
Violence Against Women: Gender Violence In Kenya

Introduction

Violence against women is also known as gender-based violence and it is an issue that causes great harm in many families around the world. It is one of the social crisis spreading widely and is causing a major health problem around the world today (UNICEF,2000; WHO,2017). This problem is seen to be affecting both men and women without regarding their social, economic, cultural and political backgrounds (UNICEF, 2000; Ondicho, 2013; NGECC, 2016). While there is no trusted statistical approximate calculation on the extent of the problem in the world, studies around the world have drawn special attention to its incidence and prevalence.

A study from multiple countries did show that 30% of the women in the world have in one way or another had an encounter with physical and sexual violence committed by a current or previous male partner, and 7% have been attacked sexually by a man other than their private and personal partner (Garcia-Moreno, 2013). UNICEF (2000) has calculated that between 20% and 50% of women in the world have had at least one instance where harm was inflicted upon them by a man in their lifetime.

The World Health Organisation (WHO, 2017), has calculated that about 1 in 3 (35%) of all women in the world and one third (30%) of all women who have found themselves in an intimate relationship have had a man violate their human rights during their lifetime. Studies from more than 50 countries have indicated that between 10% and 60% of women who have been in marriage have been physically abused by their present or previous intimate partner (Ellsberg and Heise, 2005). These numbers have shown that not only that violence against women is a terrifying problem but also that those women whose rights have been violated are more likely to be injured or killed (UNIFEM, 2012; WHO, 2017). While violence against women is a universal problem, it is more distributed in sub-Saharan Africa, where poverty and deep-seated cultural norms continue to affect the lives of many people and expose many women and girls to male violence (UNICEF, 2000; Rumbold, 2008). Gender violence in Kenya is a leading cause of domestic violence, women discrimination and disempowerment.

Domestic violence

Domestic violence is defined as any dangerous behaviour against a family member or partner, including rape, assault, physical abuse and forced prostitution.

The rate of domestic violence in Kenya is rising. It is currently at 40%. Various factors for instance low levels of education, religion and socioeconomic status are all necessary when viewing the possible reasons for domestic violence in Kenya. Sexual coercion is widespread in Kenya and often results to abuse as well. Pregnant women are more likely to be victims of domestic abuse because they are more likely to be in a relationship. Pregnant women are more likely also economically or socially exposed to attack, putting them at a higher risk for domestic violence due to male dominance. Unwanted pregnancies are mostly seen as the fault of the woman, resulting to more abuse. The gender roles in Kenya adds up to the acceptance of domestic abuse.

Domestic violence leads to negative mental and physical health challenges. Negative results of domestic violence include loss of pregnancy and complications, hypertension, physical injuries and stress. Victims of domestic violence are possibly going to contract HIV/AIDS and other sexually transmitted diseases.

The rise in gender-based violence is caused by a shortage of proper law enforcement and lack of awareness. There are eight laws, which include the Protection Against Domestic Violence Act (2015), that address gender-based violence.

Failing to report domestic violence cases in developing countries is as a result of many challenges which include shame, financial barriers, lack of awareness and access to services and distrust of healthcare workers.

Disempowerment

Disempowerment is the process of deriving power, authority or influence; make weak, ineffectual or unimportant. (Merriam-Webster, 1828).

According to (K.K Ghai,2016) there are two factors behind women empowerment. These factors can be classified into two; general and specific factors. General factors include; shortage of possession of productive assets, inability to access institutional sources of credit due to lack of the ability to provide collateral security, gender discrimination and lack of skills. The specific factors are; the inability to read or write, being kept away from other people, not being organized, being restricted over family earnings, being excluded in household decisions relating to size of the family, education and marriage of female children, purchase or sale of assets and failure to be alert and lack of knowledge.

Discrimination

Discrimination against women can be said to be any distinction, exclusion or restriction which is made on the basis of gender and can lead to impairing or nullifying the recognition, happiness or exercise by women, with regard to their marital status, on the basis that both men and women are equal, of human rights and are enslaved in the political, economic, social, cultural, civil or any other area they want to deal with.

Ethnic, tribal and family barriers

The major tribes in Kenya (Kikuyu, Luo, Luhya and Kamba) are polygynous, patrilineal, and patrilocal. Traditionally (before the 1972 Law of Succession) only the male relatives could be allowed to inherit land from their fathers in the Kikuyu, Luo and Luhya tribes, excluding the Kamba women who would be handed down to property by their husbands. Many are times women are not able to know their rights on inheritance because of lack of knowledge among many women, expense in court, and corruption. As stated by Cubbins, in spite of the fact that many females are increasingly actively involved in the productive labour of their households, in the countryside they are mostly in control of agriculture production that goes back into households, whereas fathers largely have control over the cash crops which have the economic power to give assistance to, especially financially to their children in school. Because women have a greater chance of investing their resources into their children's education, the traditional

practice of males being in charge of cash crops presents significant concern for gender imbalance in Kenya.

One of the reasons the Kikuyus, the tribe to assimilate into Western education first, declined to start to be involved in formal education was because missionaries frequently put measures on groups who exercised female genital mutilation. These rules kept Kenyans of many tribes unable to access formal education from the missionaries.

In some tribes, girls who receive formal education are perhaps seen as breaking traditional tribal norms and dismissing the tribal lifestyle. As noticed by Lesorogol, among the Samburu people, educated women may separate themselves by imposing conceptual differences along the dimension of knowledge or the power or ability to do something and the principles concerned with distinction between the right and wrong or good and bad behaviour. On many occasions, when educated women display their knowledge of Swahili or English, they are seen as being boastful or not regarding traditional roles for women. Educated women may be considered by their tribes, family members and greater society as being worldly, whereby they are perceived to be disrespectful, arrogant, or even promiscuous.

Law

(Fredman, 1997) says that the justice systems all along the centuries have treated women as the assistants of men. An important way of inspecting the continuing disadvantage is to establish the assumptions and stereotypes which have been centered to the lengthening and authorization of women's legal and social and social subordination.

(The Constitution of Kenya, 2010) has tried to recognize the rights of women by amending laws and acts that openly treated women unjustly. Some of these laws are:

- The Registered Land Act Cap 300
- The Matrimonial Property Act
- The Laws of Succession Act Cap 160
- The Sexual offences Act
- The Family Protection Bill

The government has, however, not succeeded in controlling the customary laws that still undermine women's rights. For example, some tribes still support FGM, in spite of the passing into law the Prohibition of FGM Act and the Children Act of 2001. Article 14: Protection from harmful cultural rites, etc. ,of the (Children Act No.8 of 2001, 2016), clearly declares that no person shall subject a child to female circumcision, early marriage or other cultural rites, customs or traditional practices that with no doubt going to negatively affect the child's life, health, social welfare, dignity or physical or psychological development. Girls in Garissa are still being subjected to the dangerous procedure, and hence the rights of these children are being violated openly. (Hajir, 2017) announced that the Principal Secretary for Gender Affairs, Zeinab Hussein, rated Garissa County as the leading county still exercising FGM by 97% against the country's average 21%.

Employment

Years after the 2010 constitution was effected, Kenyan women are still not earning an equal pay as their male counterparts for the same work done. They are also not getting an equal pay for work of equal value. This results to women having less purchasing power, having less amount to save and little amount of money to put aside for their retirement. This results to many women being forced to being dependent on their families. As stated by World Economic Forum report 2017, a Kenyan woman is paid Sh55 for every Sh100 paid to a man for doing the same job. The Human Development for Everyone report released in March 2017 and put together some rough calculations, noted that in 2015 women sum up to 62.1 percent of the total labour force compared to 72.1 percent of the men examined during the same period. The same report pointed out that while Kenyan men are paid an estimated gross national income (GNI) per capita of \$3,405 (Sh350,715) in 2015, this was higher when compared to that of females which stands at \$2,357 (Sh242,771). Because females earn less than men, they are less likely to control land, women pay not as much tax as men, hence they are less likely to be leading in entrepreneurial activities.

One of the biggest obstructions to equity in pay can be as a result of women having to take leave from work to have babies. A research by the National Bureau of Economic Research on Children and Gender Inequality conducted in Denmark and made available on January 2018 pointed out that having children creates a difference in earnings between men and women of around 20 percent in the long run. Motherhood influences what a woman earns. Working mothers encounter disadvantages in earning, perceived competence, and benefits relative to childless women. Few companies are yet to make breastfeeding stations available for nursing mothers or make their workplaces more friendly for the mother and baby as demanded in the Breastfeeding Mothers Act which was made into law by Parliament in June 2017.