to Police Gender Crime Desk in police stations for receipt of victim reports, investigation and arrest of perpetrators. Strategies of creating awareness on chiefs Barazas was used during arbitration, mediation and reconciliation of families involved in domestic violence conflict. Chief’s barazas constitute social workers, Miji Kumi, community elders and members of the community whose resolutions are purposed to restore the family. Dialogue technique was applied to help victims and offenders in intimate relationship resolve their differences.

The assistant chiefs arrested offender for charges prosecution in Vihiga County law courts. The assistant chiefs also referred victims to their religious affiliates (faith-



based institutions) for further management. Traditional dispute mechanism was applied by community elders in family meetings for the purpose of resolving intimate partner violence. These strategies are basic principles and guidelines of the legal framework managing domestic violence incidences at the community level. According to the police unresolved cases are processed for further legislation. A Police Officer at Mbale Police Station of Vihiga Sub-County reiterated that:

We forward domestic violence cases for criminal justice in Vihiga and Hamisi County Courts for adjudication, arbitration and at times we counselled conflicting partners of domestic violence reported to us (Mbale Police Officer, 2017).

Police Officer from Hamisi Police Station said:

Perpetrators of domestic violence were arrested and taken for prosecution in Vihiga County courts of law (Hamisi Police Officer, 2017).

The findings on management strategies combating domestic violence show victims reported to Crime Desk in police stations for investigation and prosecution processes. In some cases the police reached the people through creation of awareness during chief's barazas for preventive measures and penalties against perpetrators. They also dialogued with family spouses and children to find out the root causes of violence, compilation of the report, investigation and reconciliation parties in conflict. Perpetrators who were arrested were taken to Hamisi, Vihiga and other court of law for prosecution and due process.

According to the police officers, the basic principles of the penal code legislation are applied to both the victims and perpetrators in order to combat domestic violence in

the community. The results revealed that the police had challenges in enforcing domestic violence laws. At times the police fail to arrest offenders due to lack of evidence leading to further domestic violence perpetration in the study area. According to Coomaraswamy (2000) victims and perpetrators should be counselled by the police before legislative measures are taken against them. The programme serves as alternative sentencing partner violence offenders. He continues to reiterate that the police, prosecutors, magistrates, judges and doctors should adhere to traditional values that support family institutions. Coomaraswamy states that law enforcers, medical and legal professionals should be trained in managing domestic violence, trauma of those affected and to ensure offenders face criminal justice. Attitudes of Police and other law enforcement officers with regard to the issue of domestic violence further compound the persistence of violence. In most Police stations, the officers are reluctant to record any cases of domestic violence as they are unwilling to interfere with families. In this respect domestic violence is still not treated with the same gravity as other reported cases (WOAT, 2008).

The results of the responses of 13 (100%) police officers on management strategies dealing with domestic violence in table 5.6 show domestic violence cases such as defilement, rape, sexual harassment, sexual assault, murder, alcoholism and drug abuse, incest, abuse over mobile phone, burning with hot substances, throwing objects at individuals, verbal abuse were resolved through awareness, counselling, dialogue and prosecution. Psychological and emotional abuse was through counselling and awareness of the victims and offenders. The results revealed lapses in intervention strategies managing domestic violence in Vihiga County.

**Table 5.6 Strategies used by Police Officers**

Respondents	Strategies used by Police Officers
Police Officers	13 Receiving and reporting the cases to the crime desk, debriefing on chiefs Barazas, dialogue with family household heads and members on matters of domestic violence, arrest perpetrators, prosecution, dispute resolution by elders and mediation between the conflicting parties through family meetings

**Source: Field Data, 2017**

#### **5.1.3.3.1 Police Personnel**

The household heads were asked whether the police had qualified personnel to deal with domestic violence offences. The findings in Table 5.7 show 32 out of 316 (10.2%) strongly agreed, 21 out of 316 (6.7%) agreed, 32 out of 316 or 10.2% were neutral while 73 out of 316 (23.2%) disagreed and 156 (49.75%) strongly disagreed respectively that the police are qualified in dealing with domestic violence incidences or offences in Vihiga County. According to the responses, a higher percentage of 49.9% and 23.2% strongly disagreed that the police have qualified personnel to deal with domestic violence in Vihiga County.

The results significantly show inadequacy of the police personnel to deal with offenders and supporting victims of domestic violence in Vihiga County. The findings concur with Lakes *et al*, 2009 findings that security, police, military and peace keeping personnel should be educated on GBV enforcement. Enforcers should practice zero-tolerance and institute protocols for referrals on legislation of domestic

violence in society. Kenya Government Gender Violence and the Sexual Offences Act (KGGVSOA, 2006) legislates on sexual violence offences against women. According to Murungi (2012), domestic violence is challenged by cultural indifferences and barriers that undermine its prevention.

Le-Ngoc (2015) pointed out that professional associations such as doctors, lawyers, psychologists, security personnel, nurses, social workers, welfare workers and other professionals can help combat domestic violence in society. According to the Constitution of Kenya (2010), chapter 4 on the bill of rights stipulates the functions of the Judiciary and other legal systems enforce law. The Constitution talks about mediation, arbitration and traditional dispute resolution mechanisms as mechanisms of combating violence in the society. UNIFEM (2003) recommended the government of Kenya to introduce new legislation, strengthen old laws for effective management of GBV and domestic violence in Kenya. The organization emphasized advocacy and networking of law enforcers in promoting awareness and public education on domestic violence.

#### **5.1.3.3.2 Police Training**

The household heads were asked whether the police have appropriate skill in combating domestic violence. The findings on table 5.7 show out of 313 household heads who returned the questionnaires for analysis 41 out of 313 (13.1%) strongly agreed that the police have appropriate skills to combat domestic violence in Vihiga County, 36 out of 313 (11.5%) agreed on the construct, 37 out of 313 (11.6%) were neutral implying that the police are skilled nor not skilled in managing domestic violence incidences. 73 out of 313 (23.3%) disagreed while 126 out of 313 (40.3%)

strongly disagreed that the police have the appropriate skills in combating domestic violence in Vihiga County. The study did not include the 25 out of 338 (7.4%) missing responses.

The findings significantly show that the police officers were not fully equipped to deal with domestic violence perpetration in Vihiga County. According to these results police training on domestic violence intervention strategies management on domestic in dealing with victims and offenders. According to the findings of 37 out of 313 (11.6%) as neutral, 73 out of 313 (23.3%) disagreed and 126 out of 313 (40.3%) strongly disagreed accumulating to 236 (75.2%) affirmed that the police lacked knowledge in implementing the legal framework and policy guidelines on domestic violence enforcement. The study further revealed lack of forensic investigation and follow ups whenever family violence incidences were reported to the police.

A female Police officer from Mbale Police Station said:

We are hardly trained on ways of managing domestic violence. Trainings are occasionally provided to our administrators (bosses) who after workshops they shelve the knowledge to themselves (Mbale Female Police officer, 2017).

The statement of the police officer implied that the police in the category of sergeants and corporals lacked capacity trainings and programmes on domestic violence law enforcement. Domestic violence law enforcement strategies need to be addressed to empower police officers in combating private intimate violence in Vihiga County.

According to Kaidi (2007) most victims (76.25 %) of domestic violence preferred to seek medical assistance compared to 5% who report the incidences to the police. The general challenge and fear of the victims is that reporting intimate partners to police may triggers further perpetration. Kaidi further observed that domestic violence cases were handled by community elders to provide settlements. Lake, Keys, Obaid & AOssey (2009) emphasised on training of police officers, social service personnel, health personnel, parents, child development agencies in preventing domestic violence in society.

Table 5.7 results show 45 out of 316(14.2%) strongly agreed and 42 out of 316 (13.3%) that the police resolved intimate violence offences against family members, 60 out of 316 (19%) remained neutral, 60 out of 316 (19%) disagreed while 109 out of 316 (34.5%) strongly disagreed that the police helped in resolving intimate violence against family members in Vihiga County. Out of the 338 who returned the questionnaires, 22 household heads did not fill in the data. The findings clearly show inefficiency of the police force in resolving intimate violence offences in Vihiga County.

According to William & Joseph (2002) the police are directly linked to criminal justice system and the public enforcement of domestic laws. Megan *et al* (2007) posited that the police hardly investigate violent acts nor apprehend criminals due to corruption and compromise by the perpetrators. Cook (2006) recommended the use of computerized management information system (CMIS) during investigations and prosecution of family violence perpetrators.

#### **5.1.3.3.3 Police Intervention Strategies on Domestic Violence**

The researcher sought to assess whether the police were involved in preventing domestic violence in Vihiga County families. The findings in table 5.7 show the police involvement in preventing family violence was very low. This was evident from the low median and mode ratings of 2 and 1 respectively. The results show 27 out of 320 (8.4 %) household heads strongly agreed and 31 out of 320 (9.7%) agreed that the police were involved in preventing family violence, 38 out of 320 (11.9%) were neutral, 84 out of 320 (26.3%) disagreed while 140 out of 320 (43.8%) strongly disagreed that police were involved in preventing family violence in Vihiga County. 18 out of 338 (5.3%) never attempted the question hence not documented into the report.

The results of the household heads who strongly agreed and agreed 58 out of 320 (18.3%) significantly show a low response on police prevention strategies on domestic violence. The data suggest lack of support to victims and prosecution of perpetrators of domestic violence in Vihiga County. The lapses could be due to witnesses not reporting domestic violence perpetrators due to compromise by community elders. According to Baker *et al* (2017) the police officers are to provide victims and witnesses of domestic violence with support and assistance through assistance and cooperative efforts with community stakeholders so as to prevent further abuse and harassment. The police have to liaison with law enforcement agencies, prosecutors, parole, probation departments, community based domestic violence groups, social service agencies, adult and child protective services, clergy, educators, government agencies, businesses and employers to combat domestic violence in Vihiga County.

Focus group participants reported that the government, through the Chief's barazas, sensitizes community member's protection rights and offers legal advice to victims of domestic violence. The Chiefs refer serious cases to the police who file them in court and arrest perpetrators. In other areas of the community councils of elders helped in managing family violence in Vihiga County. Such councils were encouraged to file returns and reports with the judicial system. The government has set up offices for children officer's every Sub-county. In most of the cases, the community members report domestic violence incidences to the police, chief, sub-chief, clan elders, CBOs and NGOs for assistance. However, the community members stated that the government officials were corrupt and routinely took bribes to render services.

262 out of 320 (82.0%) household heads were neutral, disagreed and strongly disagreed that the police were involved in preventing domestic violence in Vihiga County. The findings reflected high frequencies implying that the police have challenges in enforcing domestic violence policies in Vihiga County. According to table 5.7 findings 13 police officers stated that Assistant Chiefs reported cases of domestic violence to police officers for investigation and prosecution of offenders but received negative feedback.

Chief's Barazas meetings involved dialogue and created awareness to the community on dangers of instigating domestic violence and the penalties involved. During such meetings perpetrators were warned of arrest of such crimes. Leaders of faith-based institutions counselled their adherents to avoid domestic violence incidences and encouraged them to uphold living values of the society.



Assistant chiefs also involved community elder's in resolving domestic violence amongst family individuals in Vihiga County. The interview with the assistant chiefs affirmed that the management strategies used were arresting offenders, guidance and counselling, arbitration, mediation and Nyumba Kumi, educational awareness programmes, family negotiations on underlying conflict situations, use of cultural practices, the involvement of church leaders, chiefs Barazas, family meetings to restore peace and justice among household individual experiencing domestic violence.

The survey carried out by the researcher at Luanda Police Station between 2008 and 2014 revealed that perpetrators of rape offences reported were 32 men, assault and grievous harm had 393 men, arson 18, defilement 81, murder 60 and 2 women, sexual harassment 163 men and 43 women, verbal abuse 2 men, malicious damage 54 men and 12 women, creating disturbance 679 men and 165 women, alcoholism and drug abuse 552 men and 157 women and suicide 2 men and 1 woman were arrested and prosecuted in the court.

According to these data offences of rape, assault and grievous harm, arson and defilement were mostly committed by men than women. The police noted that intimate offenders coerced their victims during the offensive act. Rape and defilement were committed in dark or hidden areas of in households and the community. According to crime department officers most cases were hardly reported for prosecution leading to further violation of the law. Assault and grievous harm computed was at 393, arson 18 men implying that men were violent and aggressive compared to women. The findings further revealed crime reports majorly target male gender as offenders leaving females as salient perpetrators of domestic crimes. The

findings significantly revealed family violence was prevalent despite state intervention efforts to combat it.

Alcoholism and drug abuse reported at 552 men and 157 women show both gender are involved in substance and drug abuse. According to the police crime department families whose members are alcoholics and drug addicts were prone to domestic violence violation. The findings show higher frequency of men than women are subjected to depression and aggression hence generates disturbances and violence against family members. Suicide records showed 2 men and 1 woman implies that such crimes were not reported to the law enforcers but resolved at family level. According to the records show domestic violence crimes remain under reported despite its prevalence in households in Vihiga County.

According to records from Vihiga Police Station between 2011 and 2013 show 3 men were convicted of rape, defilement 43 men, assault and grievous harm were 117 men and 34 women, arson 4 men and 1 woman, defilement 43 men, murder 3 men, sexual harassment 5 men. The report from Vihiga Police Station reflected that 3 men were convicted of rape in the period of 4 years implying one case per year. This data is not proportional to domestic violence incidences occurring in families in Vihiga County.

Vihiga County is densely populated (554,000 people) with a high poverty index of 65% that has a high influence instigation of violence in the family. Defilement had 43 male perpetrators reported for prosecution. The data significantly revealed lack of reporting domestic violence incidences to the police and other law enforcers. The limited record brings to account that defilement and rape victims were resolved by the family and community.

According to these reports, men were the prime offenders compared few women taking part in domestic and sexual violence offences in Vihiga County. According to Lake *et al* (2009), the security sector, police, military and peacekeeping personnel practice zero-tolerance on GBV by enforcing domestic violence laws and protocols to prevent domestic violence within the state.

**Table 5.7 Strategies by Police Officers**

Domestic violence prevention	Total	SA	A	N	D	SD
The police prevention is the best way of combating domestic violence	320	8.4%	9.7%	11.9%	26.3%	43.8%
The police have enough qualified personnel to reduce domestic violence	314	10.2%	6.7%	10.2%	23.2%	49.7%
The police help in resolving intimate violence among households	316	14.2%	13.3%	19.0%	19.0%	34.5%
The police have appropriate skills in curbing domestic violence	313	13.1%	11.5%	11.8%	23.3%	40.3%

**Source: (Field Data, 2017)**

#### **5.1.3.4 Strategies by Children Protection Officers**

The researcher sought to find out the management strategies used by Children Protection Officers in resolving domestic violence against children in Vihiga County.

The findings of four (4) children protection officers showed awareness of human rights, prosecution of offenders, reporting of the violence to police stations and relevant enforcement authorities, counselling and dialogue, education programmes to manage domestic violence incidences in Vihiga County (Table 5.8). According to children protection officers; extreme incidences of domestic violence were referred for arbitration and adjudication to the police, courts and other law enforcement agencies for protection. Children departments have limitation in handling family violence offences. In this respect only receive reports, document, file cases of victims and perpetrator hence forward to the criminal justice departments for further management. One Children Protection Officer in Vihiga Sub-County said:

I majorly sensitized families to uphold human rights in collaboration with other institutions combating domestic violence against children within the family (Vihiga sub-County Children Protection Officer, 2017).

From Sabatia Sub-County another Children Protection Officer reiterated:

Any violence against children was reported to local authorities and the nearest Police Station for investigation (Children Protection Officer, Sabatia, 2017).

The Children Protection Officers were also asked to state management strategies employed on specific domestic violence offences. The results of the findings of four (4) officers were documented as follows rape cases were managed through rehabilitation, prosecution, counselling, hospital management and adjudication.

Defilement, sexual harassment, alcoholism and drug abuse cases were managed through rehabilitation, prosecution, counselling, hospital management and adjudication. Cases of arson, incest, sexual assault, psychological and emotional

abuse in family households were managed through awareness, prosecution, hospital management and adjudication while suicide victims was through mediation, prosecution, counselling and adjudication.

According to the findings similar management strategies were used to deal with a variety of domestic violence offences. The findings also revealed that children department staff lacked skills; capacity and training effectively implement laws protection children rights. In a study by Sullivan (2018) domestic violence programs help to create communities that value all their members and promote individual and community well-being. In relation to this study Felser (2014) reiterated that homes where domestic violence occur children are physically abused and neglected at higher rates than the national records in place. These studies call for state governments to redress law enforcement strategies for effective intervention on violence against children in families in Vihiga County.

**Table 5.8 Strategies by Children Protection Officers**

Respondents	Strategies by Children Protection Officers
Children Protection Officers	Awareness of human rights, prosecution of offenders, reporting the violence to police stations and other relevant legal authorities, counselling, dialogue, educational programmes on household violence in the community

**Source: Field Data, 2017**

### **5.1.3.5 Strategies by Court Officers**

The study sought to find out from the Court Officers the management strategies they used to combat domestic violence in Vihiga County. According to the findings the four (4) Court Officers reported that they prosecuted perpetrators, used witnesses to determine judgement, security hotlines to apprehend perpetrators, child hotlines to protect child victims, peace committees to restore families in conflict. They used public awareness programs to sensitize families on their constitutional rights, upheld on the penal code for provision of social justice, fining, and sentencing perpetrators and counselled victims of domestic violence. Hamisi Principal Magistrate said:

We addressed the grievances of both conflict parties to determine the judgement by listening to the witness explanations before making judgement, create awareness on dangers of domestic violence at the same time ensured for the safety of victims against perpetrators of domestic violence (Hamisi Principal Magistrate, 2017).

The Vihiga Principal Magistrate reiterated that she applied institutional hotline services such as child help lines, court committees and expeditious disposal of contact lines to manage domestic violence in Vihiga County. She stated that the Officers Commanding Police Station (OCS), Officer Commanding Police Division (OCPD) and the Law courts are responsible for prosecuting, adjudicating and arbitrating domestic violence offences with the assistance of Nyumba Kumi. Part II Article 24 section 2 (b) of the Law of Kenya, 2015 requires the police officers, social workers, probation officers, medical practitioners, children officers or any other appropriate persons or authorities to investigate acts of omissions of domestic violence. The enforcers have the jurisdiction of forwarding cases directly to courts for legal interventions (Law of Kenya, 2015). Migori law Courts magistrate reiterated that cases on consensual under-age sex convicted under sexual offence Act both the

perpetrator and the victim are usually referred to Probation Department for supervision, rehabilitation, guidance and counselling (NCRC 2014).

The results in Table 5.9 show 4 of out 4 (100%) Court Officers revealed there were reported incidences of defilement, rape, sexual harassment, sexual assault, murder, incest, abuse over mobile phones, burning with hot substances, throwing objects at individuals, verbal abuse incidences. The Court Officers stated that such offences were managed by arbitration, adjudication, creating awareness and prosecuting perpetrators in the court of law. Incidences of psychological violence were counselled in addition to provision of awareness on protection rights. The results significantly revealed that domestic violence was a common practice hence needed proper legislative mechanisms and intervention strategies.

In Kenya, Sexual Offences Act Implementation Taskforce [SOAITF] has been set up to provide guidance on multi-disciplinary collaboration and regulatory framework on domestic violence legislation. In 2007 the Division of Reproductive Health (DRH) in the Ministry of Health [MoH] was constituted with the mandate of the National Rape Care Committee Sexual Violence Crimes [NRCCSVCK] to prevent family violence in Kenya (Maternowska *et al*, 2009).

National Standards and Protocols Kenya (NSPK) has National Guidelines on Medical Management of Sexual Violence (KNGMMSV) that sets standards to prevent domestic violence in Kenya. A post-rape care committee has been mandated to develop a regulatory framework for scaling-up planned quality services on national monitoring and evaluation system on sexual violence (Maternowska *et al*, 2009).

Multi-disciplinary collaboration task force formed in March 2003 work in conjunction with the civil society partnership in deliberating issues of sexual violence under the ‘*Komesha Unajisi*’ (stop rape). The network advocates for social, legislative and policy changes against sexual violence in Kenya (Maternowska *et al*, 2009).

**Table 5.9 Strategies by Court Officers**

Respondents	Strategies by Court Officers	
Court Officers	4	Arbitration, adjudication, mediation, prosecution of perpetrators, use of witness to determine judgment, used domestic violence hotlines, child hotlines, used peace committees, created awareness on their constitutional rights, upheld on the penal code for provision of social justice, fining, and sentencing perpetrators and counselled domestic violence victims.

**Source: Field Data, 2017**

#### **5.1.4 Prosecution of Perpetrators of Domestic Violence**

The researcher sought to find out whether the perpetrators of domestic violence were arrested by the police and prosecuted in a court of law. The results in Table 5.10 show 57 out of 312 (18.3%) of the household heads strongly agreed and 65 out of 312 (20.8%) agreed that perpetrators of domestic violence were arrested by the police and prosecuted in a court of law, 43 out of 312 (13.8%) were neutral on whether the perpetrators were taken to court or not while 57 out of 312 (18.3%) disagreed and 90 out of 312 (28.8%) strongly disagree that perpetrators of violence were arrested and prosecuted in a court of law while 26 out of 312 (7.7%) household heads did not respond to the construct.



According to the results, 122 out of 312 (39.1%) cumulatively agreed that perpetrators of domestic violence were arrested and prosecuted in a courts of law while 147 out of 312 (47.1%) disagreed implying that perpetrators were not arrested nor prosecuted in a court of law in Vihiga County. The findings significantly show some perpetrators of violence faced the arm of the law. The major impediment of law enforcement was under reporting of domestic violence as cited by household head who disagreed on the construct. Failure of witnesses and inefficient forensic investigation by the police also hindered the prosecution processes. Traditional dispute conflict resolution by community elder and families hindered law enforcement on domestic violence perpetrators in Vihiga county communities. According to Jackson (2007) systematic gender bias and reluctance to change traditional justice system is the result of persistent domestic violence in the family.

#### **5.10a. Prosecution of Perpetrators of Domestic Violence**

Household Heads Response	Total	SA	A	N	D	SD
Prosecution of perpetrator of Domestic violence	312	57	65	43	57	90
		18.3%	20.8%	13.8%	18.35%	28.8%

**Source: Field Data, 2017**

According to Table 5.10b: Hamisi Magistrate Court records revealed that between 2008 and 2014 perpetrators prosecuted for defilement were 108 men, rape 46 men, assault and grievous harm 428 men and 128 women, fighting or affray 6 men and 1 woman, sexual harassment 1 man and 2 women, murder 3 men and 2 women, arson 14 men and 3 women, suicide 2 men, malicious damage 16 men and 3 women,

creating disturbance 1264 men and 102 women, alcoholism and drug abuse 1565 men and 370 women. According to Hamisi court report it is significant that men are the major perpetrators of domestic violence in Vihiga County compared to women. The study also reveals that defilement and rape were only committed by males and not females. According to the finding assault, grievous harm, fighting or affray, sexual harassment, murder, arson, suicide, malicious damage were committed by both gender against family members. The study also revealed that alcoholics and drug abuser were aggressive and caused disturbance to families in Vihiga County.

The finding from Hamisi Court criminal Registry revealed inadequacy in documentation of domestic violence incidences and prosecution of perpetrators in Vihiga County. The figures recorded in the court archives are insignificant in relation to the period between 2008 and 2014 hence did not correlate to rampant domestic violence incidences experienced in the study area. The results revealed lapses in reporting and investigations of domestic violence crimes for prosecution. In this essence the magistrates only prosecuted forwarded cases leaving a myriad of offenders to freedom in communities in Vihiga County.

Lack of witnesses and police investigations was a barrier in implementing the legal framework on domestic violence enforcement. According to the above statistics prosecuted cases of rape, defilement, assault, fighting, suicide, malicious damage and grievous harm were mainly perpetrated by male as compared to limited statistics on female counterparts. Cases like creating disturbance which had 1264 men and 102 women, alcoholism and drug abuse with 1565 men and 370 women were considered as factors of perpetration by Hamisi Magistrate in Vihiga County. Alcoholics and

drug addicts are usually aggressive and violent to family members as they coerce anybody within their vicinity. According to Capis (2012), serious crimes of defilement and rape in Vihiga escape prosecution due to lack of witnesses in courts.

**Table 5.10b Hamisi Magistrate Court Prosecution Records 2008 to 2014**

Domestic Violence Legislation	2014-213		2012-2011		2010 – 2009		2008		Total	
	M	F	M	F	M	F	M	F	M	F
Defilement	21	0	59	0	22	0	6	0	108	0
Rape	12	0	19	0	10	0	5	0	46	0
Assault/Grievous harm	118	41	169	62	101	25	40	0	428	128
Fighting/affray	2	1	2	0	2	0	0	0	6	1
Sexual harassment	0	0	0	2	1	0	0	0	1	2
Murder	0	0	2	1	1	1	0	0	3	2
Arson	2	0	0	2	10	0	2	1	14	3
Malicious damage	9	1	7	2	0	0	0	0	16	3
Creating disturbance	395	45	605	44	218	7	46	6	1264	102
Alcoholism and drug abuse	245	104	284	49	721	145	315	72	1565	370
Suicide	0	0	2	0	0	0	0	0	2	0
<b>TOTAL</b>	<b>804</b>	<b>192</b>	<b>1147</b>	<b>164</b>	<b>1086</b>	<b>178</b>	<b>536</b>	<b>98</b>	<b>3453</b>	<b>611</b>

**Source: Hamisi Magistrate Court, 2017**

The findings in table 5.10c show Vihiga Magistrate Court records had defilement 52 men, rape 46 men, assault and grievous harm 273 men and 42 women, fighting 25 men and 8 women, sexual harassment 2 men and 1 woman, murder 2 men, arson 25 men and 4 women, verbal abuse 10 men, malicious damage 37 men, creating

disturbance 242 men and 84 women, Alcoholism and abuse were 338 men and 76 women. A total of 972 men and 215 women were prosecuted or causing acts of violence to individuals in Vihiga County. Finding from Vihiga Court criminal records show there was significant domestic violence perpetration in Vihiga County.

The records generalized domestic violence crimes prosecuted in the period between 2008 and 2014. The underscored records could be due to under reporting of perpetrators to the law enforcement organs. According to (Maternowska *et al*, 2009), there was an increase in the data reported on sexual violence among children in Kenya. Although there has been increased reporting and evidence on sexual violence against men victimization there is still limited knowledge about sexual violence against men in Kenya. To manage domestic violence, Rwanda government has established gender desks in police stations to help victims of sexual violence and other forms of GBV. The government has mandated the police to investigate cases of violence for prosecution (Kimani, 2012). See Table 5.10c Vihiga Magistrate Court Criminal Records 2008 to 2014 on the next page.

**Table 5.10c Vihiga Magistrate Court Criminal Records 2008 to 2014**

Prosecution of domestic	2013		2012		2011		Sub total		TOTAL
Violence in Vihiga County	M	F	M	F	M	F	M	F	
Defilement	17	0	20	0	15	0	52	0	52
Rape	15	0	19	0	12	0	46	0	46
Assault/Grievous harm	74	11	87	13	112	18	273	42	315
Fighting/affray	12	5	9	0	4	3	25	8	33
Sexual harassment	0	0	0	0	1	0	2	1	3
Murder	0	0	2	0	0	0	2	0	2
Arson	7	1	10	2	8	1	25	4	29
Verbal abuse	3	0	2	0	5	0	10	0	10
Malicious damage	12		15		10	0	37	0	37
Creating disturbance	63	21	82	17	117	46	262	84	346
Alcoholism and drug abuse	57	17	79	23	102	36	238	76	314
<b>TOTAL</b>	<b>260</b>	<b>55</b>	<b>325</b>	<b>55</b>	<b>386</b>	<b>104</b>	<b>972</b>	<b>215</b>	<b>1187</b>

**Source: Vihiga Magistrate Court, 2014**

## 5.2 Gender Mainstreaming Strategy

The study sought to find out whether both men and women were involved in combating domestic violence in Vihiga County. The findings in table 5.11 show 99 out of 311 (31.8%) household heads strongly agreed that both men and women were involved in combating domestic violence, 88 out of 311 (28.3%) of the respondents agreed, 50 out of 311 (16.1%) were neutral while 29 out of 311 (9.3%) of the

household heads disagreed and 45 out of 311 (14.5%) strongly disagreed that both men and women were involved in combating domestic violence in Vihiga County. The findings in table 5.11 show higher frequencies of those who agreed compared to the respondents who disagreed. This implies that domestic violence crimes were resolved by spouses due to difficulties in accessing legal justice. In the study 27 out of 338 (8%) household heads never returned questionnaires for inclusion into the study.

Coomaraswamy (2000) observed that men need education empowerment, employment opportunities, legal literacy, and the right to inheritance. Human rights education and information regarding domestic violence should be provided to men for their absolute rights. Integrated supportive services, legal intervention strategies including counselling, relocation, credit support, and employment should be availed to the family. Le-Ngoc (2015) recommended that domestic violence victims should be counselled to break the trauma. Women to be involved in decision-making processes at all levels of conflict phases, designing and implementing policies related to conflict management. According to USAID (2012), promotion of human rights was ideal in combating GBV in society.

**Table 5.11 Gender Mainstreaming Strategy**

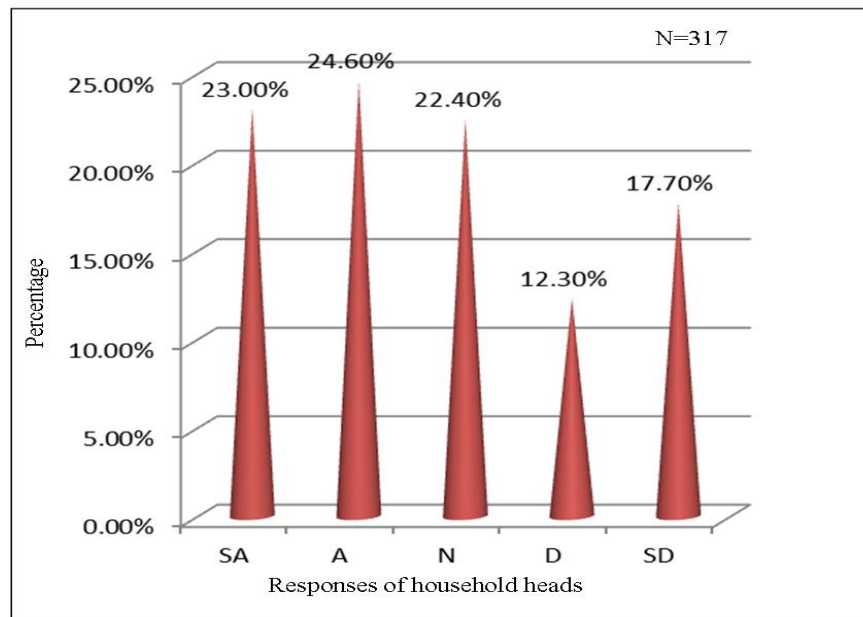
Gender mainstreaming strategy	Total	SA	A	N	D	SD
Both men and women are involved in combating domestic violence	311	31.8%	28.3%	16.1%	9.3%	14.5%

**Source: (Field Data, 2016)**

### **5.2.1 Involvement of Women in Combating Domestic Violence**

According to the results in Figure 5.1; 73 out of 338 (23.0%) household heads strongly agreed and 78 out of 338 (24.6%) agreed that women took part in combating household violence in Vihiga County. 39 out of 338 (12.3%) disagreed, 56 out of 338 (17.7%) strongly disagreed while 71 out of 338 (22.4%) remained neutral on the construct. 21 out of 338 (6.2%) never responded hence not included in the study. Most respondents agreed that women took part in combating household violence. Women play a vital role in moulding children behaviour hence resilient during family conflicts. Women involved religious leader to offer spiritual support and counselling to victims of domestic violence. Women model children's character trait, develop discipline and self-control skills that help do reduce deviance in society. Female were cited as empathizers and reconciliatory individuals towards family parties in conflict, at the same time easily settle their differences. The informants reiterated that women persistently live with violent intimate partners implying that they have intrinsic mechanisms for controlling anger and nurturing violent offenders.

According to NGECA (2011) report, the legislative framework should spearhead gender equality, inclusion and freedom from discrimination against persons. The legislative framework should ensure all laws; policies and administrative guidelines are enforced to mitigate GBV and domestic violence in Kenya. Crime against humanity was to be managed through public education and coordination of multispectral responses (KNGEC, 2014). Figure 5.1 Involvements of women in combating domestic violence on the next page.



**Figure 5.1 Involvement of Women in Combating Domestic Violence**

**Source: Field data, 2017**

### **5.3 Government Legislation on Domestic Violence in Vihiga County**

According to the Constitution of Kenya (2010) chapter 4 stipulates on the bill of rights, part 2 on rights and fundamental of freedom while article 48 outlines on the functions of the Judiciary and the legal systems in enforcing the law on domestic violence. The constitution recommends that domestic violence to be resolved through mediation, arbitration and traditional dispute resolution mechanisms. A study conducted Vihiga Sub-County by Capis (2012) show the ineffectiveness of adjudication for justice in Vihiga County courts. This was attributed to lack of witnesses to courts and failures by the police to arrest domestic violence offenders, under reporting and ignorance of domestic laws.



### 5.3.1 Law Enforcement on Domestic Violence Incidents

The researcher sought to assess whether domestic violence was considered as a private affair in Vihiga County. Table 5.12 show 48 out of 311 (15.2%) household heads strongly agreed while 36 out of 311 (11.4%) agreed that domestic violence is treated as a private affair by the family,, 43 out of 311 (13.6%) remained neutral, 52 out of 311 (16.5%) disagreed while 137 out of 311 (43.4%) strongly agreed that the law treated domestic violence as a private affair in Vihiga County.

The findings from household heads revealed that law enforcement institutions treated domestic violence as a private family affair. The justification by 137 out of 311 (43.4%) household heads strongly disagreed that domestic violence was private but a public affair that required legal intervention. In Vihiga county marriage institutions seem to be pegged on male power dominance in which women and children were subjected family violence. The law enforcers hardly assist families undergoing domestic violence even when the violence is perpetrated in public. A study conducted by Emily *et al.* (2010) revealed that cases of domestic violence in courts had limitations leading to high levels of prevalence in the community. They conceded to the fact that victims hardly receive justice due to the weakness of the law.

**Table 5.12 Law Enforcement on Domestic Violence**

Household violence	Total	SA	A	N	D	SD
According to the law household heads violence is a private affair	311	15.2%	11.4%	13.6%	16.5%	43.4%
		48	36	43	52	137

**Source: (Field Data, 2016)**

#### **5.4.1 Support Strategy for Domestic Violence Victims**

The researcher sought to establish whether victims of domestic violence were given social support by the government in Vihiga County. The results of household heads in Table 5.13 below show 128 out of 319 (40.1%) strongly disagreed and 68 out of 319 (21.3%) disagreed that victims of domestic violence were given social support by the government in Vihiga County. 50 out of 319 (15.7%) were neutral while 25 (7.8%) agreed and 48 out of 319 (15.0%) strongly agreed that victims of domestic violence were given social support by the government in Vihiga County. 27 out of 338 (8.0%) household heads did not respond to the construct.

According to the results, victims of domestic violence hardly get social support from the government and human rights institutions. The reason behind may be attributed to lack of reporting domestic violence offences and concealment of information required for implementation of intervention strategies by government on victims and perpetrators. According to USAID (2012), promotion of human rights should be geared towards reducing GBV against persons in the community. Collaboration with non-governmental organizations, faith-based organizations and government institutions should provide prevention awareness strategies to victims of family violence. Studies in United States show multilateral organizations, civil society and private sectors break down barriers and discriminatory laws in order to address domestic violence atrocities in the state (USAID, 2012).

The researcher sought to establish whether poor households under social support experienced domestic violence. The findings in table 5.13 show 107 out of 311 (34.4%) strongly agreed and 97 out of 311 (31.2%) agreed that poor family

households under social support experienced domestic violence. 41 out of 311 (13.2%) were neutral, 33 out of 311 (10.6%) disagreed while 33 out of 311 (10.6%) strongly disagreed that families under social support experienced household violence in Vihiga County.

The findings from 204 (65.6%) household heads who cumulative agreed implied that family members significantly experienced domestic violence despite social support by the state or County. According to the results domestic violence is inherent in families hence need modern intervention approaches and investigation. The household heads who disagreed 107 (34.4%) was insignificant since social support programmes were intended to alleviate domestic atrocities. Chalangat (2010) observed that depressed economic, socioeconomic conditions, sexism, discrimination and inequality in households maintain cycles of psychological, physical violence and high levels of gender violence in society.

#### **5.4.2 Accessibility to Domestic Violence Legal Instruments**

The researcher sought to assess whether guidelines managing domestic violence were accessible to household individuals in Vihiga County. Table 5.13 findings show 37 out of 318 (11.6%) strongly agreed, 24 out of 318 (7.5%) agreed while 52 out of 318 (16.4%) who were neutral stated that guidelines managing domestic violence were accessible to individuals in Vihiga County. 57 out of 318 (17.9%) disagreed while 148 out of 318 (46.5%) strongly disagreed that domestic violence enforcement guidelines were accessible to individuals in Vihiga County. The study revealed lacked efficient and effective strategies managing domestic violence in Vihiga County.

According to Murungi (2012) domestic violence is challenged by cultural indifferences and barriers that do not recognize it as a crime. Kenya Constitution (2010) empowers institutions to fight gender violence through GBV programs. The constitution legislates on elimination of gender discrimination and GBV for protection against family violence in the community. Despite these strategies domestic violence has remains a national challenge the study tried to address.

#### **5.4.3 Dispute Awareness Programmes on Domestic Violence**

Household heads were asked whether family dispute awareness programmes on domestic violence were available in Vihiga County. The results in table 5.13 show 38 out of 317 (12.0%) household heads strongly agreed, 55 out of 317 (17.4%) agreed that dispute awareness programmes were available in Vihiga county while 52 out 317 (16.4%) were neutral with 54 out of 317 (17%) and 148 out of 311 (46.5%) who strongly disagreed that family dispute awareness programmes were available in Vihiga County. A total of 202 (60%) disagreed and strongly disagreed significantly affirming that family dispute awareness programmes on domestic violence are not available in Vihiga County.

The respondents lacked information on law enforcement and domestic violence legislative procedures hence remained subjected to domestic violence violation. Out of 338 questionnaires, 21 (6.2%) never attempted the construct. According to Bragg (2003), law enforcement officers are trained to identify domestic violence crimes, investigate and prosecute the offenders (Bragg, 2003).

#### **5.4.4 Distribution of Family Property**

The researcher asked household heads to state whether property policies were enforced to avoid family violence in Vihiga County. The result in table 5.13 show 57 out of 311 (18.3%) household heads strongly agreed that property policies were enforced to avoid family violence in Vihiga County. 56 out of 311 (18%) agreed, 62 out of 311 (19%) were neutral while 61 out of 311 (19.6%) disagreed and 75 out of 311 (24.1%) strongly disagreed that property policies were enforcement to avoid family violence in Vihiga County. 28 out of 338 (8.0%) household heads did not respond to the question. The findings significantly revealed lack of family property policies in communities contributed to domestic violence offences in Vihiga County. The results prompt for policies on property ownership and resource distribution among households to prevent family violence.

Multilateral organizations, civil society and the private sector break down barriers on discriminatory laws, policies on land tenure, property and, marriage rights and inheritance laws to address domestic violence (USAID, 2012). According to the Constitution of Kenya (2010), chapter 4 on the bill of rights the Judiciary and the legal system recommend the law enforce through mediation, arbitration and traditional dispute resolution mechanisms in combating violence in the society. See Table 5.13 Support Strategy on Domestic Violence on the next page.

**Table 5.13 Support Strategy on Domestic Violence**

Responses	Total	SA	A	N	D	SD
Perpetrators of violence are arrested and prosecuted in the court of law	312	18%	20.8%	13.8%	18%	28%
		57	65	43	57	90
Victims are given social support by the government	319	15%	15.7%	15.7%	21.3%	40.1%
		48	25	50	68	128
Guidelines managing household violence accessible to families	318	11.6%	7.5%	16.4%	17.9%	46.5%
		37	24	52	57	148
Dispute awareness programmes on family violence	317	12.0%	17.4%	16.4%	17.0%	37.2%
		38	55	52	54	118
Property policies are enforced to combat violence among families	311	18.3%	18.0%	19.9%	19.6%	24.1%
		57	56	62	61	75

**Source: (Field Data, 2017)**

### 5.5.1 Domestic Violence Strategy by Community Elders

The researcher sought to find out whether community elders punish sexual violence offenders in the family. The findings in table 5.14 show 66 out of 320 (20.6%) household heads strongly agreed and 40 out of 320 (12.5%) agreed that community elders punish sexual violence offenders in the family. 35 out of 320 (10.9%) remained neutral, 64 out of 320 (20.0%) disagreed and 115 out of 320 (35.9%) household heads strongly disagreed that sexual violence offenders were punished by community elders

in Vihiga County. According to the results 179 out of 320 (55.9%) accumulatively disagreed and strongly disagreed that sexual violence offenders were punished by community elders in Vihiga County. 141 out of 320 (44.1%) were neutral nor aware of community involvement in punishing sexual violence offenders in Vihiga County.

The results significantly show community elders were unable to deal with offenders of sexual violence. The results imply that male offenders were hardly punished nor tried in the court of law. 18 out of 320 did not attempt the question hence not included in the report. Male perpetrators were protected by the Luhya traditional patriarchal system that subordinates female gender. According to Wahab & Odetokun (2014) traditional conflict management and resolution techniques utilize community members in resolving community conflicts. The approaches include dialogue, traditional mediation and interpersonal or group strategies in dealing with community conflicts (2014). Coomaraswamy (2000) pointed out that community elders and religious leaders have the responsibility to prevent domestic violence in society.

The researcher sought to find out whether female offenders of sexual violence were punished by the community elders. The results from household heads in table 5.14 show 54 out of 338 (17.9%) strongly agreed and 63 out of 338 (19.8%) agreed that female offenders of sexual violence were punished by community elders. 49 out of 338 (15.4%) were neutral, 48 out of 338 (15.1%) disagreed and 101 out of 338 (31.8%) strongly disagreed that female offenders of sexual violence were punished by community elders. 20 out of 338 of the household heads did not participate in the study. The results revealed that community elders had challenges in punishing female

offenders in Vihiga County. According to Emily *et al* (2010) attempts to eradicate and regulate domestic violence has a challenge between the law, culture and gender relations. African customs dealing with domestic violence in the society have challenges in preventing the violence. Murungi (2012) observed that domestic violence in Kenya faces patriarchal practices hence not easy to prevent.

**Table 5.14 Domestic Violence Strategy by Community Elders**

Punishment of sexual offenders	Total	SA	A	N	D	SD
Men who commit sexual offences in families are punished by community elders	320	20.6%	12.5%	10.9%	20.0%	35.9%
Women who commit sexual offences in families are punished by community elders	310	17.9%	19.8%	15.4%	15.1%	31.8%
		57	63	49	48	101

**Source: (Field Data, 2017)**

### **5.5.2 Dispute Conflict Resolution Strategy**

The study sought to establish whether domestic violence perpetrators were subjected to traditional conflict resolution strategies by community elders. The findings in table 5.15 show 85 out of 301 (28.2%) of the household heads strongly agreed and 47 out of 301 (15.6%) agreed that elders applied traditional conflict resolution strategy to discipline domestic violence perpetrators in the community. 49 out of 301 (16.6%)



were neutral while 38 out of 301 (12.6%) disagreed and 82 out of 301 (27.7%) strongly disagreed that domestic violence perpetrators were subjected to traditional conflict resolution strategy in the community.

According to the findings, a total of 181 out of 301 (60.4%) agreed that the perpetrators were subjected to traditional conflict resolution strategies by community elders in Vihiga County. The results of those who disagreed and strongly disagreed 120 out of 301 (39.6%) show that traditional conflict resolution strategies have limitation in resolving domestic violence offences in the study area. The constitution of Kenya, 2010 provides policies on crimes against humanity, elimination of gender discrimination, gender violence, uphold human rights accord for fundamental rights and freedom for all citizens. According to UNICEF (2006), gender disputes can be resolved through education and assertiveness of family members.

The researcher sought to establish whether cultural practices were used to resolve family disputes. The results in table 5.15 show 68 out of 305 (22.3%) household heads strongly agreed, 71 out of 305 (23.3%) agreed while 49 out of 305 (16.1%) were neutral family members used cultural practices in dealing with family disputes. and 49 out of 305 (16.1%) disagreed and 68 out of 303 (22.3%) strongly disagreed that cultural practices were used to resolve family disputes in Vihiga County. The results significantly show that domestic violence offences were resolved through cultural practices such taboos and rituals. This implies that domestic law enforcement had less impact on domestic violence prevention in Vihiga County. Shipway alluded that domestic violence courts are not specialised in addressing complex domestic crimes. Shipway further states that state courts models are ineffective due to the

changing nature of family violence in the world. Domestic violence has persistently remained private and prevalent challenging the criminal justice system across the states.

**Table 5.15 Dispute Conflict Resolution Strategy**

Responses	Total	SA	A	N	D	SD
Dispute resolution strategy by community elders	301	28.2%	15.6%	16.6%	12.6%	27.7%
		85	47	49	38	82
Traditional cultural practices	315	14.0%	8.3%	12.7%	20.6%	44.4%
		44	26	40	65	140
Family dispute resolution less educated families	314	22.9%	16.6%	11.1%	13.7%	35.7%
		72	52	35	43	112

**Source: Field Data, 2017**

### 5.6.1 Education Approach Strategy

The household heads were asked whether educated women experienced domestic violence. Their response tabulated in table 5.16 show 44 out of 315 (14.0%) strongly agreed, 26 out of 315 (8.3%) agreed while 40 out of 315 (12.7%) remained neutral that educated women experienced domestic violence in Vihiga County. 65 out of 315 (20.6%) disagreed and 140 out of 315 (44.4%) strongly disagreed that educated women experienced domestic violence in Vihiga County.

The findings significantly show that educated women experienced domestic violence as illustrated by 65 out of 315 (20.6%) and 140 out of 315 (44.4%) who disagreed on the construct. The household heads illustrated that educated women were violated by male counterparts in the family. According to Murungi (2012), domestic violence is tightly woven in sociocultural practices of the people hence create difficulties for women to escape abusive marriages.

The researcher sought to find out whether domestic violence was common in uneducated families. The results in table 5.16 show 72 out of 314 (22.9%) strongly agreed and 52 out of 314 (16.6%) agreed that families with uneducated individuals experienced domestic violence while 35 out of 314 (11.1%) were neutral, 43 out of 314(14.7%) disagreed and 112 out of 314 (35.7%) strongly disagreed on the construct. The results significantly show 155 out of 314 (50.4%) accumulatively disagreed that with uneducated individuals experienced domestic violence in Vihiga County. On the other hand, the percentages of those who agreed and remained neutral 49.6% show the presence of domestic violence in families with educated members. According to the findings the insensitivity experienced by sexual abuse and domestic violence victims when reporting cases at Police Stations, lack appropriate and holistic assistance to the victim hence the State need to undertake training and capacity building programmes for law enforcement officers, judicial officers, medical personnel, judges and magistrates in discharging justice to the victims and prosecution of perpetrators (WAOT, 2008). Murungi reiterated that patriarchy does not explain why women suffer under male dominance, abuse rights to life and psychological wellbeing. Table 5.16: Educational Approach Strategy on the next page

**Table 5.16 Educational Approach Strategy**

Responses	Total	SA	A	N	D	SD
Experience of domestic violence	315	14%	8.3%	12.7%	20.6%	44.4%
by educated women		44	26	40	65	140
Dispute resolution in uneducated	314	22.9%	16.6%	11.1%	13.7%	35.7%
families		72	52	35	43	112

**Source: Field Data, 2017**

### **5.7.1 Law Enforcement Institutions Combating Domestic Violence**

The findings in table 5.17 show multiple counts of 338 household heads who sort for help from the law enforcement institutions in Vihiga County. The overall frequency of 994 counts implies that household head sort help from multiple law enforcement intuitions. According to the findings 221 out of 994 (22.2%) household heads stated that assistant chiefs were directly involved in helping domestic violence victims and reporting the offender to other law enforcement institutions for further management. Village elders were tabulated at 204 out of 994 counts (20.5%) reflecting that they gave help to 204 household heads experiencing violence in the family.

The village elders helped to address family conflicts in the community at the same time attempted to reconcile the parties in conflict and referred unresolved cases to assistant chiefs for further management. They majorly used traditional dispute resolution approaches to support victims and disciplined the perpetrators. Religious

leaders 203 out of 994 (20.4%) respectively administered assistance to individuals affected by domestic violence incidences. This happens especially to church adherents cited to have intimate partner relationship. In this respect the spiritual aspect was a major strategy used instead of the law enforcement legislation hence left the victim more vulnerable to perpetrators. The strategy failed to address mechanisms of dealing with the perpetrator.

Community policing had 94 (9.5%) counts significantly reflecting low attention to domestic violence violations in Vihiga County. The Police Officers had 87 (8.8%) showing that they only acted on reported cases in the Police Stations. The findings on the community policing and the police show challenges of reporting of incidences of domestic violence violations. According to the findings the police and community policing only acted on reported cases and in most cases were not available in crime scenes. This left gaps on the protection of family individuals and challenges to the enforcement officers in the study area. The findings also reveal that the majority of the family individuals were uninform of legal action to take whenever they encounter violence in family.

The findings show that victims looked for support from available social institutions in order to resolve domestic violence in their households. Spouses sought for help from parents, mothers and father's in-laws, in-laws and other relatives in the family or community. The study shows the police officers and community policing officers had limitation in reaching household in which perpetration of domestic violence occurred. Human rights groups had 82 out of 994 (8.2%), Law Courts 77 out of 994 (7.7%) and

Civil Society had 26 out of 994 (2.6%) significantly showing challenges of officers reaching out to domestic violence victims apart from dealing with reported cases for prosecution. The findings revealed that the law enforcement institutions were ineffective in managing domestic violence at county and national levels.

The results significantly show the ineffectiveness of law enforcement institutions in combating domestic violence as justified by low frequencies cast law enforcement institutions provided in Table 5.17 below. According to Gyamfi (2014) non-governmental organizations, legal experts and international organizations advocates for governments to address domestic violence through multidimensional approaches. In 1945 the Universal Declaration of Human Rights (UDHR) International Covenant on Social and Cultural Rights (ICSCR) and the International Covenant on Civil Political Rights (ICCPR) advocated for the protection of all persons against violation of human rights. Check Table 5.17: Law Enforcement Institutions Combating Domestic Violence on the next page.

**Table 5.17 Law Enforcement Institutions Combating Domestic Violence**

Institutions Combating Domestic Violence	Responses	
	No	Percent
Assistant Chiefs	221	22.2%
Community Policing	94	9.5%
Village Elders	204	20.5%
Civil society	26	2.6%
Police Officers	87	8.8%
Religious Leaders	203	20.4%
Human rights groups	82	8.2%
Law Courts	77	7.7%
TOTAL	994	100%

**Source: Field Data, 2017**

### **5.7.2 Effectiveness of law Enforcement Institutions**

The percentages, mean and standard deviation of household heads responses on management strategies combating domestic violence in Vihiga County in table 5.18 show 108 out of 321 (33.6%) household heads rated having good support from family members, 164 out of 321 (51.1%) received excellent support from family, 13 out of 321 (4.0%) were not sure of family support, 22 out of 321 (6.9%) rated bad

family support while 14 out of 321 (4.4%) had no contact with family members during domestic violence incidences.

The findings revealed domestic violence victims received much support from family members indicated by good 33.6% and 51% excellent compared to state law enforcement institutions. The rationale behind was that family members were readily available for support during family conflicts. Family members understood factors that generated domestic conflicts hence applied basic conflict resolution skills in dealing with victims and the offenders. According to Harne & Radford (2008) methodological difficulties on domestic violence created problems for policy makers and practitioners in ascertaining the scale of necessary resources for domestic violence intervention. Baker (2017) pointed out that prosecution under this section may be brought in the county in which the criminal investigation, grand jury proceeding, trial or other criminal proceeding is being conducted or took place, or in the county in which the alleged conduct constituting an offense occurred.

In table 5.18 household heads rated support from friends as excellent computed at 39 out of 322 (12.1%), 212 out of 322 (65.8%) rated good help and support, 28 out of 322 (8.3%) not sure, 30 out of 322 (9.3%) rated bad while 13 out of 322 (4.0%) had no contact nor support from friends during domestic violence conflicts. According household heads that picked excellent, good help and support rated at 251 out of 322 (77.9%) revealed that friends offer more support to their colleagues facing domestic violence. Friends empathized, counselled and reconciled families encountering disputes. On the other side 71 out of 322 (21.6%) accumulatively picked neutral, bad support and no contact with friends during the occurrences of domestic violence and



even after the incidences. These could be attributed to lack of intimate, cordial relations with friends and neighbours of the victim.

The overall view is that friends readily resolved family conflicts, provided social support and helped in reconciling family members in conflict. According to these results friends used basic mediation, reconciliation and arbitrations skills to initiate peace and harmony in broken families. According to Sullivan (2012) employing specific knowledge, behaviours and policies in cross-cultural situations can help manage domestic violence in families to increase the sense of self and self-efficacy.

The findings on police support and help in table 5.18 show that 10 out of 317 (3.2%) household heads reported excellent support from the police officers, 85 out of 317 (26.8%) had good support, 45 out of 317 (14.2%) were not sure of help or support, 84 out of 317 (26.5%) stated bad response while 93 out of 317 (29.3%) had no contact with the police officers at the time of domestic violence occurrences. The findings of 10 (3.2%) and 85 (26.8%) on good and excellent support clearly indicated that there was inefficient and ineffective police support to household heads encountering domestic violence. The frequency also highlighted lapses in police law enforcement institutions protecting family rights. The police have challenges in implementing domestic violence protection orders in Kenya. For those household heads who recorded not sure 45 (14.2%) seemed to be fixed within the gap of ignorance and despair on whether to seek help from the police or use other enforcement agencies combating family violence in Kenya.

The findings revealed that 84 out of 317 (26.5%) stated bad while 93 out of 317 (29.3%) had no contact with the police implying that they had fear or were uninformed of the police duties on domestic violence law enforcement. According to these results household heads need to be inducted on police roles and obligations in supporting victims of domestic violence in Vihiga County. This findings support Baker's observation it's crucial for law enforcement officers to be familiar with the dynamics of domestic abuse. Lack of understanding of the complexities of these dynamics may result in blaming the victim for the violence and manipulation of the criminal justice system by the abuser (Baker *et al*, 2017).

Help from religious leaders rated in table 5.18 show excellent 54 out of 326 (16.7%), good 174 out of 326 (52.9%), not sure 33 out of 326 (10.2%), 29 out of 326 (9.0%) stated bad, 36 out of 326 (11.1%) had no contact at the time of experiencing domestic violence amongst households individuals. According to the data domestic violence victims had good support from religious leaders counted at excellent 54 out of 326 (16.7%), good 174 out of 326 (52.9%) reported not sure were 33 out of 326 (10.2%), 29 out of 326 (9.0%) stated bad 36 out of 326 (11.1%) respectively. This implied that religious leader strategies were requisite in managing family violence in Vihiga County. According to Miles (2000) domestic violence is devastating to many families hence the clergy need to create awareness, understanding and concern during intervention. The clergy should learn the dynamics and complexities for provision of care to the suffering families within the congregation. Check Table 5.18 on Effectiveness of Law Enforcement Institutions on the next page.

**Table 5.18 Effectiveness of Law Enforcement Institutions**

Institutional law enforcement	Excellent	Good	Not Sure	Bad	No contact	Total
Family	33.6%	51.1%	4.0%	6.9%	4.4%	321
	108	164	13	22	14	
Friend	12.1%	65.8%	8.3%	9.3%	4.0%	
	39	212	28	30	13	322
Police	3.2%	26.8%	14.2%	26.5%	29.3%	
	10	85	45	84	93	317

**Source: Field Data, 2017**

Table: 5.19 show help and support by Court Officers was rated as excellent, 22 out of 310 (7.1%), 67 out of 310 (21.6%) rated as good, not sure 39 out of 310 (12.6%), 42 out of 310 (13.5%) stated bad, 140 out of 310 (45.2%) had no contact at the time of domestic violence perpetration. Court Officers had 89 out of 310 (28.7%) of the data. The findings implied that the judiciary has challenges in helping victims of domestic violence. At the same time the response of 45.2%, 13.5% and 12.6% significantly proved ineffectiveness by the court officers in discharging the law against perpetrators of domestic violence in Vihiga County.

Under such circumstances the court's jurisdiction could be undermined by failure of the police officers and other law enforcement agencies in providing the required

investigation reports and witness for prosecution of perpetrators. The statutes and rules of the International Criminal Tribunals on the Former Yugoslavia, Rwanda, Sierra Leone and the International Criminal Court stipulate that the states should have proper legislation on rape, sexual slavery, forced pregnancy and other forms of sexual violence against women (King, 2001).

Help and support by Children Protection officers in table: 5.19 was rated as excellent 28 out of 319 (8.8%), 105 out of 319 (32.9%) rated good, not sure 39 out of 319 (12.2%), 38 out of 319 (11.9%) stated bad, 109 out of 319 (34.2%) had no contact at the time of experiencing domestic violence. Children protection officers were rated at 133 out of 319 (41.7%) as institutions that administered little or no help and support during domestic violence conflicts. The results show that most people were not able to access children protection officers for legal services during violations against children. The department of children is understaffed and mainly stationed at sub-county and county headquarter hence not effective. The department mainly deal with reported children cases leaving a myriad child abuse offences unattended in families in Vihiga county.

Table: 5.19 show help and support by Assistant Chiefs was reported as excellent 24 out of 324 (7.4%), good 142 out of 324 (43.8%), not sure 22 out of 324 (6.8%), 71 out of 324 (21.9%) stated bad, 65 out of 324 (20.1%) had no contact at the time of domestic violence perpetration. The assistant chiefs are charged with the responsibility of law enforcement within the community. They are mandated to resolve family violence cases and refer difficult ones for further judicial management. The family had the highest frequency of 282 out of 321 (84.7%) followed by friends

251 out of 322 (77.9%), 228 out of 326 (69.6%) for religious leaders and Assistant Chiefs with 166 out of 324 (51.2%) readily helped and supported the victims deal with domestic violence cases in Vihiga County. According to (Maternowska *et al*, 2009) grassroots prevention and interventions by the civil society can be through advocacy and community participation. They recommend community intervention because it is transformative; utilize community knowledge and resources for social change in society.

**Table 5.19 Institutional Supports of Victims**

Institutions	Excellent	Good	Not Sure	Bad	No contact	TOTAL
supports of victims						
Religious leaders	16.7% 54	52.9% 174	10.2% 33	9.0% 29	11.1% 36	326
Court Officers	7.1% 22	21.6% 67	12.6% 39	13.5% 42	45.2% 140	310
Child Protection Officers	8.8% 28	32.9% 105	12.2% 39	11.9% 38	34.2% 109	319
Assistant chiefs	7.4% 24	43.8% 142	6.8% 22	21.9% 71	20.1% 65	324

**Source: Field Data, 2017**

## **5.8 Chapter Summary**

The chapter assessed state management strategies employed by the government in dealing with domestic violence in Vihiga County. The findings show there were lapses in state intervention strategies combating domestic violence among households. The respondents reported that the law enforcement institutions were faced with corruption, ineffective law enforcement and inaccessible to legal guidelines and regulations was cited as a challenge to households.

The major intervention strategies cited for combating domestic violence non-violent conflict management strategies that comprised negotiation, mediation, compromise, avoidance, collaboration, reconciliation and educational awareness, cultural dispute resolution mechanism by households, chiefs, community elders, the police and the children protection officers. The findings revealed lapses within the law enforcement institution especially the police, court officers, community policing (Nyumba Kumi), Assistant chiefs and children protection officers. The victims and perpetrators were helped through for arbitration, mediation, negotiations and counselling on offences of domestic violence in Vihiga County.

Gender mainstreaming, social support and trauma counselling for victims and perpetrators was not practiced due to ineffective domestic violence laws. Traditional conflict resolution strategies by elders and chiefs subjected the perpetrators to cultural practices that undermined law enforcement. According to the findings domestic violence persistently remains a challenge that needs legislative and state intervention. The findings tried to fill the gap on state intervention strategies employed in dealing

with domestic violence in Vihiga County. The study proceed to chapter six to discuss the challenges encountered by the government in combating domestic violence in Vihiga County

**CHAPTER SIX**

**CHALLENGES ENCOUNTERED BY THE GOVERNMENT IN**

**COMBATING DOMESTIC VIOLENCE IN VIHIGA COUNTY**

The section discussed the challenges encountered by the government in combating domestic violence in Vihiga County, Kenya. The respondents of the study comprised 4 Court Officers, 4 Child Protection Officers, 13 Police Officers and 41 Assistant Chiefs. The challenges under this chapter included lack of Personnel on law enforcement in Vihiga County, ineffective law enforcement by institutions, ignorance of the law by households, lack of records, criminalization of domestic violence offenders, gender disparity before the law, ineffective implementation of Police law and regulations and the influence of education on law enforcement. There was forensic investigation limitation on domestic violence offences, technological impact on domestic violence prevention, violation of human rights, cultural practices, drug and substance abuse strategies combating domestic violence in Vihiga County. The study discovered there were lapses in enforcing domestic violence laws the findings tried to update.

**6.1 Inadequate Law Enforcement Personnel in Vihiga County**

The researcher sought to find out whether there were qualified personnel to fight domestic violence offenders. The findings in table 6.1 show 18 out of 41 (43.90%) Assistant Chiefs picked “yes” implying that there were qualified personnel to fight domestic violence offenders. 23 out of 41 (56.10%) Assistant Chiefs picked “No” significantly showing that there was lack of personnel in enforcing domestic violence laws. The findings also revealed inadequacy in personnel to provide social justice to



individuals encountering family violence. Assistant chiefs needed requisite skills to fight domestic violence in Vihiga County communities hence the need for training law enforcement officers. According to assistant's chiefs from Emuhaya Sub-County, paralegal personnel have abandoned their responsibilities in combating domestic violence hence needed replacement. The assistant chiefs reiterated that the police encouraged victims to resolve domestic violence offences at family and community levels. One of the assistant chiefs from Emuhaya said:

Most cases reported to the police were usually referred back to Assistant Chiefs who lacked knowledge on legislation of domestic violence (Emuhaya Assistant Chief, 2017).

Khan (2000) recommended training of community workers to equip them with information on law enforcement, awareness and identification of victims and perpetrators of domestic violence. Khan pointed out that the nature of domestic violence crimes required community intervention in dealing with perpetrator and victims (ibid).

Table 6.1 results show 4 out of 4 (100%) Court officers pick on “Yes”, meaning that domestic law enforcement by the law courts was ineffective due to understaffing. None of the officers picked “No” justifying understaffing as a challenge in managing domestic violence offences in Vihiga County. The findings significantly ascertain that the judiciary is understaffed hence faced challenges of enforcing domestic laws and protocols in Vihiga County. The study tried to fill the gap on effectiveness of law enforcement personnel on domestic violence. The study further recommended state government to employ more court officers specialized in dealing with domestic violence offences in Vihiga County.

The results of 1 out of 4 (25%) Children Protection Officers picked “Yes” that there was qualified personnel fighting domestic violence in Vihiga County. 3 out of 4 (75%) picked “No” implying that there were no qualified personnel to fight domestic violence. According to the result 75% of the Children Protection Officers clearly show there were challenges in protection of children violation in the study area. Vihiga County children department has challenges due to understaffing hence lack capacity in dealing with a myriad of children offences. Lack of investigation is a major challenge in processing, prosecution, documentation of child abuse perpetrators and support of child victims. The results reveal understaffing of children protection officers contributed to inefficiency in protecting children against domestic violence in Vihiga County.

Findings of Police Officers show 12 out of 13 (92.31%) picked “Yes” while 1 out of 13 (7.69%) picked “No”. the results imply lack of qualified personnel to fight domestic violence offences in Vihiga County. 12 out of 13 (92.31%) significantly reveal lack of qualified police personnel dealing with domestic violence offences in Vihiga county. The police have the responsibility of investigation, reporting, arresting and prosecuting perpetrators in courts of law. The findings revealed lack of police capacity to support domestic violence victims in Vihiga County. The police have to link up with assistant chiefs, chiefs and elder for assistance in discharging justice to family household individuals encountering domestic violence challenges in Vihiga County. One interviewed police officer from Luanda Police Station said:

Some cases were sent to civil courts, other to criminal courts for adjudication and arbitration. Due to lack of staff, local chiefs and community elders resolved domestic violence disputes through traditional practices (Luanda Police Officer, 2017).

The findings significantly show that understaffing in the police force is a major challenge in combating domestic violence in Vihiga County. Vihiga County with 208 police officers cannot manage a massive population of 554622 people or 125945 households in Vihiga County. At the same time the few police officers are ill-trained hence lack effectiveness in discharging the law protecting families from domestic violence perpetration. The police also lack requisite knowledge on legal framework supporting victims encountering domestic violence atrocities in the family. According to Khan (2000), the police have prejudice, lacked training hence reluctant to deal with domestic violence in the society. Khan continued to state that training and sensitization of the Police and community leaders instituted with properly developed guidelines on domestic violence law enforcement. The law enforcement officials (police, judges, prosecutors, defence attorney) on the scene must decide if the crime warrant arresting the offender, must agree upon the charge and disposition of the case (Gordon, 2002).

**Table 6.1 Inadequate Personnel on Law Enforcement in Vihiga County**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
	Response	N	%	N	%	N	%	N	%
Inadequate personnel on law enforcement in Vihiga County	Yes	18	46.15	4	100	3	75	12	92.31
	No	23	53.85	0	0	1	25	1	7.69

**Source: Field Data, 2017**

## **6.2 Ineffective Law Enforcement Institutions**

The respondents were asked whether the law enforcement institutions were effective in combating domestic violence in Vihiga County. Table 6.2 shows 23 out of 41 (56.10%) Assistant Chiefs, 2 out of 4 (50%) Court officers, 3 out of 4 (75%) Children Protection Officers and 10 out of 13 (76.92%) Police Officers picked “Yes” implying that the law enforcement institutions were effective in combating domestic violence in Vihiga County. According to the findings from the Assistant Chiefs, Police Officers, Children Protection Officers and the Court Officers law enforcement institutions were effectively in combating domestic violence. The major reason could be the enforcement institutions have put enforcement efforts despite persistent prevalence of domestic violence. On the other hand 18 out of 41 (43.90%) Assistant Chiefs, 2 out of 4 (50%) Court officers, 1 out of 4 (25%) Children Protection Officers and 3 out of 13 (23.09%) Police Officers stated “No” implying that law enforcement institutions were ineffective in enforcing domestic violence law in Vihiga County. The underlying challenges were attributed to understaffing and inappropriate intervention skills in implementing state law enforcement strategies managing domestic violence.

In a study conducted by Jackson in 2007 show that criminal justice system depends upon the effective coordination of the law enforcement officers, court personnel and the judges. He noted that at times courts might demonstrate the willingness to prosecute domestic violence offenders. At the same time the police may be indifferent and ineffective in responding to the needs of domestic violence victims (Jackson, 2007). On the protection orders; the investigators of domestic violence complaints should advise the complainant relief measures such as shelter, medical assistance and suitable way of law enforcement (Kenya Gazette Supplement Acts, 2015). According

to the findings, the state laws have challenges in addressing the underlying factors influencing domestic violence. The study therefore recommended the state enact proactive approaches of intervention on family violence in Vihiga County and the state in general.

Interview data collected from the assistant chiefs reported inadequacy of the personnel to handle domestic violence cases. According to an assistant chief from Sabatia:

Miji Kumi (village elders) strategy was used though they were not conversant with the law hence made compromises or corrupted by the family or perpetrators. The dispute resolution on domestic violence has been left to the unqualified chiefs, assistant chiefs and village elders in the community (Sabatia Assistant Chief, 2017).

They cited lack of counsellors to educate households on how to manage domestic violence cases. They reported that families doubted the capability of the assistant chiefs in arbitrating domestic violence offences. One of the assistant chiefs stated:

Domestic violence cases required day to day counsellors whom we do not have; I use local wanainchi (experienced elders) whenever there was need since we are not trained to fight domestic violence (Sabatia Assistant Chief, 2017).

The respondents cited insufficient staff to management family violence in the region. The assistant chiefs also cited lack of finance to facilitate the police and domestic violence personnel to enforce domestic violence laws. Assistant Chiefs noted there was lack of judicial expertise to handle domestic violence cases in Vihiga County.

One assistant Chief said:

Some reported cases stall in the courts due to delayed due process, fear and intimidation by the perpetrators supported by household members hindered victims of domestic violence from being supported by law enforcement institutions (Vihiga Sub-County Assistant Chief, 2017).

The challenge of insufficient staff was cited by assistant chiefs as an impediment to the prosecution of offender of domestic violence in Vihiga County. In support of the statement one of the assistant chiefs said:

The chiefs are ready whenever violent issues arise and engage the priests, church leaders and village elders in combating family violence in the region. Nyumba Kumi and clan elders are not trained to handle domestic violence perpetrators and victims (Vihiga Sub-County Assistant Chief, 2017).

The assistant chiefs also alluded to the fact that the police laws and regulations were inappropriate in preventing domestic violence. They also cited inadequacy of the staff in the police force dealing with family violence and recommended for deployment of more staff to combat family violence. One of the interviewees said:

The police only act on reported cases leaving a myriad of domestic violence victims unattended in the household (Field Data, 2017).

According to Khan, the government should train counsellors to support the police, judges, victims and perpetrators of domestic violence in the community (Khan, 2000). Khan also alluded that a major challenge to the protection of the rights of the victims is the persistence of legislation criminalizing the false declaration of the sexual offence that may serve as a disincentive for victims to bring legal claims of rape or sexual violence to justice. Table 6.2 Ineffective Law Enforcement Institutions on the next page.

**Table 6.2 Ineffective Law Enforcement Institutions**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
	Response	N	%	N	%	N	%	N	%
Ineffective law enforcement institutions	Yes	23	56.10	2	50	3	75	10	76.92
	No	18	43.90	2	50	1	25	3	23.09

**Source: Field Data, 2017**

### 6.3 Ignorance of Domestic Violence Law

The researcher sought to find out whether the law enforcement can eliminate gender-based violence against household individuals in Vihiga County. The findings in table 6.3 show the Assistant Chiefs had 24 out of 41 (58.54%), 2 out of 4 (50%) Court officers, 2 out of 4 (50%) Children Protection Officers and 4 out of 13 (30.77%) Police Officers picked “yes” that law enforcement can eliminate gender-based violence against household individuals in Vihiga County. 17 out of 41 (41.46%) Assistant Chiefs, 2 out of 4 (50%) Court officers, 2 out of 4 (50%) Children Protection Officers and 9 out of 13 (69.23%) Police Officers stated “No” that the law enforcement cannot eliminate gender- based violence against household individuals in Vihiga County. According to Kenya law 2009 chapter 13 ignorance of the law does not afford any excuse of any act or omission which would constitute an offence unless the knowledge of the law by the offender is declared to be an element of offence.

According to the findings, half of the Assistant Chiefs, Court Officers and Children Protection Officers stated “Yes” with (50%) response while (50%) stated “No”. This implied that there are loopholes in the efficacy of domestic violence law enforcement in Vihiga County. According to the laws of Kenya a person is charged of a criminal offence arising out of a lawful arrest or attempted arrest by him or forcibly resist such arrest the courts have the mandate to ensure the offender has to face the criminal justice. The assistant chiefs who picked the “No” option significantly implied that there was the need to lay better intervention strategies to combat domestic violence in Vihiga County. An Assistant chief from Sabatia said:

Ignorance of the law was a major challenge on the enforcing domestic violence laws on those who perpetrate violence against individuals in Vihiga County (Sabatia Assistant chief, 2017).

Ignorance among the officers prevented the effectiveness of domestic violence law enforcement (Herring, 2001). Khan (2000) emphasised the creation for a wide range of flexible and speedy remedies under special domestic violence legislation, penal code and civil justice to discourage domestic violence within interpersonal relationship in the family.

The researcher asked the assistant chiefs whether the law protecting men, women and children against domestic violence was sufficient. According to Sabatia Assistant Chief:

Most of the people were neither informed of their rights nor conversant with domestic violence laws. Kenya government legal institutions were not assisting families by prosecuting perpetrators of domestic violence in the community (Assistant Chief, 2017).



According to the Assistant Chiefs, the police reconciled victims with offenders of domestic violence instead of prosecuting them in the court of law. Another assistant Chief from Hamisi said:

When you take somebody to the police he will say you have wronged him so they refer you to the chiefs and community elders for dispute resolution (Hamisi Assistant Chief, 2017).

Some family members were habitual perpetrators of domestic violence hence don't respect the law enforcement institutions in the region. One assistant chief said:

Getting away with the offence once gives them the confidence to repeat the offence. Similarly most husbands believe domestic violence should be resolved customarily or traditionally but not by the police (Hamisi Assistant Chief, 2017).

According to Assistant Chiefs from Hamisi:

Families ignore domestic violence law and human rights regulations and continue instigating domestic violence in Vihiga County (Hamisi Assistant Chief, 2017).

An assistant chief from Hamisi reiterated:

The families are ignoring the law enacted to prevent family violence; they ignore court summons, don't attend chiefs' Barazas for awareness of the law (Hamisi Assistant Chief, 2017).

The researcher further wanted to find out whether men and women are equal before domestic law. The data collected from men and women in the FGDs and assistant chiefs proved that domestic violence law was biased and ineffective in combating domestic violence.

An assistant chief from Luanda said:

The law was confusing hence posed legislative challenges in protecting gender groups in Vihiga County (Luanda Assistant Chief, 2017).

Public awareness was a challenge because many people do not attend chief's barazas for educational awareness on domestic violence legislation. An assistant chief from Sabatia sub-County stated that:

Most of those involved in domestic violence were wives, husbands or close relatives who when summoned in court fail to appear to give witness and evidence for prosecution of offender due to fear of attacks by perpetrators (Sabatia Assistant Chief, 2017).

The assistant chiefs felt that perpetrators colluded with the police to tamper with evidence, witnesses, reports and records. They also reported that witnesses were not willing to assist during investigations as families involved were compromised by perpetrators or victims hence interfered with the prosecution processes. Hamisi sub-county assistant chief said:

Ignorance of the law, illiteracy, cultural diversity, traditional beliefs, taboos and practices in the community affected the law enforcement and legislation of domestic violence (Hamisi sub-county Assistant Chief, 2017).

Another Assistant Chief from Vihiga stated:

The parties affected reconciled with offenders, pleaded for forgiveness, corrupt the law enforcement agents, some communities were tied to their traditional taboos and culture that challenge domestic violence legislation (Vihiga Assistant Chief, 2017).

A female informant in the FGD stated that domestic violence needed cultural solutions. According to Cefrey (2009) United Nations Declaration on Elimination

against Women [UNDEAW] requires all state governments to pursue appropriate means and policies to eliminate violence against women by exercising due diligence, preventing, investigating and punishing offenders. Courts are required to take steps to prevent human rights violation by investigating violence committed within their jurisdiction. In government of Nigeria sponsors community programs directly address physical and psychological violence in the country (Sogade, 2016).

The researcher sought to find out whether domestic violence was a criminal offence. One of the assistant chiefs from Vihiga accepted that domestic violence was a criminal offence. He further stated that crime in the family counts for prosecution only when the victim is physically injured. On issues of gender equality; the respondents felt that the law was biased and ineffective in helping women and children who continued suffering under its legislation challenges (Field Data, 2017). Assistant chiefs also reported that concealment of domestic violence incidences, lack of cooperation between the parties in conflict, conflict of interest, interference by parties in family conflict delayed prosecution of offenders. According to Luanda Sub-County Assistant Chief:

Some parties did not comply, hid the truth and did not respond to summons by the Assistant chiefs nor attended chief's Barazas for arbitration. Some of the offenders were compromised to avoid hatred in the community (Luanda Sub-County Assistant Chief, 2017).

According to the responses from the assistant chief's ignorance of domestic law stood out as a major challenge in combating domestic violence in Vihiga County. The results from 13 Police Officers in Vihiga County revealed that there was a challenge in discharging domestic law due to ignorance by male and female spouses and children in the family. In most jurisdictions, the power of the police to enter private premises was limited in the context of domestic violence. Some legislation allows the

police to rescue the person under attack or imminent attack (Coomaraswamy, 2000). Ignorance and lack of interpretation of the law were captured as a challenge to most victims during police investigation. Thompson & Hickey (2002) observed that victims of gender violence were demoralized when perpetrators were released before finishing their sentence in prison.

The assistant chiefs' informants were asked whether the law protecting men, women and children was sufficient in preventing domestic violence; the respondents stated that domestic violence legislation was insufficient. One assistant chief from Vihiga sub-county said:

The government law protecting all parties was not sufficient especially when men and children are victims. He added that the law majorly protected women and violated men and children. The police compromised the parties in conflict whenever they reported in police station (Vihiga sub-county Assistant Chief, 2017).

According to the Children Protection Officers, law enforcement on domestic violence was hindered by ignorance, withdrawal of cases, lack of witnesses and evidence. One Children Protection Officers from Emuhaya said:

There was lack of cooperation from the victims of domestic violence. Offenders tampered with the evidence while illiteracy among family households made prosecution difficult. There was need to train police officers to be competent in dealing with violence against children (Emuhaya Children Protection Officers, 2017).

The Children Protection Officers pointed out that there were difficulties in investigating domestic violence in nucleated families due to concealment of information. They also reported that most of the domestic violence cases against

children were compromised by the family members and corrupt law enforcers. Sabatia

Children Protection Officer said:

Gender parity between men and women led to gender discrimination while cultural diversity undetermined conflict management strategies dealing with domestic violence (Sabatia Children Protection Officer, 2017).

According to Zastrow & Bowler (1994), some of the segments of the population were suspicious of the police and feared abuse of power. The courts were sharply criticised for long delays and process of prosecuting offenders of domestic violence in Vihiga County. According to (Shipway, 2004) measures put in place to identify victims of domestic violence form integral part of any domestic violence strategy. He advocated for the need to equip workers and agencies to detect and take appropriate follow-up actions through training on protocols preventing domestic violence. Summer & Hoffman (2002) pointed out that ineffective criminal justice and social welfare outcomes must be conceptualized to prevent offenders from future violence rather than continually focusing on victim escaping violent relationships.

**Table 6.3 Ignorance of Domestic Violence Law**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
	Response	N	%	N	%	N	%	N	%
Ignorance of Domestic Violence Law	Yes	24	58.54	2	50	2	50	4	30.77
	No	17	41.46	2	50	2	50	9	69.23

**Source: Field Data, 2017**

#### **6.4 Compromise of Victims**

The researcher sought to find out whether victims of domestic violence were compromised by perpetrators. The results from household heads in table 6.4 show 71 out of 313 (22.7%) strongly agreed and 78 out of 313 (24.9%) agreed that victims of domestic violence were compromised by the perpetrators. 54 out of 313 (17.3%) remained neutral while 46 out of 313 (14.7%) disagreed and 64 out of 313 (20.4%) strongly disagreed that victims of domestic violence were compromised by perpetrators. The findings of 22.7% strongly agreed, 24.9% agreed with 17.3% remaining neutral significantly showed that victims of domestic violence were compromised by perpetrators in communities in Vihiga County. Those who disagreed and strongly disagreed likely felt that there was lack of legislative support to victims of domestic violence in the study area.

According to Shipway (2004), measures to identify victims of domestic violence form an important part of domestic violence strategy used in combating and supporting the victims. Shipway advocated for the need to equip officers with skills to detect domestic violence offences, take appropriate follow-up actions on the implementation of domestic violence protocols for effective legislation. In a study by Jackson (2007) the Feminist Movement of the 1970s focused their attention on battered women criminal justice and enactment of legal reforms on applying sanctions for the protection of victims and prosecution of batterers. Table 6.4 Compromise of Victims on the next page.

**Table 6.4 Compromise of Victims**

Household Frequencies	SA	A	N	D	SD	TOTAL
Compromise of Victims by	22.7%	24.9%	17.3%	14.7%	20.4%	100%
Domestic violence perpetrators	71	78	54	46	64	313

**Source: Field Data, 2017**

### **6.5 Lack of Domestic Violence Records**

The findings from 41 Assistant Chiefs show that there was lack of witnesses, under-reporting of domestic violence incidences, lack of records, destruction of records, lenient fines, compromise of family victims with perpetrators, withdrawal of cases and tampering with evidence (Field data). The Assistant Chiefs and the FGDs from Vihiga Sub-county cited intimidation and harassment by both victims and perpetrators of domestic violence that led to fear and psychological trauma.

Vihiga Sub-County Assistant Chief said:

Unreported cases were due to intimidation, victims were feared the perpetrators, so they refused to report to the police. Domestic violence cases are frequent in the region hence difficult for the law enforcers to combat (Vihiga Assistant Chief, 2017).

According to Gordon (2002) crimes of violence against women were under-reported. In 1991 (59%) of rapes were reported to the police in America. It was found that sexual assault had only 16% of the rape victims reported to the police. The data of arrests of those charged with battery of women in America remain unavailable. Most of the Assistant Chiefs reported that domestic violence subjected individuals to

psychological trauma and ill health. Devolution of the state function in 2013 created gaps in criminal justice system leading to dysfunctional law institutions imbedded in structural injustices in families (ibid). Studies by Atetwe & Onkware (2008) in Emuhaya and Capis (2012) in Vihiga in sub-counties show domestic violence was prevalence in Vihiga County. The researcher's survey in 2013 from social media bulletins, hospitals, witnessing of intimate partner violence affirmed that domestic violence was prevalent amongst family households despite the state legal framework.

### **6.6 Criminalization of Domestic Violence Offenders**

The researcher asked the respondents to state whether domestic violence was a criminal offence in the community. According to findings in table 6.5 Assistant Chiefs 41 out of 41 (100%), 4 out of 4 (100%) Court officers, 4 out of 4 (100%) Children Protection Officers and 13 out of 13 (100%) Police officers stated "yes". According to the informants domestic violence is a criminal acts hence offenders faced criminal justice. According to Gordon (2002), matters of policy legal reforms should program to provide safety for women facing domestic violence.

Kenya sexual offences Act 2006 provides that any person who commits rape intentionally or unlawfully commits or any act of penetration of his or her genital organs without consent, by force, threats or intimidation commits a sexual offence. The framework is clear justification that sexual offence perpetrators are to be prosecuted in the court of law. There are lapses in the law leaving domestic violence victims without support by the law enforcers. Domestic violence perpetrators are hardly prosecuted despite the law enforcement strategies protecting citizens (Horvath *et al*, 2007).



The researcher also asked the informants to state whether making peace between parties in conflict with the police officers helped to combat domestic violence in Vihiga County. The responses in table 6.5 show Assistant Chiefs had 20 out of 41 (48.78%), 3 out of 4 (75%) Court officers, 3 out of 4 (75%) Children Protection Officers and 8 out of 13 (61.54%) Police officers stated “yes” that the police helped to make peace between families parties in conflict. The decision could have been reached due to lack of witness or misreporting of domestic violence incidences. Lack of investigation and criminal records was also the reason why perpetrators were not apprehended for prosecution. According to Herring (2001) negative attitudes by the police towards domestic violence offences frustrates victims seeking for protection. At times victims refuse to cooperate in criminal proceedings. In most instances the police are reluctant to proceed with prosecution of perpetrators unless the victims are committed to pursue the case.

In some cases the police sympathized with intimate partners involved in violent relationships by reconciling them in order to avoid prosecution. Assistant Chiefs 21 out of 41 (51.22%), 1 out of 4 (25%) Court officers, 1 out of 4 (25%) Children Protection Officers and 5 out of 13 (48.46%) Police officers stated “No” that the police arbitrated family conflicts in police stations. The informants implied that the perpetrators were to face the criminal justice to prevent further domestic violence atrocities in Vihiga County. A failure in the operation of the criminal justice system has led to escalation and persistent family violence in Vihiga County. The abusers may be encouraged to instigate more violence due apparent impotence of domestic law. There was lack of interest or implicit support by the police and judiciary in

exposing victims to criminal justice jurisdiction. Failure of the criminal justice leaves domestic violence victims extremely exposed to perpetrators (Herring, 2001).

According to Horvath *et al* (2007) domestic violence legislation clearly states that violence against women both in the family and within interpersonal relationships constitutes domestic violence offences. Summer & Hoffman (2002) observed that mediation cannot provide protection for women targeted for male violence was highly problematic when mediation was offered as an alternative to the protection order. In Australia; restorative justice by-passes the criminal justice system in favour of reconciliation and restitution of victims, Offenders and the community acknowledge mediation and negotiation as strategies of addressing domestic violence in households (Summer & Hoffman, 2002). According to Assistant Chief from Sabatia Sub-County:

Domestic violence becomes a criminal offence when one is injured but not when there are no injuries (Sabatia Assistant Chief, 2017).

From this statement, it is significant that people are ignorant of the law governing individuals against domestic violence. The response on whether the police laws and regulations were appropriate in preventing domestic violence. The assistant chiefs noted that the framework was inappropriate since domestic violence could be resolved by families once they are educated on their individual rights. An Assistant Chief from Vihiga said:

There was lack of guidance and counselling from law experts and most cases arbitration were resolved by Provincial administrators at community level (Assistant Chief Vihiga, 2017).

The informants cited that the police were engaged in other duties in addition to managing domestic violence hence ineffective in offering security to families

encountering domestic violence atrocities. Children Protection Officers reported that domestic violence crimes were on the increase since the police had failed to perform their obligations. According to Jackson (2007), domestic violence counts must uphold the basic principles of protecting defendant's rights, providing a fair and impartial hearing, opportunities for rehabilitation and safety of the victims. Jackson continued to note that in some instances there was systematic gender bias or reluctance to change the traditional justice systems that exist. The systems are blamed for insensitivity to victims despite the innovative programs created to prevent victim mistreatment.

**Table 6.5 Criminalization of Domestic Violence Offenders**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers	
	N	%	N	%	N	%	N	%
Whether domestic violence is considered to be a criminal offence	41	100	4	100	4	100	13	100
Whether making peace with policemen helped to resolve family conflicts	20	48.78	3	75	3	75	8	61.54
	21	51.22	1	25	1	25	5	48.46

**Source: Field data, 2017**

## 6.7 Challenges of Gender Mainstreaming

The researcher wanted to find out whether both men and women were equal before domestic law. The findings indicated in table 6.6a revealed that Assistant Chiefs 38 out of 41 (92.68%), 4 out of 4(100%) Court officers, 4 out of 4 (100%) Children Protection Officers and 11 out of 13 (84.62%) Police Officers stated “Yes” that both men and women were equal before the domestic laws. According to the finding the law is impartial hence cuts across all gender groups without discrimination. Those who responded with No were Assistant Chiefs 3 out of 41 (7.32%), 0 out of 4 (0%) Court officers, 0 out of 4 (0%) Children Protection Officers and 2 out of 13 (15.38%) Police Officers stated that men and women were not equal before domestic law. Hamisi law Court officer alluded:

Domestic violence laws were against the male gender but favours women. The law was biased since it protected women than men though on matters of rape the male child is not protected (Hamisi law Court Officer, 2017).

According to feminist theory fundamental conflicts between men and women is that males are oppressive to women. Statistic show 4000 women in United States face challenges of family violence in their own homes each year without redress (Kirby, Kidd, Kuobel, Barter, Hope, Kirton, Madry, Manning & Triggs, 2000). The researchers affirmed that anger, frustrations and aggression lead women murders that are normalized and executed by the society. These violent men control women in similar methods prisons use to repress societies. According to Baker *et al* (2017) anyone can be a victim, an offender regardless of gender or sexual orientation hence the law enforcers must consider who is the dominant aggressor to derive a determination based on the totality of the facts and circumstance of the violence.

**Table 6.6a Challenges of Gender Mainstreaming**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
	Response	N	%	N	%	N	%	N	%
Challenges of women on domestic violence law enforcement	Yes	38	92.68	4	100	4	100	11	84.62
	No	3	7.32	0	0	0	0	2	15.38

**Source: Field Data, 2017**

The researcher asked the respondents whether women were informed of domestic violence legal guidelines in Vihiga County. The results in Table 6.6b show Assistant Chiefs 28 out of 41(68.29%), 2 out of 4 (50%) Court officers, 2 out of 4 (50%) Children Protection Officers and 5 out of 13(38.46%) Police Officers picked the “yes” option that women were informed of domestic violence legal guidelines in Vihiga County. Those who picked on the “No” option were tabulated as Assistant Chiefs 13 out of 41 (31.71%), 2 out of 4 (50%) Court officers, 2 out of 4 (50%) Children Protection Officers and 8 out of 13 (61.54%) of the Police Officers implied that women were ignorant of domestic violence legal guidelines in Vihiga County.

According to the finding, majority of the respondents agreed that women were ignorant of domestic violence legal framework in Vihiga County. Assistant Chiefs picked “yes” option that women were ignorant of domestic violence legal guidelines

in Vihiga County. Those who picked on the “No” option were 13 out of 41 (31.71%) Assistant Chiefs consented that had knowledge on the legal policy guidelines combating domestic violence in the study area. According to these findings the assistant chiefs used traditional conflict resolution mechanisms hence contradicted legal framework on domestic violence intervention.

In support of these results, Gordon (2002) observed that women significantly reported domestic violence than men. In this study, 29% of women compared to men (8%) reported to have been domestically abused in intimate partner relationships in the United States of America. In Gordon’s study, approximately 1.5 million women and 834700 men were raped or physically assaulted by intimate partners annually (Gordon 2002).

**Table 6.6b: Challenges of Gender Mainstreaming**

Respondents	Responses	A/Chiefs		Court Officers		Children Protection Officers		Police Officers	
		N	%	N	%	N	%	N	%
women ignorant of domestic violence legal guidelines	Yes	28	68.29	2	50	2	50	5	38.46
	No	13	31.71	2	50	2	50	8	61.54

**Source: Field Data, 2017**

## **6.8 Aggression towards the Police Officers**

The researcher asked the respondents whether husbands of women under protection were violent to the police. According to table 6.6c: 20 out of 41 (48.78%) Assistant Chiefs 2 out of 4 (50%) Court officers, 1 out of 4 (25%) Children Protection Officers and 9 out of 13 (69.23%) Police Officers agreed that husband of women under protection were hostile to the police during arrest and prosecution.

In contrast 21 out of 41 (51.22%) Assistant Chiefs 2 out of 4 (50%) Court officers, 3 out of 4 (75%) Children Protection Officers and 4 out of 13 (30.77%) Police Officers disagreed that husband of women under protection were hostile to the police during arrest and prosecution. The findings show that husbands of women victims became violent to the police and other law enforcement personnel during arrests and prosecution as illustrated by the respondents in table 6.6c. Effective GBV interventions through local organizations help mobilize community leaders, government officials and non-governmental organizations in combating domestic violence (UNSAID, 2012). Borat & Leibbrant (2001) show education has a paramount role in reducing domestic violence.

In response to this study Sogade (2016) the findings show that the penal code enforcement in Northern Nigeria provides provisions for wife beating by husbands as a misdemeanour while assaults against male is a felony. It is therefore clear that the government law enforcement institution have not developed clear domestic violence legislation and strategies to deal with the persistent domestic violence in Vihiga County and Kenya in general.

According to the response of the FGDs and assistant chiefs; educated women were proud and violent to their husbands. They resort to physical violence, intimidation, psychological and emotional violence to males in the family. An ideological difference was cited as a factor influencing domestic violence in Vihiga County.

One of the Assistant Chiefs remarked:

Despite the fact that educated women understand their rights they were still prone to domestic violence due to ideological differences (Vihiga Assistant Chief, 2017).

The response of the court informants from Vihiga Magistrate Court on whether the government laws protecting male, female and children was sufficient in combating domestic violence one Vihiga Magistrate said:

The government need to build more laboratories in each county for DNA testing, forensic evidence analysis to facilitate legislation of domestic violence atrocities (Vihiga Court Magistrate, 2017).

Table 6.6c show 20 out of 41 (48.78%) Assistant Chiefs while 21 out of 41 (51.22%) Assistant Chiefs stated that husbands of women under police protection were hostile during police arrests and prosecution. At times husbands of spouses facing intimate violence confronted the police to stop arrest of their spouses. One informant stated that most husbands thought they owned women hence became violent when woman exposed their hidden secrets to the police and the public (Field Data, 2017). One Emuhaya Assistant Chief stated:

Most of those involved were either a wife or husband or a close relative and when summoned in court they neither appeared to give witness or evidence for prosecution of sexual violence offenders (Emuhaya Assistant Chief, 2017).

According to these findings the majority of the respondents agreed that women are perpetrators of domestic violence against households and community members



despite gender mainstreaming and domestic law enforcement. In line with a study conducted by Meweth & Manning (1994), everyone commits offences in any manner, knowingly causing serious bodily harm, threats, poisoning or death of individuals. Murungi (2012) further observed that domestic violence varies considerably across cultures, beliefs, forms of organizations, norms and values in society. Gender mainstreaming strategy face challenges due to socio-cultural practices revealed by the study.

**Table 6.6c: Aggression towards the Police**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
Frequencies	Respo nses	N	%	N	%	N	%	N	%
Spousal violence towards the police protecting women victims	Yes	20	48.78	2	50	1	25	9	69.23
	No	21	51.22	2	50	3	75	4	30.77

**Source: Field Data, 2017**

### 6.9 Ineffective Police Guidelines and Regulations

The researcher sought to establish whether police guidelines were appropriate in preventing domestic violence in Vihiga County. According to Table 6.7: Assistant Chiefs 27 out of 41 (65.8%), 2 out of 4 (50%) Court officers, 2 out of 4 (50%) Children Protection Officers and 6 out of 13 (46.15%) Police Officers picked on

“Yes” that the police guidelines were appropriate in preventing domestic violence in Vihiga County. Assistant Chiefs 14 out of 41 (34.15%), 2 out of 4 (50%) Court officers, 2 out of 4 (50%) Children Protection Officers and 7 out of 13 (53.8%) Police Officers stated “No” implying that police guidelines were not appropriate in preventing domestic violence in Vihiga County.

In most jurisdictions the police have limitations in entering private premises. At times some legislation allows them to enter if requested or believed that a person on the premises was under attack or imminent attack. In cases of domestic violence perpetration the police hardly adhered to protection orders or law enforcement guidelines to prevent domestic violence. The police are the main link to law enforcement institutions. They have a duty to teamwork with court officers during adjudication and prosecution of domestic violence perpetrators. They are to document reports from assistant chiefs, households, children protection officers, human rights agencies such as FIDA, NGOs for further investigation and prosecution of perpetrators. Coomaraswamy (2000) points out that the law enforcement requires cooperation and sensitization of the police on judicial system. Coomaraswamy further reiterated that the police are particularly well-positioned to provide assistance to victim-survivors. Lack of police training and reluctance to intervene hinders them from dealing with domestic violence.

Training and sensitization of police must be instituted to enforce guidelines to equip them with skills for managing domestic violence. The police responses need monitoring in order to be accountable for their behaviour towards victim in order to prevent secondary victimization. The ineffectiveness of the police significantly

revealed lacked of necessary strategies to confront family violence offenders in Vihiga County. Thompson & Hicky (2002) and Amita (1998) observed that the police are charged with conducting in-depth investigation to determine the magnitude of crime. They are to starting with the known crime in conjunction with victims and witnesses in investigation domestic violence perpetrators. Sabatia assistant chiefs alluded that domestic violence management strategies by the police were ineffective in Vihiga County. The police were noted for referring domestic violence cases to Assistant chiefs and chiefs for arbitration and reconciliation in families encountering domestic violence. Sabatia Assistant Chief said:

The police laws cannot regulate domestic violence, they only investigate to get witnesses and evidence which cannot be provided by the perpetrators and victims of domestic violence (Sabatia Assistant Chief, 2017).

In relation to this finding Horvath *et al* (2007) observed that sub-Saharan African countries do not have adequate legislation addressing gender-based violence. Yet they have many challenges of gender-based violence.

The respondents were asked whether the police team worked with other institutions to combat domestic violence. According to the FGDs and Assistant Chiefs:

The police are an independent body hence difficult to teamwork with other institutions (FGDs and Assistant Chiefs, 2017).

The researcher asked assistant chiefs whether the main duty of the police was to combat domestic violence. The results from the informants show that the main duty of the police was to maintain law and order, protection of property but not only domestic violence. The Vihiga Assistant Chief reiterated that:

The main duty was to maintain law and order, protection of property but family violence was to be handled by other administrative organs and the community (Vihiga Assistant Chief, 2017).

During the interview with Assistant Chiefs from Sabatia Sub- County, one of them reiterated that:

There was need to revisit family laws that cater for women and children who were vulnerable to domestic violence in Vihiga County (Sabatia Assistant Chiefs, 2017).

The findings also revealed the government laws had enforcement lapses hence not effective in combating domestic violence in Vihiga County. One Assistant Chief posited that:

Other agents such as religious leaders and Non-Governmental Organizations have to step in to educate families on consequences of domestic violence perpetration (Emuhaya Assistant Chief, 2017).

The informants also stated that the law enforcement was ineffective in eliminating domestic violence offences since the violence is a private family affair (Field Data, 2017). All the informants (41 Assistant Chiefs, 4 Court officers, 4 Children Protection Officers and 13 Police Officers) cited corruption as a major factor influencing domestic violence prosecution and investigation. This contradicts Baker's recommendations that it's the obligation of law enforcement agencies to encourage victims utilize domestic violence advocates for safety and planning in dealing with offenders (Baker *et al*, 2017). In relation to this statement a Police Officer from Hamisi said:

The police cannot be everywhere all the time just for domestic violence. We do not only guard private homes where domestic violence takes place at the same time there are very few police officers to manage the large population of Vihiga County (Hamisi Police Officer, 2017).

According to Court officers, there were incidences of corruption and compromise between the victims, perpetrators and enforcers of the law. The informants reported withdrawal of sexual violence offences due to fear of family breakups or being intimidated by spouses. According to Hamisi Sub-County Police officers, local administrators (chiefs and community elders) mediated and adjudicated domestic violence cases locally. One Police Officer from Hamisi said:

Victims and offenders never reached the courts and police stations for adjudication of family violence conflicts but resolved their differences in kangaroo courts constituted in their communities (Hamisi Police Officer, 2017).

Vihiga Court Magistrate and the FGDs respondents pointed out that the police cannot be everywhere. Most of domestic violence incidences took place in households at night making it difficult for the police to intervene (Field data, 2017). Hamisi Informants stated that the less educated family members were more insecure in violent families in Vihiga County. The police hardly took initiatives to prevent domestic violence at the some opted not to involve other institutions dealing with domestic violence offences in Vihiga County.

According to Caffrey & Mundy (1995), the police responses were embedded in interlinking community services for victim advocacy clinics, provision of legal services, counselling, prosecution of batterers and provision of public education. They continued to emphasize that communities that do not support victims limited the effectiveness of police policies against perpetrators. Kurland (1990) pointed out that domestic violence problems were caused by existing social conditions in the community. Kurland stressed that crimes can be controlled by uncovering and effectively addressing the underlying social problems in the family. There is need to

use community resources such as counselling centres, welfare programmes and job training facilities for prevention of domestic violence. The government should provide policing strategies to reinforce police professionalism on crime-fighting. Enforcement targets such as intelligence operations, undercover stings, electronic surveillance and sophisticated forensic methods should be provided in handling gender crimes (Kurland, 1990).

**Table 6.7 Ineffective Police Guidelines on Domestic Violence**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
	Response	N	%	N	%	N	%	N	%
Appropriateness of Police guidelines on domestic violence law enforcement	Yes	27	65.85	2	50	2	50	6	46.15
	No	14	34.15	2	50	2	50	7	53.85

**Source: Field Data, 2017**

### 6.10 Awareness of the Law Enforcement Procedures

The researcher sought to find out whether family members were educated on domestic violence law enforcement procedures. The results in table 6.8 show Assistant Chiefs 34 out of 41 (82.93%), 3 out of 4 (75%) Court officers, 2 out of 4 (50%) Children Protection Officers and 10 out of 13 (79.92%) Police Officers stated “No” implying that family members were not educated on domestic violence law enforcement

procedures. According to the informants family members were ignorant of the legal framework dealing with domestic violence. They were uninformed of their protection rights hence created room for perpetration of family violence. Assistant Chiefs 7 out of 41 (17.07%), 1 out of 4 (25%) Court officers, 2 out of 4 (50%) Children Protection Officers and 3 out of 4 (20.08%) Police Officers stated “Yes” signifying that family members were educated on domestic violence law enforcement procedures in Vihiga County.

The finding significantly show educated families also engaged in domestic violence just as the less educated families. According to the court officers educated women were subjected to battery, rape, assaults and social molestation by male spouses. The findings also revealed that men and children were also vulnerable to domestic violence Vihiga County. Men who failed to provide family support were molested by children and female spouses. According to Lake *et al.* (2009), the governments should provide free low-cost legal counselling, revise laws on GBV and monitor court cases to ensure there was justice. The security sector, police, military and peacekeeping personnel should be educated on GBV. Enforcement on zero-tolerance on gender-based violence and institution of protocols for referrals on legislation of domestic violence is vital (Lake *et al.*, 2009). According to William & Joseph (2002), the police have the authority to arrest the perpetrators, make a pre-trial investigation and file charges for criminal justice legislation. An Assistant chief from Vihiga Sub-County County noted:

Educated women are proud, instigated physical injuries, intimidation, psychological and emotional violence against individuals in households (Vihiga Assistant Chief, 2017).

Assistant Chiefs stated that family members lacked educational awareness to deal with domestic violence challenges hence called for communities training domestic violence laws through public Barazas (Field Data). Another Assistant Chiefs from Sabatia sub-county remarked:

Despite the fact that educated women understood their rights they were still prone to domestic violence (Sabatia Assistant Chief, 2017).

Another male in the FGD group in Emuhaya reckoned that educated women were perpetrators of domestic violence because of pride and ready to separate from violent spouses. (Emuhaya FGD, 2017). One Assistant Chief from Vihiga said:

At times people act out of ignorance without understanding the consequences of the law (Vihiga Assistant Chief, 2017).

The assistant chief and an FGD informant from Hamisi Sub-County stated that educational awareness programmes helped to control domestic violence while those who were ignorant were at a higher risk of being violated in the family. The findings revealed that illiterate individuals were ignorant of the law hence subjected to domestic violence in the family. United Nations Security Council [UNSC] advocated for increased representation of women in decision-making at national, regional and international institutions for management of conflicts. Coomaraswamy (2000) pointed out that Inter-American Court of Human Rights mandated the government to prevent human rights violations by carrying out investigation on human rights violations, identifying perpetrators and support of victims. One assistant chief stated that some people were not acquitted to new laws on domestic violence legislation (Hamisi Assistant Chief, 2017).



An Assistant chief from Luanda Sub-County said:

The education level of family households challenged efforts to combat domestic violence in Vihiga County since the educated and illiterate families in communities believe in male power dominance over the female counterparts (Luanda Assistant Chiefs, 2017).

In another account, Assistant Chief from Emuhaya reiterated that:

Illiteracy influenced family violence because the illiterate were unable to deal with difficult occurrences and situations of domestic violence within the family (Emuhaya Assistant Chief, 2017).

The findings significantly show that illiteracy was one of the major causes of domestic violence in Vihiga County. The uneducated were ignorant of the law, lacked exposure hence subjected to domestic violence and gross violation of human rights. An interview with the Assistant Chief from Vihiga Sub-County revealed that most household individuals lacked education on their protection rights posing a challenge to law enforcement institutions. One Assistant Chiefs from Vihiga stated that families should be trained and educated on Sexual Violence offences through chief's Public Barazas. A Police Officer from Luanda Police Station said:

Educated women faced domestic violence due to misunderstandings, ideologies, irrational decision making and challenges of male patriarchal authority hat subordinate women (Luanda Police officer, 2017).

According to Children Protection Officers the education level of women was insignificant in managing domestic violence offences. The women are subdued by patriarchal power dominated by men. One Children Protection Officers said:

Both the educated and non-educated family members experienced domestic violence though there was a higher magnitude of perpetration against the educated in the family (Children Protection Officers, 2017).

On elimination of gender violence the informants reported that the community was against perpetrators being brought to justice. Patriarchal structures of male dominance protected and encouraged male perpetrators violating both women and children in households. On law enforcement institutions the children protection officer reported that perpetrators disappeared after committing offences in the family. Domestic violence is complicated because it's a closed door crime that is hardly reported for the criminal justice. It is difficult to realize domestic violence abuses unless the victim has physical injuries manifestations on their bodies (Kenney, 2012). Domestic violence has persistently remained a challenge to state intervention agencies in the world.

The children protection officer cited that law enforcement by the police took place only when offences had been reported to police stations. One of the children protection officers stated that ignorance among people impaired reporting offences. At times convicted offenders did not attend court proceedings. The Kenya National Gender and Equality Commission recommended that crime and violence against humanity be managed through national public education and coordination of multispectral responses (KNGEC, 2014). The results show that domestic violence cuts across all family levels among households in Vihiga County despite the state law enforcement. This calls for the need to revise domestic laws for new proactive approaches of management to end family conflicts. See Table 6.8: Awareness of the Law Enforcement Procedures on the next page.

**Table 6.8: Awareness of the Law Enforcement Procedures**

Respondents	A/Chiefs		Court Officers		Children Protection Officers		Police Officers		
	Response	N	%	N	%	N	%	N	%
Awareness of the Law Enforcement procedures	Yes	34	82.93	3	75	2	50	10	79.92
	No	7	17.92	1	25	2	50	3	20.92

**Source: Field Data, 2017**

### 6.11.1 Forensic Investigation on Domestic Violence

The respondents cited that crime department lacked forensic facilities to investigate reported cases of domestic violence in Vihiga County. According to the finding the police informants stated that there was inadequate expertise to enforce domestic violence laws for protection of household individuals. There were challenges of lack of forensic investigation facilities in police stations. Coomaraswamy (2000) observed that legislation of domestic violence is a modern phenomenon that requires drafting of special laws for effective management of domestic violence in society. Coomaraswamy called for remedies, procedures, improved equipment and enactment of intervention programmes on domestic violence in society.

The police have the mandate of protecting family individuals experiencing family violence. Survey shows that Vihiga County police department faces serious understaffing and also lacks training on requisite knowledge on domestic violence

legislation leading to scapegoats in arresting offenders. Police Officers noted that the community and the politicians undermined the management strategies combating domestic violence in the study area.

The perpetrator and victims of domestic violence continued to increase due to lapses in criminal justice system providing justice in the society. Lockton & Ward (1997) pointed out that many researchers have noted that domestic violence was under-reported to the police. There is a discrepancy amongst researchers on the extent of under-reporting domestic violence offences that vary from 98% to 29%. Studies show only 12% of the reported cases of domestic violence was made subject to crime report. Murungi (2012) reiterated that governments have failed to structure legislation policies dealing with domestic violence. Coomaraswamy (2000) also reckoned that countries must prevent human rights violations by punishing perpetrators.

#### **6.11.2 Law Enforcement Personnel in Dealing with Domestic Violence**

The researcher sought to find out whether there were adequate personnel dealing with domestic violence offences in Vihiga County. According to the results from the police officers, there are insufficient police staffs in Vihiga County. They cited lack of cooperation by other law enforcement institutions dealing with domestic violence offenders. According to conflict theory consequential failures of societies on economic and protection lead to perennial depravity and group conflicts. Domestic violence is influenced by socio-cultural practices that challenge gender roles among families in Vihiga County. According to Fitzgerald (2002) the Western legal system empowers courts to adjudicate conflicts in the family.

These systems face challenges of inadequate judicial legislation in combating domestic violence in Kenya. Megan *at el* (2007) reckoned that the judicial procedures on sexual abuse, gender-based and domestic violence were discriminative hence accelerated further family conflicts. Dorpat continued to point out that the police lacked commitment and transparency in translating the criminal justice in Kenya.

They police officers reported that women were the most abused gender group because they were ignorant of their rights. At the same time they defended male perpetrators in the family. The police reported that the changing lifestyle of women in the family influenced sexual violence. Mbale Police Officer said:

The dressing code of women influences acts of sexual violence in the community (Mbale Police Officer, 2017).

The informants reported that spouses resisted arrest of their counterparts during domestic violence occurrence in households. Hamisi Court Magistrate observed that:

Victims of domestic violence withdrew court cases against their spouses due to fear and allegiance on cultural practices that govern the community values in Vihiga County (Hamisi Court Magistrate, 2017).

Wealthy husbands withdrew court cases against accusers in court (Vihiga Court officer, 2017). On the other hand, the community doesn't adhere to the social justice legislation preventing domestic violence. Megan *at el* (2007) reckoned that judicial procedures for prosecuting sexual abuse, gender-based and domestic violence accelerated family conflicts. The Vihiga Court Magistrate Officer stated that there was lack of witnesses and forensic investigation during domestic violence

occurrences. The findings revealed that perpetrators disappeared after committing offences hindering prosecution process in courts. Vihiga Court Magistrate said:

Witnesses were unwilling to divulge information to relevant authorities and also fail to record statements (Vihiga Court Magistrate, 2017).

The magistrates were faced with challenges of prosecuting perpetrators due to lack of evidence and witnesses. In such circumstances instances it's the function of the police to arrest and prepare charge sheets for prosecution of perpetrators. A Study by Dorpat (2007) recommended for transformative strategies that could change structures of resource inequality in society. According to KNGEC (2014) legislative framework should ensure laws, policies and guidelines on domestic violence is enforced. According to Ouma (2013), the police lacked commitment and transparency in translating the criminal justice laws to prosecute perpetrators of domestic violence in Kenya. Megan *at el* and Ouma concur with the findings that understaffing remains a major law enforcement challenge in Kenya. Vihiga County need qualified and adequate personnel to deal with domestic violence occurrences.

## **6.12 Challenge of Technology**

The researcher sought to find out whether media coverage helped to prevent domestic violence in Vihiga County. According to the findings in table 6.9 those who picked “Yes” were 31 out of 41 (77.50%) Assistant Chiefs, 3 out of 4(75%) Court officers, 3 out of 4 (75%) Children Protection Officers and 9 out of 13 (69.23%) Police Officers picked that media coverage helped to prevent domestic violence in Vihiga County. 9 out of 41 (22.50%) Assistant Chiefs, 1 out of 4 (25%) Court officers, 1 out of 4 (25%)

Children Protection Officers and 4 out of 13 (30.77%) Police Officers picked on “No” implying that Media coverage cannot prevent domestic violence in Vihiga County.

Other findings significantly show 31 assistant chiefs, 3 Court officers, 3 Children Protection Officers and 9 Police Officers strongly reported that media coverage was inefficient in preventing family violence. The informants stated that media programs encourage domestic violence plus crimes against humanity in society. According to Jackson (2008) media influenced domestic violence through readings and bulletins on horror killings by fathers, mothers and children, parents neglecting their children in unclear circumstances. The informants did not consider the fact that many household individuals were not accessible to media domestic violence offences.

At the same time there were no specialised programs on media programs dealing with domestic violence legislation. For those who accessed the programs on TV stations reflected learning new tricks of instigating household violence. Gordon (2002) pointed out that in America the government grants justice departments funds to train the police departments. The government facilitates tracking and centralizing domestic violence cases, legal advocacy for victims, perpetrators and the judiciary. Lake, *et al* (2009) reiterated that strategies of training the police, social service personnel, health personnel, parents, child development was necessary for confronting domestic violence. Law enforcement officers were trained to identify children exposed to violence and refer them to mental health providers for further assessment. A Vihiga Court Magistrate posited:

Very few women can access media coverage on domestic violence since they were preoccupied with household chores (Vihiga Court Magistrate, 2017).

While one Emuhaya Assistant chief said:

Some messages from the media create fear and encourage domestic violence amongst family members (Emuhaya Assistant chief, 2017).

Vihiga assistant chiefs said most household members were not accessible to the media (newspaper, radio and television programmes) so they missed information on domestic violence legislation. Media programmes challenged the majority of the family household individuals who live below the poverty line in Vihiga County. Media services on domestic violence are digitalized, expensive and inaccessible to most of the families in Vihiga County. The findings also show that mobile phones were obstacles to domestic violence law enforcement. The informants stated that family members committed cyber-crimes, posted offensive materials used texts, messages and stalking to perpetrate violence in households. According to NCRC (2014) social norms influenced behaviour made through salient situational features. Television or radio programs should be used to reinforce law enforcement on family violence. Family's exposure to sexual violence in popular movies from the social media likely practiced violence in households. These significantly show technology heavily influenced domestic violence intervention strategies in Vihiga County. The study revealed that social media negatively impacted on domestic violence intervention in Kenya. The respondents noted that some perpetrator deleted threat messages from their phones to delete the evidence in order to escape arrest and prosecution. Vihiga Court Magistrate stated:

Technology plays a major role in instigation of domestic violence especially through text messages, hacking messages; abuse over phones lead to difficulties in investigating and prosecuting domestic violence offences (Vihiga Court Magistrate, 2017).



The Police Officers reported lack of domestic violence management strategies led to ignorance of the law. According to the police there was need for public awareness on domestic laws combating family violence in Vihiga County communities. Domestic violence is crime against human rights accord. Failure to implement legal statutory laws leaves families vulnerable to perpetrators in the family. Lakes, *et al* (2009) reiterated that strategies of training the police, social service personnel, health personnel, parents and child development was necessary in confronting domestic violence within states. Law enforcement officers were trained to identify children and adults exposed to violence for referrals to mental health providers for assessment and support. Police officers should connect domestic violence victims to service providers or legal management for support (Bragg, 2003). Lake *et al* (2009) stipulated that governments should provide free low-cost legal counselling, revise family laws and monitor court cases to enhance criminal justice to prevent the violence.

The findings revealed that illiteracy was a challenge on domestic violence legislation as reported by assistant chiefs, police officers, children protection officers and court officers in Vihiga County. They cited under-reporting of domestic violence offences due to ignorance of protection orders and judicial procedures. According to the findings household individuals had challenges in ascertaining what entails domestic violence violations in family households. In this respect individuals perceive domestic violence as a usual family discipline norm. A study conducted by Jackson (2007) the media was a common ground the public is accustomed to reading and hearing about horror killing of wives, mothers or parents neglecting children. The clear implications of the finding significantly show that media not only report domestic violence but influence further perpetration. The findings revealed that technology impact

negatively on domestic violence law enforcement. It therefore calls for the law enforcement agencies in Vihiga County and the state in general to re-organize efficient intervention strategies to combat the violence.

**Table 6.9 Challenge of Technology**

Respondents	A/Chiefs	Court Officers		Children Protection Officers		Police Officers			
Frequencies	Response	N	%	N	%	N	%	N	%
Whether media can prevent domestic violence	Yes	31	77.50	3	75	3	75	9	69.23
	No	9	22.50	1	25	1	25	4	30.77

**Source: Field Data, 2017**

### 6.13 Violation of Human Rights

The Court Officers reported domestic violence legislation violates male rights and tend to protect women in the community. The findings from 4 out of 4 (100%) court officers from Hamisi and Vihiga Principal Magistrate Courts revealed that the personnel dealing with domestic violence crimes were ineffective. The officers stated that the law enforcers had inadequate knowledge on sexual offence legislation. They observed that very few cases of domestic violence were forwarded to courts by the police for prosecution.

One Vihiga Court Magistrate said:

Fighting domestic violence was an all-inclusive activity that needed collective efforts and training of the limited personnel dealing with domestic violence in Vihiga County to effectively implement the enforcement of the family law (Vihiga Court Magistrate, 2017).

The Court Officers reiterated that the police were biased when discharging the law on domestic violence offenders. The four court informants collectively reiterated that the police need education in handling victims and perpetrators of domestic violence as well as implementing domestic violence laws in Vihiga County.

The findings highlighted the need for training the police on prerequisite skills dealing with domestic violence in the study area. According to this finding household members remain at risk unless the state provides the required legislation on domestic violence. The enforcement institutions seem not to understand protection orders of the penal code when dealing with the victims and perpetrator. Feminist theorist advocated for changes in sexual behaviour for sexual liberation and gender equality in ending domestic violence atrocities in society.

According to Benekos & Merdo (2006) notification legislation statutes help the criminal justice professionals support the utilization of the statutes in the management and supervision of sexual violence incidences. One of the Vihiga Court Officers said that:

The police were major actors within the criminal law justice system hence they should collaborate with other stakeholders in order to combat domestic violence in Vihiga County (Vihiga Court Officer, 2017).

The court officers also reported that the law enforcement on elimination of domestic violence has been interfered with corruption, ignorance, illiteracy and deviance of the law. These has caused the enforcement systems to be ineffective in discharging justice leaving spouses, children, siblings and other individuals vulnerable to domestic violence perpetration in Vihiga County. The court officers reported that domestic violence was considered a private affair, not enshrined in the law of Kenya. The findings of the court officers revealed that the law enforcement agencies such as police, chiefs, assistant chiefs, children protection officers, judiciary, civil societies, human rights groups and other law enforcement agencies were not preventing domestic violence in Vihiga County. Issues of perpetrators corrupting officers could be a hindrance towards supporting the victims and prosecuting the perpetrators. Domestic violence legislation in California empowers the citizens to inform the government of sex offenders before being granted residence in the community in Florida, Jessica Lunford Act of 2002 requires children offenders who have victimised children faced 12 to 25 years of imprisonment while a monitor was a life sentence. The Act was purposed to provide public safety and law enforcement on sex offenders (Benekos & Merdo, 2006). To manage domestic violence the government should identify and amend gaps in domestic law for effective judicial expedition at all state levels. Liberal peace theory affirms that the state parties have the mandate of protection citizens against any form of violence for a peaceful coexistence in society. If the law enforcement institutions fail to implement the legal framework there is likelihood of serious perpetration of domestic violence in society.

In relation to this study Gender Violence Recovery Centre Annual Report [GVMRCAR] (2011- 2012) reported that Gender-based violence (GBV) has remained an endemic

problem cutting across socioeconomic groups in Kenya with a social establishment on patriarchal basis that treat women and children as lesser human beings. The report shows that women were denied the rights in decision-making process. The liberalist stress on just law, neutrality, impartiality, objectivity enhanced by intellectually rigorous systems for conflict resolution (Harne & Radford, 2008), the findings generally indicate the law enforcement and legislation is ineffective in combating domestic violence in Vihiga County.

#### **6.14 Influence of Cultural Practices on Domestic Violence**

Culture, traditional practices and taboos were cited as factors affecting the law enforcement on domestic violence in Vihiga County. Hamisi Assistant Chief stated that communities which cannot go against their traditional taboos compromised the law. Male perpetrators were never apologetic to female victims of domestic violence within households. Cultural practices among Abanyole, Abatiriki and Abalogoli sub-tribes of Luhya enshrined in Luhya patriarchal practices subordinate women and children in the community. The practices have a greater influence on humiliation and intimidation of women, children and other individuals by male gender. According feminist theory wife beating is subordination of females and their subjection to male authority and control of males, a patriarchal ideology male supremacy (Gutton, 2006)

According to Hearn (1992) gender roles that are materially and culturally produced has remained a cultural practical accomplishment in a family relationship. The desire for gender equality and equal rights in marriage has influenced men to abandon their roles leading to family strife. Family conflicts have become frequent due to the changing norms in society. For the family to last partners have to work out patterns of

rights and duties that meet their interests or else face breakdown (Oyeneeye, 1998). According to feminist theory struggle for gender rights challenges traditional practices between men and women hence generated conflicts amongst families in Vihiga County. Another Assistant Chief Hamisi Sub-county said:

Cultural diversity, traditional beliefs, taboos and practices of inhabitants affected the effort to enforce domestic violence laws in Hamisi (Assistant Chief Hamisi).

One Hamisi Sub-county Assistant Chief reported:

The parties affected reconciled with offenders, pleaded for forgiveness in accordance to traditional taboos challenge the legal framework combating family violence (Hamisi Assistant Chief, 2017).

Customs and traditional practices were cited as a hindrance to domestic law enforcement in among households. According to the respondents, domestic violence against females and children is not a criminal offence according to Luhya customary laws. Luhya customs allows male patriarchal power dominance over females and children that challenge domestic violence intervention hence the need for new strategies of approach for attitudinal change. This was backed up by Vihiga Sub-County assistant chief who observed that Luhya cultural values undermined the government intervention strategies dealing with domestic violence. Another assistant chief said:

Domestic violence is influenced by culture and tradition of a given group of people in the region (Vihiga Assistant Chief, 2017).

Traditional practices and customs was a barrier as most of the violence to women was treated as a private traditional affair. Green (1999) noted that gender violence was

embedded in patriarchal structures in which traditional ideologies and mechanisms controlled women. In line with these findings Murungi (2012) reiterated that domestic violence in Kenya was patriarchal hence led to socio-cultural practices that challenges gender roles. Domestic violence is woven into the cultural practices of the people in communities hence not easy to root out.

According to Kangara (2006), patriarchal family systems produce social structures of inequalities of a massive disposition of the social resources in which masculinity and cultural norms fasten violence as stipulated in the feminist theory. Studies have shown that violence in Kenya has been on the increase against women and children as indicated in the statistics 2003 had 2308, 2004 had 2908, 2005 had 202 women and children raped by male perpetrators. United States had 40% of all female homicide victims killed by male intimate partners. The study also show in Bangladesh, Colombia, India, Nigeria and Pakistan women suffer dowry-related deaths or disfigurement by acids thrown on their faces by rejected suitors. The findings show cultural practices highly influence domestic violence despite state intervention strategies.

### **6.15 Influence of Drugs and Substance abuse**

The Assistant Chiefs stated that alcoholism and drug abuse was a challenge to conflict management strategies combating domestic violence among households in Vihiga County. According to Assistant Chiefs and FGDs discharging conflict management strategies on domestic violence was affected by addiction of drugs and alcoholism by the residents of Vihiga County (Field data, 2017). Vihiga Court Officer pointed out that alcoholism was a major challenge on domestic violence the legislation of hence

needed legal reinforcement. These results show drugs and substance abuse significantly contributed to domestic violence offences in Vihiga County.

In a study by (Kenny, 2012 & Caffrey, 2009) alcohol was a major contributor to domestic violence propagation since it lowers a person's inhibitions and impulse to control his conscience. Kenney further observed that approximately 480,000 children were mistreated annually by addicted caregivers. According to the results; the assistant chiefs and the FGDs stated that alcoholism contributed a higher percentage of domestic violence in the family. Alcohol causes Post-traumatic stress-disorder (PTSD) leading to diverse health conditions to victims (ibid). Kaur & Garg (2008) stipulated that effective protection can be established by preventing Sexually Gender Based Violence (SGBV) by identifying the risks and responding to survivors through a well-coordinated, multisectoral approaches. According to studies the present protection environment in Kenya has fraud legislative challenges faced by victims and law enforcers hence unable to enforce domestic violence law. The narcotic law on drugs and substances need to be implanted to reduce alcoholism and drug abuse at the same time prosecutes abusers who instigate domestic violence in families in Vihiga County.

### **6.16 Chapter Summary**

The chapter analyzed challenges encountered by the government in combating domestic violence in Vihiga County. The findings from household heads Assistant chiefs, Court Officers, Children Protection Officers and Police Officer show lack of qualified personnel to deal with domestic violence incidences. Ignorance affected the enforcement of domestic laws and protocols managing domestic violence in the study



area. Finding revealed lack of records, under-reporting, compromised of victims by perpetrators, withdrawal and corruption challenged domestic violence legislation. Patriarchal practices affected women and children's rights were generally in the family. The study significantly shows the police were unable to arrest offender, carry out prosecution processes and conduct forensic investigation to combat domestic violence. Technology, media coverage such as newspapers, telephone, radio and social media misreported domestic violence as factors contributing to domestic violence escalation. Drugs and alcoholism were cited to contribute to violation of human rights. It was on this ground on the chapter object was based. The next is chapter seven that handles summary of findings, conclusion and recommendations of the study

## **CHAPTER SEVEN**

### **SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS**

The overall objective of the study was to examine state intervention strategies in the management of domestic violence in Vihiga County, Kenya. The study had three specific objectives. First it examined the nature and extent of domestic violence in Vihiga County, Secondly it assessed state intervention strategies employed in dealing with domestic violence in Vihiga County. Thirdly it found out the challenges encountered by the government in combating domestic violence in Vihiga County, Kenya.

The researcher employed descriptive research design that involved both qualitative and quantitative methods. Random sampling was applied to sample four hundred (400) (86.58%) respondents that comprised 338 (88%) household heads, 4 (100%) Children Protection Officers, 4 (100%) Court Officers, 13 (65%) Police Officer and 41 (82%) for participation in the study. Closed-ended Likert scale questionnaire was used to collect data from household heads, interview schedules collected data from Children Protection Officers, Court Officers, and Police Officer on variables of the study. FGDs plenary discussion generated data on domestic violence perpetration and management. Qualitative technique was used to analyze primary from open-ended questionnaires and secondary in accordance to the study objectives and while quantitative techniques were applied in analysing primary data from Likert scale and closed ended questionnaires as documented in the study using SPSS software program. Quantitative data was then presented in frequency tables, pie charts and bar graphs. The study applied a conceptual framework that comprised liberal democratic peace theory, feminist theory and a conceptual model that guided literature review,

primary and completion of the study findings. There were summaries of findings, conclusions, recommendations and suggestions for further research of the study.

### **7.1 Summary of the Findings**

The findings of objective one examined the nature and extent of domestic violence in Vihiga County which involved household heads, Children Protection Officers, Police Officers, Court Officers and Assistant Chiefs. The findings revealed there was domestic violence perpetration among males, females and children in Vihiga County. On types of domestic violence and incidences household heads cited violent verbal abuse cumulatively rated as follows; 266 out of 940 counts (28.3%), physical abuse 216 (23.0%), sexual abuse had 136 (14.5%), psychological abuse 128 (13.6%), emotional abuse had 113 (12.0%) spiritual abuse had 81 (8.6%) significantly revealing the presence of family violence in Vihiga County. On the same variable 4 (100%) Court Officers cited perpetration of violent sexual violence, gender-based violence, sexual harassment, defilement, incest, assault and grievous. 13(100%) Police Officers affirmed assault, homicide, suicide, defilement, rape, sexual harassment, incest; grievous harm, maiming, verbal abuse, emotional abuse; spousal violence and fighting were common crimes in Vihiga County. Children Protection Officers 4(100%) reported assault, defilement, incest, wife battering, rape, and child neglect was perpetrated against household individuals. 41(100%) of the Assistant Chiefs reported bullying, verbal abuse, rape, sexual harassment, affray, child abuse, defilement, corporal punishment, assault, wife battering, child neglect, mobile user abuse, throwing objects victims, psychological and emotional abuse, physical abuse, intimidation, sexual abuse, marital violence, abortion, threatening texts, sexual denial,

burning with a hot substance, mob injustice, neglect of the elderly offences were cited as common domestic violence incidences perpetrated by males and females in family households in Vihiga County, Kenya.

Findings on specific sexual violence incidences included rape 49 out of 295 counts (16.61%), rape using an object 25 (8.4%), forced sexual intercourse (75 (25.42%), forced sex when ill 84 (28.47%), forced sex by intimate 28 (9.4%), sodomy 34 (11.4%) in addition to Vihiga County crime report significantly revealed rape is perpetrated in the study area. Other forms of physical violence was fighting and battery of victims household heads responses showed pushing the victim was 108 out of 597 counts (18.1%), hitting, slapping the victim 21 (35.8%), Kicking the victim 83 (13.9%), pulling the victim's hair 42 (6.9%), hitting the victim's head against the wall 55 (9.2%), using a weapon 46 (7.7%), strangulation 27 (4.5%) burning the victim with hot substances 23 out of 597 (3.9%) were cited by household heads. Perpetrators also targeted victim's head 144 out of 416 counts (34.6%), 137 (32.9%) arms and hands, 65 (15.6%) legs and feet, 50 (12%) torso while 20 (4.8%) targeted genitals during the violence incidences. Most of domestic violence incidences during both day and night majorly perpetrated males, females, in-law, parents, children, relatives and other individuals within households. Factors that contributed to domestic violence perpetration were cited as patriarchy, use of weapons, availability of alcoholism and drug, aggression, frustration, anxiety, ignorance of domestic laws, human and safety rights, inequitable distribution of resources, illiteracy and poverty. In conclusion household heads, assistant chiefs, police officers, children protection offices and court officers alluded to the fact that incidences of domestic violence were a common

occurrence in the study area. According to the findings domestic violence was perpetrated by males, females and children at the same time being victims of violence.

The second objective assessed state intervention strategies employed in dealing with domestic violence in Vihiga County, Kenya. The informants comprised household heads, Police Officers, Court Officers, Children Protection Officers and Assistant Chiefs. Responses from questionnaire and interview guide were qualitatively analyzed into themes and documented. Quantitative data was analyzed using SPSS software package then presented in percentages, pie charts and frequency tables.

Legal justice system was not effective in preventing domestic violence perpetration in households. Findings show 216 out of 316 (67.3%) household heads cited intervention strategies were not significant preventing domestic perpetration in Vihiga County. The law enforcement strategies used never assisted in protecting household individuals from family violence occurrences. According to the findings, the intervention by 338 households, assistant chiefs (41), police officers (13), 4 Children Protection Officers and court officers negotiation, mediation, cultural dispute resolution, religious leaders interventions, and educational awareness, compromise between victims and perpetrators, arbitration, adjudication, collaboration, avoidance, reconciliation, counselling and gender mainstreaming in households in Vihiga County.

The respondents pointed out that state intervention strategy were not operational due inadequate personnel on domestic violence law enforcement. 73.05% of households

stated that police intervention strategies were ineffective dealing with domestic violence conflicts incompetent since they lacked requisite conflict resolving confliction skills. At certain incidences Hamisi and Vihiga Court Officers stated that perpetrators were prosecuted, fined or imprisoned, applied customary practices, community elders during arbitration and adjudication of family violence offences. The findings also show there was a problem of reporting and addressing incidences of domestic violence due to fear of frustration and aggression of the perpetrators within the family household. The respondents also cited that social support for victims and rehabilitation of offenders was not practiced by law enforcers. In this report many intervention strategies were used to combat domestic violence despite its frequency and reoccurrence among family household individuals in Vihiga County despite the challenges encountered.

Objective three was to find out the challenges encountered by the government in combating domestic violence in Vihiga County, Kenya. The Assistant chiefs, Court Officers, Children Protection Officers and the Police Officer's cited lack of qualified personnel on domestic violence law enforcement. Ignorance of the law undermined domestic violence law enforcement and legislation by the state agencies. The respondents cited that government laws and protocols had challenges in preventing domestic violence because it's private family practice. Lack of records by the law enforcement institutions was due to under-reporting, compromise of victims by perpetrators, withdrawal by victims, failure of witnesses to appear or witness during court proceedings and corruption by law enforcers, perpetrators and family members. Patriarchal practices challenged law enforcement strategies on women and children rights to protect male perpetrators from facing the law. The police lacked power and

skills to deal with domestic violence perpetrators and support victims for court proceeds. The law enforcers neither arrested offenders nor carried out forensic investigation on occurrences. Educational awareness strategy was inadequately used to management and protects domestic violence victims. According to the respondents technology misreported and negatively impacted on domestic law enforcement in the study area. Drugs and alcoholism, aggression, frustration, use of weapons, ignorance, patriarchal practices and inequitable distribution of family resources influenced further perpetration of domestic violence crimes despite the state intervention strategies managing domestic violence in Vihiga County.

### **7.2.1 Conclusions**

The state intervention strategies in the management of domestic violence, the study findings revealed that domestic violence has persistently remained a national problem that requires effective legislation. Specific objective addressed nature and extent of domestic violence, state intervention strategies, challenges encountered by the government in managing domestic violence. According to the informants domestic violence significantly affect the lives of individuals in the family, due to ineffective laws, policies, protocols, interventions and enforcement strategies. Summary findings are discussed in specific objectives the study below.

On the nature and extent of domestic violence, the respondents cited gender-based, Sexual, Psychological and Physical violence was significantly were perpetrated against household individuals in Vihiga County. The respondents cited assault, homicide, suicide, defilement, rape, sexual harassment, incest, grievous harm,

maiming, verbal abuse, emotional abuse; spousal violence and fighting, wife battering, and child neglect, bullying, affray, corporal punishment, child neglect, mobile user abuse, throwing objects at victims, psychological trauma, intimidation, abortion, sexual denial, burning with a hot substance, mob injustice and neglect of the elderly. According to the informants, domestic violence occurred during day and night mainly perpetuated by males, females, children, in-laws, parents and other household individuals in Vihiga County of Kenya.

On the state intervention strategies employed in dealing with domestic violence, the findings revealed that the law enforcers applied the legislation of the domestic law which involved non-violent conflict resolution mechanisms. The assistant chiefs, police officers, court officers, children protection officers and household heads cited mediation and negotiation; public awareness programmes on chiefs' Barazas, avoidance, collaboration, reconciliation, arbitration and adjudication were applied in addressing domestic violence. The respondents cited that perpetrators were arrested by assistant chiefs, police officers, community policing then referred to Hamisi and Vihiga County Courts for prosecution.

On the challenges encountered by the government in combating domestic violence the respondents cited ineffectiveness domestic violence law enforcement in Vihiga County. Most of the legislative organs had lapses in discharging legislative duties due understaffing and lack of skills in handling perpetrators and victims. Ignorance of the domestic violence law by household individuals is impediment to managing violence in families. Lack of records and witnesses is a major challenge undermining domestic



violence intervention strategies. Laxities by the police to carry out forensic investigation hindered prosecution of perpetrators and support of the victims. Technology also played negative role on domestic violence enforcement. Human rights challenged patriarchal and cultural practices that subordinated women and children subjecting them to further domestic violence perpetration. The state use its due diligence to effectively prevent occurrences of violence in the family by investigating, providing social support to victims, prosecuting and rehabilitating perpetrators to eliminate domestic violence occurrences in Vihiga County and Kenya in general.

The overall conclusion of the study was that domestic violence was commonly perpetrated against households individuals in Vihiga County despite domestic law enforcement strategies employed to combat it. Domestic violence remains persistent due to gaps in the legal framework, lapses within the state enforcement institutions challenged by socio-economic factors among households in Vihiga County. The findings revealed challenges of legislation, institutional records, forensic investigation and equipment, qualified personnel, corruption and lack of witnesses need a proactive intervention strategies to domestic violence Vihiga County. The study therefore contributed to state intervention strategies in the management of domestic violence in Vihiga County, Kenya.

### **7.3. Recommendations**

1. The study recommended for proactive and integrative approaches to address systematic causes of domestic violence to prevent future occurrences in

families and communities in Vihiga County and the state of Kenya in general. The state should design intervention strategies to investigate levels at which violence occurs targeting household individuals, community, county and state and levels in mitigating domestic violence. The County and the state government should enact education, awareness campaigns and training programs that mitigate factors perpetuating violence in respect to dynamics of the society, changing lifestyles and human behaviour in Vihiga County.

2. On state intervention strategies managing domestic violence the study recommended for a proactive holistic legislation and human rights-based approaches that integrates law enforcement actors, community elders, family individuals, chiefs and assistant chiefs, police departments, children protection departments and religious groups in mitigating domestic violence in Vihiga County. The legislature should formulate workable forensic investigation strategies to mitigate factors influencing family violence. Special care must be taken by all the stakeholders in prioritising investigations into incidents of domestic violence, to ensure adequate investigations, arrest, prosecution of offenders. Traditional management strategies that are patriarchy based should be redressed through education, awareness campaigns, training programs and innovative interventions to curb domestic violence and impunity against families in Vihiga County.
3. On the challenges encountered by the government in combating domestic violence; the study recommended for effective legislation of domestic violence Acts and Protocols managing domestic violence in Vihiga and Kenya

in general. Lack of accountability reinforces normalizing of domestic violence cycles of violence within homes, families and law enforcement agencies hence the need transformative intervention approaches in managing the violence in households. This calls for adequate legislative frameworks, policing systems and judicial approaches that create safe enabling environment protecting individuals from harm. The state should develop a policy assessment guide that can aid agencies and departments in proactively think about how policies and decisions impact efforts to prevent domestic violence in order to address victim's needs as well as perpetrators for preventing potential negative consequences among households in Vihiga County of Kenya.

#### **7.4 Suggestions for Further Research**

The study made the following suggestions for further research:

1. The State and Vihiga County government should train community elders, the family, assistant chiefs, police officers and children protection officers to identify domestic violence incidences for legislation by the criminal justice system. According to the findings chiefs, religious leaders and the village elders helped in resolving domestic violence cases hence helped to fill the gap domestic violence management in Vihiga County. The study recommended further research on proactive and integrative approaches addressing systematic causes of domestic violence to prevent future occurrences in households in Vihiga County. Other investigations probe mitigation on factors perpetuating domestic violence dynamics in society relation to changing lifestyles and human behaviour in Vihiga County, Kenya.

2. The study recommended further research on a proactive holistic human rights based approach that integrates law enforcement actors, community family individuals, protection departments and religious groups in mitigating domestic violence in Vihiga County. More studies should target legislative frameworks, policing systems and judicial procedures alleviating family violence at individual level. Failures within the justice system on legislation on perpetration of domestic violence should be addressed at all levels. Lack of accountability perpetuates individualism, normalizes violence leading to cycles of in society hence the need for further research to combat the domestic violence in Vihiga County.
  
3. Further studies should be carried out on challenges facing domestic violence enforcement, factors leading to perennial violence against families for and interventions for restorative justice. Challenges of corruption, lack of witnesses, forensic investigation, social support and patriarchal practices need investigation in order to mitigate domestic violence at family, community, county and state levels. Reporting incidences of domestic violence should be intensified for effective prosecution of perpetrators and support of victims implicated in family violent incidences in Vihiga County of Kenya.

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## APPENDICES

### APPENDIX 1

#### HOUSEHOLD HEADS QUESTIONNAIRE ON THE NATURE AND EXTENT OF DOMESTIC VIOLENCE IN VIHIGA COUNTY

##### SECTION A: Socio demographic information

Name of Sub-County \_\_\_\_\_

Gender: Male \_\_\_\_\_ Female \_\_\_\_\_ Religion \_\_\_\_\_

Marital Status: Single  Married  Separated  Divorced  widow/widower

Your age: 20-29 years  30-39 years  40-49 years  above 50 years

Please tick the highest level of academic qualification.

Degree  Diploma  Certificate  Secondary Primary

**For sections B, C, D, E on the nature and extent of domestic violence in Vihiga County; use the Likert below scale to give your responses**

Strongly Agree (SA) = 5, Agree (A) = 4, Neutral (N) = 3, Disagree (D) = 2,

Strongly Disagree (SD) = 1

##### SECTION B: The Nature and Extent of Domestic Violence in Vihiga County

1). Tick all the household violence crimes that are common in your community listed

below: Verbal abuse [ ] Physical abuse [ ] Sexual abuse [ ] Emotional abuse [ ]

Psychological abuse [ ] Spiritual abuse [ ]

2). Please tick specific abuses you have experienced in your family provided below:

a) Physical abuse you have experience in your family: Pushing [ ]

Hitting/slapping [ ] Kicking [ ] Pulling the hair [ ] Attempted strangulation [ ]

Using a weapon to cause harm [ ] Burning with a hot substance [ ] Hitting the head against the wall [ ]

b) What part of the body did the perpetrator target during the physical assault?

Head [ ] Torso [ ] Arms and hands [ ] Legs and feet [ ] Genitals [ ]

3). Please tick any sexual assault you have ever experience in your life

a) Rape [ ] sodomy [ ] Rape using an object [ ] Forced to watch pornographic material [ ] Forced prostitution [ ] Forced sex intercourse [ ] calling you sexually abusive names [ ] Forced sex when ill [ ] forced sex by intimate

b). How frequent have you ever experience the violence mentioned in question

(a) Above? Several times [ ] few times [ ] none [ ]

c) Have you ever tried to defend yourself from physical assault? Yes [ ] No [ ]

4) How would you rate the help and support received from the institutions below:

	<b>Excellent</b>	<b>Good</b>	<b>Bad</b>	<b>Not sure</b>	<b>No Contact</b>
a) Family	[ ]	[ ]	[ ]	[ ]	[ ]
b) Friend	[ ]	[ ]	[ ]	[ ]	[ ]
c) Police	[ ]	[ ]	[ ]	[ ]	[ ]
d) Religious leaders	[ ]	[ ]	[ ]	[ ]	[ ]
e) Magistrate	[ ]	[ ]	[ ]	[ ]	[ ]
f) Child Protection Officers	[ ]	[ ]	[ ]	[ ]	[ ]
g) Assistant chiefs	[ ]	[ ]	[ ]	[ ]	[ ]

**Use the scale with strongly Agree (SA) = 5 and strongly Disagree (SD) = 1 to give your responses**

	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
5) Family violence crimes take place during day	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
6) Family violence crimes take place at night	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>

- 7) Men majorly perpetrate family violence among the households 5 4 3 2 1
- 8) Women perpetrate family violence among the households 5 4 3 2 1
- 9) Both men and women perpetrate violence in households 5 4 3 2 1
- 10) Children take part in perpetrating family violence 5 4 3 2 1
- 11) Men are victims of household violence in the family 5 4 3 2 1
- 12) Women are victims of household violence 5 4 3 2 1
- 13) Children are at times subjected to family violence by parent 5 4 3 2 1
- 14) The perpetrators use weapons in instigating household violence 5 4 3 2 1
- 15) Men perpetrate gender-based violence among the households 5 4 3 2 1
- 16) Women perpetrate gender-based violence in the household 5 4 3 2 1
- 17) Alcoholism contributes to household violence in the family 5 4 3 2 1
- 18) Drug abusers contribute to household violence in the family 5 4 3 2 1

**SECTION C:** On state intervention strategies employed in dealing with domestic violence in Vihiga County, Kenya

1. Family violence management strategies are available in my area 5 4 3 2 1
2. The Assistant chiefs enforce the law against domestic violence 5 4 3 2 1
3. Both men and women are involved in combating domestic violence 5 4 3 2 1
4. According to the law household violence is a private affair 5 4 3 2 1
5. Women take part in combating household violence 5 4 3 2 1
6. The police prevention is the best way of combating family violence 5 4 3 2 1
7. The police have enough qualified personnel to reduce family violence 5 4 3 2 1
8. The police help in resolving intimate violence among households 5 4 3 2 1
9. Perpetrators of violence are arrested and prosecuted in the court of law 5 4 3 2 1
10. Victims are given social support by the government 5 4 3 2 1

11. Guidelines for managing domestic violence are accessible to families **5 4 3 2 1**
12. Please tick the groups of institutions provided below that are directly involved in combating household violence in your area. Assistant chiefs ( ) Community policing ( ) Village elders ( ) Civil society ( ) Police officers ( ) Religious leaders ( ) Human rights groups ( ) Law Courts ( )
13. Tick the management strategies that are employed to combat household violence in your area excommunication ( ) arbitration ( ) compensation ( ) mediation ( ) reconciliation ( ) conciliation ( ) dialogue ( ) rehabilitation ( ) Guidance and counselling ( ) taboo and rituals ( ) negotiation ( ) adjudication ( ) compromise ( ) education ( ) collaboration ( )
14. Men who commit sexual offences in families are punished by **5 4 3 2 1**  
Community elders
15. Women who instigate violence are fined by community elders **5 4 3 2 1**
16. Perpetrators of family murder are excommunicated from the community **5 4 3 2 1**
17. Victims of household violence are compromised by perpetrators **5 4 3 2 1**
18. People with property hardly instigate family violence **5 4 3 2 1**
19. Cultural practices like taboos and rituals help to resolve family disputes **5 4 3 2 1**
20. Dispute awareness on family violence programmes are available **5 4 3 2 1**
21. The police have appropriate skill in curbing domestic violence. **5 4 3 2 1**
22. Educated Women hardly experience domestic Violence **5 4 3 2 1**
23. Domestic violence is more common in less educated families **5 4 3 2 1**
24. Employed men hardly perpetrate household violence in the family **5 4 3 2 1**
25. Employed women do not perpetrate domestic violence in the family **5 4 3 2 1**
26. Spouses with adequate income hardly engage in domestic violence **5 4 3 2 1**

27. The income of women influence domestic violence in the family 5 4 3 2 1
28. Equitable distribution of property help to reduce domestic violence 5 4 3 2 1
29. Inequitable distribution of resources influence family violence 5 4 3 2 1
30. Rich family households experience violence 5 4 3 2 1
31. The rich family households hardly experience violence 5 4 3 2 1
32. Property policies are enforced to combat violence among families 5 4 3 2 1

**Thank you for answering the questionnaire.**

## APPENDIX 2

### INTERVIEW GUIDE FOR ASSISTANT CHIEFS, POLICE OFFICERS, COURT OFFICERS AND CHILDREN PROTECTION OFFICERS ON THE NATURE AND EXTENT OF DOMESTIC VIOLENCE, STATE INTERVENTION STRATEGIES AND CHALLENGES ENCOUNTERED IN MANAGING DOMESTIC VIOLENCE IN VIHIGA COUNTY, KENYA

#### SECTION A: Socio demographic information

Name of Sub-County \_\_\_\_\_

Gender: Male \_\_\_\_\_ Female \_\_\_\_\_ Religion \_\_\_\_\_

Marital Status: Single  Married  Separated  Divorced  Widow/Widower

Your age: 20-29 years  30-39 years  40-49 years  above 50 years

Your highest academic qualification

Degree  Diploma  Certificate  Secondary  Primary

#### SECTION B: Challenges Encountered by the Government in Combating Domestic Violence in Vihiga County

Please tick and give brief observations to the questions in the spaces provided in each section.

1) Which type domestic violence incidences are commonly prosecuted by your institution? Kindly list them \_\_\_\_\_

2) The major perpetrators of household violence in your area are? Men ( )  
women ( ) children ( ) all ( )

3) List management strategies used to combat household violence in your institution \_\_\_\_\_



4) Do have any challenges in discharging these strategies. If any list them in the space provided\_\_\_\_\_

5) Kindly state the management strategies employed by the government to combat domestic violence and the challenges encountered in the table below;

<b>Nature of Domestic Violence</b>	<b>Management Strategies</b>	<b>Challenges encountered</b>
Rape		
Defilement		
Sexual harassment		
Murder		
Alcoholism and drug abuse		
Arson		
Incest		
Assault		
Suicide		
Verbal abuse		
Psychological abuse		
Emotional abuse		

Threatening text messages		
Abuse over mobile phone		
Burning with hot substances		
Threatening looks		
Throwing objects at you		

6). Tick the methods provided below that is effective in resolving household violence.  
(Education, employment, negotiation, compromise, collaboration, adjudication, arbitration, counselling, possession of property, traditional/cultural resolutions)

7). Do you considered domestic violence as a criminal offense by your institution?

Briefly explain \_\_\_\_\_

\_\_\_\_\_

8). Do you believe that men and women are equal before the law? Briefly explain

\_\_\_\_\_

\_\_\_\_\_

9). Are the police laws and regulations appropriate in preventing domestic violence.

Yes/No Briefly explain \_\_\_\_\_

\_\_\_\_\_

10).Do you have qualified personnel to fight domestic violence? Yes ( ) No ( ).

Briefly explain \_\_\_\_\_

\_\_\_\_\_

11). Does the level of education level of the family influence domestic violence.

Yes ( ) No ( ). Briefly explain \_\_\_\_\_

\_\_\_\_\_

12). Police teamwork with other institutions to combat domestic violence. Yes ( ) No ( ). Briefly explain\_\_\_\_\_

\_\_\_\_\_

13). Do you think the main duty of police is to combat domestic violence? Yes ( ) No ( ). Briefly explain\_\_\_\_\_

\_\_\_\_\_

14) Is the government law protecting men, women and children sufficient to prevent domestic violence? Yes ( ) No ( ). Briefly explain\_\_\_\_\_

\_\_\_\_\_

15). Do you believe making peace between parties by the police station can help to combat domestic violence? Yes ( ) No ( ). If No, kindly explain\_\_\_\_\_

\_\_\_\_\_

16). Do the police have the education to reduce domestic violence? Yes ( ) No ( ). Briefly explain\_\_\_\_\_

\_\_\_\_\_

17). Do you believe that women exaggerate the domestic violence? Yes ( ) No ( ). Briefly explain\_\_\_\_\_

\_\_\_\_\_

18). Do you apply non-violent conflict resolution strategies to combat domestic violence? Yes ( ) No ( ). Briefly explain your response\_\_\_\_\_

\_\_\_\_\_

19). Do you think that the husband of women under protection may be violent to the police? Yes ( ) No ( ). Briefly explain your answer\_\_\_\_\_

\_\_\_\_\_

20). Do you believe that educated women won't face domestic violence? Yes ( )

No ( ). Briefly explain \_\_\_\_\_  
\_\_\_\_\_

21). Keeping in mind the education level of community do you believe that domestic violence is common among the less educated families? Yes ( ) No ( ). Briefly explain your response \_\_\_\_\_  
\_\_\_\_\_

22). Do you think the media coverage can help to reduce domestic violence in the community? Yes ( ) No ( ). Briefly explain \_\_\_\_\_  
\_\_\_\_\_

23). Are the law enforcement institutions responsible in combating domestic violence effective? Yes ( ) No ( ). Briefly explain your response \_\_\_\_\_  
\_\_\_\_\_

24) Do you think the law enforcement can eliminate gender-based violence among households? Yes ( ) No ( ). Briefly explain your response \_\_\_\_\_  
\_\_\_\_\_

**Thank you for answering the questionnaire.**

### APPENDIX 3

#### QUESTIONNAIRE FOR FOCUS GROUP DISCUSSION ON THE NATURE AND EXTENT OF DOMESTIC VIOLENCE, STATE INTERVENTION STRATEGIES AND CHALLENGES ENCOUNTERED IN MANAGING DOMESTIC VIOLENCE IN VIHIGA COUNTY, KENYA

Explain the nature and extent of domestic violence incidences commonly prosecuted in your area? Kindly list the violence and explain its nature

---

---

1. The perpetrators of household violence in your area are: Men ( ) women ( ) children ( ) all ( ). Discuss \_\_\_\_\_

---

2. List the management strategies used to combat household violence by your institution listed in question 1 above \_\_\_\_\_

---

3. Which management strategies provided are applied to resolve domestic violence in your area? Please tick the those that apply: (education, employment, negotiation, compromise, collaboration, adjudication, arbitration, counselling, provision of property)

4. Does the level of household education play a role in managing domestic violence? Discuss. \_\_\_\_\_

---

5. How can property induce household violence? Briefly explain \_\_\_\_\_

---

6. Discuss how employment can help to end domestic violence. \_\_\_\_\_

---

---

7. How can we solve violence generated due to low income among households? Discuss

---

---

8. Discuss the management strategies deployed by the government in combating domestic violence in Vihiga County. \_\_\_\_\_

---

---

9. List and explain any traditional management strategies used in the community in combating domestic violence. \_\_\_\_\_

---

10. Are there challenges encountered in combating domestic violence? Discuss. \_\_\_\_\_

---

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**Thank you for answering the questionnaire.**

## APPENDIX 4

### NACOSTI RESEARCH AUTHORIZATION



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

Telephone: +254-20-2213471,  
2241349, 3310571, 2219420  
Fax: +254-20-318245, 318249  
Email: dg@nacosti.go.ke  
Website: www.nacosti.go.ke  
when replying please quote

9<sup>th</sup> Floor, Utalii House  
Uhuru Highway  
P.O. Box 30623-00100  
NAIROBI-KENYA

Ref. No.

Date:

**NACOSTI/P/17/57091/15344**

**23<sup>rd</sup> January, 2017**


Jared Aineah Ngutu  
Masinde Muliro University of  
Science and Technology  
P.O. Box 190-50100  
**KAKAMEGA.**

#### **RE: RESEARCH AUTHORIZATION**

Following your application for authority to carry out research on "*Track one conflict management strategies combating domestic violence in Vihiga County, Kenya*," I am pleased to inform you that you have been authorized to undertake research in **Vihiga County** for the period ending **20<sup>th</sup> January, 2018**.

You are advised to report to the **Managing Director, Kenya Bureau of Standards, the County Commissioner and the County Director of Education, Vihiga County** before embarking on the research project.

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

  
**BONIFACE WANYAMA**  
**FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The Managing Director  
Kenya Bureau of Standards.

The County Commissioner  
Vihiga County

National Commission for Science, Technology and Innovation is ISO 9001:2008 Certified

APPENDIX 5

RESEARCH PERMIT

CONDITIONS

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



REPUBLIC OF KENYA



National Commission for Science, Technology and Innovation  
RESEACH CLEARANCE PERMIT

Serial No. A 12567

CONDITIONS: see back page

THIS IS TO CERTIFY THAT:  
**MR. JARED AINEAH NGUTU**  
of MASINDE MULIRO UNIVERSITY OF  
SCIENCE AND TECHNOLOGY, 0-50307  
LUANDA, has been permitted to conduct  
research in **Vihiga County**

Permit No : **NACOSTI/P/17/57091/15344**  
Date Of Issue : **23rd January, 2018**  
Fee Received : **ksh2000**

on the topic: **TRACK ONE CONFLICT  
MANAGEMENT STRATEGIES COMBATING  
DOMESTIC VIOLENCE IN VIHIGA  
COUNTY, KENYA**

for the period ending:  
**20th January, 2018**



*[Signature]*  
Applicant's  
Signature

*[Signature]*  
Director General  
National Commission for Science,  
Technology & Innovation



## APPENDIX 6

### RESEARCH AUTHORIZATION BY COUNTY DIRECTOR OF EDUCATION, VIHIGA COUNTY



MINISTRY OF EDUCATION  
STATE DEPARTMENT OF EDUCATION

Telegrams: .....  
Telephone: (056) 51450  
When replying please quote

COUNTY EDUCATION OFFICE,  
VIHIGA COUNTY,  
P.O. BOX 640,  
MARAGOLI.

REF: CDE/VC/ADM/VOL.2/39/92

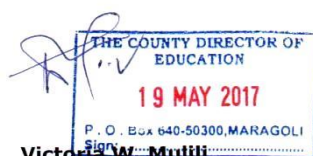
19<sup>th</sup> May, 2017

#### TO WHOM IT MAY CONCERN

**RE: PERMISSION TO CONDUCT RESEARCH  
JARED AINEAH NGUTU - ADM. CPC/H/02/12**

Reference is made to letter dated 19<sup>th</sup> May 2017.

Permission is hereby granted to the above named PhD student at Masinde Muliro University of Science and Technology (MIMUST) to collect data on "**Track One Conflict Management Strategies Combating Domestic Violence in Vihiga County**", to enable him write a Thesis as required of him, by the University.



**Victoria W. Muliil**  
County Director of Education  
VIHIGA COUNTY

Copy to:

County Commissioner  
VIHIGA

## APPENDIX 7

### AUTHORIZATION BY COUNTY COMMISSIONER, VIHIGA COUNTY

REPUBLIC OF KENYA



OFFICE OF THE PRESIDENT  
MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Email: vihigacc1992@gmail.com  
Telephone: Vihiga 0771866800  
When replying please quote

COUNTY COMMISSIONER,  
VIHIGA COUNTY,  
P.O. BOX 75-50300,  
MARAGOLI.

REF: VC/ED 12/1 VOL.1/180

20<sup>th</sup> September, 2016

TO WHOM IT MAY CONCERN

RE: RESEARCH AUTHORIZATION – JARED AINEAH NGUTU

This is to introduce to you Jared Aineah Ngutu who is a student at Masinde Muliro University of Science and Technology to carry out research on “*Track One Conflict Management Strategies influencing Domestic Violence in Vihiga County of Kenya*” so as to enable him write a project/thesis as required by the university.

Kindly accord him all the necessary support.

  
COUNTY COMMISSIONER  
VIHIGA COUNTY

APOLLO O. OKELLO  
COUNTY COMMISSIONER  
VIHIGA COUNTY

APPENDIX 8

AUTHORIZATION BY VIHIGA COUNTY POLICE COMMANDER



**KENYA POLICE SERVICE**

TELEGRAMS: "POLICE"  
TELEPHONE: 056 - 51193  
EMAIL: countypolicecdrvihiga@gmail.com  
vihigacountycommander@kenyapolice.go.ke

COUNTY POLICE COMMANDER,  
VIHIGA COUNTY,  
P.O. BOX 44 -50300,  
MARAGOLI

19<sup>th</sup> May, 2017  
DATE: .....

WHEN REPLYING PLEASE QUOTE:

**C/GEN/11/VOLI/49**

Ref: .....

Jared Aineah Ngutu,  
P.O Box 779,  
**Luanda - Kenya.**

**RE: REQUEST FOR RESEARCH AUTHORIZATION.**

Your unreferenced letter dated 19<sup>th</sup> May, 2017 touching the above mentioned subject Refers. This office has no objection you carrying out your research by way of interviewing police officers or visiting various police stations within Vihiga County to collect data on the topic; *'Track one conflict strategies combating domestic violence in Vihiga County, Kenya'*.

Note that the information obtained will only be used for the intended purposes.

However, you are advised to always register your presence in the office of the area Officer Commanding Police Division before embarking on your research at any police station.

This office wishes you all the best in your endeavors.

(SARAH DUNCAN)

**COUNTY POLICE COMMANDER**  
**VIHIGA**



## APPENDIX 9

# AUTHORIZATION BY DEPUTY COUNTY COMMISSIONER, LUANDA SUB-COUNTY

### REPUBLIC OF KENYA



### THE PRESIDENCY MINISTRY OF INTERIOR & COORDINATION OF NATIONAL GOVERNMENT

Telegram: "DISTRICTER", Luanda  
E-mail: [dccluanda@yahoo.com](mailto:dccluanda@yahoo.com)  
Telephone:  
Fax  
When replying please quote:

DEPUTY COUNTY COMMISSIONER  
LUANDA SUB COUNTY  
P.O. BOX 231-50314  
EMUHAYA

REF: LUA/ED 12/15 VOL. I /3

9<sup>th</sup> JUNE, 2017

Mr. Jared Aineah Ngutu

#### RE: REQUEST FOR RESEARCH AUTHORIZATION

This office refers to your letter dated 19<sup>th</sup> May, 2017 concerning your request for authority to carry out research ( Data collection ) in both Luanda/Emuhaya Sub – Counties.

This is to inform you that your request has been accepted by this office and you are hereby cautioned to carry out your research with diligence, integrity, respect and transparency.

Please note that while carrying out the research, you will be subjected to the laid down Government Rules and Regulations as per the requirement.

  
(S. A. OWUOR )

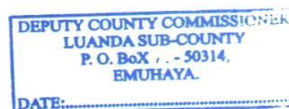
FOR : DEPUTY COUNTY COMMISSIONER

#### LUANDA SUB COUNTY

✓ C. C. Office of the Dean ( School of Graduate Studies)

Masinde Muliro University

P. O. Box 190 -50100 - KAKAMEGA



**APPENDIX 10**

**AUTHORIZATION BY CHILDREN'S PROTECTION OFFICER, VIHIGA  
SUB-COUNTY**

**MINISTRY OF EAST AFRICAN COMMUNITY, LABOUR AND SOCIAL PROTECTION.**

**STATE DEPARTMENT OF SOCIAL PROTECTION.**

**DEPARTMENT OF CHILDREN SERVICES.**

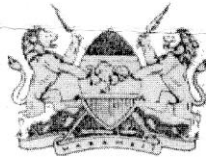
Telegrams.....

Telephone:.....

When replying please

Quote.

Ref: No.....



Sub -County Children's Office,  
Vihiga Sub –County,  
P. O. Box 1500-50300,  
**MARAGOLI.**

22/5 /2017

**TO WHOM IT MAY CONCERN**

**RE: PERMISSION TO CONDUCT RESEARCH; JARED AINEAH NGUTU ADM.  
CPC/H/02/12**

Permission is hereby granted to the above named PhD student at Masinde Muliro University of science and Technology ( MMUST) to collect data on **‘Track One Conflict Management Strategies Combating Domestic Violence in Vihiga County’**, to enable him write a thesis as required of him, by the University.



**Copy to:**

**County commissioner**

**VIHIGA**

APPENDIX 11

AUTHORIZATION BY DEPUTY COUNTY COMMISSIONER, HAMISI  
SUB-COUNTY



THE PRESIDENCY  
MINISTRY OF INTERIOR & COORDINATION OF NATIONAL GOVERNMENT

Fax: 0202398516  
Telephone.....  
When replying please quote:

Deputy County Commissioner's Office,  
Hamisi Sub County,  
P.O. Box 2 - 50312,  
**HAMISI.**

Ref: ED/2/19 VOL. I/61

Date: 9<sup>TH</sup> NOVEMBER 2016

**TO WHOM IT MAY CONCERN**

**RE: RESEARCH AUTHORIZATION – MR.JARED AINEAH NGUTU – ID NO. 5113793**

This is to confirm that the above named person is a student at Masinde Muliro University of Science and Technology.

He has been authorized to carry out research within Hamisi Sub County on "Track One Conflict Management Strategies Influencing Domestic Violence in Vihiga County of Kenya" so as to enable him write a project/ thesis as required by the university. .

Kindly accord him all the necessary assistance.

*W. Kitua*

W.KITUA,  
FOR: DEPUTY COUNTY COMMISSIONER,  
**HAMISI SUB COUNTY.**

