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TANGAZA COLLEGE  
CATHOLIC UNIVERSITY  
OF EASTERN AFRICA

TOPIC:  
VIOLENCE AGAINST WOMEN

*A Challenge to Society and to the Church*

By : Geoffrey Muhuri

Tutor : Fr. Charles Odeny



Long Essay Submitted in partial fulfillment of the  
requirement for Bachelor of Arts, Religious Studies.

FEBRUARY 2000

NAIROBI

2000

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## STUDENTS DECLARATION

I hereby declare that the material used herein has not been submitted for Academic Credit to any other Institution. All sources have been cited in full

Signed   
**GEOFFREY MUHURI**

## ACKNOWLEDGEMENTS

My sincere gratitude goes to the many people whose remarkable assistance has made this long essay possible.

First I am greatly indebted to my Moderator Rev. Father Charles Odeny without whose efforts and advice I could not have accomplished this work successfully. I most sincerely appreciate his willingness to assist, advise and correct me during this period when I was compiling this project.

I must also acknowledge the essential help of my informants whose contribution can hardly be overlooked.

Lastly I do strongly register my deep appreciation to all my lecturers at Tangaza College and my classmates for their kindness, encouragement and tolerance which they have bestowed upon me during my four years of study. Indeed without their generosity I could not have achieved the expectations.

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## **GENERAL INTRODUCTION**

The violence against women is an internationally recognized problem. It is a gender violence which is nurtured by cultural and traditional aspects and has become a menace in our Kenya. It is a phenomenon with a wide range of implications on the society and the church. It therefore needs proper study and action.

While cultural and traditional beliefs are considered to be the mothers of the gender oppression and discrimination, yet some religious interpretations have decisively played a reasonable part in perpetuating the violence against women.

Although men and women are created in the image of God with equal rights and entitled to enjoy equal justice yet it is clearly evident that women have been subjected to all types of oppression and exploitation from times immemorial.

This is not an elaborated study on the phenomenon but the research throws light on the effects it has on society, church and the family. The study touches several types of violence against women and discloses various causes and effects of gender violence.

Most of the material comes from the life experience, information and knowledge acquired by the researcher during a long period as a teacher in Central, Nyanza, Coast and Eastern Provinces. Other research materials, articles and books are similarly used in the study.

This study emphasizes the challenge of the church to address this dehumanizing problem in a particular way. The church as the teacher needs to re-

examine her contribution to eradicate this menace and to embark on more endeavours within the umbrella of her pastoral evangelization to educate and to preach against the gender violence.

Violence against women remains all pervasive. It is not limited to a specific class, geographical area or type of persons. Rather it cuts across social differences and status lines rich, poor, urban and rural, professional and illiterate young and old.

The Article I of the Declaration on the Elimination of Violence against Women defines violence as any action of gender based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life<sup>1</sup>.

While talking about violence against women we must bear in mind the many forms of violence including domestic violence, battery by husbands or other male partners, rape, murder, genital mutilation, gender based violence by police and security forces, torture of detained women, violence against women during the armed conflict, incest, sexual harassment in schools and in the working places, forced pregnancy, forced marriages, forced abortion<sup>2</sup>.

The gender discrimination gets its root from tradition, conservative cultural attitudes and religious interpretations. It is heart breaking to note how traditional and cultural assumptions about the gender roles within society are used to justify

<sup>1</sup> Caroline Sweetman, Women and Rights, Oxfam Focus on Gender, Oxfam Publication, page 26

<sup>2</sup> Ibid p 13

the continued oppression and subordination of women. Indeed one cannot fail to discover how some practices performed in the name of culture and religion have played a decisive part in violating the rights of women. The gender violence has created untold misery and suffering to woman from the time immemorial. This violence manifests human injustice and encompasses every country and all types and classes of people. The objective of gender violence is meant to maintain the male domineering attitude at home and at public life. This brings about the disruption of women lives and denial of their options. It undermines their confidence and self-esteem, it destroys their health physically and psychologically and undermines their involvement in societal participation.

The violence against women is often caused and carried out by male persons who have some relationship with those women who are victims. These male oppressors include husbands, boyfriends, fathers, brothers and other close relatives. The gender violence is a deep manifestation of male chauvinism to dominate and to keep women in the state of subordination within the family circle and society at large.

As a result of this day to day violence against women in the Kenyan soil many women have died in the hands of men in the homes, working places, in the colleges in lodgings and in many other situations. This crime and oppression is a violation of human rights and a social malice that demands total condemnation and it calls for attention of all citizens and the government. The gender violence is notoriously directed towards women because of their delicate sex. Violence against women is used to keep women in their place, to limit their opportunities to

live, learn, and work, and to hamper their capabilities to organise and claim their rights.

For that masculine and selfish oppression to materialize male as well as female from the childhood are persuaded and influenced through cultural domain to accept the gender violence as an integral part of the gender identity. This oppression which is articulated through various institutions is a malicious instrument which violates the women's personality and decency. In addition to that the violence against the feminine population in Kenya has been a major hindrance to women to participate fully in the fields related to economic, social and political life.

Violence humiliates and intimidates women, fear of violence prevents many women from taking initiatives and organising their lives as they would choose.<sup>3</sup> The violence against women is a strong male weapon to ensure that they comply with gender norms while religious beliefs have been used to legitimize the women's subordination in every tradition.

Owing to gender violence women continue to suffer daily and live with unceasing threat or experience physical and sexual molestation. Violence against women remain widely unreported and therefore its incidence is not officially recorded. Many women though abused by men decline to report the violence they suffer because economically and socially they depend upon those men. In many instances when violence is reported the legal officials regard it as a private matter

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<sup>3</sup> Julia Cleves Mosse, Half the World Half a Chance, An Introduction to Gender and Development, Oxfam 1993 page 59.

and fail to respond as they would to public violence and other forms of criminal assault. Some violence takes place in private spheres within families, homes and out of sight. Such violence is unreported and disguised by the victims and society. Hence because of a culture of silence that surrounds the cases of violence against women hinders the true picture.

My paper will concentrate on three kinds of violence against women, namely domestic, cultural and sexual violence. In Chapter One I will talk about Domestic Violence. In Chapter two I will talk about Cultural Violence. In Chapter three I will talk about Sexual Violence. In Chapter Four I will present Conclusion and Personal Evaluation.

# CHAPTER I

## DOMESTIC VIOLENCE

### 1.1 DOMESTIC VIOLENCE

Domestic violence is an obvious occurrence in our daily surrounding and is daily mentioned and revealed in our media. Domestic violence is not a new phenomenon but has been happening from ages to ages, although quite often not reported by the victims and disguised by society. However, because of the media and the society's willingness to discuss it openly the issue has now become a national concern. Whatever the cause or motive real, magnified or imaginary one thing is awfully for certain, murderous domestic violence is becoming more widespread in this country.<sup>4</sup>

Domestic violence is a learned pattern of behaviour used by one person in relationship to control the other person. When one talks about domestic violence, he is expected to include many forms of dehumanising abuses heaped upon women by men. Such forms of violence include hitting, slapping, biting, kicking, emotional abuses, through name calling, isolation from family and friends, restriction of freedom, criticising constantly trying to humiliate, ridiculing, undermining self-esteem, economic abuse by withdrawing money, being prevented from getting or holding job, actual or threatened physical harm, sexual assault, intimidation and destruction of property.

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<sup>4</sup> A Domestic Violence Neighborhood Watch? In East Africa Standard Wednesday, August 4, 1999 page 6

Any woman can be subjected to domestic violence. None who claim to be immune whether educated or uneducated, rich or poor, professional or housewife, young or old, employed or unemployed. In other words, domestic violence can fall on married women, unmarried, separated, divorced, dating, living together or those who have a child in common.

The most common domestic violence directed towards women by the male gender is beating. It is a gender based violence which has been nurtured by traditional and cultural beliefs and superstitions.

## **1.2 CAUSES OF DOMESTIC VIOLENCE AGAINST WOMEN**

Women are trained to believe that their value and survival depend on men, fathers, husbands, brothers, sons and it is commonly accepted that women should not displease then men folk. As a result of such a traditional misconception, men consider themselves as kings whose prerogative is to discipline women. Women are especially vulnerable to violence because of their dependence on men which is frequently economic and this is the result of various levels of discrimination.

One of the many causes of domestic violence against women especially in Africa is culture. For some cultures beating one's wife is something normal. In these tribes, women can either be beaten for disciplinary reasons known by the husbands. Other reasons could be psychological, due to one's poor psychological make up with his biased mind he may think that beating his wife is an honour or a good thing. Women beaters are men from all ways of life. These men whether Christians, Muslims, Hindus, traditional religious believers or non-believers have

one thing in common not to spare the rod when a wife becomes slightly disobedient.

There are numerous reasons given behind women's battering and many of these reasons are naive and incredible. A wife can be battered just because there is more or less salt in the food offered to the husband. Some cases that justify the women's beating could be solved peacefully.

However, it is pity that due to misguided cultural elements, majority of our African men cannot entertain to sit down and reconcile with their female partners as this would be seen as a masculine weakness and flexibility.

Another reason could be due to patriarchal set up or social set up which advocates for gender imbalance, whereby the male gender is highly exalted. This leads to male gender to feel more important than the female gender as if when God created Adam and Eve, He told them that one is more important than the other. Most of these things are grounded on cultural set up in different people's minds. Mrs. Angelina Mwangi one of the women who are against women violence says that 'men who beat their wives express deep rooted jealousy and strive to control every aspect of their spouse's life.'<sup>5</sup>

Another reason for domestic violence against women could be due to bride price whereby after a man gives the bride price to his father-in-law he thinks that he can do whatever he likes to the 'property' he has bought, even marital rape is a consequence of this concept. Another reason could be due to men's prejudice that

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<sup>5</sup> Nation Reporter "Women's Day to be Marked" Daily Nation No. 111899 Nairobi, Monday, March 1999, p.2.

they are the pillars of their homes, men do not become pregnant, men do not have menstrual period, women do not become priests and hence men are better than women.

All these and many more is a misconception of ideas geared towards oppression, gender bias, women suppression, prejudice, selfishness etc. A quotation from Onesmus Githinji says that "wife battering is a manifestation of internal weakness in the man and this must be a man who is insecure and lacks the intellect to use other than conflict resolution formula."<sup>6</sup> Angelina Mwai too says that it is the people who cannot reason who resort to violence. These people have overprotectedness over their wives and that is the reason why they want to control them in all aspects even calling at the place of work every now and then just for the sake of knowing whether she is there or not.

Lawyer Ochieng Oduol says that wife beating does not improve the relationship between a man and woman.<sup>7</sup>

Sometimes owing to adverse economic conditions, husbands are unable to provide for their families. Such inability to be the breadwinner strikes a blow at the masculine ego. Many men feel devastated and confused. "A man like this resorts to violence in order to hide his own feeling of inadequacy and insecurity."<sup>8</sup> A man who suffers form inferiority complex tends to project his frustrations and aggression to a victim who is less to pose any threat.

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<sup>6</sup> Lilian Nduta "Why victims of Violence must not suffer the indignity in Silence", Sunday Nation Nairobi, August 23, 1998 Lifestyle 4.

<sup>7</sup> Mburu Mwangi. "Battering Woman Dies in Hospital", The Daily Nation No. 2313, Nairobi Sunday Dec. 27, 1998, p.1.

<sup>8</sup> Judy Mbugua. Our Time Has Come, African Christian Women Address the Issues of Today. Baker Book House, Grand Rapids, Michigan, p.68.

Automatically, such victims are women and children. Basically men who are emotionally illiterate are unable to express their feelings in a relational manner and tend to use the only language that will give them a feeling of superiority over their victims i.e. physical violence.<sup>9</sup>

A jealous man will beat his female partner just because she is seen greeting or smiling to another man. One angry woman informed me that she used to be battered just because her daughter did poorly in school. Ms Margaret Warutere says that she was locked out of the house after visiting her parents.<sup>10</sup>

Other minor cause of domestic violence could be poverty which is the result of lack of employment and food in the family. Domestic violence could also be caused by traditional stories, proverbs, riddles, myths which are geared towards idolizing male gender. These traditional stories which are imparted in people's mind when they are still young can create a very bad image towards women because some of them have message which is biased towards women. "There appears to be some religio-cultural roots of violence against African women which make male gender to behave that way."<sup>11</sup>

In most Kenyan households traditional roles, social obligations and economic dependence firmly define the duties of the wife. It is therefore expected that a woman will put up with her husbands ways including all forms of abuses. If the wife resists she is judged negatively by society.

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<sup>9</sup> Ibid. page 69.

<sup>10</sup> Wanja N Githinji. 'When Violence Tears up Families', The Sunday Nation, Nairobi, August 22, 1999, Life Style 3.

<sup>11</sup> Grace Wamae, & Mary Getui, Violence Against Women, Reflected by Kenya Women Theologians, Nairobi, Action Publishers, Page 14.

Despite this kind of brutality, the women who denounce their ordeals in public are seen to be opposing the customary behaviour, the behaviour which gets blessings from the society. In many cases the battered woman is held responsible for the problem, her way of dressing, her nagging, her cooking, her low self esteem, her withholding sex, her accusations, all these and more are valid excuses for battering or murder. It is sad that such a crooked behaviour is sanctioned by the society and law. As the result of economic dependence the women choose to live with the devil they know if they find economic security and shelter rather than leaving with no place to go. Society counsels the woman to stay and preserve the family even when it is known that her life is in danger. She is convinced that a woman must have endurance to accept all kinds of treatment from men including battering for the sake of children. Domestic violence involving women is frequent all over the world. Data suggest that 42% of the Kenyan women are regularly beaten by either their husbands or partners. Domestic violence is not momentary. A battered woman may experience beating from the same person over and over again. It is an ongoing dehumanizing experience of physical, psychological or sexual abuse.

### **1.3 CONCRETE ISSUES / CASES OF DOMESTIC VIOLENCE**

Domestic violence leads to injuries and many women die as the result of domestic violence. Others are made maimed, cripples, blind after experiencing serious and malicious assault. The most dangerous time for a woman who is being battered is when she makes an attempt to leave.

Many women who are murdered by their partners are killed when they threaten to leave. The worst enemy that women in abusive relationship have is their own relatives who urge them to persevere and stay on. There have been serious cases of domestic violence against women in Kenya. Although the media has tried to highlight some of these incidents yet the pictures are just a small fraction of what is really happening. According to statistics availed by the International Federation of Women Lawyers "FIDA" Kenyan Chapter, 49 women were killed in the country in 1998 in domestic violence incidents.<sup>12</sup>

Every year scores of incidents of the most brutal violence are reported, many of them resulting in grievous bodily harm and death. Many other violent incidents especially non fatal but nonetheless harmful and traumatic go unreported. Some of these are crimes of passion, others are the result of habitual brutality and bullying, too many of them can be ascribed to male chauvinistic attitudes. Indeed the cases which are reported are just a small fraction of domestic violence against women country wide. There have been very serious cases of domestic violence against women in Kenya. I am going to mention a few of them to give the picture of this prevailing culture of brutality against women.

Ms. Lucy Bakivi died instantly after she was battered with a walking stick on her head by her husband in Sondu area of Kamugui Village (Reported in the Daily Nation January 26 1998).

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<sup>12</sup> "Identifying Domestic Violence" In Parent Magazine, April 1999 pg. 25.

On January 27, 1998 an unnamed administration policeman stabbed his girlfriend to death with a Somali sword in Makutano town of west Pokot district for allegedly infecting him with a venereal disease.

A man shot his wife with an arrow and later stabbed her with a knife at Matungulu Division in Machakos (Daily Nation Friday January 30 1998). On February 18, 1998 Joseph Waithaka slashed his wife to death after a domestic quarrel in their Buru Buru Phase Five house. On March 9, 1998 Mrs Susan Wanjiku Karani was slashed to death with a panga in Lalkipla district after her husband allegedly caught her making love with another man. Beatrice Kamunge was knifed to death by her lover for alleged infidelity and died at Kerugoya hospital (Daily Nation Friday March 13, 1998). Mrs. Betty Kavata died on Christmas day at Kenyatta Hospital five months after she was admitted following a battery by her husband.<sup>13</sup> "Woman throat slit in house".<sup>14</sup> A mother of eight was on the eve of the new year butchered at her home at Kangemi, Nairobi. Rose's throat was slit in her matrimonial bed by her husband Mr. Africana Oduori. "Slasher attack: Husband lost job".<sup>15</sup> Mary Akinyi, the woman attacked and slashed for singing ndombolo was admitted at Kenyatta Hospital with severe injuries of her face and wrists.

A man was jailed for four years by a Nyeri court for killing his wife. (Daily Nation, Nairobi Tuesday March 17, 1999). Mary Chepkembo was killed by her husband in Kapelecho Village in TransMara district for refusing to sleep with him

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<sup>13</sup> Mburu Mwangi "Battered woman dies in Hospital" Daily Nation, Nairobi, Sunday Dec. 27, 1998 p.1.

<sup>14</sup> Stephen Muiruri, "Woman's Throat Slit in her house" in the Daily Nation, Saturday, January 2, p.3.

<sup>15</sup> Wanjiku Mugo "Slasher attack husband lost job" in Daily Nation, Nairobi, Tuesday, January 26, 1999.p.3.

(East African Standard, Saturday, July 24, 1999). Margaret Angalu, 27, was battered to death with a piece of wood by her husband when she arrived home late from a Church function at Eshirabe village in Mumias district (East African Standard Monday 27, September 1999). A man threw his lover into a 60 feet ravine before jumping to his death at Kathita River in Meru district.

#### **1.4 EFFECTS OF DOMESTIC VIOLENCE TO WOMEN**

Domestic violence causes a lot of repercussion. It has side effects such as injuries or bruised of the body, miscarriage, chronic headaches and abdominal pain, lacerations, unexplained moodiness, lateness or absence from work, suicide attempts, unexplained pain, insomnia, anxiety, fatigue, sexual dysfunction, hypertension.

The women who are battered or tortured in anyway undergo a number of problems both psychological and physiological. They are associated with a high stigma which keeps on haunting them always. A battered mother may be suffering from such physical and psychological injuries that she cannot meet the needs of her children appropriately. Domestic violence undermines the woman's confidence and sense of self-esteem at every level physically and psychologically. It destroys their health, their human rights and undermines their full participation in society. A battered woman is truly a broken woman, mentally, physically and emotionally.<sup>16</sup>

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<sup>16</sup> Judy Mbugua, *Our Time has Come*, African Christian Women Address the issues of today, Baker Book House Grand Rapids, Michigan 1994 page 64.

**A woman who is battered becomes embarrassed and suffers a deep sense of shame as she feels a total failure with regard to her marriage. Her sense of shame is nurtured by the cultural beliefs that she is beaten because she is a bad woman. In other words society tends to condemn the battered woman rather than the oppressor. So marriages are such that the woman seems to have been sold out rightly to her husband who has the right and obligation to discipline the wife just like a child. Usually, women who are beaten become discouraged and are not able to use their potential gifts because of the negative perceptions they have of themselves. A beaten woman loses confidence in her abilities and becomes reluctant to try out things even those she might have previously excelled in. Many women today are suffering because they have been made to believe that they should persevere in abusive marriages as it is the cultural norm.**

**The loss of time and opportunity resulting from the consequence of domestic violence including emergency care, hospitalization, loss of livelihood, mental and psychological deterioration involve not only the victims but the work time of police and authorities, the legal, medical and social services, family, children and neighbours who may feel obliged to intervene or help. Hence it becomes clear that the domestic violence does not just violate a woman's rights but also a major public health problem. The insidious effects of domestic violence touch the psychological well being of the woman, her physical health, her maternal involvement, her public participation and her stability in matrimonial home.**

**Research indicates that the women who are frequently beaten are also raped by their husbands. Due to this women are denied the privilege to bargain in**

sexual decision. Therefore, marital rape leads to unwanted pregnancies. Beaten women experience emotional and psychological strain which can lead to suicide. Many victims of domestic violence become severely depressed. They may be chronically fatigued, eating disorders, unable to sleep, experience nightmares, become isolated and withdraw. Domestic violence can lead to other problems like breakage of families as well as marriages which are the basic unit of the society as Pope John Paul II puts it in his 'Familiaris Consortio'. Domestic violence leads to motherless children who will be psychologically unstable due to lack of maternal care and concern. Other common effects of domestic violence could be: submission, insecurity, degradation, exposure to sexual immoralities, loss of self-esteem, lack of trust, divorce and violent influence to children brought up in families where domestic quarrels and violence are rampant.

## **CHAPTER II**

### **CULTURAL VIOLENCE**

Cultural violence is a coercive attempt to restrict, to limit and to thwart the exercise and realization of a human person's essential and effective freedom<sup>17</sup>. Culture by itself is a way of life of people which is shaped by several elements such as language, folk-tales, oral tradition, history, arts, symbols, custom and religions practice. It is indeed discouraging to note how cultural beliefs have been legitimized to perpetuate the male domination over the women.

#### **2.1 DOUBLE PREFERENCE OF CHILDREN**

Generally speaking in African society the cultural norms have tended to place less value on the human dignity of girls and women than that of boys and men at the family level, community and at the national level. Owing to such a biased culture which has been formulated against women it has been accepted traditionally that women are inferior to men and must comfortably accept and occupy a subordinate social status in society. The clear evidence that the value of women is discriminated is shown right from the birth of a child. We see that in some ethnic groups e.g. Kikuyu the birth of a baby boy is deeply appreciated and dramatized. Immediately the baby boy leaves his mother's womb it is received with jubilation and marked by five ululation's while the birth of a girl is marked by four.

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<sup>17</sup> Mary John Mananzan and other Ed's. Women Resisting Violence, Orbis Books Maryknoll New York, 10545 Page 21.

This indicates that boys are treated with more appreciation and preference than the girls. Such treatment continues from the birth and due to that the female children are regarded inferior to the male set. Hence such cultural convictions play the major part to deny the girls opportunities for high achievement. In Luo community the preference is conservatively maintained. Young girls and boys are socialised to believe that boys are the preferred sex, that a woman will continue to produce children until she produces a boy and that the boy will inherit his father.<sup>18</sup>

In many communities the wife who gives birth only to the girls faces the danger of either being divorced or gets a co-wife. In some cases women have been mistreated ridiculed and even beaten for giving birth to a baby girl as if the wife has the power control the reproductive system. In case of financial problem some parents opt to pay school fees for the boys while the girls are left to drop out from the school. This attitude is slowly changing but still persists in some parts of the country.

It is a common thing in some communities to find girls being forced to get married at the tender age to raise dowry for the family. Girls are viewed as objects to be sold through the dowry. In doing that the girls are denied the ample chances to develop their potentialities. It is amazing that the preferential treatment given to the boys over the girls is so prevalent that even women themselves feel delighted to bear a son. It is not a wonder to come across a situation where boys are breast fed longer than girls.

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<sup>18</sup> Judith M. Behemuka "Polygamy, Social change and Women Response in East Africa" ACS.CIEA Vol. 6 No. 6 March 1990, p.125.

Certainly cultural and traditional concepts have exploited and disadvantaged women shamefully for so long. Women feel completely let down and undermined by the cultural scruples and many of women believe that this is the world of men and there is nothing left except to accept their role as subordinate human beings in a male dominated world right from the family, working place and national levels. When women challenge these cultural and traditional assumptions which are used to justify women's oppression the society view them as socially destabilizing and a threat to family and social cohesion.

## **2.2 DISCRIMINATING PRACTICES**

The discrimination against women is culturally manifested in oral literature in many communities in Kenya. The myths, proverbs, stories and rituals portray women as creatures who are weak, untrustworthy, mischievous, temptous, irrational and lack self control. Some of the proverbs are derogatory and are meant to humiliate and disgrace women. The cultural beliefs within the African context together with cultural practices are used to suppress women. In every community in Kenya the value of women is not accredited like that of men, and because the tradition holds the concept that men hold power in all important roles in society then women are subjugated by men. This notion justifies the usage of proverbs that relegate women's position in society and intimidate them in accepting their inferior status.

Despite the law which should be used to protect women the cultural values and traditional adherence are given predominant credibility when handling the

women's issues in family and society. In almost all the communities in the country the daughters are excluded from the inheritance of their fathers' properties. It is true that this trend is changing slowly that today in some areas daughters can be numbered among the beneficiaries of their parents property. Yet even in such a situation the daughters encounter untold resistance from their male relatives. Very often sisters and brothers are engaged in legal battles, physical fights and unending controversy on the question of inheritance. While the daughters claim some right of inheritance the sons of the family doubt the traditional validity behind such a claim. Culture and tradition are used as an umbrella to exploit and stigmatize women. We may describe women oppression as a distorted, marginalized and subjugated by being denied their rights as real persons.<sup>19</sup>

A woman is subjected to a hell of misery and despite all the forms of injustice and oppression the woman is expected to be silent and submissive. She is expected to swallow the bitter pain of exploitation. The married woman who happens to be barren is treated suspiciously and contemptuously in many African communities. She is ridiculed in her matrimonial home, she is harassed by her husband and in-laws. She is suspected to have aborted severally before marriage. She ends in divorce or decides to return to her parents. Some parents and relatives are culturally oriented that instead of understanding and sympathising with their barren daughters who are running away from oppression they instead make life difficult for them.

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<sup>19</sup> Rev. Fr. Dr. P.N. Wachege, African Women Liberation, A Man's Perspective, Nairobi 1992, Page 22.

Cultural and traditional inclinations are abnormally used to suppress women. One wonders how the state of childlessness is blamed on the women concerned. If by bad luck the wife gives birth to children who die at an early age the blame is once again put on her, and accused that she has a bitter chest meant to bring about the death of children. Some women are termed to have a red thigh which is translated that any man who marries such a woman must die. It is a reality and most annoying to continue clinging to cultural values which are just meant to be tools of suppressing and marginalising women. What power are the women expected to have over the mortality of their children?

The earlier the daughters get married the happier the family which benefits from the dowry. The more a daughter delays before getting married the more she is viewed as a liability to the family. Although it is now very common to find girls with children before marriage yet in some communities the idea of having a girl who becomes pregnant outside marriage is universally treated with total disapproval and harshness. Such girls are subjected to many forms of harassment by the family members. They are blamed for bringing about shame and ridicule to the family. They are seen as a curse to bring about calamities to the family and relatives. The Kuria girl who gets pregnant is severely punished. In some instances they go to the extent of dumping her into a big water pond for conceiving before actual marriage. Generally in many communities such girls are ridiculed and seen as a failure. But most annoying is that the men responsible of such pregnancies are not subjected to punitive measures apart from fines. Hence every

possible solution is applied to put her away from the homestead. Usually she is given for marriage to an old man who has other wives.

The question is why the sexual behaviour of men is overlooked and accepted as a normal routine while women are so much oppressed? The men who impregnate the girls are left to enjoy life peacefully. Such a traditional discrimination is a clear illustration of how culture has been interpreted to suppress women. It is obviously irrational to stick to the cultural whims which harbour women with unfounded criticism and naive allegations concluding that women bring catastrophes and misfortunes. Women are associated with bad things such as sorcery, wizardry, prostitution and evil eyes.

Many women will declare very openly that though the Bible assures them that they were created in the image of God and with equal rights men and women, yet creation was meant to suppress them in favour of men.

One thing that surprised me in my research was the response of men on cultural and traditional approach where it relates to women. It is true some men are truly liberated and advocate against women but unfortunately the majority of men believe that unless the traditional norms binding women are tightened women will grow horns and become unmanageable. One learned man emphatically informed me that women are cows to be controlled and that the culture and tradition were meant to be the tools of ironing the crooked mannerism of women.

Even those men who advocate against the cultural discrimination they only shout in public but at homes they remain and act as the faithful disciples of culture and tradition. No need to pinpoint at a particular community as an example of

cultural and traditional marginalisation of women. Every community in Kenya is in one way or other distorted by cultural tendencies. Generally In all our communities there is a trend to suppress women culturally.

Certainly society is reluctant to call somebody a son or a daughter of a woman. Of course this is a cultural trend to disregard women in the family and alienate them from recognisable status in society. A secondary school girl from the rural area was brave enough to inform me that the time has come when modern understanding should overcome the exploitative, oppressive and repressive culture which has marginalized women for centuries.

### **2.3 EXPLOITATION OF WIDOWS**

The question of the widows is another very deplorable cultural oppression against women. The society accuses the widows for being instruments of causing the deaths of their husbands. They are accused of neglecting them, driving them to whatever circumstances that may have led to their deaths.<sup>20</sup> Some cultural implications are used to exploit the victims of bereavement. During the period of mourning some conditions are used to exploit the widow. Many people will flock there in the name of mourning but obviously to eat. The food which had been stored is eaten in full during the mourning, causing the widow financially poor. This is an open way to perpetuate further psychological violence to a person who is grieved. After the funeral the society tends to forget the widow and her children. Married women suspect her that she might move with their husbands. Men want

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<sup>20</sup> Grace Wamae and Mary Getui, Widows Dilemma, in Violence against Women page 44.

to exploit her sexually and even mislead her to exploit her materially. In-laws abandon her and treat her suspiciously. Some capricious in-laws conspire to deprive the widow the inheritance of her late husband's property. It is not unusual to see widows and their children roaming the streets of Kenya towns and in some instances villages having been thrown away from the lands of their deceased husbands. Certainly in many cases the widows live physically but emotionally they are dead as they undergo social and financial abuse.

A mother of five children and a widow narrated to me a very devastating story of how she was robbed of every property her late husband had acquired and now she is living with her children in a small hut constructed by some good Samaritans on the side of the road.

The inheritance of widows among the Luo is another oppressive and dehumanising attitude towards women. According to Luo custom the widow is supposed to be inherited by one of her husband's male relatives. The man to inherit the widow is chosen by the family and clan elders of her deceased husband. However it has been revealed that this custom of widow's inheritance is taking on a new dimension. Some wife inheritors are now demanding to be paid to inherit the widows. "Not only are some men appointing themselves as inheritors, they are deliberately choosing to inherit widows whose husbands were wealthy. And in the process the so called inheritor loots from the same woman he is supposed to be protecting."<sup>21</sup> Another abusive custom is dowry and marriage ceremonies. In African communities girls are viewed as tools to generate cash

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<sup>21</sup> Rose Nzioka. System Abuse of Customs, In East African Standard Wednesday 25 August 1999.

through dowry prize. In Kuria community fathers see their daughters in terms of cows. It matters little to which men fathers marry their daughters. Whether the girl loves the man or not, that is irrelevant. "What matters is the number of cows the son in law to be is capable of providing".<sup>22</sup>

## 2.4 POLYGAMY AND DIVORCE

Another very dehumanising cultural oppression is the frequent illegal divorces which should better be termed as unceremonious sending away the wives by their husbands usually for very trivial misunderstandings. The wife is told to pack and go leaving behind everything even her personal items. Culture has also blessed the wife beating. Any minor mistake, real or imagined can result to physical confrontation. Some husbands are misguided by male chauvinism and cultural misconceptions that the wife who is not beaten will grow horns and become disobedient.

Polygamy is the name given where one husband marries several wives. It is a system which oppresses and exploits women bearing in mind that in some cases young girls are forced into marriages even to old men with many wives. Women who are married to such husbands suffer loneliness as the husband might concentrate his love and attention to only one wife while others get little or no love at all.

It is sad that while traditional polygamy is experiencing death something worse, often replaces it especially in urban areas. A man may have one wife at

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<sup>22</sup> Wachege P.N Op Cit. Page 65

home and several women scattered in different locations. This is a new polygamy. Men simply use women as they like with no sense of responsibility to them or to the children they produce. It is women who suffer under polygamy whether traditional type of polygamy or the new type of polygamy.

It is an abuse of human dignity to continue hanging on cultural and traditional beliefs and tendencies which violate women. Culture has been used so mischievously to suppress, exploit and subjugate women. It is time to say enough is enough and throw away the hypocritical cloak of gender oppression in the name of cultural discipleship.

## **CHAPTER III**

### **SEXUAL VIOLENCE**

The term sexual violence refers to many different crimes against women including rape, incest, genital mutilation, forced pregnancy, sexual starvation, sexual harassment in working places and in the institutions of learning, cleansing practices for widows, forced early marriages, pornography, confinement and sexual humiliation. Sexual violence both within and outside a formal relationship is common in many women's lives. Data on it is limited because of unwillingness by the victims to discuss or report the problem.<sup>23</sup> Yet sexual violence is a nasty nightmare which constantly haunts women in both private and public environments.

Today we are familiar with puzzling reports of women being abused in many ways. These kinds of experiences show clearly the kinds of attitudes that prevail as far as dignity of women is concerned. Hardly does a week go by without bewildering stories in the newspapers of how women are abused in our society.

Many girls are sexually abused by family members or friends. Many women are forced to have sex or are physically abused by their partners. Rape and sexual harassment are a constant threat to all women. Still most sexual violence against women is not reported because the police and others often blame women rather than men for the problem. The men causing violence are in some cases never punished. The time has come for the entire society to focus its attention on

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<sup>23</sup> Identifying domestic violence, In Parent Magazine. April 1998 page 27.

the suffering and struggles of marginalised women who are down trodden by an exploitative, oppressive and repressive society.

The echoing words of the Pope John Paul II in his letter to women during the Women International Year 1995 invites the society to re-examine it's concern on the sexual violence against women. How can we not mention the long and degrading history 'albeit often underground' history of violence against women in the area of sexuality. The time has come to condemn vigorously the types of sexual violence that frequently have women for their object and to pass laws which effectively defend women.<sup>24</sup>

At matrimonial level the burden of fidelity is placed on the shoulders of women though it is responsibility of the both parties to remain faithful to each other. In such cases men can commit adultery with other women but if the sexually starved wife commits adultery her infidelity is treated contemptuously by society. In case she is murdered and the evidence that she indulges and engages herself in extramarital affairs become mitigating factors enough to help the murderer gets a symbolic penalty or even acquires acquittal.<sup>25</sup> Women whether sexually starved or not are not supposed to demand sex or express sexual desire. If she shows sexual urge she is ridiculed as antisocial and masculine. Only man can manifest sexual desire and make love on demand.

Some husbands stay far from homes and go home during only few occasions. Yet the wives are expected to remain faithful. The most annoying thing

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<sup>24</sup> Agatha W. Kahara, Letter of Pope John Paul II to women in Seed Magazine, Sept. 1995 Vol. 7 No. 9. Page 22.

<sup>25</sup> Wachege P.N. Opit, Cit , p.80.

is that the husbands may have mistresses in towns. Such behaviour is not considered infidelity but something normal traditionally. Wives are sexually starved by their husbands who look for sexual satisfaction outside homes.

### **3.1 FEMALE GENITAL MUTILATION**

This is a sexual violation against women and it involves cases like clitoridectomy, excision, and infibulation. Though the government has according to the human rights charter classified it as a violation of human rights little has been done to combat it. Some communities point out that the female circumcision is part of a rite passage, a turning point from childhood to adulthood without which the right woman would be regarded as childish outcast, irresponsible and impure. The majority of women who are circumcised do not protest or ask for it, circumcision is usually carried out on very young girls, refusal is not optional.<sup>26</sup>

Whatever its traditional values may be there is very little to say in favour of female circumcision. It is a grave violation of the flesh that cannot be condoned in a civilised society. This is a ritual which does not qualify to be called a rite of passage because its main achievement is the infliction of pain and repression of women's sexuality. Apart from leaving a scar and inflicting pain on the hapless girls it achieves nothing else. As it is done in a ritualistic setting that has little room for the application of modern medicine the risk it exposes the candidate to in this day of deadly infection including AIDS is enormous. Some women undergo

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<sup>26</sup> Julia Cleves Mosse. Half the World, Half a Chance. An Introduction to Gender and Development Oxf from page 62.

psychological trauma for the rest of their lives and cases have been reported of women dying of extensive bleeding and obstructed labour during childbirth. Sexual mutilation can also cause pelvic and urine system infections as well as sexual and emotional problems.

Strangely this practice is still going on in a country on the threshold of the third millennium a country that prides itself on fighting for the rights of women and a country fighting to have some traditions which have now become absolute and should be done away with.

### **3.2 SEXUAL HARASSMENT IN WORKING PLACES**

It has been pointed out that sometimes male superiors attack strings to promotion possibilities of female subordinates. A woman may be forced to have sex by her supervisor or boss so that she can keep her job. She may be threatened of losing her job or other punishment. Women who refuse to submit to sexual advances by male superiors are faced with possible demotion, transfer stigmatisation, expulsion or forced to submit to victimisation. However it is a clear evidence that some women have succumbed to sexual demands by men in order to get into particular places of work and to be promoted. It is not strange to come across the wife offered by husbands to bosses so husband gets promotion. What a shame to treat women just like sexual objects to be used and kicked like football to all directions. For promotion even married women are counselled to submitting to be used and being felt by their ever active bosses for proper connections and

allocation of their files and documents.<sup>27</sup> Working life becomes hectic for women. Some have to quit their jobs for failing to cope with sexual harassment. This harassment is not limited to a particular area but it is a common phenomenon in both public offices and in private sectors. The female employees go through harrowing experiences at the hands of male superiors and colleagues. They grab and pinch women's bottoms and what is the most annoying is that these sexual seekers will continue to disturb the female co-workers even if the latter complain or not. Last year Justice Richard Kwach said that sexual harassment was one of the problems facing judiciary.

No sooner were these revelations made than the participants at a seminar on Harmful Practices were told that incidents of sexual harassment are on the increase in Kenya's places of work and that no one was bold enough to condemn the practice which impacts negatively on productivity.

Indeed the Kenyans are very sensitive to anything touching on sexuality. The researchers of sexual harassment Abigali Kidero and Serah Jedi were shocked when the Office of the President had insisted that they change their topic from Sexual Harassment to Harmful Practises for them to be issued with a permit to hold a seminar.<sup>28</sup> No wonder that such researchers meet with alot of hostility in many organisations they visit and wherever they ask any question touching on sexual harassment. The sexual harassment is a humiliating tendency, it is a

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<sup>27</sup> Wambui P.N. Opi, *Opit*, p.76

<sup>28</sup> *Life Magazine* In *Sunday Standard*, 23rd May 1999 page 13

manifestation of the power game of unwelcome sexual advances, requests for sexual favours and other verbal and physical contact of sexual nature.

Due to shortage of jobs in the country many women are sexually harassed and they willingly play along on assumption that it does not matter as long as no one will come to know of it. Many women employees are denied promotion when they refuse to co-operate with their male superiors. It is therefore not surprising to come to the conclusion that sexual harassment is responsible for the absence of women at senior management levels. Most of the harassed women suffer their humiliation in silence and never report the offenders to the authorities for fear of being accused of having invited the harassment and also the fear of being victimised as the trade unions are dominated by men who are most likely to sympathise with a male harasser than with the female victim.

### **3.3 SEXUAL HARASSMENT IN EDUCATIONAL INSTITUTIONS**

A large number of reported cases of sexual harassment occurs between young primary school girls and their male teachers. In such cases the teachers exercise their power over the pupils and use gifts or more often threats to obtain sexual favours. This sexual violence is not limited to only primary schools but it is also a hidden disease in Secondary schools. Such cases most frequently go unnoticed. However luckily enough some people say enough is enough and not inclined to close their eyes in the face of such abuses and it is important to make the public opinion aware that more than 500 students of Muslim Mixed Secondary

School in Kisumu rioted to protect against sexual harassment of female students by male teachers.

Apparently sexual harassment is common in universities both private and public. Cases have been made public where lecturers apply forced sex in return for good grades. This crude sexual harassment is mockery to competitive learning which demands meritorious grading. Unfortunately many cases go unreported due to fear of reprisals or if the names of the victims are published they would carry this stigma throughout their lives. In addition to that cases are covered up to protect the name of the institutions by sacrificing the well being of women students and their rights to education in an environment which should offer them justice and more respect. A survey sponsored by the Council for Development of Social Research in Africa established that more than 22 percent of all women in institutions of higher learning had been victims of rape or attempted rape.<sup>29</sup> At Daystar University a student Mercy Mbiuki was forced to report the work study supervisor when he grabbed at her making inappropriate remarks. The university disciplinary committee however dismissed the case for what was termed a lack of evidence.<sup>30</sup>

In yet another incident at the same University a lecturer was fired for threatening a female student with failure if she did not give in to his sexual demands. Very few universities and institutions of higher learning can claim immunity from sexual harassment. Sources at the University of Nairobi's School of

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<sup>29</sup> Micheal Njuguna, "No Justice in Rape Cases Don" In Daily Nation 19 November 1997 page 16.

<sup>30</sup> "Life Magazine" In Sunday Daily Nation 23 May 1999 page.

Medicine say that sexual harassment is rampant at the institution with some supervisors threatening to fail female students unless they become lovers. Recently the Kenyan society read with disbelief the shocking reports of sexual harassment at Egerton University where some lecturers had to be interdicted for sexual harassment.

It is indeed discouraging to note that although sexual harassment exists in Kenya on a massive scale there is no legal redress for the harassed and perhaps the only redress for a woman is either to give in or face the consequences for refusal.

Cases of sexual violence have similarly been reported between young primary school girls and their male teachers. Apart from the teachers exercising their power over pupils and use gifts they also use threats to obtain sexual favours. A standard seven girl was raped by her teacher at Mariakani in Kilifi after threatening her with a panga.<sup>31</sup> The memory of brutal, infamous and traumatic St. Kizito tragedy remains echoing painful impact in the mind of all Kenyans.<sup>32</sup> Many other cases have been reported regarding rapes in institutions of learning. In 1992 girls at Hawinga High School were raped at the beginning of the first term. The society has not forgotten the massive rape in the Kirinyaga school where the boys from the neighbouring school raped girls.

<sup>31</sup> Quarterly Repression Report January-March 1997 Nairobi Kenya page 70

<sup>32</sup> Investigate Rape Attempt at School in Daily Nation 8 September 1997 pg 6

### **3.4 RAPE**

Rape is generally an act of forcing or coercing a female to have sexual intercourse by males. It is an act of coercion that forces women to have sexual contact without their will. Rape is sometimes called sexual assault because it is an act of violence using sex as a weapon. Sexual assault can include rape as well as other kinds of unwanted sexual attention. Rape is an extreme illustration of subordination of women's sexuality. In cultures where women are viewed as men's sexual and reproductive property they also become legitimate targets of sexual aggression as an excess of male lust which must find release. This notion is based on misconception that men are by nature more easily aroused or lustful than women. Yet studies on sexuality have shown that in fact men's and women's levels of sexual arousal are about the same but it is the culture and upbringing that explains why men feel freer to express their sexual urges than women. In reality rape and sexual harassment are an expression of male control over female sexuality. Rape is not seen any more as a crime committed by abnormal men who are unable to control their lust but rape is now seen as an act of violence committed by normal men against women. Despite the fact that this act is morally evil and gravely sinful yet it is rampant in our society. Rape has become a prevalent sexual violence in the country where rape offences have increased tremendously. Today the fear of being raped is a daily threat to the female sex of every age elderly women or baby girls. The whole idea of rape is to force oneself into the woman's domain without her consent and hence it is a violation of the human right to safeguard the individual's privacy. The perpetrators of this vicious

dehumanisation exercise over women apply hatred and contempt thus violating women's personality. It is not right to think that forced sex happens only when the man beats up or leaves a woman unconscious and that she should adamantly resist. But no matter what she decides to do it was not her choice it was rape and not her fault.<sup>33</sup> The myth behind this aggressive act is that rape occurs because men are carried away by lust because the women were young and attractive or because are dressed provocatively or behaved irresponsibly by going out at night unaccompanied by a male escort.

If lust is a motivating factor in rape then how can one explain the fact that girls as eight months old and women in their 80s have been raped? If provocative dress invites rapes why then the street girls in their dirty dresses raped? Why then have nuns in religious habits been raped? Hence it is clearly evident that rape is not a crime induced by women who are sexually seductive but it is the child of power relations between women and men.

### **3.5 CASES OF RAPE**

When people think of a sexual assault they have the picture of a stranger raping a woman, where a woman is grabbed on the street or attacked in her home. While such a sexual violence is very frightening but women are similarly raped by the person known to the woman. Very many shocking incidents have been reported regarding sexual assault. Rape cases have gone up by 186 percent

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<sup>33</sup> Burn A. August, Maxwell June and Ronnie Lowich. Where Women Have No Doctor, Macmillan 1997, page 327.

over the last 10 years.<sup>34</sup> A Kirinyaga Coffee farmer was jailed for 2 years and corporal punishment for indecently assaulting a widow aged more than 90 years.<sup>35</sup> A 30 year old man who sexually assaulted an old woman and injured her was fined 3,000/= by a Lodwar court. On February 6, 1998 Mr. Moi Masese was sentenced to a seven year imprisonment term by a Kisii court for raping his step mother. A woman was raped and murdered in a bizarre incident in Kerio District. After raping her they killed her by twisting her neck before pushing her clothes through her mouth into her stomach.<sup>36</sup>

A 65 was raped by her son in Kapsabet. Mr Kinyanjui the magistrate said that it was outrageous for a man to rape his mother and that the court had a duty to ensure that such offences were properly punished. A twenty old man attacked and raped his 50 year old mother in Limuru in Kiambu in February 1998. It is indeed impossible to put down all the reported cases of rape but one thing is clear that tens of women are raped in this country every week.

Women have also been raped by a gang of rapists or raped by more than one man. "Two men appeared in Mau Nyambene District court charged with raping three school girls, they alleged raped the girls aged between 14 and 16 at Mweramwaria Village".<sup>37</sup> On February 23 1998 an unidentified widow was raped by a gang of eight thugs that broke into her house in Thiguka Village in Kirinyaga District. Recently eight gangsters broke into a home in a city estate slashed a man

<sup>34</sup> Judith Akolo, "Rape cases up by 186 percent", in East African Standard Saturday 23 October 1999 page 28

<sup>35</sup> Daily Nation Nairobi Friday 30 January 1998 page 24

<sup>36</sup> Winston Chiserem, East African Standard, Friday 15 October 1998; Daily Nation, Nairobi, Friday 15 January 1999.

<sup>37</sup> Daily Nation, Saturday 14 March 1998 page 14.

and raped his wife and maid in turns. On March 5, 1998 an eight man gang of bandits who staged a highway attack along Isiolo-Marsabit highway raped three women. On March 20, 1998 two women were raped by armed bandits on Maralal Baragol Road in Samburu District. A middle aged woman was raped repeatedly by three suspects before being dumped near Police College at Kiganjo".<sup>38</sup>

### **3.6 MARITAL RAPE**

Some married women are made to feel that having sex is their duty whether they want it or not. Truly indeed marriage entails husband and wife to have sexual intercourse but this act should be freely enjoyed by both. Unfortunately in a patriarchal society there is a presupposition that the wife is the property of her husband. Society does not punish this type of forced sex yet it is still wrong. The assumption that rape can not be committed in marriage is hypocrisy because no matter what the reason is a woman should not be forced to have sex if she does not want. Any intention of coerced sex where a male is imposing himself upon a woman it is an act of raping her. In any relationship a woman can choose to accept or refuse a sexual approach. Obviously it sounds incredible in our society how can it be possible for a husband to be accused of marital rape. But however according to the human rights activists it is a rape when it is certain that the wife does not want to have sexual intercourse with her husband but he is persistent and unceremoniously uses his wife as the object of the pleasure. Usually the woman who is battered by the husband is also raped by

<sup>38</sup> David Karuki, East African Standard, Saturday 12 June 1999 page 8.

him. A drunken husband may force the wife into sexual intercourse without even considering her condition.

A woman can be raped by her boyfriend who claims to have right of having sex because he has spent money on her, because they have had sex before, because she has teased him sexually or because she has offered to marry her. In such cases women have been forced to have sex under coercion. Women find it hard to talk about such cases of forced sex because they fear to be blamed by others.

### **3.7 RAPE BY GOVERNMENT OFFICERS**

It is a pity and shameful that in Kenya rape by government agents is a common method of torture inflicted on young girls and women in custody. One misses to understand why the police and the prison guards become so naive to rape women after they have been arrested. Instead of setting a credited example for the others to emulate the police become the perpetrators of rape. The society is familiar with numerous cases reported in the media of rape by the government officials. A 12 year old girl was defiled and infected with a bacterial and fungal infection by a police Inspector at Otiende Estate - Kisumu and the doctor who examined the girl said that she had bruises, a torn hymen and inflammation on her private parts.<sup>39</sup> Other police officers are the victims of misconception that to wear the police uniform is not a certificate to engage into the vicious crimes like rape.

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<sup>39</sup> Quarterly Repression Report January - March 1997.

Five drunk administrative policemen stormed to Kasei Boarding Primary School in West Pokot and attempted to rape the school girls.<sup>40</sup>

Government officials use rape as a form of torture in an attempt to intimidate women and to obtain information or confessions from them, or use rape as an instrument of political repression. Some other policemen are sexual maniacs who rape women during the night patrols. On March 12, 1998 police officers deployed to Onjis and Mbalambala areas of Garissa in search of bandits and weapons raped and sexually harassed women. In a number of reported cases police officers were found guilty of rape including that of young girls but the sentences were minimal. A suitable example is the case of five policemen jailed for five years for raping two primary school girls.<sup>41</sup>

In case of conflicting situation like the ethnic clashes in some parts of the country the contenders use rape to terrorise women and their community so as to humiliate the other group. Women and girls are raped in front of their families. Another group of women who are violently raped is that of sex workers. Because sex work is not legalized in this country the sex workers are often denied any legal right including protection from police. Since laws are made to protect men from immoral women a sex seeker may be arrested beaten harassed or even raped by police. The recent upsurge in car-jackings poses an additional danger for women. The gangsters do not just rob the woman of the car they also rape her. In societies where cattle rustling is as a cultural practice women and girls are raped

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<sup>40</sup> George Omonso, Daily Nation Monday 9 March 1998 page 3

<sup>41</sup> Kenya Shadow of Justice (London African Rights 1996) page 166

during the raids. The incidence of rape has reached such alarming levels that the safety of women in this country is threatened. We can no longer depend on simplistic explanations. Otherwise how do you explain a woman innocently looking for a telephone bureau in a city building provokes a guard to attempt to rape her. Furthermore is it not incredible how do toddlers some in napkins provoke their uncles and house workers to defile them?

### **3.8 DEFILEMENT**

According to the dictionary defilement is defined as to make dirty or impure. Consequently it implies the rape of under age person under 14. This is an offence which stigmatises the victims forever. Defilement and incest are real, it is a fact so rampant that hardly any day passes without a media reporting such incidents. But unfortunately even after these cases are reported very little is done by the way of rectifying and punishing the perpetrators. The general public is also to blame for lack of action. The society is too passive to act collectively and continues to condone these barbaric acts. Everyday we hear about cases of rape and defilement. Statistics show that children are defiled even by age of less than one year. Recently a man was reported to have defiled his seven month old daughter and one wonders what a mature man does with such a baby leave alone being his own. We must bear in mind that what is reported in the press is a tip of the iceberg. Most of such cases do not reach the press. The media takes less than 10% of what is on the ground but due to magnitude of the abuse one hardly

passes a week without coming across cases of defilement being reported while on radio and T.V. words like defilement and rape have become poetic songs.

"The youngest defilement victims in 1994 was a eight month old baby" Article 6 of the Convention on the Rights of the Child (C.R.C) recognises the right of the child to life but unfortunately were and are still perceived as the property of and as persons owing their existence to their parents. "A 55 year old man raped his 11 year old daughter to death in Kiambu District. He dragged her to the house whipped her, chained her to a bed and defiled her".<sup>42</sup>

The perpetrators can be family members, neighbours, teachers, supervisors, workers and on occasion strangers. Adult sexually active men believe that having sex with minors will lessen the possibility of being exposed to AIDS virus but is pity to note that the young girls are the ones who suffer the danger of being infected with venereal diseases, suffer damage to the pelvis which is not yet formed or developed, cancer of the cervix. Pregnancy may also result from sexual abuse, the pregnancy for an under-aged girl can result in complications and death at times. The following are just a fraction of the reports of defilement. "A 13 year old girl was admitted at Kerugoya hospital after being defiled by her father. Father denies incest charge".<sup>43</sup> A 48 year old father has been charged with raping his six year old daughter.<sup>44</sup> A two year old girl was hospitalised for five days after she was allegedly defiled by a secondary school teacher in July 1999. A father raped a three year old child infecting her with a venereal disease in September 1999 at

<sup>42</sup> Quarterly Repression Report, January-March 1997 Nairobi Kenya Human Rights Commission, 15

<sup>43</sup> News View in Brief, Daily Nation No 12060 Nairobi Friday 10 Sept 1999.

<sup>44</sup> Daily Nation Friday 30 January 1998 page 24

Nakuru. A 58 year old man was charged in Muhoroni Court for defiling a 8 year old girl. A father was brought before the Iten court charged with defiling his 8 year old daughter in June 1999. Angry villagers burnt a man's genitals after he defiled his seven year old foster child in March 1999 at Malindi. A peasant farmer entered into his 8 year old daughter's bedroom and defiled her in Kangundo in January 1999. Two policemen were charged with raping a ten year old girl at Mombasa in May 1999. An irate woman killed her husband for defiling the couple's 15 year old daughter in February 1999 at Meru. A nine year old girl was hospitalised after a brutal sex attack by her father in Nairobi in March 1999. A man was sentenced to seven years imprisonment for defiling a 12 year old school girl in May 1999 at Nyeri. A 40 year old man was arrested by police at Kitale for allegedly raping his five year old daughter in October 1999. A 13 year old school girl was dragged by a man into a tea plantation who raped her in Othaya in Nyeri district.<sup>45</sup> A 40 year old farmer was jailed for 10 years by a Makueni Court for defiling a 10 year old girl.<sup>46</sup>

What a painful situation where young girls continue to be defiled in a society which claims to be civilised and traditionally cultured. There are no words to describe the devastation caused by this kind of defilement. Cases have been reported where children have been defiled and so badly wounded that their uterus have to be removed therefore shattering their dreams of motherhood. Whether the perpetrators of this vicious crime are the members of the family, relatives,

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<sup>45</sup> Daily Nation Tuesday 10 March 1998.

<sup>46</sup> Mutinda Mwanzia, East African Standard, Friday 22 October 1999 page 9.

workers, strangers or friends the time has come for society to treat this offence with the abhorrence it demands but not just as an offence against morality.

### **3.9 CONSEQUENCES OF SEXUAL VIOLENCE**

Rape is a serious assault against women. Besides the physical injury to the victim rape causes immense physiological hurt. But the worst thing about it these days is the danger of contracting sexually transmitted diseases especially HIV/AIDS because the women who are raped are unable to negotiate protection. The women who get infected with STDs have higher risks of complications during pregnancy including sepsis, spontaneous abortion and premature birth. The teenage who become pregnant as the result of sexual abuse are at the risk of sexual behaviour such as unprotected sex with multiple partners and prostitution. Adolescents who are abused or children who have been assaulted are less likely to develop a sense of self-esteem and belonging and are at risk of unwanted pregnancy during adolescence. These unwanted pregnancies bring with it additional problems for instance child bearing during the early or middle adolescence before the girls are biologically and psychologically ready is associated with adverse health outcomes for both mother and the child.

The victims of rape are usually threatened with death or bodily harm if they resist. In the mind of the women during the aggression the fear of being murdered is clearly present. Psychologically the adults live under constant fear and anxiety that the attack could occur again. The abused children fear some particular adults,

they experience excessive masturbation, nightmares, withdrawal, depression, display of explicit sexual knowledge and delinquent behaviours and prostitution.

Young girls who become pregnant because of the sexual violence they automatically drop out of school and in many cases they cannot re-enter into the educational system after they give birth. The women who become the victims of sexual violence experience another humiliation when the matter is brought in the court of law. They are faced with embarrassing questions about the assault and even regarding their past life so as to be considered real victims.

## **CHAPTER IV**

### **EVALUATION, RECOMMENDATIONS AND CONCLUSION**

This study started off by citing different types of violence against women. In this chapter I present my evaluation and suggestions on how to eradicate the dehumanising tendencies against women.

The fundamental rights of the person advocate that every type of discrimination whether social, cultural or legal, based on sex, colour or religion is contrary to divine intent and deserves total disapproval. However, our society which is rooted on patriarchal structure is often either unconcerned or hypocritical towards the plight of women who are subjected to cruelty, uncouth behaviours, ill treatments and other beastly behaviours which go unnoticed and unreported.

Yet in His plan God found it fitting to place the woman as a partner and companion equal in dignity and one who would share with man the joys of creation. It is therefore, pity to note that there are many obstacles which hinder the progress of women. Women's dignity has not been credited the status it really deserves, hence violence against women and other various forms of discrimination against women in Kenya has reached high levels. The consequences and effects of this perilous enterprise are incontestable evidence and bring about a serious dis-equilibrium in Kenyan Society.

Noticing that the violence against women is an obstacle to the achievement of the objectives of equality, development and peace, and that it both violates and impairs the human rights and fundamental freedom of women hence measures

should be taken to combat it. The following recommendations could offer positive solutions to this repressive culture against girls and women.

#### **4.1 GENERAL EDUCATION AND INFORMATION AS A MEANS TO COMBAT VIOLENCE AGAINST WOMEN**

1. A change of attitude is the most important requirement. This should involve sensitising women, men and children on the equal importance of men and women in society as equal partners in sharing responsibilities and benefits.
2. In schools girls and boys must be socialised to treat each other with respect and dignity and should assimilate these attitudes and values also in gender friendly classrooms. Stories where women are portrayed as inferior or dependent positions must be removed from educational materials.
3. The Social Workers and administrative officers to organise seminars or social meetings to highlight the evils of domestic violence and its repercussion in society.
4. Men should be made to accept the reality that drinking, concubinage, economic depression, dowry price, superiority complex, jealousy and suspicion are not license to beat the wives.
5. To conscientise women at all levels of their rights and since violence is perpetuated by silence women to be encouraged to report domestic violence and reassured that they have the dignity to enjoy the human rights.

6. **Adopt appropriate measures especially in the field of education to modify the social and cultural pattern of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles of men and women.**
7. **To encourage and to support measures and programmes aimed at increasing the knowledge and the understanding of the causes and consequences of violence against women among those who are responsible for implementing these policies such as law enforcement officers, police personnel, judicial, medical and social workers.**
8. **To refrain from engaging in violence against women and exercise due diligence to prevent investigate and in accordance with laws punish acts of violence against women whether those acts are perpetrated by the state or by private persons.**
9. **To emphasise that girls like boys are children of their parents and therefore girls and women have equal rights to inherit their parent's properties as men and boys.**
10. **Both men and women to be made aware that traditional inclination of widow's inheritance has outlived its significance and has no regards in the modern society.**

## **4.2 ERADICATION OF FEMALE GENITAL MUTILATION**

- 1. A new alternative rite of passage in which girls are initiated without a cut should be introduced in all areas where female circumcision is the order of the day. The alternative initiation should be a period of seclusion through which girls are given education and counselling about harmful traditional practices, sexually transmitted infections and HIV.**
- 2. To inform the girls that all the rights and privileges enjoyed by only circumcised girls can also be enjoyed by uncircumcised girls and even to a further extent.**
- 3. During that period of seclusion the girls who are being prepared for a new ritual initiation without a cut must be informed of the horrible effects of female mutilation such as bleeding to death, septic wounds, causes problems during delivery, women fail to attain sexual satisfaction, it is like permission to get married early and hence disrupt education, it is humiliating as girls are stripped naked on the day of circumcision and above all it can cause AIDS as the circumciser uses the same razor blade.**
- 4. To enlighten and educate the parents in the communities notorious for female circumcision of the futility of this primitive tradition and to encourage the parents to shun the fear that they would be the laughing stock of the village if they do not circumcise their daughters.**
- 5. To encourage the parents to see the reality of changing with time and embrace the new mode of initiation which has nothing to do with the repugnant**

cultural practice which is not symbolic any more but just pain inflicted on the girls genitals.

6. To say no to those few defenders and custodians of traditional and cultural practices such as female mutilation which are physically and morally harmful to women and which are obnoxious in a civilised society.
7. Because the female mutilation violates the right to choice and violates the bodily integrity besides health risks to encourage the Women's Organisation to press the government to make a provision in law banning this odious practice.

#### **4.3 THE ROLE OF MEDIA AS A TOOL TO ELIMINATE VIOLENCE AGAINST WOMEN**

1. The media should be at front-line in promoting a new image of women against the stereotypes of housewife sex object or commodity. The media should condemn vigorously the violence against women so as to create a mentality of concern by discrediting myths and traditional misconceptions regarding women.
2. The media can be a powerful force to bring about change on gender based violence therefore, the media should sensitise the community to the problems, change of attitude within families, report abuses to prevent recurrence and publicise strategies for addressing the problems.

3. **The media should take the responsibility for creating and reinforcing values and attitudes that uphold the human rights and the dignity of women and brings domestic violence out of the enclosure.**
4. **The media should avoid to carry inaccurate reports about violence against women, avoid to degrade the victims or sensationalise the issues or exploit the situation to capture a good headline.**
5. **The media should report the crimes against women and children seriously and factually hence the reporters should try not to use words and practices which tend to judge the victims such as sexy, prostitute, pretty, dancer, drug addict, sex maniac for such description will encourage the readers to sensationalise the story or create ridiculous image of the victim.**

#### **4.4 THE ROLE OF STATE-LAWS AND THEIR IMPLEMENTATION**

1. **To reinforce penal civil, labour and administrative sanctions in domestic legislation to punish and redress the wrong done to women and girls who are subjected to any form of violence whether in the home, the work place, the community or society.**
2. **Create or develop and find the training programmes for judicial legal, medical, social, educational and police personnel in order to avoid the abuse of power leading to violence against women and to sensitise such personnel to the nature of gender based acts and threats of violence so that fair treatment of female victims can be assured.**

3. The laws to be introduced which prohibit the subjecting of widows to inhuman, humiliating and degrading treatment. To make sure that the widow becomes the guardian of her children of the marriage, has right to marry the person of her choice, has the right to inherit her husband's property and also the right to continue to live in the matrimonial home.
4. To develop strategies to ensure that handling the cases of women who are victims of violence is not based on gender insensitive laws or judicial prejudices.
5. To adopt laws where necessary and reinforce existing laws that punish police, security force or any other agents of the state who engage in the acts of violence against women in the course of performance of their duties.
6. The penal code specifies that the rapists are liable to life imprisonment with hard labour with or without corporal punishment, therefore the minimum sentences should be specified without leaving it to the discretion of the court, which very often passes very lenient sentences that leave a lot to be desired.
7. According to the Kenyan Laws, rape and defilement are different. If a person is found guilty of rape thus raping an adult woman could get a maximum sentence of life imprisonment whereas if one defiles a girl under 14 years of age the act carries a maximum penalty of 14 years imprisonment.  
  
The law should treat the defilement seriously not to be seen as negligence in protecting a child who has been sexually abused.

8. In Kenya the crime of incest carries the maximum sentence of life imprisonment and only father, brother and grandfather can be charged with the offence of incest. The uncle is charged with the offence of defilement which carries the maximum sentence of 14 years. The law should be revised to cover the other members of extended family in order to protect the minors.
9. Women experience shyness when reporting sexual assaults to policemen who treat the sexual victims indifferently and usually make fun on rape cases failing to accord it the seriousness it demands.  
  
It is therefore necessary to establish special desks in all police stations to cater for the increasing cases of domestic violence and rape. Such cases to be handled by female police officers or a gender conscious police force trained to record cases of sexual violence.
10. The state should finance the research to investigate how rape can be prevented as it has become a menace in society, as well as allocating adequate resources for activities related to elimination against women.
11. The Penal Code clearly provides that it is a criminal offence to unlawfully assault or cause bodily harm on another person. Therefore, although many members of Society view domestic violence as a private dispute between family members the police should on the contrary never treat it differently from other crimes of violence whether the perpetrators are husbands or fathers of the victims.

12. The state should implement the convention of the Elimination of All Forms of Discrimination against women, the sexual harassment in the institutions of learning and working places inclusively.
13. The state should adopt appropriate measures to implement psychotherapeutic help for abusive persons such as sex offenders and child abusers in order these people are rehabilitated and recuperate them to a healthy and moral relationship within families, communities and society.

#### **4.5 PASTORAL IMPLICATIONS AND RECOMMENDATIONS**

As every form of discrimination based on race, sex, colour, religion and culture is against the human dignity the church as the teacher and mother is morally and duty bound to utilise her pastoral resources in eradicating the violence against women.

The church as the custodian of justice and morality is expected to be a pressure group exercising influence on the practical level through religious and social organisations under her influence to improve the conditions of women and to fight discrimination and violence against women.

The church should never allow herself to be a scapegoat in the persistent trend of maintaining women in their traditional situation or inferiority and in opposing ever liberal reform capable of improving their conditions in the family and in society. The church is to be the refuge of marginalised and a shelter where women experience genuine self fulfilment and therefore the following points are of vital significance.

1. The church in her prophetic discernment must move on to name and condemn the gender discrimination and unjust relation as totally abhorrent within the vision of the reign of God.
2. To proclaim the liberating word of God of justice whose passion is for right relation who knows about vulnerability and who is the protector of the weak.
3. To live by a spirituality of resisting the women's suppression and to strive in creating a way of reconstruction of a compassionate society which respects the human dignity of women.
4. Fight all forms of degrading discrimination against women so as to bring the image of God who shines in all human beings without exception.
5. Through the guidance, organisation of seminars and workshops to educate the faithful the repercussion of domestic violence in the family.
6. Special attention to be given to the youth by instructing them that gender discrimination is unchristian tendency to oppress women.
7. At parish level to embark on various collective organisations where the roles of men and women are clearly explained and to insist tirelessly that the place of woman in the society be respected.
8. Through the pastoral aim to offer marriage preparation classes so that people are prepared before they commit themselves to one another.
9. The catechism lessons should accommodate the dignity of fraternal and mutual understanding and deplores the subjugation of women.

10. By means of the pastoral counselling to educate, to challenge and to restore reconciliation in families exposed to domestic violence.
11. The Catholic Church should come out strongly like other mainstream Christian denominations and organise seminars to teach people about the negative effects of female mutilation. Here is not the question of morality but the human injustice and violence of women's integrity.
12. To encourage the faithful to and public in general to respect women's sexuality and to discard women were created merely as objects of sex and gratification to be used by men at their disposal.
13. The church on her sphere of women's pastoral care to emphasise that sexual violence is sin because it attacks the physical and mental integrity of a person. It is sin to abuse trust and power. Sexual violence is an attack on God because it destroys what God has made in his image.
14. To support the victims of rape through creation of structured pastoral counselling programmes with aim to give support, spiritual guidance and the victims may have courage and hope to rebuild relationships with others and God as well as regaining themselves
15. To formulate and implement safe shelters for women who seek refuge in the church as a result of domestic, cultural violence and sexual assault.
16. Justice and peace commission must attend the issue of violation of women's rights and embark on promotion of justice for everyone. In doing so the echoing words of Pope John Paul II offer significant support.

*“Aware that in many African countries, gross violation of human dignity and rights are being perpetuated, I ask the Episcopal Conference to establish where they do not exist Justice and Peace Commissions at various levels. These will awaken Christian communities to their evangelical responsibilities in the defence of human rights” (John Paul II Ecclesia in Africa No 106)”.*

## **CONCLUSION**

Writing this research paper has indeed helped me to realise that the violation of women's rights is one of the urgent issues which the Kenyan population is called to deal with in order to uproot completely the evil inclination of the violence against women. In my study on this phenomenon I was made aware that the gender based violence is widespread and frequent information is however fragmented due to a culture of silence which surrounds cases of violence against women in most communities hence it becomes impossible to get a true picture.

It is hurting to note how much domestic violence has reduced many women into the objects of frequent beatings, physical harm and in many cases victims of murder. Many reasons, sometimes very naive have contributed to this unbecoming domestic violence not forgetting frequent quarrels, male chauvinism, drinking habits frustration, jealousy, suspicions and cultural beliefs.

Women have not been spared from cultural violence through which culture and tradition have been used as the suppressing instruments on women. A refusal to recognise and change the dehumanising cultural traits which continue to exploit women and hinder their development has contributed to repression of women and girls.

Culture has discriminated girls in favour of boys, widow have been denied inheritance of their parent's properties, young girls have been forced into early marriage for acquisition of dowry, wealth, polygamy is another aim of oppressing women.

While sexual violence has been a nasty experience on the side of women from the time immemorial the cases of sexual assault against women have reached unspeakable peak in our society today. Women have become victims of incest, child abuse, defilement, rape, sexual harassment, sexual molestation and female genital mutilation including the devastating consequences of sexual violence.

The analysis of this phenomenon has made me become aware of its extent in this country and of the life lasting consequences on victims, families and society. While the change of attitude which is geared towards considering men and women as equal partners in society is the fundamental approach to end this violence against women, yet the state is called to enforce the laws which uphold the dignity of women.

It is my belief that each of us is called to awaken the conscience of society to join hands and shout the oracle of condemnation on all forms of violence against women. Women should be supported in their rightful struggle against exploitation and in their demand of human dignity. For this to materialise education should be used as a tool to eradicate the gender based discrimination. Hence to promote civic education at schools, at community level in the parish and local churches. In such gatherings, the information about the women's rights should be stressed.

The legal and administrative hands of the state must not fail to offer the services needed to wipe out the shameful violence against women whether domestic, cultural or sexual.

My encouragement goes to women in general to be involved into activities such as justice and peace, or to form some organisations within their churches to educate one another on their duties, responsibilities and stand firm when demanding their rights and sacredness of their human dignity as beings made in the image of God.

The collaboration of social ministers, the churches and non governmental organisations is of vital importance in enlightening the people the need of harmony in families, the consequences of domestic violence, the unhygienic results of female circumcision and the measures to curb sexual violence in general. I am called as well as everybody to contribute decisively towards elimination of violence against women in our society.

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