

VIOLENCE AGAINST WOMEN

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VIOLENCE ON WOMEN

1.1.0 Introduction

Recent years have witnessed a resurgence of interest in gender issues. However, gender violence has been side stepped in most discussions yet the media and off side talks are replete with stories on domestic and other forms of violence. One form of gender violence recurrent in most of such discussions is violence on women. Violence on women¹ is increasingly now seen as acts and threats that discriminate against women, and processes that are ostensibly geared towards subjugation of women. That is all acts that negatively affects women's emotions, mental, physical, economic or social conditions. Rape, murder and battery are the most common forms of physical violence. Violence against women is not restricted to only physical violence but also structural violence. The latter influence psychological and societal attitudes that view women as inferior to men.

Violence on women is rampant in most parts of the world and yet it remains largely hidden in the hearts of those affected. For this reason it is difficult to get data on the types and prevalence of violence on women. This is partly attributed to the social stigma associated with

¹ Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life (UN, 1992).

some types of violence, for example rape and incest. In both cases the question of (young) age has been serious with young persons who can not defend themselves being defiled. Victims of rape and incest suffer psychologically and do not reveal the offence. What is even more worrying in the case of Kenya is the inability of institutions dealing with violence on women to keep records.

During rapid appraisal of violence on women in Nairobi, Central and Nyanza provinces the author experienced the lack of records, and reluctance to provide information. An explanation to this may be the lack of importance placed on violence on women and the inherent patriarchal cultural values.

Cases of violence on women are evident in newspaper reports and word of mouth. Phrases such as; 'man struggled girl 9 to death', man made standard four girl pregnant, 'suspect caught defiling girl, 6', 100 year old suitor for 10 year old girl' are common in courts and newspapers. In the first half of 1996, 379 cases of defilement were reported; whereas in 1995, 1994 and 1993, there were 572, 513, 546 cases of defilement respectively. It is sad to note that the youngest victim of defilement on record was a mere eight month old baby (Coalition on Violence Against women, 1996).

Violence is not only inflicted on women, violence on men by women as well as violence between and among women is

not ruled out. It might even be more appropriate to talk of gender violence. However, it has been observed that women also perpetrate violence but not as they are victims of it. In cases where women are involved in violence against men, it is usually in self defence. Additionally, violence on men rarely results in injury as does violence against women (Olawale, 1996). It has also been noted that in homes where men are violently attacked by women the men do not have to live in fear as women victimised by male violence do (UN, 1993; Plecks et al 1993; Steinmety, 1978). These factors provide a justification for focusing on aspects of violence relating to women.

Recognition of gender violence as a social problem emerged within the broad context of feminist activism and research on issues related to the social status of women and their right to participation. This was initially led by European and North American feminist theorists and activists. Knowledge and pressure generated drew the attention of United Nations , and consequently the UN World Conference, and International Women's and Human Rights Movement. This resulted in declaring violence against women a violation of human rights. There have also been special conferences such as United Nations 1975 Women's Decade, UN 1985 Women's Mid Decade and the 1995 Women's Conference in Beijing dedicated to gender issues.

The pioneering knowledge and pressure on violence against women and other gender issues was largely restricted to

the western world. The rest of the world, especially Africa and Asia began attending to gender issues (including violence against women) after the UN Women's Decade Conference of 1975. The conference and subsequent ones, generated research issues, debate and establishment of institutional structures on gender and development. Studies done indicate that the contribution of women in development is enormous but remains unrecorded and unrecognised. Additionally, a number of rights of women are being violated and hence the violence inflicted to many women across the world.

In Africa violence on women has historically been condoned with some societies institutionalising it. African practices and values have been viewed as escalators of gender conflict. A number of communities tend to socialise individuals to condone gender violence against women, with a large majority of women accepting the situation as given. Although many women organizations have been calling for review and enactment of laws to guard against gender violence, the problem seems to lie on social, cultural, economic and legal systems. Of these factors, the socio-cultural changes pose a major problem and must prelude or at any rate support change of laws, if the society is to effectively address the question of violence on women.

1.2.0 Conceptual Perspective

Violence on women falls under the broad area of conflict and conflict resolution. The question of conflict and conflict resolution within the general societal rubric has been a key concern of the social sciences. Some scholars (realists) argue that incidence of social conflict is a permanent condition of human existence; whereas others (idealists) consider conflict as an evil capable of being replaced by lasting peace through goodwill and legal-moral norms applied by international organizations such as the United Nations.

Conflict can be assessed at two levels; international conflict and inter-personal (including gender) conflict. In this overview, emphasis is laid on the latter where violence on women falls. In spite of many studies and documentation on violence against women and other forms of conflict there is still no definitive framework for conceptualising gender violence and how to prevent it. The very dynamic nature of the process contributes to inability to find a definitive framework.

An increasing number of scholars have come to consider inter-personal social gender conflict including violence against women as an inherently psychological problem. They stress the influence of psychological complexes such as ambivalence, displacement, scapegoating, excessive identification with rigid ideologies and cultural indoctrination. This theory explains certain abnormal behaviours like rape, and murder in terms of psychological disorder in the individual (Olawale, 1996).

The psychological disorder theory perceives those who commit violence as neurotic patients. A number of pressures within the environment can generate psychological disorders. Unemployment, low pay and inability to meet family demands are some of the factors which can contribute to increased gender violence. The theory of psychological disorder is not the same as psychological bases of conflict which refers to perceptions, and attitudes and values, many of which are learnt through socialization and can therefore be unlearned.

The human needs theory stipulates that if human needs are frustrated individuals 'will often seem aggressive and counter-productive but they are understandable in their context' (Burton, 1990). Burton argues further that 'if the social environment were changed, and in particular the manner in which parties view each other, then conflict would cease'. All conflict results from certain human needs which have not been satisfied and if both parties agree that each others needs can be satisfied without either losing, conflict can be managed without necessarily resorting to violence.

The psychological base and human needs theory views violence as a response of frustration coming from a given environment. In turn, the frustration aggression theory views violence as a logical product of frustration (Dollard, 1939; UNESCO, 1981)). Frustration and the role

of false images in developing fears and anxieties among individuals can contribute to irrational behaviour manifested in social conflict with others. Such frustration can come from another person or from the general environment, be it work, or institution.

The awareness of the psychological origins of human behaviour has led to emphasis on the role of research and education in promoting understanding of the problem of social conflict and in creating conditions in which peaceful solutions may be possible. It is against this background that Waltz (1954) notes that the elimination of social conflict can only be achieved through uplifting and enlightening men, or securing their psychic-social adjustment.

Waltz (1954) traces the incidence of social interpersonal conflict to the nature of man. He perceives man as 'a finite' being with 'infinite aspirations', a pigmy who thinks himself a giant'. Waltz contends that man is inherently selfish, full of misdirected aggressive impulses and stupidity which is the prime causal determinant of social strife, including gender conflict. Nevertheless, actions of individuals have to be understood within the cultural context within which they operate.

Since social conflict arise from individual behaviour largely influenced by cultural context, it should not be viewed in absolute terms but in probabilistic terms

(Lieber, 1972). Certain features of conflicts can be demonstrated as following laws of probability. Hence progress towards the amelioration of gender conflict and other forms of social conflict for that matter is feasible and should not be viewed as mysterious and unalterable affliction. Victim-offender mediation management of conflict which operates in some developed countries has not been tried in Kenya.

The Frustration aggression approach helps us to understand individual violence although not all oppression results from frustration. The latter is a limitation of the approach. Further, the approach is less useful in explaining social violence. The psychological base and frustration aggression theory leave one question unanswered in the case of violence against women; `why is it that it is the men who become aggressive when in reality the environment is impacting on gender in general?

Partial explanation to the above question lies in the fact that a large percentage of women do not earn cash incomes, are held in cultural values and beliefs of subordination and have to rely on men for their upkeep. In cases of psychological problems and frustration arising from economic limitation such as low income, unemployment or inability to provide for the family; the male spouse or individual exploits the woman's position directing violence on her including the girl child.

Relative deprivation theory provides a back-up to the psychological and aggression theories. It contends that a person can become aggressive if there is a discrepancy in their life expectation and actual achievement (Gurr, 1970; Davies, 1962). Further, the potential for collective violence varies strongly with the intensity and scope of relative deprivation among members of a collectivity. This is closely related to the systemic frustration thesis which views violence as a characteristic of a society in transition where the 'revolution of rising expectations' is contending with the 'revolution of rising frustration' (Feirabend, 1969).

Relative deprivation can be reflected in psychic syndromes featuring in the thought processes of individuals. This has an impact on the decisions they make and their actions. A process greatly influenced by their unconscious and irrational patterns emanating from their material reality. Decisions in particular situations are arrived at through processes of information gathering, analysis, evaluation, and consultation. These processes are all influenced by the individuals images, assumptions, and prejudices emanating from his/her social and cultural environment.

There has also been the argument that social/gender conflict is as a result of the expansion of contacts and acceleration of change resulting from modern technology and education (applies equally to individuals irrespective of gender). This has disturbed power

localizations and have, ipso facto, accentuated cultural opposition inherent in social organizations.

Over the years proposals to control, limit, or eliminate social conflict through the reorganization of society has been advocated. In the middle ages for instance, Pope Boniface VIII argued for universal acceptance of christianity under authority of the church. Such proposals for the reorganization of society are based upon sociological analysis of the causes of social conflict and conditions of peace. Analysts who take this approach believe that social conflict is not inevitable, and that individuals are influenced by a great variety of factors in their behaviour including conscience, customs, reason, and social compulsion. Nevertheless modern argument is that not only is conflict endemic in society, but that it can also have positive uses (Burton 1990).

The discussed theories provide a general explanation of violence but fail to explain why men tend to be the aggressors. The argument on nature vs nurture may assist in understanding why men tend to inflict violence on women. In this argument one is raising the question of whether individuals are naturally violent/aggressive or are these tendencies nurtured for example by the environment and/or through socialization? Are men naturally superior than women and therefore violent against women or has this been nurtured by the environment and through socialization? The latter question is an extension of the former question and may

provide a theoretical basis on which to sort out the problem why it is that given the same social/environment conditions, it is men who are aggressive.

The cultural position embedded in patriarchy which views subordination or oppression of women as divinely inspired might further provide clarity. Most cultures based on patriarchy foster the belief that man is superior and that women whom they closely relate with are their possessions to be treated as they consider appropriate (UN, 1993). In the traditional sense the patriarch was supposed to support his family, wife, daughters and other dependant.

The respect and protection which has been culturally romanticised, seem not to benefit women. Women hardly get any protection from men, instead majority are oppressed through the unreasonable patriarchal ordained powers. Battering, which seem to be the most common form of violence, has been noted to have been traditionally considered as the most standard way of expressing man's divine inspired dominance over woman (Lee and Irven, 1968; Robertson, 1976).

Galtung in his analysis of a violence triangle composed of, direct violence, system violence and cultural violence, notes that cultural violence is an invariant, a permanence remaining essentially the same for long periods given the slow transformations of basic culture (Galtung 1977; 1991). Cultural violence differs from

direct violence which is an event and system violence which is a process. This analysis assists in understanding how cultural elements are used to justify structural violence, especially on women as witnessed in policies and development programmes.

1.3.0 Historical Background

Conceptualising violence against women is a complex task and has to be contextualised. Violence against women is embedded in the context of cultural, socio-economic and political power relations. In such relations, females are viewed as the property of some male 'benevolent' protector. Embedded in this are several other myths supporting violence on women. They include male superiority, physical strength, cultural, religious and historical justification of male hegemony over women. These have become basis for the explanation of violence; they become internalised and hence the management approach is to attack the problem at the psychological and perceptual level.

The belief that violence corrects mistakes has also contributed to the violence. If men can identify the myths which constitute the motive force of ill treatment of the opposite sex and embark on demystifying and negating them then a proper attitude and relationship towards women would be achieved (Kibwana, 1996). This could reduce violence against women.

Violence is a learned behaviour, and different sub-cultures develop different patterns of physical and psychological violence. The situation of women in societies organised along patriarchal mode of production has been noted to be worse off. The male gender dominate the female, reducing the latter to mere economic and emotional dependency. The traditional institutions seem to encourage and condone rather than discourage gender based violence.

Under customary law, 'reasonable' chastisement of women is allowed. This position, deeply ingrained in most communities, has been difficult to change. To reverse the trend, there is need to re-examine the structures that create violence and to re-socialise the male gender within respective households and at all levels of formal education and general development. In other words there is need to shape/change the environment.

The domination of the female within patriarchal societies has been attributed to the women's comparative lack of economic resources. This has been noted to reduce their effective participation in both economic and political processes of their respective communities. Studies have shown that female economic inequality is the strongest factor contributing to violence. This is further strengthened by male control in the household and women's inability to divorce due to lack of economic power and expected societal moral values. The freedom for such women is restricted with hardly any option for escape.

This exposes them to abuse and violence by their husbands, relatives and other male figures.

In order to understand violence against women effectively the historical and cultural contexts of the respective societies have to be understood. In Kenya, like many other African societies, the largely traditional patriarchal set up gave men the right to chastise their wives. Other female members of households were subjected to male domination which allowed enforcement of desired action or demands by force.

1.4.0 Physical and Structural Violence

Violence against women continue to occur in different forms and settings across the world. These forms can be broadly categorized into micro or specific and episodic violence and macro or broad based violence. Micro violence tend to be physical whereas the macro tend to be mental or psychological and debases women on a continuous basis. It can also be indirect in that the perpetrator is not necessarily one man or an immediately identifiable group of men. Even where a woman is exposed to minimal micro violence, she cannot avoid being the subject of macro violence (kibwana 1996)

Generally, violence forms range from physical bride burning (common in India) to emotional abuse through threats and reprisals. Within this range, women are exposed to trafficking, circumcision, feticide,

infanticide, abuse and battering. Among these forms, violence and abuse have been recognised as almost universal, although they seem not to be taken seriously in most cultures. The other forms of violence and abuse remain associated with particular cultures or regions of the world. Nevertheless, both causes and consequences are largely similar.

Some cultures in respective communities of Kenya tend to enhance violence on women. For example, among the Luos and Luhya of Western Kenya, a marriage ritual in which the bride to be was ambushed by strong men belonging to the groom's clan dehumanized women. In the ritual, a woman would be forcibly dragged, kicked as she screamed to her new wedded life. This ritual was sanctioned by both the bride's and the groom's families and was widely practised (Weekly Review, 1991; CLARION, 1994). It has also been recorded that among the Kisii, marriage was historically a contest involving force and pain inflicting behaviour. This is because the male had to obtain a bride from a rival ethnic group. Whereas among the Turkana, a male had to demonstrate ability to inflict violence before marriage.

Abuse and battering are quite predominant in Kenya and most cases are never reported. In some instances cases are reported in the newspapers with a large percentage being known only to the affected households, neighbours and those who may have witnessed the violence. Abuse takes different forms such as sexual harassment,

discrimination and emotional abuse through threats and reprisals.

Conventionally, battering of women was not viewed as wrong until the era of women's liberation debate and activism. Over the years, many women have been battered for very flimsy reasons without any recourse. In a study conducted in Laikipia district, 42.4% of respondents stated that husbands are entitled to beat wives for failure to perform duties (33.3%), irresponsibility (13.3%), rudeness (11.1%) and immorality (4.4%). The study also notes that while husbands are under the influence of alcohol women get beaten for obsoletely no reason (Kibwana, 1992). Indeed, acceptance of violence is part of the structural apparatus of violence and it has to be addressed if the situation is to be reversed.

The other common form of violence against women, female children and young girls is rape and defilement. These animalistic behaviours is inflicted even to children as young as age 4. According to cases recorded by Coalition on Violence Against Women, Kenya experiences more defilement than rape cases (table 1). This may not be true but the embarasement of reporting rape to the authorities may explain the low statistics on rape as opposed to defilement which is normally reported by parents and relatives of the children involved.

Table 1: Sexual Crimes

Sexual Crimes	Rape	Defilement	Sodomy	Incest	Indecent Assault
1995	39	62	2	6	1
1996	18	44	6	3	8

Source: Coalition on Violence Against Women

The defilement cases of 1996 involved 9 children of age 2 - 4; 12 of age 5 - 7; 10 of age 8 - 10; 8 of age 11 - 13 and 6 of age 14; whereas those of 1995 involved 7 children of age 2 - 4; 13 of age 5 - 7; 22 of age 8 - 10; 7 of 11 - 13 and 10 of 14 - 16. These statistics does not tell the whole story but are good indicators for glimpsing the problem. Further, there are no national statistics on rape or defilement and any interested party has to gather information from different sources. Box 1 shows a catalogue of serious violence on women in Kenya since 1991.

Female circumcision has been a controversial issue as far as women's rights are concerned. Female circumcision has social/structural connotations and indeed many people do not view it as violence. It continues to cause controversy to the extent that Kenyan parliamentarians have failed to enact any laws relating to it.

A female member of parliament, Phoebe Asiyo who fought against the practice pointing out that the practice should not be supported by any right thinking and

progressive persons (Sunday Nation 17/11/96), could not win the motion.

Catalogue of Serious Violence

1991 - 1993

- 1 July 1991, 19 girls were killed and 72 raped and seriously injured in St. Kizito tragedy in Meru, Eastern province.
- 2 May 1992, 15 girls were raped at Hawinga Girls, Nyanza province.
- 3 January 1993 there was mass rape of 36 school girls who were on their way to school in Garissa District, North Eastern Province.
- 4 Ruiru killings of 6 girls after having been raped in Kiambu, Central province. One of the girls was six years old coming from a nursery school.
- 5 Rounding up and subsequent killing of women suspected to be sorcerers in Kisii district, Nyanza province.
- 6 Mrs Piah Njoki, a teacher in Central province had her eyes gorged out by her husband.
- 7 Muthoni stabbed by a boyfriend in Burnt Forest, Rift Valley Province.

1994 - 1997

- 8 In December 1996, Mrs Faith Nyeri, a mother of four was stabbed by her husband on the spine and subsequently paralyzed.
- 9 October 1995 an eight year old girl was defiled and murdered in Garissa District.
- 10 November 1996, Lucy Muthoni was tortured for 12 days after wrongful arrest(suspected to be part of bank robbery gang - her hair was pulled out and the

police later apologised for the incident.

11 July 1997 12 year old was killed after suffering injuries inflicted to her by a teacher and buried secretly.

12 16 year old girl was brutally raped and murdered in Kibera, Nairobi.

Source: Kenya Anti-Rape Organization, March 1997.

Communities which practice female circumcision or mutilation of the female genital organs maintain that the ritual is meant to teach girls how to behave in their adulthood and prepares them for marriage and womanhood. Apart from this, it is also intended to reduce the sexual arousal and sensitivity of girls, indeed a violation of the rights of a woman, especially the rights to privacy of the body. It also offends section 82 of the Kenya constitution as it is discriminatory.

Some people view the practice as barbaric and outdated. The process is never performed in healthy manner and traditional tools used pose a health hazard to the victims. There is a possibility of transmitting HIV-AIDS through the tools used unless proper sterilization is done.

1.4.1 Empirical Evidence of Violence on Women

Rapid appraisal of violence on women in Nairobi, Central and Nyanza province using government institutions (provincial administration, police stations and courts) and NGOs dealing with the issue, indicate its

proliferation. In the six chief's camps (Eastleigh, Mathare, Kibera, chiga, Kombewa and Bondo), the central police station and Kibera law courts, only the latter two had records. In the cases of the chief's camps, the officers were able to re-count the type of cases they normally receive.

According to the chief of Eastleigh, the cases are numerous and they revolve almost around the same issues. Due to the repetitive nature of the cases the chief noted that there was no serious need for recording. He also noted that unlike law courts, there is never any expectation of going back to the same cases.

The rapid appraisal shows that the type of cases leading to violence normally arise from minor misunderstanding which include: a woman coming home late, not cooking in time, man not being welcomed home, neglect of duties, spouse disagreement over children, drunkenness, insults, second marriages, adultery and venereal disease infections among others.

In the urban cases a number of men were noted to have a tendency of neglecting their families after earning their salaries, just to resurface when they have squandered all the money. This causes tension which result in violence. It was further noted that among some communities in Kibera, whenever disagreement degenerated into physical violence, one spouse temporary stayed away.

Information from the Nairobi Central police station shows that cases of assault causing actual bodily harm and general assaults, rape and indecent assault are many. However, the relationship between the complainant and the accused is never recorded. Discussions revealed that most of the reported cases on women concern what the police officer referred to as the 'free women'. According to the officer, these are mainly barmaids, and prostitutes and violence on them is largely inflicted in bars. A few cases of violence perpetrated by women on women were also reported.

The 'free woman' concept is further evidenced by a rape case which was on-going in Kibera law courts. In this case the accused man forced a woman into sex because she had taken four beers from him which he bought her willingly. The accused was sentenced to two years with two strokes.

On-going cases in Kibera Law Court included; 2 cases of assault by husbands and one by a boyfriend, 3 cases of defilement of a minor, 3 cases of rape. The assault case by boyfriend which was still pending involved a disagreement over some amount of money to be paid by the boyfriend. It resulted in the boyfriend mutilating the girlfriend's private parts using a knife. This story is not different from what women like Piah Njoki, who had both eyes gorged out by the husband suffered.

Violence on women is not different in the rural areas of Kenya. Rapid appraisal from both Central and Nyanza province show that women are persistently exposed to both physical and psychological violence. The case of Chiga location was found unique. This is a thriving cash crop growing location where women have devised coping mechanisms from their male counter-parts. Interview with the chief showed that the common type of violence reported was not that of men on women but men on men. He pointed out that often the disagreement was among brothers and often on land or other property.

It was pointed out that previously women had problems arising from earnings from cash crops, which was largely consumed by men. This they managed to do because the cash crop accounts were in their names. To ensure women do not work in the plantations for nothing, a method of allocating some coffee bushes specifically to female spouses has reduced the number of family disagreements and the cases of violence reported to the chief.

The case of Kisumu district, Kombewa division was different. The chief pointed out that he receives a significant number of cases of violence against women. Most cases involved men who did not participate effectively in household management but resorted to heavy drinking. They have a tendency of 'beating their wives at flimsy issues and sometimes for no reason at all'. It seems the situation of women who have no source of income and have to rely on male counter-parts is worse in

comparison to those who have sources of income which they control as in the case of Chiga.

1.5.0 Strategies for Conflict Settlement and Resolution

Most forms of violence are associated with particular cultures of the world, making it difficult to have strategies which cut across cultures. Some cultures are themselves a problem and perpetuate gender violence. In Kenya, discrimination is outlawed and those battered can sue for assault. But violence against women requires more than just putting laws in the statute books.

There have been a number of strategies suggested for addressing violence against women. Majority of these strategies are merely aimed at settling conflicts while few focus on resolution of conflict by addressing causes and structures.

Conflict settlement has been dominated by settlement mechanisms, which largely focus on symptoms and not the root cause and possible remedy of conflict. In practical sense this is captured in public education, legal literacy, litigation on test cases, community based appeasement, shelter and crisis centres. Among these strategies, community based alternatives, backed up with public awareness, and legal literacy might bear fruits.

Violence is a perceptual problem and should be addressed from all levels including family, community and national level. A first step to be ensured is to give both male and female children equal opportunity and adequate gender sensitization. At the same time women should not be lumped together, since different categories of women are exposed to different types of problems and experience varied forms of violence. Strategies such as litigation on test cases can continue alongside community based shelters and crisis centres. For Kenya, most of these possible strategies still need re-examination and additional information and hence the need to conduct further research into the matter.

Conflict resolution include examining legislation reforms relevant for abating the problem. This has involved setting task forces for conducting research and developing strategies for combating violence. Legislative reforms which have been lauded by gender activists even when realised, hardly change attitudes on the ground.

The greatest impediment to any affirmative action on violence on women is attitudes, cultural or otherwise, and this must be addressed. A woman who suffers violence is caught up between exercising her democratic rights, protecting the offender and suffering its consequences. This is because violence is often inflicted by close colleagues or relations to whom the victim owes special duty of care. Many forms of violence occur in private and can go unnoticed for a long time or never. The victims

may not complain due to denial and protection of the perpetrators. Some men and women also take it as normal, with men who are supposed to officially prevent it being the perpetrators of violence.

Women who exercise their rights of protection from inhuman treatment and protection against discrimination among others, often encounter institutional bottlenecks from the conservative patriarchal structures such as police, courts and council of elders. In the police stations, women are never taken seriously when they go to report violence, the reason being that 'the issue falls within the private domain'. The process in the male dominated courts is long and tedious including political undertones which resist the enforcement of such rights (CLARION, 1994). On the other hand, a Council of elders is a conservative institution with hardly any women representatives.

The most affected are women who are not able to take any action, either due to lack of required resources, lack of confidence or the fear of consequences. Among the fears is the possibility of a man being charged and imprisoned. In cases of a close relative or husband, the fear of being ostracised by the patriarchal community, in many cases, make women steer away from any action. Cases have been reported where women report cases of violence to a police station in the night and by morning they are pleading for the release of the barterer. This needs to

be addressed, probably by putting in place institutions which are friendly and supportive to women's course.

In Kenya apart from female circumcision, most other forms of violence have hardly been researched. Existing information is largely based on works of activists and lack adequate information relevant for planning and developing strategies for addressing the issue. Subsequently, there is the need to gather relevant information relating to different forms of violence.

Conflicts relating to violence on women are far from being permanently solved. For centuries women have suffered discrimination and violence and it was not until the seventies that such conflicts begun to be addressed. Violence on women as noted earlier, arises largely from societal attitudes which take long to change and have to be addressed through both intensive awareness, education programmes and enactment of relevant laws .

1.6.0 Methodologies for Conflict Resolution

Violence on women has been handled by state structures, traditional institutions and NGOs. But NGOs have been the most active in addressing violence on women. As opposed to their counter-parts in the western world, they have not specialised on particular issues, and most of the organizations have not synchronized their activities. This has resulted in duplication of efforts and unwillingness to share methodologies.

The few cases picked up from the press are often used for activism and pursued to their conclusion. The case of Piah Njoki whose eyes were gorged out by her husband is a good case for reference. Cases such as this show the extent to which chastisement has been stretched. Traditionally, women were never seriously battered eg gorging at a wives eyes, cutting off hands and even blatant murder.

The organizations dealing with violence on women have also not developed methodologies of accessing victims (or potential victims) of violence. They largely rely on isolated cases highlighted in the press as thousands of women remain helpless in their households, work places and public arena. There is need to establish easily accessible community based informal institutions which can give women both emotional support, legal advice and help in filing cases of violence.

In order to make any intervention in the area of violence on women, it is necessary to understand existing forms of violence, their manifestation, how they are addressed and the categories of women affected. Considering the rapid appraisal of the situation in Nairobi, Central and Nyanza provinces collection of basic primary data is not easy. Most institutions dealing with the issues do not have records and any programme aiming at intervening has to begin by encouraging institutions to keep records. This

may provide a good basis for understanding violence on women and devising strategies for addressing the issues.

The type of cases most NGOs and government institutions are dealing with hardly reach 5% of prevalent cases. This has to do with the reluctance of women to reveal violence inflicted on them and the lack of appropriate institutions for redress. There are a number of reasons explaining this, the major one being the relationships women have with those who inflict violence on them. Apart from the rape cases and defilement, many other cases concern relatives and very close friends. This makes women seriously consider the possible repercussions before taking any action.

There are even cases where women have either withdrawn or refused to give right evidence in very serious violence offenses. A good example is a case which was being heard at Kabale Court in Uganda early March 1997. In the case, a woman had been raped and while the man was still in custody, the rape victim was manipulated by relatives of the man. When the case was brought for hearing in the high court, the rape victim simply denied that the man in the dock is not the man who raped her and the man was acquitted.

1.6.1 Programming and Community Based Methodologies

Arguments on conflict resolution relating to gender violence, especially on women has revolved around

legislation and actual methodologies of dealing with the issue. Conflict resolution is the eventual aim of conflict management, but it has hardly been attempted in Kenya. Thus putting up structures for resolution is really the challenge and the contribution made by this paper. This must be backed with research and encouragement of institutions dealing with gender violence to keep proper records.

There has been no clear methods for solving conflict. Although there seem to be no one away of going around the problem, it seems informal community based solutions cannot be ignored. As already highlighted in this paper, most violence on women remain hidden in their minds, except for a few cases which spill out largely through other secondary sources and not through the victims themselves.

A significant percentage of women who are often subjected to violence are generally poor economically and can neither afford to take their cases to court or to loose the little economic benefits they get from those who inflict violence on them. In this case, any programme that intends to address the issue of violence has to use structures which women are familiar with and within easy access. Such structures should not be dominated by traditional fixations of what women should be.

In cases where structures which are unfamiliar and have fixations on women's position predominate, a re-

orientation and/or re-directing the issues to other newly established structures has to take place. The existing structures as noted earlier, include the institution of the chief and village elders who have traditionally dealt with the issue. Rapid appraisal of the situation shows extensive intervention by the chief's office. This office is extensively used by the comparatively poor, and hardly used by the comparatively better off.

The discussions with the six chiefs revealed their role in conflict resolution. The procedure of arbitration is to call both parties and conduct a small court, recounting what happened. It was noted that in most cases it was women who made reports of violence inflicted by husbands or other male figures. In cases of conflict between wife and husband, the goal was to reconcile the two, find an amicable solution and reduce chances of separation or divorce. To use the kibera chief's own words; 'ours is to reconcile and unite them and not to divide them' and clearly the epistemology of this approach is faulty.

In cases of husband and wife, if battering continues, the man is often warned, fined or threatened with arrest and prosecution. In some cases it involves drawing up an agreement (for separation for a specified or unspecified period) between the man and woman with the chief being a witness. In cases where children are involved, chiefs normally have two options; requiring the man to be paying some money at the chief's office on a monthly basis for

their family upkeep, or an option of writing a letter to the children's department, Ministry of Home Affairs, requesting them to deal with the case. If the situation completely deteriorates, the police are normally involved with the possibility of taking court action.

It was observed that it is not easy to ensure amicable living and conflict resolution between related males and females, especially husband and wife. This is because women are reluctant to take their husbands to court. Even in cases where women are brave enough to call the police or go to a police station, they often reverse their position before the case can be concluded.

For example, the Mathare chief noted that in spite of getting many cases of family violence, no woman has seriously pushed for the arrest and prosecution of their husbands. In cases where authorities take action without necessarily leaving it to women, the outcome can be very different. In Bondo division a husband who had battered a wife paid heavily. The chief gave corporal punishment of five canes and a fine of two roofing iron sheets.

Other institutions which provide social forums for women such as women's and self help groups, should be viewed as potential institutions which can encourage women to open up on issues of violence. The fact remains that if women are not able to come out and declare that violence has been inflicted on them, then any programming would be futile. Indeed, making women talk about violence and

declare it whenever it happens is a first step in addressing the issue.

In Kenya the chief's institution plays a major role in arbitration and reconciliation and hardly any role in conflict settlement relating to male and female gender. The institution does not have the expertise and at the same time is tied to cultural values, which are largely unfair to women. The appeasement done by chiefs is nothing close to skilled Victim-offender mediation approach which is normally done by skilled persons.

Mediation if done properly has a real chance of heading towards resolution, especially if it is 'unofficial' mediation, not involving government authorities but structurally acceptable third parties. Although critics have viewed the method to be loaded with other concerns with some parties trying to humanize criminal justice, others (victims) trying to recover losses and the offender trying to avoid harsh punishment (Coates, 1985); it provides all parties fair hearing and possible settlement.

Apart from the chief's institution, the Kenya government has had other attempts aimed at addressing the problem of violence on women. The first attempt was in 1966 when the government set up a commission on law of marriage and divorce. After some lull and with the mid decade conference held in Nairobi, the government through the Women,s Bureau in liaison with Public Law Institute,

begun a legal campaign on violence against women in 1985. This programme was referred to as The Women's Rights Awareness Project (WRAP). It had limited success during the eighties because the implementers had not carried out any research before starting the public awareness campaign.

The WRAP project was resuscitated in 1991 with the objective of focusing on general legal education and violence on women. The programme developed simple educational materials, one of which was a publication of a booklet 'A Guide to Women of Kenya on Rape and the Legal Process'. Similar efforts in form of research and publications has also come from organizations such as Women and Law in East Africa (WLEA) and Association of African Women for Research and Development (AAWORD).

Other organizations active in promoting women's awareness and advocacy include; Federation of Women Lawyers in Kenya (FIDA) Women Law and Development in Africa (WILDAF), Coalition on Violence Against Women (an initiative of WILDAF, focusing on domestic violence), Kituo Cha Sheria and Anti-Rape among others. These institutions have mainly concentrated on awareness creation and advocacy on women's issues. Few of them are directly addressing structural problems which contribute to gender violence. FIDA is one of the organizations going beyond awareness creation and advocacy. The organization sensitizes law enforcement agents on gender violence-related issues with a hope of influencing

policies. Such efforts if well coordinated may contribute to the unearthing of root causes of gender violence as opposed to addressing the symptoms.

1.7.0 Concluding Remarks

Violence against women in whatever form is a violation of human rights and should be condemned and legal action taken. The state, which is the custodian of security and order within any given civil society should front the move. Importantly, the state should ensure that right policies and structures addressing the issue are in place and action is taken on offenders irrespective of the wishes of the victims.

Creation of awareness on women's legal rights and the importance of offenders being exposed is one area that the civil society organizations have to focus on. Many victims of violence do not expose the offenders. This disables any potential support which can be provided to such victims. It is apparent that awareness creation should be done at all levels of life, especially the family and educational institutions. Although family life is taught in schools, issues such as respect for gender and violence on women are hardly touched.

Programmes aiming to reduce gender violence have to first address the whole socialization process, beginning with the family and lower level educational institutions. It

is these institutions that play an initial role modelling of individuals and if right ingredients are ingrained, less gender violent human beings may be produced. This should go hand in hand with research and programmes which address actual cases of violence, including shelter for battered women. This process should result in development of effective community based structures capable of conducting victim-offender mediation without necessarily victimising any of the parties.

Above all violence against women should be addressed using informal community based informal structures. As discussed in this paper, the chief's institution is too formal and extensively influenced by patriarchal biases and can not effectively address violence against women. On the other hand, existing welfare and women's groups are concerned with both welfare and income generating issues and do not address issues relating to violence. The latter institutions can be sensitized and used for addressing violence against women.

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