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**An assessment of the role of Community based child protection
mechanisms in Kilifi County, Kenya**

ANNE WAMBETI IRERI

MPPM/84369



Submitted in partial fulfilment of the requirements for the award of a Master's in Public Policy
and Management (MPPM) Degree

Strathmore Business School,

May, 2018

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Anne Wambeti Ileri
May 2018

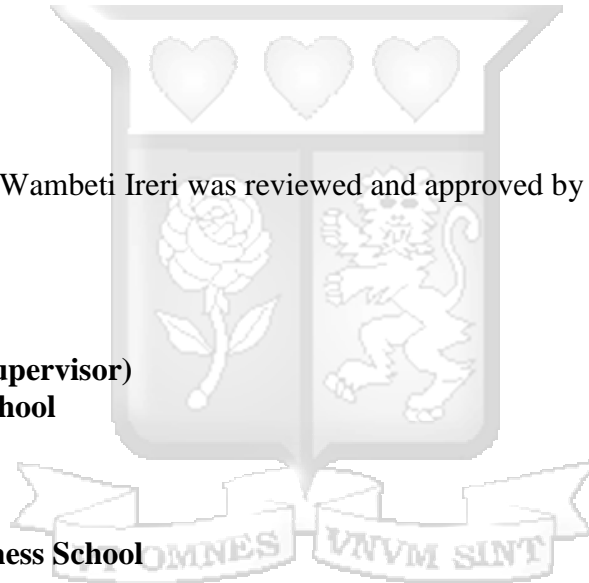
Approval

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ABSTRACT

Child defilement continues to plague global societies including Kenya. This prevalence is on the rise despite the existence of robust and concrete legal and policy frameworks on child protection in the country. Criminal investigation of defilement is vital and integral in ensuring effective implementation of the laws by ensuring perpetrators are held to account. It is imperative that child protection systems especially at community level are strengthened through comprehensive policy diffusion so as to enhance protection especially from to sexual abuse.

The objectives of this study were to establish the factors that increase the vulnerability of children in Kilifi County to child defilement, to examine the role of the community based child protection mechanisms in the criminal investigation of child defilement in Kilifi County as well as propose appropriate strategies to enhance the efficacy of the community based child protection mechanisms. The study adopted a qualitative exploratory research design through which thirty five (35) participants were interviewed.

The study findings established that: several factors including cultural practices and poverty increase the vulnerability of children to defilement especially in the rural context that CBCPM play a crucial role in as far as victim support, access to medical services and evidence management are concerned. These are all vital elements in the criminal investigation of defilement. The study recommends the formalization of CBCPM structures as well as policy diffusion of all efforts in the management if child defilement so as to facilitate effective investigation of the violations.

Key words: child defilement, child protection, criminal investigation, policy diffusion

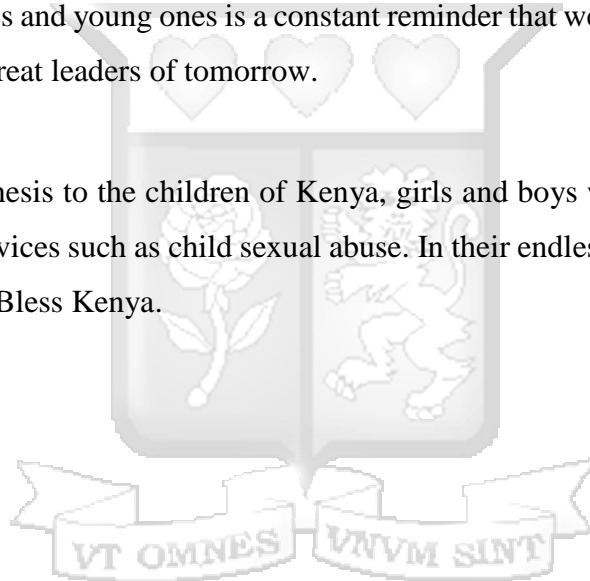
DEDICATION

To God Almighty for his abundant grace, mercies and blessings.

To my dear loving parents Edwin Ileri and Mary Ileri, thank you for sowing the seeds of integrity and hard work through education long before I could comprehend their meaning and diligently nurtured it to perseverance, excellence and selflessness in addition to many other values for service of mankind. You remain my constant source of inspiration through your love and care.

To my siblings Joseph, Grace and Michael, your unwavering support is priceless. Your love and dedication to your families and young ones is a constant reminder that we must protect the children of today as they are the great leaders of tomorrow.

I dedicate this research thesis to the children of Kenya, girls and boys who we must endeavor to protect at all times, from vices such as child sexual abuse. In their endless potential, lies the future of this great nation. God Bless Kenya.



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I wish to extend my sincere appreciation to my Course Supervisor, Dr. Monica Kerretts for your unwavering and consistent support in this project. Your encouragement and enthusiasm towards my study choice remain fundamental to the conduct of this research. Thank you for being available to mentor and steer me in this academic journey.

I wish to appreciate my research team and participants, tireless individuals who made the field work in this research possible. To Kenneth Furaha and Betty Welime, my lead research team, thank you very much.

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I sincerely thank and cherish the support of my entire family. My parents Edwin Ileri and Mary Ileri, Dad and Mum, you have been such a source of encouragement and inspiration throughout this journey and thank you for cheering me on. To my siblings Joe, Grace and Michael, thank you for your patience and support in this journey. To my dear friend Mary, your persistent encouragement in this journey was truly invaluable Thank you all for the incredible support. I say to you all, *Asante Sana* and God bless you all.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
AIDS	Acquired Immuno-Deficiency Syndrome
APS	Administration Police Service
AWCFS	African Women and Child Feature Service
CBCPS	Community based child protection mechanisms
CBO	Community-based Organization
CDC	Centers for Disease Control and Prevention
CRA	Commission on Revenue Allocation
CPS	Child Protection System
CSO	Civil Society Organization
DIG	Deputy Inspector General
DPP	Director of Public Prosecutions
EC	Emergency Contraception
FBO	Faith-based Organization
FGC/M	Female Genital Cutting / Mutilation
GBV	Gender Based Violence
GVRC	Gender Violence Recovery Centre
HIV	Human Immunodeficiency Virus
HRIO	Health Records Information Officer
IAWG	Inter-Agency Working Group
IEC	Information and Education Campaign
IG	Inspector General
INGOs	International Non-governmental Organizations
ITP	Individual Treatment Plan
KDHS	Kenya Demographic Health Survey
KNBS	Kenya National Bureau of Statistics
KPS	Kenya Police Service
LOC–AACs	Locational Area Advisory Councils

LVCT	Liverpool Voluntary Counseling Treatment Center
M&E	Monitoring and Evaluation
MoE	Ministry of Education
MoH	Ministry of Health
NCCS	National Council for Children's Services
NCPS	National Child Protection System
NCVC	National Center for Victims of Crime
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organization
NPS	National Police Service
NRM	National Referral Mechanism
NSA	Non-State Actors
OCPD	Officer Commanding a Police Division
OCS	Officer Commanding a Station
ODPP	Office of the Director of Public Prosecutions
PEP	Post Exposure Prophylaxis
PRC	Post Rape Care
STI	Sexually Transmitted Infection
SGBV	Sexual and Gender Based Violence
SOA	Sexual Offences Act
SOP	Standard Operating Procedures
SRGBV	School Related Gender Based Violence
TFSOA	Task Force on the Implementation of the Sexual Offences Act
TSC	Teachers Service Commission
UNICEF	United Nations Children's Fund
USIP	United States Institute of Peace
VAC	Violence against Children
VAW/G	Violence against Women and Girls
WHO	World Health Organization

DEFINITION OF SIGNIFICANT TERMS

Child	An individual who has not attained the age of eighteen years (The Constitution of Kenya, 2010)
Child Sexual Abuse	The involvement of a child in sexual activity that he or she does not fully comprehend, as in unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, that activity is intended to gratify or satisfy the needs of the other person (WHO)
Child Defilement	The act which causes sexual penetration with a child (Sexual Offences Act)
Child Protection	These are measures and structures that prevent and respond to abuse, neglect, exploitation and violence affecting children. (Save the Children International, 2011)
Child Protection System	A set of laws, policies, regulations and services, capacities, monitoring, and oversight needed across all social sectors, especially, social welfare, education, health, security, and justice to prevent and respond to protection related risks (UNICEF, 2010).

Child Protection Framework

A framework for child protection system defines the key components, the institutions involved and how they are regulated and coordinated, both horizontally and vertically.

Community Based Child Protection Mechanisms

Community level Coordination mechanisms and networks charge with management of the child protection system and includes actors such parents, teachers, police, local authorities (Plan International)

Evidence chain management

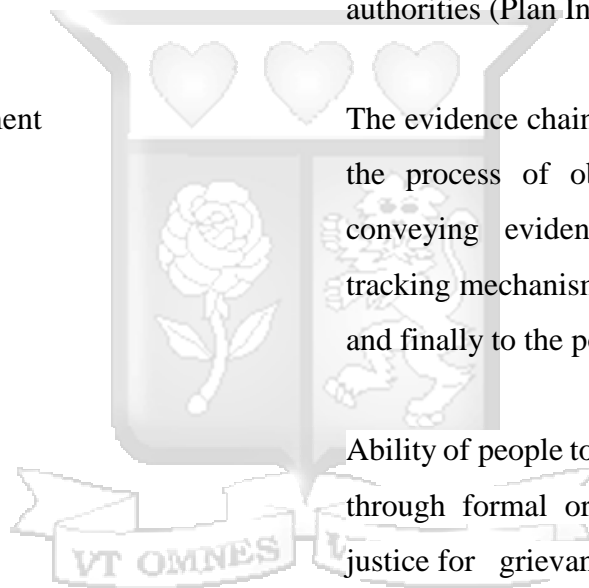
The evidence chain is a term used to refer to the process of obtaining, preserving and conveying evidence through accountable tracking mechanisms from the health facility and finally to the police (LVCT)

Access to Justice

Ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards (USIP)

Criminal Justice System

Set of agencies and processed established by governments to control crime and impose penalties on those who violate laws and operates depending with the jurisdiction of location (NCVC)



CHAPTER ONE: INTRODUCTION

1.1 Background to the Study

The conceptualization about what constitutes child sexual abuse is guided by both international descriptions and local definitions contained in the laws. It is the involvement of a child in sexual activity of any kind that he or she does not fully understand or is unable to give informed consent to, or for which the child is not developmentally prepared and cannot therefore give consent therefore violates the laws or social taboos of society. (Ruto, 2009). As such sexual violence against children not only remains a grave human rights violation but also a costly public health challenge. Defilement is the legal term used to define the rape of persons below 18 years and who are defined as children by the Kenyan laws. Both the Children Act, Chapter 586 and the Sexual Offences Act, 2006 both describe a child as any person below the age of eighteen.

Kenya as a state has made tremendous normative commitment to child protection especially from sexual violence as outlined in The Constitution of Kenya, 2010. At international and regional levels, Kenya has ratified both the United Nations Convention on the Rights of the Child (CRC) as well as the African Charter on the Rights and Welfare of the Child (ACRWC). At the national level, in addition to having a robust legislative regime addressing child sexual violence, there is also a surfeit of policy frameworks aimed at ensuring child protection from sexual abuse. The focus of these policies relates both to prevention and response mechanisms, (National Gender and Equality Commission, 2014). In general, the regulatory regime on child sexual offending is excellent. The legislation and policy framework has considered the requisite interventions to prevent sexual violence against children as well as to respond to its occurrence with focus both on the victim as well as the perpetrator.

However, the statistics as relate to child sexual violence speak of a different story. The prevalence levels in Kenya remain high and border on crisis levels. These numbers are especially on the surge in the rural areas in Kenya, where there are existent multiple complexities that compound the issue (Steven et. al, 2015). Numerous interventions have been initiated both globally and in Kenya to address the scourge of child defilement. Of note is that, the crime of defilement affects the most vulnerable within our society being children and that further, these crimes occur within the private sphere thus leading to multiple challenges in both the prevention and response mechanisms. These challenges affect the medical and legal components of the response as well as influence the

advocacy efforts initiated in bid to curb the crime. Child defilement management is multi- faceted and includes both state and non- state actors who all play crucial roles.

A vital component of intervening once child defilement has occurred relates to access to justice. The existing legislation in Kenya guarantees access to justice as a fundamental right of every citizen in Kenya including children the COK, 2010. Further, the main legislation addressing sexual violations in Kenya, the Sexual Offences Act (2006), prescribes harsh penalties for those found guilty of defilement with penalties extending up to life sentences. However, even with such enabling operating frameworks, a notable reality is that the conviction rates of sexual perpetrators and offenders remain low (Omondi, 2014). The law on child defilement as it exists mainly focuses on the formal justice system being the courts and not on the informal justice system (Deche, 2013). Access to justice in child defilement therefore refers largely to the formal court system where the criminal justice procedure is the *modus operandi*. In the year 2014 alone, 6,101 defilement cases were filed across Kenyan courts (Judiciary of Kenya Report, 2013). The conviction rates of these cases however remains low with majority of them concluding in acquittal of accused persons at the lower courts. Where there have been successful prosecution, many of the sentences have been quashed and overruled at the appellate stage mostly on what are referred to as technical grounds as outlined in the *Martin Charo case*. These technical grounds have largely to do with the investigation of these vices both at the medical and legal aspects of the crime occurrence. Overall these large numbers of acquittals of accused persons whether on technical or otherwise are slowly generating into a climate of impunity as the intended deterrence of the legal frameworks in place is not being achieved. Investigation of the reported child defilement cases has in the past been found to be especially wanting as outlined in the *160 girls case*.

The legal process of investigation usually involves law enforcement agencies as the main coordinating agency (COK, 2010). In Kenya, the National Police Service is tasked with the solemn duty of criminal investigation (NPSA, 2011). One of the most important functions of law enforcement in any context is that of criminal investigation. The institutional arrangement in Kenya has seen the Kenya Police Service, the Administration Police Service as well as the Directorate of Criminal Investigation all under the umbrella of the police service which has the role of conducting investigations into crime occurrence.

The criminal investigation process is defined as the process by which police officers collect evidence, interview people and compiling facts for the purpose of supporting as prosecution (Hess

et. al, 2013). These authors further posit that the task of criminal investigation has been viewed as the most challenging part of police work. Though, the task of criminal investigation has seemingly been made to appear glamorous especially by mass media, in actual sense it is a complex undertaking. There remains a myriad of goals that motivate the investigation process but key is to establish the factual truth surrounding an event (Greenwood and Petersua, 1975). Criminal investigations can further be classified as proactive or reactive. Proactive investigation is especially used by the Police instances when they detect that a crime is likely to take place and is usually informed largely by intelligence. Reactive investigation on the other hand is when the crime has already occurred and the police respond to this situation by seeking out evidence after the offence has been committed (Tong et. al, 2009).

The process of investigation has been defined as being cumulatively inclusive of various steps and procedures all which feed into the overall investigation. These ingredients to the investigative process have been stated to include attending to any injuries a victim or suspect may have, securing the crime scene, making any necessary arrests, identifying and searching for the necessary evidence while collecting and processing the same, interviewing victims, suspects and witnesses in addition to recording all statements and observations which eventually comprise a police report. (Hess et. al, 2013). In Kenya, child defilement alongside other sexual crimes are considered as crimes against the state As such, the criminal investigation process is spearheaded by the police who remain the custodians of the evidence collected and are the gateway to the criminal justice system. (Ajema et. al., 2009).

Child defilement investigation is usually reactive whereby the police response to the crime commences when a formal report of the occurrence is made. The response mechanisms protocol adopted globally and which have been localized through policy frameworks, provide for the reporting of child defilement cases to medical personnel for purposes of treatment and evidence collection who thereafter refer the cases to the police stations for reactive investigation. This sequential flow of events in the management of child defilement cases however remains an ideal. The reality that glares in majority of the cases that occur is that they take place in remote and poverty contexts with available response service being far and in between. This is especially so in the case of available health facilities and police stations which in addition to being demographically skewed in distribution often have to contend with capacity and resource challenges, (Population Council Report, 2012). This status quo has often resulted in poor

investigation and follow up of cases which is evidenced in the quality of prosecution of the cases and the conviction rates of perpetrators (Aura, 2013).

Child defilement crimes occur within a given community or society context. The community therefore has a role to play in the investigative process and especially in the chain of evidence management as it is within its confines that the survivor, perpetrator and scene of crime are located. In spite of this, there remain multiple challenges such as the lack of knowledge on what the needs to be done once the crime occurs. This often leads to the destruction of crucial evidence through bathing or failing to report to the hospital or the police on time or even throwing away clothes that were worn by the victim at the time of the crime. (Ajema et. al, 2009). The authors in this study further posit that there is unavailable documentation on the role that the community is to play in the maintenance of the evidence chain.

Child protection systems are key initiatives aimed at enhancing child protection. This is particularly in recognition of the multiple players both formal and non-formal actors extending to community level who play vital roles in the sphere of child protection particularly against sexual violence (Wulczyn et. al, 2010). Child protection systems have been defined as formal and informal structures, functions as well as capacities that are organized to prevent and respond to violence, abuse as well as exploitation of children, (UNICEF, 2013). The organization of child protection systems has been outlined to include diverse actors being government agencies at different levels who bear the primary responsibility for the protection of children within a country. There are also non formal actors who play vital and crucial roles in the protection of children. These actors are especially visible in grass root and community levels where they are usually integral in prevention and response mechanisms.

Given the cross cutting nature of child violations and in particular sexual crimes, child protection systems are usually multi-disciplinary and characteristically inter sectoral. This attribute is depicted in the composition of structures such as stakeholder working groups at community levels as well as the famed Court users committees within the formal judicial system (ICJ, 2013). There is a growing departure from views that considered that mainly government welfare ministries and actors such as the police and the judiciary were involved in child protection and instead a greater appreciation has developed of the vital contribution of other sectors. (Child Protection Working Group, 2012).

In majority of rural communities in Kenya, there are perennial challenges of scarcity of resources and poverty has led to increased vulnerability of children. As (Collier et. al, 2003) note, poverty has powerful implications on child protection since the economic sector frequently contributes to the exposure of children to child protection risks. The reality that majority of children in this context have to contend with include lack of civil registration upon birth and lack birth certificates which may lead to discrimination in accessing basic education and health services alongside other essential services (UNICEF, 2014). Poverty related factors in addition placed these children at increased risk of sexual violations that may lead to exposure to diseases such as HIV and AIDS. The situation of children living with disabilities further compounds the already complex vulnerabilities that children in rural areas face. In responding to these potential risks, child protection systems draw on the intervention of health care workers, teachers, parents and families. Therefore, whilst criminal investigation of child defilement occurrence remains the primary duty of law enforcement, there is need for strengthened and comprehensive community based child protection mechanisms to complement the role of the police, particularly in the rural and remote contexts.

Community- based child protection mechanisms (CBCPM) have been defined as local- level groups or processes that respond to violations targeting children and work to prevent risks to children (Save the Children, 2010). They are key members of child protection systems as they largely operate at local levels such as villages in rural areas where children and their families live. It is also at this local level where children are exposed to high risks on a continuous basis. (Wessells, 2015). This particular study also notes that though external mechanisms are valuable in child protection, communities often initiate mechanisms that act locally, without facilitation or guidance from NGOs or the state. These systems may act as child protectors even though they are not formally named as such. An example is cited in Sierra Leone, where the informal systems of chiefs and elders frequently assist in resolving inter- familial conflicts over parental responsibilities of the male parent where a child is involved. A key factor in the operationalization of the CBCPM is that there needs to be collective agreement towards the goal of child protection as well as anchoring of initiatives on the best interest of the child. (ibid).

Globally, there is increasing recognition in the urgency for effective child protection systems that are geared towards ensuring child safety. (UNICEF, 2006). Efficacy in the protection systems is enhanced through mainstreamed child participation. Children rights include the right to be heard

in matters that affect their wellbeing and have first-hand experience on matters that pose a risk to their protection within their communities. (Save the Children, 2012). Further, community based child protection systems are a crucial and vital component of an effective national response mechanism. It is within communities that children live and also where abuse happens. Communities comprise of essential actors such as local authorities, schools, health centers, police and civil society members who can be effective in ensuring child safety.

The study critically notes that CBCPS, whether externally facilitated or locally initiated, should be criticized in equal measure and that there remain a crucial need to conduct in depth studies about both structures. These systems must ultimately be appraised against their commitment to the best interest of the child principle. Further their roles in enhancing the role of the National police service in conducting criminal investigation in line with their constitutional mandate needs to be underscored.

1.2 The Research Problem

Child defilement is especially at crisis levels in the rural areas of Kenya where poverty and lack of access to essential medical and legal services have resulted in normalization of the vice (Awuor, 2007). The effects of child defilement remain drastic and are not only limited to disease infection and schooling interruption, but has also resulted in fatalities of the affected victims .The high prevalence of child defilement currently being processed in the response management mechanisms has therefore increased the involvement of children in the criminal justice system. Children are involved both as victims and as witnesses thus, it remains imperative that their issues and concerns are anchored on the best interest principle to assure them of their protection whilst accessing justice (Omondi, 2014).

This status quo of our criminal justice has resulted in high acquittals of child defilement perpetrators for lack of sufficient evidence to result in convictions. This is in turn resulting in the perceived inability of an otherwise stringent legislation in the form of the Sexual Offences Act, 2006, to achieve the deterrence effect that was envisaged. A leading technicality ground that has contributed to child defilement perpetrator acquittals is the quality of the investigation. Criminal investigation remains the mandate of the National Police Service (COK, 2010) as the police are tasked with steering the process of investigation that comprises of several crucial ingredients which are linked interdependently each with crucial importance.

Child defilement crimes occur within the context of a community though by their very nature are privately executed. As such the players within a given community setting play vital roles in the reporting and investigation of the crime. These child protection systems are established at the most local levels within societies thereby translating in community based child protection mechanisms (CBCPM) (UNHCR, 2013). This ideally should result in reported cases to the police which complaints are referred through the community members. There however seems to be an abdication of responsibility by the community players and child protection systems of the duty to investigate the crime reported as the exclusive expectation of the police. This is resulting in a lack of awareness of the criminal justice system and the high standard of proof expected of the investigative process by both the police and the community at large (AFWCFS, 2016).

This has resulted in low conviction rates of child defilement perpetrators and as a result, a perceived climate of impunity has been created which has likely perpetrators as the major beneficiaries of this failure. The specific roles and impact of community based child protection mechanisms with regard to investigation seems to be undocumented (Wessells, 2015). Anecdotal interactions, seem to suggest that these systems have a certain level of interaction with law enforcement once they refer child defilement cases to the latter (Omondi, 2014). This study therefore sought to ascertain and establish the role of the CBCPM in relation to criminal investigation of child defilement within Kilifi County in Kenya.

1.3 Aim of the Study

The aim of this study was to assess the role community based child protection mechanisms in the criminal investigation of child defilement cases.

1.4. Specific objectives of the Study

The specific objectives of the study herein were as follows:

1. Identify the factors that increase the vulnerability of children to incidences of child defilement in Kilifi County
2. Identify the roles of the community based child protection mechanisms in the criminal investigation process of child defilement in Kilifi County
3. Propose appropriate strategies that will enhance the efficacy of Community based child protection mechanisms in the criminal investigation of child defilement

1.5 Research Questions

This study sought to answer the following research questions

1. What factors increase the vulnerability of children to child defilement incidences in Kilifi County?
2. What specific roles do the existing community based child protection mechanisms play with regard to criminal investigation process of child defilement in Kilifi County?
3. How can the efficacy of community based child protection mechanisms as regards criminal investigation of child defilement be enhanced?

1.6 Scope and Limitations of the Study

The concept of child defilement is a wide topic with multiple parameters that relate to the causes and effects of the vice in children and within society as a whole. Interventions that have been formulated to address the violation are largely two fold, preventive and responsive. Consequently, management of child defilement has evolved into a multi-disciplinary and cross-sectoral intervention. Numerous studies have been conducted with regard to this concept and particularly on the effect of the policy and legislative framework regulating the management of child defilement in Kenya. For the purpose of this study however, the specific focus will be on the role of community child protection mechanisms in the criminal investigation of child defilement.

The community based child protection mechanism has been defined as being part of the larger child protection system in place which comprises of formal and non- formal actors with diverse roles in child protection. The community based child protection mechanism is established at grass root levels within society and play several roles with regard to responding to child defilement occurrence.

Criminal investigation of child defilement will be the center focus of the study. This concept is identified for study as being one of the most integral processes in the criminal justice system that facilitates access to justice for child defilement victims (Omondi, 2014). The study identifies that there are minimal studies available focusing on child defilement investigation by law enforcement in Kenya. The role of the National Police Service in Kenya as the law enforcement agents will be critiqued in a bid to concisely highlight what the state's duty to investigate entails (Kamau and

Kamau, 2014) as well as underpin the pragmatic ingredients involved in child defilement investigation.

The geographic focus of the study was Kilifi County, Kenya. Kilifi County is located along the Kenyan Coast and borders Kwale County to the South west, Taita Taveta County to the West, Tana River County to the North, Mombasa County to the South and the Indian Ocean to the East. Specific focus within Kilifi County was on the community based child protection mechanisms established in Magarini sub -county.

This study sought to scope the experiences of key informants and respondents since 2013 to date. The focus on the year 2013 was that it coincided with a landmark judicial decision that for the first time outlined the roles and duties of the National Police Service in the investigation of child defilement. The year 2013 was also significant in as far as the operationalization of county governments through devolution and especially as regards health care facilities, (The County Government Act, 2012). The rationale for this jurisdictional scope was that service provision institutions such as health care and the National Police Service were realigned to this system of governance especially in their internal organograms. These institutions influenced the study variables in this research.

Given the sensitivity of the study topic being child defilement, the focus in terms of interviewees and respondents was solely on adults who have handled child defilement in one way or another. This study for ethical considerations did not engage child victims of defilement in any way or any person below the age of eighteen. The study however engaged select parents of defiled children where for ethical considerations, priority was on parents who have had their matters processed and concluded by the criminal justice system, between the years 2013 and 2017. Through this time framing, it was expected that reasonable healing of the affected parties had taken place through psycho social support. This would in turn facilitate minimizing the adverse effects of re- narration of the experiences that their children experienced as defilement victims.

In the course of undertaking the study, certain limitations were anticipated. Given the nature of the study, being characteristically exploratory case study, there were time constraints expected in the course of carrying out the study. Magarini sub-county is geographically vast with poor road network therefore the time involved in traveling in the conduct of research may be considerable. The challenge of poor infrastructure compounded by seasonal weather patterns including heavy rain led to accessibility challenges. The researcher had however formulated a comprehensive

logistical plan that factored in the infrastructural challenges. The research design had planned for alternative meeting points that catered for situations where it was not possible to physically reach the most remote areas of Magarini sub-county. (County Government of Kilifi, 2013).

There were also challenges in as far as data inaccessibility was concerned. This was especially where certain respondents declined to respond to the interview questions posed. To mitigate these challenges, the research design factored ways of ensuring data accessibility through the choice of key informants interviewed as well as participants of the focus group discussion. The researcher worked closely with the data collection team to address this concern at the preliminary stages of the data collection and applied ethical considerations such as confidentiality in the interview process with this category of respondents.

1.7 Significance of the Research

Child defilement prevalence globally, regionally and nationally has reached crisis levels. In Kenya, the numbers of children violated remain on the increase (Child Line Report, 2006). In Kenya, these surging numbers of child defilement victims are recorded against a backdrop of an extremely robust and extensive legal and policy framework. Regardless of the measures outlined in significant legislation such as The Constitution of Kenya, 2010, the Children Act, 2001 and the Sexual Offences Act, 2006. The processing of the reported crimes especially with regard to the police investigation remains critical to the conviction rates of the perpetrators and accused persons in these matters. The National Police Service has embarked on reforms following the constitutional shift in 2010 (Ministry of Interior and Coordination, 2015). The quality of investigation of the reported cases has however seen numerous cases failing to reach conviction rates as envisaged in the Sexual Offences Act, 2006. This has resulted in a climate of impunity with perpetrators of this heinous crime walking free in society because of failure of the criminal justice system to find them culpable (Omondi, 2014).

There is extensive available literature available in the form of academic articles, research studies, policy papers as well as testimonials on the subject of child defilement. These resources are mainly from a sociological perspective or the legal implementation basis. The existing studies have aimed at unraveling the factors involved in child defilement prevalence and the intersection of prevention and response enabling services. At institutional level, majority of the studies have been targeted at the medical service delivery and the courts as access to justice mechanisms. The legal perspective

studies have involved a critique of the formal criminal justice system as well as the informal structures within communities involved in responding to child defilement. Key findings in majority of these studies have involved the need to conduct more empirical studies on the role of community based structures in child protection and especially in the chain of evidence management with regard to child defilement. This finding is supported factually by the reality that child defilement occurs within families and communities who are the primary responders to this crime (Daro and Dodge, 2009). These communities in turn largely rely on the intervention of the law enforcement through their roles in crime investigation to facilitate and anchor the justice process. It is this process of protecting the victim through the state duty to investigate that the violated rights of the defilement victim are restored.

The available literature review is also limited in so far as appraising the role of the law enforcement mechanisms in child protection and the cross cutting nature of the investigative process of criminal justice. This study therefore aimed at highlighting the role of child protection systems and primarily the community based child protection mechanisms in so far as them enhancing the investigative role of the police as law enforcement agents. The study sought to assess the awareness of these systems on the process of criminal investigation and their linkages with other actors who are crucial in the process of responding to child defilement incidences. These linkages especially come to play in the rural and remote contexts where crucial response services such as health care providers and law enforcement agencies are sparsely located and the harsh infrastructural terrain coupled with widespread poverty greatly hamper interventions. These challenges cannot be solely addressed through effective legal and policy frameworks but call for innovation and enhanced coordination initiatives at grass root levels especially, which this study will seek to outline.

The geographical choice of Kilifi County is significant to the study due to the child defilement reality that it presents. Kilifi County is plagued with challenges of poverty, high illiteracy levels especially of girls and women which are compounded by retrogressive cultural practices that fuel child sexual abuse. Economically, Kilifi County is one of the counties with highest household poverty levels (Commission on Revenue Allocation, 2013) and low development levels (KNBS, 2017). The main sources of income generation in the county are tourism and agriculture (Ministry of Agriculture, 2014). With the slump in tourism in 2007 and 2013, many households have been adversely affected with child vulnerability on the increase due to vices such as child sex tourism and child prostitution (Kilifi County, HIV & AIDS Strategic plan, 2016). Child labour has been on

the increase with children dropping out of school to fend for food as they stare at the reality of starvation (Plan International, 2017). These factors have contributed to high prevalence of child defilement cases in the country with Kilifi County being among the counties with the highest reported numbers (*The Star*, 2016). Kilifi County is also home to numerous initiatives that are geared towards child protection due to the existing vulnerability factors (Kostelny, Wessells and Ondoro, 2014). This has in turn led to various community based initiatives and mechanisms that address child sexual abuse. These systems involve both formal and informal actors whilst some are supported by NGOs or government, others are completely endogenous in their resource mobilization. This variety in the actors is extremely crucial for the answering the research questions envisaged in this study. The presence of these community systems thereby make the county an ideal choice for this study and the research objectives set out.

The findings of this study will be crucial and informative for different sets of actors. With regard to the criminal justice players such as the law enforcement, prosecution and courts especially, the study findings will bring to fore the reality of the status of criminal investigation in the rural settings in Kenya. This in a bid to unravel some of the technicality challenges experienced which the idealized legal framework on child sexual abuse does not articulate. This investigative challenges eventually come to play in the prosecution and adjudication these cases. For the sociologists, the findings are aimed informing the formulation of advocacy initiatives targeting child defilement. The study will discuss the reality as regards child defilement response where especially the legal and policy frameworks have faced operationalization and localization challenges. Finally, for policy makers, this study will aim to explore the case for policy diffusion in the management of child defilement with focus on criminal investigation procedures and the involvement of community based systems in the process. The study will critique the policy implementation of the existing policy frameworks that intersect in so far as criminal investigation of child defilement cases.

1.8 Assumptions of the Study

This study made certain assumptions that are geographic, representative and empirical in nature. Geographically, the study made assumptions that Magarini sub-county was an ideal representation of the entire population of Kilifi County. Kilifi County is among the counties leading with the highest defilement rates in the country (*The Standard*, 2017) .Though there are limitations in

establishing ethnographic characteristics, the study assumed the defilement context in Magarini Sub County is representative of the larger county (Mwangi,2014). The choice of Magarini sub-County was informed by the presence of multiple factors influencing child protection (CISP, 2017). This assumption therefore meant that the data and findings generated by the study would be accurate and suffice through the selected research design applied reliably as being generalizations and conclusions that reflect the entire population in Kilifi County. The study also made representative assumptions of the community based child protection mechanisms in Magarini sub- County as being representative of the formal and informal actors that typically constitute defined child protection systems. This involved an assumption that the community based mechanisms have been addressing child protection and were well familiar with the concept of child defilement and the role of the institution of the police as criminal investigation agents. This study made a third assumption as regards the findings and sample results of the study, that they will be accurate reliance to make generalizations and conclusions about the entire population.

1.9 Organization of the Study

This Study is organized into three main chapters, the Introduction to the Study, related Literature Review and the proposed Research methodology. Chapter one will outline the introduction to the study and will include the background to the research, the defined problem of the study as well as the aims and objectives of the study. The introduction will also include the research questions as well as the scoping and significance of this proposed study. This chapter will also describe the organization of the study.

Chapter two of this study will contain the consulted and guiding relevant literature review to the study process. In this chapter, related findings and studies will on the following concepts will be presented: child defilement implantation and enforcement, criminal investigation of defilement, child protection systems and community based child protection mechanisms will be presented. The identified research gaps from existing studies will be presented as well as summary of the key findings from undertaken research. This chapter will also define the theoretical framework informing the research as well as conceptual frameworks adopted by the study.

Chapter three will articulate the research methodology that will be undertaken in this study. In this Chapter, the study population and sampling procedures will be defined. This chapter will also include the data collection techniques and tools that will be applied in the study. The reliability of

the data instruments and data analysis management will be explained in the chapter. Chapter three will further indicate the crucial ethical considerations of the study as well as underscore the limitations of this study.



CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter reviews the relevant and related literature to the study as well as outlines the theoretical and conceptual frameworks informing this study. The review of literature covers key concepts such as child defilement enforcement and implementation, criminal investigation of child defilement, child protection systems and community based child protection mechanisms. The literature review further highlights the development of the concept of child protection through multi-disciplinary and intersectoral linkages. The literature review also highlights the status of the criminal justice system with a bias to child defilement and emphasizes the role of law enforcement agents being the police. The chapter outlines the theoretical and conceptual frameworks that will be considered.

2.2 Theoretical Framework

This research study is anchored on two theories namely, the Rational Choice Theory and the Procedural Justice Theory

2.2.1 Rational Choice Theory

The rational choice theory is premised on the idea that all action is fundamentally rational in character and that people typically evaluate the likely costs and benefits in any action before deciding on what to do. The rationale choice theory was first applied by economists in their field and out of success of the theory, other disciplines borrowed from it. The application of the rational choice theory in social interaction is through the social exchange theory. Abell (2000), notes that the application of the rational choice theory arguably stems from the central tenets of Max Weber's definition of sociology as a science which attempts to arrive at a causal explanation of its cause and effects. He further expounds on this origin by outlining key assumptions about the rational choice theory. Firstly, is the assumption about individualism and that individual actions and subsequently social actions emanate from individuals. It is the latter that is the focus of the rational choice theory. The second assumption is that individual and social actions are chosen optimally and aim for the best that can be achieved in a given situation. The third assumption posits that individual and social actions are concerned with their own welfare hence amplifying self- regard. The fourth assumption provides that a paradigmatic privilege is obtained by relaxing some aspects

of the assumptions and by substituting other theoretical ingredients that social theory will be forged.

This basis forms the application of the rational choice theory to the composition and implementation of child protection systems which are the focus of this study. As (Green, 2007) opines, the application of rational choice theory occurs in a situation where there are a few agents. As such, each agent considers the effect his decisions are likely to have on other agents who are approaching the situation in a similar way. This is the case in community based mechanisms where the actors depend on cooperation and collaboration from each other. This theory will be applied to the research in three parts; rationality and social action, the logic of collective action and finally the rational choice of collective action.

2.2.1.1 Rationality and social action

(Scott, 2000), expounds on the social exchange theory as a complex social phenomena that is defined in terms of the individual actions of which they are composed. Further, social institutions and social change are the result of the actions and interactions of individuals. In addition, through social interaction, individuals are immersed in mutual reinforcement where approval is the most fundamental human goal. This research however points out that the outcome of any particular exchange is dependent on the relative power of the participants. Therefore whilst a monopoly supplier is able to use its market power to command a high price from its customers, the ideal situation would be one of perfect competition. Social exchange however faces certain perennial challenges that affect its efficiency. These include collective action characterized by problems of free-riders in addition to the possibility of monopoly and exclusion of non- members. The other challenge of social exchange is that of norms and obligations where reciprocity has been seen as possible solution to enhancing cooperation among members.

2.2.1.2 Logic of collective action

Central to the phenomena of social exchange is the notion of collective action. Collective action has been attributed to the evolution of crucial disciplines such as political science. As (Ostrom, 1998) observes, collective action is the core justification for the state. Further within collective action, certain variables such as reciprocity, trust and reputation are key in enhancing the cooperation levels as well as boosting the net benefits of the collaboration. Given that collective actions can take place at multiple level, the aim is to address social dilemma among other goals. (Ostrom, 2009) asserts that a social dilemma occurs where individuals select actions and reactions

in an interdependent situation. Thus it is crucial that there is push for a decision making equilibrium that is suboptimal to the individual choices hence encouraging cooperation. There are indicative structural variables that contribute to the likelihood of cooperation and which should be considered at the preliminary stages of collaboration. These variables include the number of participants involved in the action, the heterogeneity of the group, the nature of communication applied in the group and the type of benefits accrued by the collective action. These variables as outlined, though critical to any study involving collective action have certain challenges. There exists a complex linkage among the variables which cumulatively affect reputations, trust and reciprocity at individual level.

The analysis of the complete set of variables as regards collective action though necessary is impossible. This is especially with regard to non-scientific research, where data size is small and controlling for some variables is not possible. Therefore, in the conduct of qualitative studies, researchers have proposed the analysis of a limited set of variables that are hypothesized to have a strong causal relationship, (Ostrom, 2009). Further, contextual variables are crucial in understanding the initial growth and sustainability ability of collective action in addition to grasping the challenges that established, self-organized systems must seek to overcome. (Ostrom, 2000). According to this researcher, further studies are required to explain the reason some contextual variables enhance cooperation while others undermine collaboration. These findings are vital for public policy formulation that aims at encouraging socially beneficial and cooperative behavior with social norms as a basis.

2.2.1.3 Rational choice of collective action

Rational choice has been instrumental in explaining collective action. According to (Hetcher and Kanazawa, 1997), authentic rational choice theories are focused on social outcomes as opposed to individual results. The authors posit that with regard to multi-level systems, at the lower levels are assumptions about individual cognitive aptitudes while at the higher levels, there is focus on the specifications of the social structures. The aim of rational choice theory thus is to explain social outcomes on the basis of both the social context and individual action. The authors in their study suggest that the ultimate challenge for sociological rational choice theory is to demystify the emergence of institutions. The theory is mute as regards the origin and nature of individual values. However they assert that some research exists as regards frameworks for understanding the emergence of norms among various actors with specific interests and resources.

A major asset to collective action is the availability of social capital. As (Koleman, 1990) defines, social capital is pertinent to social organization by facilitating the realization of goals that could not be achieved only at a higher cost. Social capital however embraces certain pertinent attributes crucial for its optimization. These are closure, stability and ideology. Closure is pertinent to social capital as it facilitates the emergence of norms such as trust. Trust is critical to any forms of collective action as it boosts individual actions which lead to social outcomes. According to the author, stability is critical to social capital especially as regards informal structures. Disruptions of social relations and organizations has disruptive tendencies especially where individuals rather than positions are elements of the structure. Ideology formulates social capital through the imposition of demands that an individual acts in the interest of someone or something other than self. Key to note is that other factors such as affluence and dependability of the individuals in a structure. Fundamentally, social capital like other forms of capital have depreciative tendencies unless renewal occurs. Expectations and obligations of collective action change over time, social relationships may terminate and the observation of norms requires regular communication.

2.2.2 Procedural Justice Theory

According to (Tyler, 2009), procedural justice theory has two main components, firstly is the aspect quality decision making and secondly, the quality of interpersonal treatment. Further, procedural justice can be factored through authorities with whom people have personal contact or as an overall institutional issue. According to this study, evidence suggests that in evaluating the quality of personal experiences, interpersonal treatment is a core issue with influence on the legitimacy perceptions of an institution. The author further argues that the process by which disputes are resolved influences perceptions of fairness and satisfaction regardless of whether the outcomes are favorable or not. The National Police Service is an integral institution in the investigation of child defilement crimes and thus their ability to dispense procedural justice in critical.

2.2.2.1 Police Legitimacy

According to (Harkin, 2015), procedural justice theory perspective provides that the fairness with which people are treated in an encounter with authority institutions such as the police influences whether they will collaborate or resist. The author suggests that the key elements of a procedural justice framework include participation, dignity and having one's rights acknowledged and trust in the authority that it is concerned with one's welfare. These elements are essential to vulnerable populations such as victims of child defilement who will according to the study respond most

strongly to fairness by those in positions of authority. However, this research study according to the author was unable to account fully for the unpredictable and peculiar reactions to police malfeasance.

(Mazerolle, et al, 2015) posits that law enforcement agencies require voluntary cooperation from the public to enhance efficiency in crime control. Further, legitimacy is a key factor in bolstering voluntary cooperation and compliance. The public according to the research obey and cooperate with the police and other legal authorities basically if and when they perceive them to be legitimate. This legitimacy is illustrated in the impact that a short positive interaction with the police directly shapes the public views as regards the encounter as well as general perceptions towards the police. (Hough et al. 2010), argue that the police are the most visible agent of social control within a given justice system. As such, if the police act outside social norms by failing to treat the public with fairness and dignity, they facilitate the generation of powerful cynicism towards the justice system. Therefore as (Bennett et. al, 2009) note, it is crucial for the police to understand how to foster legitimacy in the context of contemporary dynamics such as new types of public safety emergencies and multiple ethnic, religious, cultural and ideological issues. Negative perceptions towards the police impede cooperation and compliance and in turn can escalate the risk of violence towards the police at the risk of increased harm towards the public. Further, the research observes that when the police are not perceived as being legitimate authority, they are frustrated by citizens when they seek cooperation as regards crime reporting and consequently fail to fulfil their mandate as regards an efficient police service.

2.3 Child Sexual Abuse

Child sexual abuse is a global menace that takes place within families, communities and societies. This concept is a paradox, since this vice occurs in settings and contexts that are primarily aimed at protecting the very children who are violated. (Omondi, 2014). Child sexual abuse eventually places children at risk of leading healthy and productive lives into their adulthood. The adverse effects of CSA have been characterized as including poverty, psycho-social effects on children where their self-esteem is lowered and in some instances fatalities have resulted from child sexual abuse. There is also the issue of HIV and AIDS being both a cause and consequence of child sexual abuse.

Various factors have been cited as being causes of child sexual violations. As (Mwangi, 2009) observes, community definitions of the term child which definition often conflicts with the legal definition of the term child often fuels child sexual abuse. She further posits that other factors such as cultural practices that condone sexual abuse coupled with the types the organization of home settings within communities that create situations where adults take advantage of children exacerbate child sexual abuse. This situation is further compounded by high poverty levels, poor literacy levels and increased child labour situations. So as to minimize child sexual abuse, she proposes maintaining coordinated and comprehensive efforts at attitude shaping especially of community members. She also suggests strategies aimed at influencing persons who play key roles in the lives of children such as teachers so as to increase the levels of reporting of child sexual abuse. She however posits that there still exists a huge disconnect between the reported cases at police stations and health centers which is an area for concern. She suggests that the causes of underreporting especially to the police and legal institutions should be interrogated which may be a contributor to the choice by communities to settle child sexual abuse cases outside the law.

2.4 Child Defilement

Child defilement is the legal term that is used to define the rape of children in Kenya (SOA, 2006). Kenya has enacted quite an effective substantive legal framework with regard to child defilement. The international standards outlined in the United Nations Convention on the Right of the Child(CRC) as well as the regional reality expounded in the African Charter on the Rights and Welfare of the Child(ACRWC) have been domesticated into national legislation. Kenya further boasts of a robust policy framework as regards child defilement which guides the medical and legal management of child defilement (Ministry of Health, 2014). However, key observations have been made as regards this legal and policy environment of defilement. These annotations have been aimed especially at the implementation of the existing normative framework and its effect on curbing child defilement.

Criticism has especially been levelled at the procedural legal implementation process. As (Omondi,2014) opines, the current procedural statutes with regard to child defilement are not specifically sensitive to the special needs of child victims of sexual abuse and singles out the evidentiary procedural laws. The Evidence Act, Chapter 80 Laws of Kenya, for instance requires that evidence to prove any facts needs to be produced orally and directly, which ultimately leads

to direct facial contact between the accused person and the victims in court (SOA, 2006). These procedural requirements are further compounded by the reality that child defilement victims are unaware of the expectations and safeguards as regards evidence and as a result, investigation and prosecution processes fail to take their feelings into account. She further faults the legal and policy framework which has failed to operationalize the protective measures to vulnerable witnesses fully. With regard to the trial process, she proposes the need for specific evidentiary rules as regards evidence of Child Victims of Sexual Abuse in addition to the establishment of a special procedural law addressing the needs of child defilement victims in court.

The need to have an effective trial process with regard to child defilement is a crucial element in enforcing child defilement laws. Omondi (2014) builds on this principle by maintaining *that child victims should be protected through fair procedure in courts*. The existing adversarial court system in Kenya did not anticipate the participation of children as victims in the criminal process (William, 1999). Further, she asserts that the lack of balance between the rights of the accused person and those of child victims are unbalanced as evidenced in the challenges experienced in protecting victims while testifying in court. The discrepancy in figures from key government agencies dealing with the same issue indicates that there could be more child victims of defilement and abuse who are not accounted for in the current data. So as to address the procedural challenges in the implementation of legal and policy provisions, she notes the crucial role of the police in the investigation and prosecution of child sexual abuse. She however observes that the police need enhanced training and skills in addressing child defilement as well as institutional attention to improved investigation capacity.

Despite the challenges especially as regards the procedural implementation of the legal and policy framework, there are emerging opportunities. According to (Aura, 2013), the Constitution of Kenya, 2010, has greatly broadened state responsibility and accountability to sexual abuse. Further there is observed increased awareness on child defilement as evidenced in the reporting. She notes that the creation of networks on sexual and gender based violence especially at grass root levels provides an increased capacity to deal with the vice. She posits that these opportunities are bolstered by the creation of comprehensive care centers at major public hospitals and health centers, which are aimed at improving the reporting and evidence collection of child defilement.

2.5 Status of child protection in Kenya

A recent UNICEF study on violence against children revealed the need for urgency in addressing violence against children in Kenya (UNICEF, 2010). According to the report, 46 percent of females and 36 percent of males who were victims of sexual abuse prior to attaining the age of eighteen reported the violations to someone. The report therefore notes that collaborative and coordination efforts are needed across the various institutions that respond to forms of child abuse. The report further recommends the need for direct support to government medical and legal structures as well as community organizations which are part of the reporting structure is needed so as to ensure that both the short and long term objectives in child protection are achieved.

These proposals are supported by the findings in the Government of Kenya, (2014), *Situational Analysis of Children and Adolescents in Kenya Report*. This report notes that the Constitution of Kenya, 2010 alongside specific legislation such as the Children Act, Laws of Kenya and the Sexual Offences Act, Laws of Kenya, have proceeded to strengthen the framework for child protection systems in several areas. The report further states that'

'Child protection is an obligation shared by many different actors, government actors, civil society agencies and communities.'

2.5.1 Child protection systems

According to (Wulczyn, F. et al, 2010), they suggest that within families, communities and nations, there are established child protection systems that usually reflect the cultural values and diversity of the context. The authors further qualify child systems as exhibiting combined cultural norms, behavior standards, resources, history and external influence that have shaped the choices of the participants to the system over time. They propose a systems approach to child protection and highlight the interactive reality between the system and its operating context. They further emphasize the procedural aspects of the system that should have the ability to identify children whose rights have been violated. This ability, they posit should be anchored in a normative framework and goals of the child protection complemented by persons and institutions equipped to handle child protection. The authors further highlight the process of care as being inclusive of assessment strategies case planning, treatment and follow up of specific services available whether advocacy, prevention or response. They assert that effective child protection systems should be able to attract resources towards the actualization of the system goals.

The Government of Kenya, (2011) *Framework for the National Child Protection System for Kenya* outlines that since 2002, several initiatives have taken place towards development of a framework for child protection. The framework further observes that the aim for the same is to promote linkages between different players and to provide coordinated interventions and responses through statutory interventions. The framework has in addition outlined principles and values to guide its implementation which include; the best interests of the child, meeting children's basic rights, efforts to protect and promote child rights must be family and community, as well as creating and building partnerships and effective relationships. Other principles are child participation, non-discrimination and inclusion of marginalized children as well as accountability and transparency. The framework makes cognition of stakeholders with special roles in child protection who include the community who are tasked to mobilize local resources to protect children, report violence and exploitation against children as well as discourage cultural practices with retrogressive tendencies so as to protect children.

The community remains an integral component of any child protection system. As (Daro and Dodge, 2013) observe, the most widely used community prevention programs, reiterate the mutual interplay between individual family behavior and the wider neighborhood, community and cultural contexts. As the authors note, the community can be an effective tool against child abuse with through interventions which are invested in social capital development and community coordination of individualized services. They assert that community initiatives to enhance child protection and curb abuse have aimed at establishing supportive residential communities where the residents have a shared belief in collective responsibility to protect children whilst increasing the services and support directly available to parents. They underscore that both individual responsibility and an effective formal service infrastructure are crucial.

2.5.2 Child defilement response mechanisms

A critical component in enforcing the legal and policy frameworks in child defilement involves the reporting of child defilement occurrence. There are increasing studies that are highlighting the issue of underreporting of these violations in Kenya. As Kara (2011) notes, under-reporting of sexual violence can be due to a myriad factors that include, fear of retribution or ridicule and lack of confidence in investigations, police and health workers. She asserts that the lack of confidence in investigators, police and health workers especially, indicts the law enforcement agencies as

regards sexual offences and this needs to be resolved so as to enhance access to justice by the victims. She further posits that the existing gaps in the formal justice have encouraged victims to seek justice within informal structures such as traditional elders for dispute resolution. According to Kara, the informal justice structures though gender biased are preferred due to certain weaknesses of the formal law enforcement. These weaknesses are cited as costliness and unavailability of the system in addition to attracting unwanted publicity and fueling victim stigma. The argument on informal justice systems, is supported further by (Wane, 2009). According to Wane, families of child defilement victims collide with offenders who paid off parents to withdraw reported cases and further stopped them from reporting the occurrence at all. Wane posits that a crucial strategy in addressing the issue of fear in reporting child defilement matters is to sensitize families and communities on their rights to have a police service who have a mandate to protect society with integrity and especially the members who provide critical information resulting in the law and order of society. Kara suggests a need for attitude shift by key players in enforcement being the Police and community members as well as other actors who are vital to the successful implementation and enforcement of the legal and policy framework.

2.6 Criminal Investigation of Defilement

The field of criminal investigation in policing is a disciplined that has developed over time. As Maguire (2003) observes, many societies throughout history has some form of criminal investigation activity. These former methods include for instance the use of informers and interrogation of suspects which are still applicable in present day policing. Modern day criminal investigation according to Maguire is defined as:

'The routine application by the (public) police of an established body of practices and techniques to gather evidence and detect offenders'.

Maguire above, further posits that the practice of investigation is guided by two broad objectives being the generation of knowledge and the production of evidence. Knowledge is defined as the conclusions and understandings reached by police as to the nature of crimes that have been or are likely to be committed, whilst evidence refers to the any material that may be presented in a court of law to help in establish whether an alleged criminal offence has indeed be committed and further to link the perpetrators to the offence. Maguire outlines that evidence in criminal investigation takes many forms which include fingerprints or DNA, statements by victims or witnesses and the

replies by suspects to the questions through interviews. Further, these different tasks are carried out in different sequences and in different combinations.

Maintaining an effective chain of evidence is crucial in any investigation process. According to (Ajema, et al, 2009), the chain of evidence refers to the process involved in obtaining, preserving and conveying evidence. Further, this is carried out through accountable tracking mechanisms at different levels being the community, health facilities and finally to the police. The authors further assert that maintaining a paper trail to indicate the movement of evidence enhances transparency as it can be determined which persons were involved in the chain of sample collection, analysis, investigation and litigation. The authors outline that in order to ensure standards of care are considered while offering medical and legal services to victims of sexual violence, effective strategies should be formulated. These they state include, standardized clinical evaluation as well as the continuum of care. The authors note with concern that there lacks a comprehensive implementation framework clearly outlining the various roles of the victim, the wider community, health care workers and the police with regard to handling evidence following occurrence of sexual assault. This policy gap, the authors posit has contributed to challenges of delayed reporting, late presentation of victims to the police and health facilities. This in turn has been a major hindrance to the collection of required medical and legal evidence from survivors. Further, majority of service providers lack the requisite skills in handling children especially as regards evidence collection.

The National Police in Kenya have the mandate of carrying out criminal investigation. The Constitution of Kenya, 2010 outlines that investigations should be carried out in a proper, efficient, prompt and professional manner. This high standard of investigation has been interpreted by the Courts through litigation as elaborated in the *160 girls case*. The courts have maintained that the failure by the police service to conduct thorough investigations creates a culture of impunity which the legal and policy framework established is meant to address. The state liability for the protection on child victims of child abuse has been highlighted by the courts.

A crucial element to the efficacy of child defilement investigation is indicative of the reporting rates. This however remains a grey area of research with numerous variables being cited as contributing to sexual violence reporting rates. According to (Finkelhor et. al, 2001), majority of crimes with child victims are never reported to the police and other response institutions despite documented benefits of reporting these occurrences. The authors suggest that in order to encourage the reporting of these crimes, there is need to increase advocacy efforts as well as improve linkages

among the justice systems which include schools and child friendly police services with emphasis on reporting outcomes such as justice and empowerment. (Kääriäinen and Sirén, 2010), further argue that various available studies do not suggest that trust in the police increases reporting rates. They argue that the severity of the crime and the relationship between the perpetrator and victim have a considerable impact on the reporting levels. These factors are significantly influenced by the social capital level within a society.



2.7 Conceptual Framework

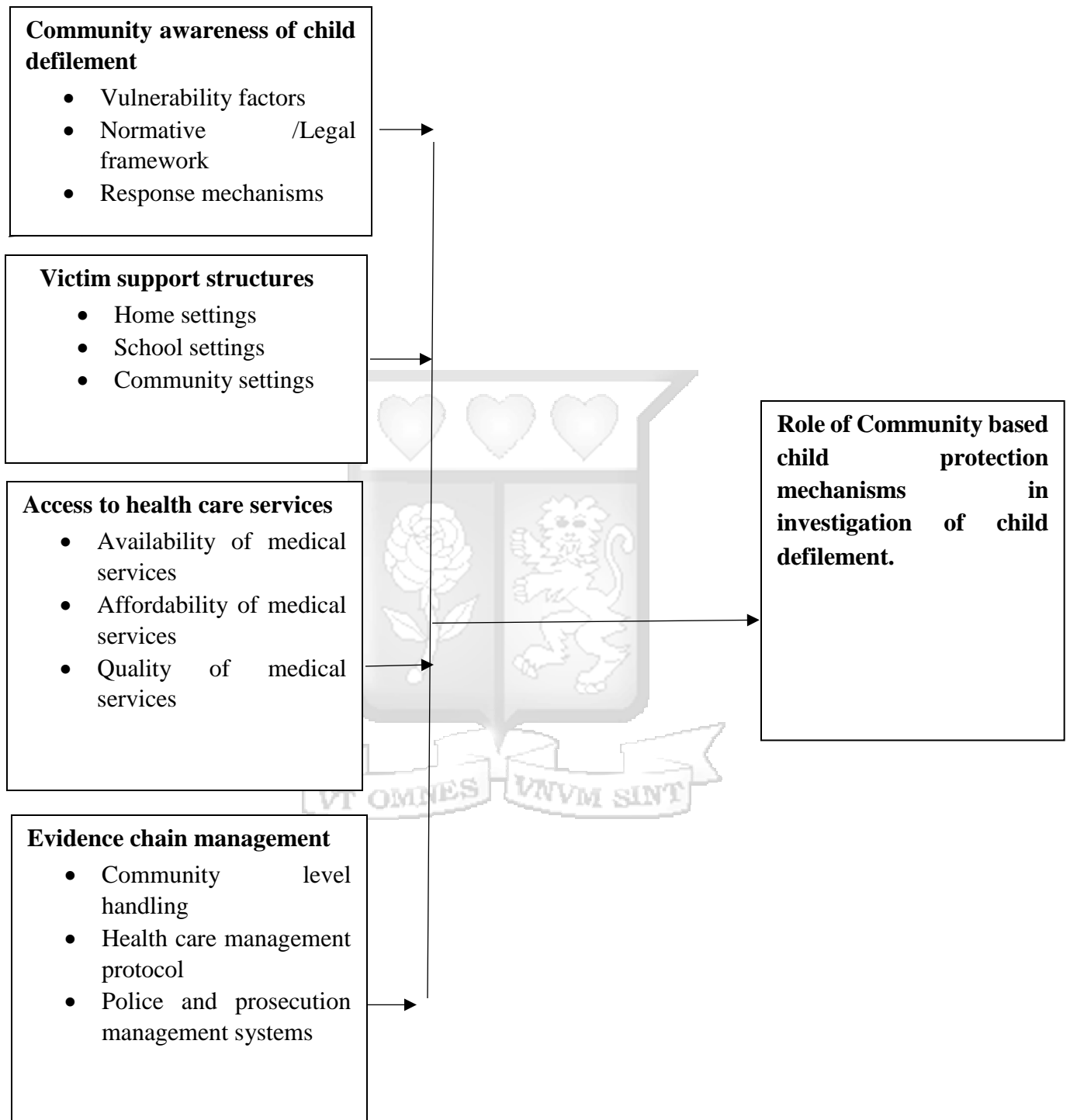


Figure 1: Conceptual Framework

Community awareness of child defilement is crucial and the basis for this study (CISP, 2017). This entails the knowledge and understanding of the definition of defilement and the various forms that child sexual abuse takes. The policy framework on management of defilement in Kenya provides the different steps that need to be followed with regard to the response mechanisms as well as the reporting protocol for sexual violence. This is crucial as it enables the first responders to child defilement occurrence within the community to act appropriately.

The element of victim support is pertinent to the investigation of defilement matters. Victim support begins from the home settings and extends to the school and community. Child defilement has several consequences especially for the victim, which include physical, emotional and psycho social impacts. (Campbell et. al, 2009). The access to health care services is a crucial response to child defilement. The different levels of health services that are available to a victim of defilement are critical to the recovery of the victim.

Evidence chain management is a critical aspect of the investigation process. There are various processes and actors involved in the sourcing, preserving and conveying of the evidence from the health facilities to the police all which require accountable tracking mechanisms. This process needs to be highlighted especially in the rural context where there are multiple dynamics and challenges that influence response to child defilement.

2.8 Research gaps

There is limited research on the operations of child protection systems and their interlinkage with child defilement investigation. There are studies that have outlined the management of medical and legal evidence with regard to response to sexual violence. These studies have however not outlined the specific roles and linkages between key actors such as the community and the police. There are research gaps as regards community mechanisms part of child protection systems and their role as far as victim support is concerned. There is minimum research as regards the impact of investigation in the criminal justice chain on sexual violence of children. These gaps are critical especially to the formulation and implementation of public policy and the application of policy diffusion approaches.

(Braun et al.2007) define policy diffusion as the process through which policy choices made by one decision maker influences the choices made by other decision makers and in turn are

influenced by them hence decisions are interdependent. As Braun and Gilardi (2006) posit, several diffusion mechanisms specify the link between the policy choices of various actors which are grounded in different theories.

2.9 Summary of Literature Review

The literature review chapter presents existing literature and research as regards the linkage between the concepts of child defilement, child protection systems and criminal investigation of defilement matters. There is considerable research that has been carried out as regards child sexual abuse and the impacts the violations have not only on the victim, but their families as well as the community. There has also been substantial work on the role of law enforcement as regards crime reduction. This chapter has presented further work as regards the role of child protection systems especially at the community level with regard to the investigation of child defilement. The chapter has also presented research as regards collective action and collaboration of actors towards a desired outcome and the dynamics that play out with regard to cooperation among individuals. The literature review has also presented research as regards the role of law enforcement with regard to solving crime and fulfilling their mandate to maintain law and order.

This chapter further presents the theoretical and conceptual frameworks that have informed the research design. The literature review has outlined the different research theories and studies with relevance to this study and further distinguished the different variables that this study will focus on. The chapter also outlines the identified research gaps that will be critical to note in the course of the research. Critical in the research gaps is the limited studies available on policy diffusion in response to child defilement.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

In this chapter, the research methodology that was applied to this study is outlined. The research design, area of study, study population, sampling size and procedure, data collection instruments, data analysis and the study ethical considerations are discussed in this chapter.

3.2 Research Design

A research design is the conceptual structure which guides the conduct of a research study. As (Kothari, 2003) notes, a research design constitutes the outline for the collection, measurement and analysis of data. This study involved an exploratory case study survey approach. As Kombo and Tromp (2014) observe, a case study research design involves describing a unit in detail, in context and holistically. The exploratory research design is crucial in the assessment of situations in which the intervention under evaluation has no clear set of outcomes (Baxter and Jack, 2008).

In addition to the exploratory aspects of the study, the research design incorporated an inductive constructivist and interpretative approach. The issue of child defilement investigation in Kenya is a very wide subject area, as such it presents research challenges especially when seeking to analyze issues therein in depth. The case study design was useful in gaining deeper insights into the study problem statement.

3.3 Area of Study

This study was carried out in Kilifi County, Kenya. The purposive sampling method was applied to select Kilifi County as the study site since it has one of the highest number of reported child defilement cases in Kenya (*The Standard, 2017*). Within Kilifi County, purposive selection was applied in identifying Magarini sub- county of Kilifi as the study location due to the presence of multiple child protection systems in the area (CISP, 2017). Further, the rural context of Magarini sub-county allowed for the purposive sampling of community based mechanisms which are the focus of this study.

3.4 Study Population

A population is described as a group of individuals from which samples are obtained for measurement and analysis. According to Kombo and Tromp (2014), a population refers to an entire group of people with some commonality. This study sought to specifically study child protection systems which are defined and their composition explained in the literature review segment of this study. The population for study focused on the different actors in a defined child protection system. These identified actors involved both state and non-state actors.

Purposive sampling was applied to select the state actors who included police officers, teachers, children officers, probation officers, chiefs, health workers, state counsels and judiciary members. The non-actors included parents, staff of community based organizations, representatives of civil society institutions, international non-governmental organizations as well as religious leaders. These actors will all be drawn from Kilifi County.

3.5 Sampling size and procedure

This particular segment of the research methodology focused on determinants of the sample size as well as the sampling techniques that were applied in the study.

3.5.1 Sampling size

The approach of qualitative studies is one that is described as being naturalistic. In this type of study, the research is undertaken by studying real people while in their natural settings as opposed to observation in an artificial isolation. There are both theoretical as well as pragmatic factors to consider in defining a sample size. As (Marshall, 1996) observes, an appropriate sample size that to be applied in a qualitative study is one that answers the research questions adequately. Additionally, the importance and value in studying small samples must be understood.

The research focus of this study is specifically on existing child protection mechanism in Kilifi County. The sample size therefore involved key informant interview with **23 participants** and one focus group discussion of **12 participants**. The key informants were each drawn from representing child protection systems as follows; 2 head teachers, 2 parents of defiled children, 6 Police Officers, 2 Managers of NGOs, 2 social workers, 2 Clinical officers, 1 Counselor, 1 lab technician, 2 child protection officers, 1 State Counsel and 1 Chief Magistrate. The members of the focus group discussions included representation from village elders, local administration, women leaders, youth leaders and religious leaders all based at grass root level. These participants were

identified on the basis of their knowledge, experience and expertise as members of a defined child protection system as far as handling defilement cases is concerned. As (Onwuegbuzie and Leech, 2007) note, in carrying out qualitative research, the choice of the sample size is critical as it determines the extent to which the researcher can carry out internal generalization of the study. Hence, they recommend that the sample size should not be too large making it difficult to extract rich data nor too small to make data saturation an impossibility. The selection of the participants was based on factors such as technical knowledge, ability to answer the research questions as well as capacity on the research topic. (Teddlie and Yu, 2007).

3.5.2 Sampling Procedure

The goal of qualitative studies is to provide a deeper understanding to complex human and psychosocial issues. As such, the applicability of qualitative studies is in answering humanistic questions as regards the why and how things occur. According to (Golafshani, 2003), qualitative research generates findings that are not arrived at by means of statistical procedures or other quantitative means but rather seeks to understand phenomena in context- specific settings. As such, the selected sampling procedure applied to a particular study is crucial.

As (Coyne, 1997) observes, several factors shape selective and purposeful sampling. These factors include time, research framework, the starting and developing interests as well as restrictions that may be placed on the researcher by the hosts. Further, the author posits that the strength of any purposive sampling is in the selection of information rich cases for in depth study. As such, these are typically informants that one can rely upon to learn a great deal about issues that are crucial to the research purpose. This position is supported by (Tongo, 2007), who suggests that purposive sampling is a vital tool for informant selection. Further, that informant reliability is especially vital for objectivity of the data collected. Whilst bias of the informants remains a valid concern, through purposive sampling, this bias should be declared and further when appropriately applied, can still provide robust data as the intentional bias generated is a major strength. The author further alludes to the importance of obtaining a representative sample in line with the research purpose. This is a crucial sampling technique.

The sampling procedure applied in this study was purposive sampling. In identifying the easy to access subjects, the research aimed at selection of the most productive sample to answer the research questions. Further these subjects were identified based on a quota system as regards their known areas of expertise in relation to the research question. This in particular assisted in

identifying the special expertise informant, the outliers as well as the confirming and disconfirming samples. The quota sampling also ensured that representation was achieved even with the purposive sampling. This was representativeness as far as age, gender and membership to the child protection systems was concerned. The quota system in purposive sampling was particularly vital in ensuring representation. As (Robinson, 2014) notes, quota sampling ensures that identified key groups are represented in the sample hence infusing flexibility in the final sample composition which enhances recruitment of the sample.

3.6 Data Collection

Primary data collection is an integral part of the research process. When applied appropriately, the data obtained will have accuracy, reliability and validity thus enhancing the credibility of the research findings. The research study made use of primary data collection methods namely, structured interviews and focus group discussions. Additionally, the research study relied on secondary data sources from previous reports, studies and inquiries especially as regards data and statistics.

3.6.1 Interview Guide

The use of interviews was particularly be used by the researcher in obtaining primary data from the identified key informants. These participants were identified based on their expertise in the management and response of child defilement. These participants included, Police officers, prosecutors, health workers, children officers, teachers in addition to select national and county officials. In the application of the interviews, the researcher applied semi structured interview guides to allow for information sharing around developed topics with regard to the interview. As (Gill, et al, 2008) observe, the purpose of interviews is among other things to explore the views, beliefs and experiences as well as motivations of individuals on specific matters. Further, interviews are appropriate in obtaining the detailed insights that are required from individual participants. Semi structured interviews in particular allow for the discovery and elaboration of information that is key to participants.

The use of the funnel protocol method was applied for the interviews with the process beginning with broad questions that led to a more focused discussion. The researcher in this study referred to secondary data, policy documents in particular as well as legislation in formulating questions that were appropriate to the participants' expertise in relation to the research questions. The researcher

also ensured that the informants were informed of the study details during the interview as well as assured of the ethical principles of anonymity and confidentiality where applicable. The researcher also aimed to carry out the interviews in suitable locations that were free from distractions and within suitable times and locations to the participants.

3.6.2 Focus Group Discussions

The research applied focus group discussions as a source of primary data. This methodology is important as regards generating of information on collective views. As such a crucial component of the focus group discussions is the composition and integration of the group so as to enhance the interaction of the members. Whilst there is no fixed number as regards the composition of a focus group, the aim of the moderator is to have a group that is sufficient to have meaningful discussion of the matters proposed. This therefore means that in addition to factoring the size of the group, a researcher should have a group that is representative of the age, gender and occupation of the participants required whilst being aware of social class and cultural aspects of the local context so as to ensure the integration of the group. An interview guide will be used in directing the discussions of the focus group. According to (Stewart and Shamdasani, 1990), interview guides for focus groups should move from generic questions to specific and focused discussions and that this questioning should ideally be relative to the importance of issues raised in the research questions.

The researcher in this study conducted one focus group discussion which consisted of twelve participants and also had a note taker assisting the moderator in capturing the discussions. The study interview guide was developed in line with the research questions. The timing and location venue where the discussions took place were great considerations so as to optimize on the participation.

3.7 Quality of research instruments

Qualitative studies are naturalistic studies and therefore the application of validity and reliability criteria do not feature in this context. Instead, research quality in qualitative studies is ensured through trustworthiness (Golafshani, 2003). There are several indicators of the trustworthiness of a qualitative research which were relied on in this research. This included, dependability, confirmability, transferability and credibility. The researcher ensured the research was trustworthy through the following tests, clarity on research conceptualization, independent parallel coding

checks, conducting research audit through comparing data with the research findings and stakeholder consistency checks.

3.8 Data Analysis

The analysis of the data in this research applied qualitative methods. One of the key features of qualitative research is that it produces large volumes of data from participant transcripts and observational field notes. The process of analyzing these data sources can therefore be time consuming and labour intensive. According to Pope et al. (2000), data analysis when carried out in conjunction with data collection allows questions to be refined and new avenues of inquiry within the research to be developed. In analyzing the qualitative data in this research, a combination of methods will be applied by the researcher. As (Leech and Onwuegbuzie, 2007), posit, the application of more than one method in the process of qualitative data analysis increases representation and legitimation of the study. The researcher in this study applied thematic analysis through coding checks in the analysis of the data collected.

3.9 Ethical Considerations

The focus of this study was child defilement which is a very sensitive issue in any society. The researcher with this focus in mind adhered to stringent ethical standards in the conduct of the study. As noted by (Kombo and Tromp, 2014) researchers whose subjects are human are required to consider the conduct of their research and pay attention to the ethical issues and dilemmas in carrying out their studies. This study was no exception. The researcher ensured that the objectives of the study are fully explained to the participants in advance and further an effective debrief of the informants was carried out after the data collection session.

The study was focused on ensuring the privacy and dignity of the victims of child defilement. As such no child defilement victim was interviewed directly nor their details divulged publicly. The required defilement incident details were obtained through the parents and guardians and prior written assent and consent was ensured before the interviews. The letter of authority and informed consent forms applied in this study are attached as **Appendix 1 and 2 respectively**.

With regard to the key informants and focus group participants sourced for this study, authorization and consent was be obtained prior to the interview sessions The focus group discussion protocol applied in the study is attached as **Appendix 4**. The researcher also ensured ethical clearance from

the institution with the mandate over this study, the Strathmore University Institutional Review Board (IRB).



CHAPTER FOUR: RESEARCH FINDINGS

4.1 Introduction

This chapter presents the findings of the study conducted and the outcomes made in response to the research objectives of this study. This study sought to fulfil the following objectives; identify the factors that expose and increase the vulnerability of children to incidences of child defilement in Kilifi County, examine the role of community based child protection in the criminal investigation of child defilement in Kilifi County as well as suggest appropriate strategies that will enhance the efficacy of the community based child protection mechanisms. The data as analyzed and presented in this study is drawn from interviews from twenty three (23) Key informant participants and twelve (12) participants of a focus group discussion making a **total of thirty five (35) participants** . The responses from all these participants were organized and analyzed in themes for dissemination. This analysis is presented in this chapter.

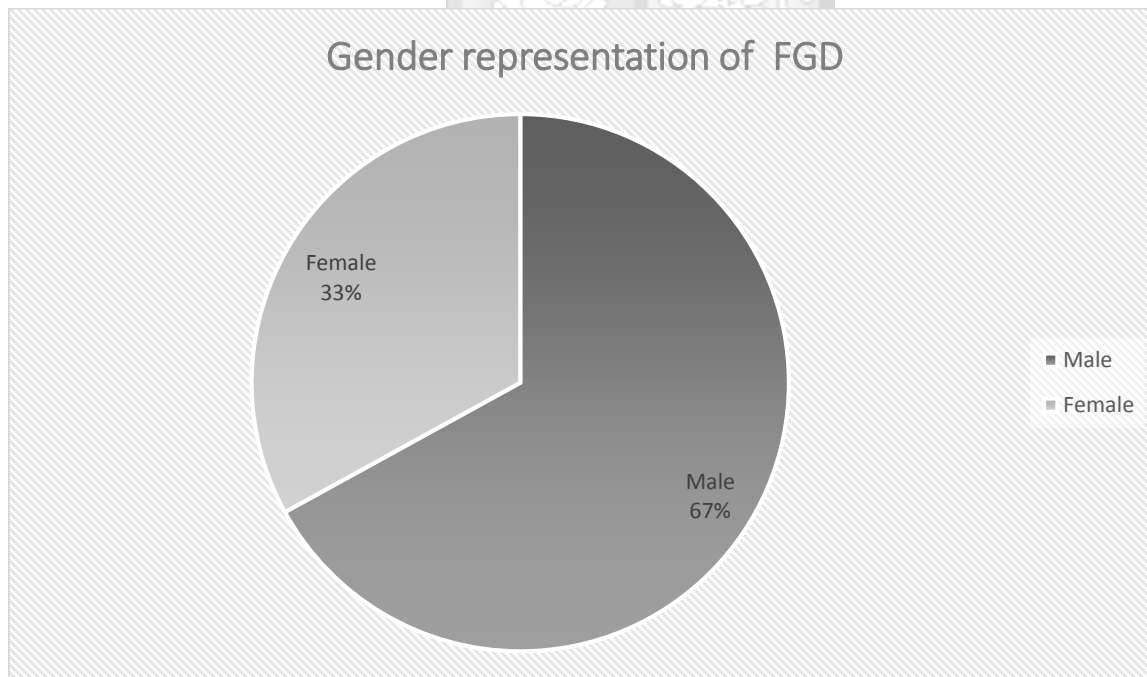


Table 4.1.1

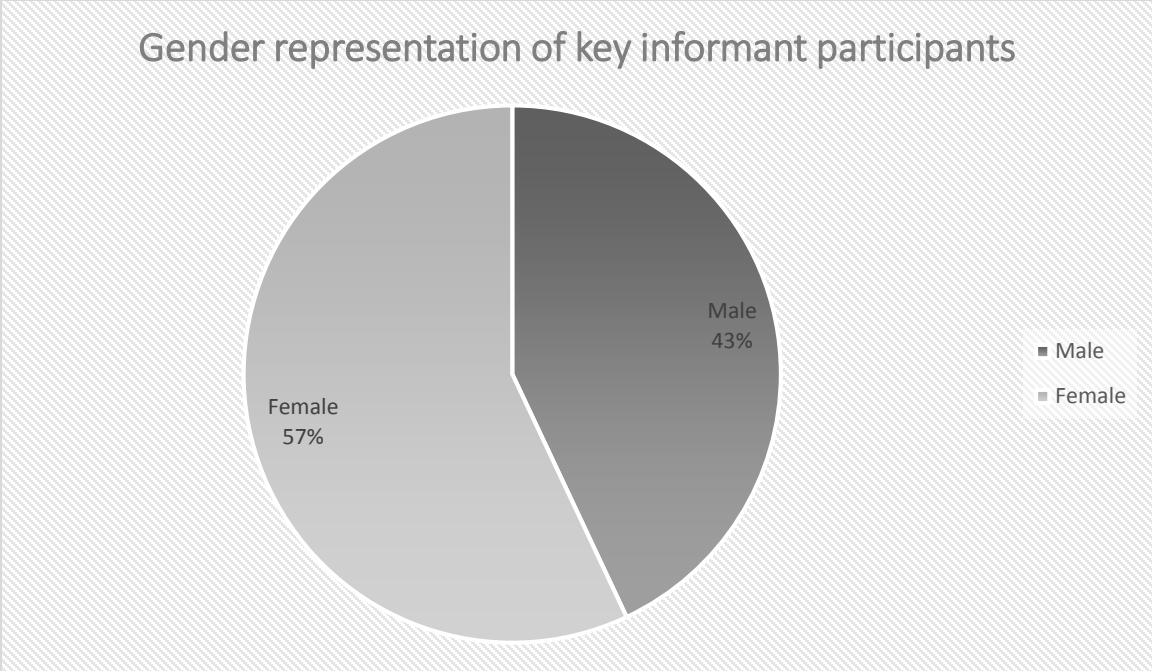


Table 4.1.2.

4.2 Response rate

For the research, all the thirty five (35) participants were interviewed thereby representing an overall response satisfactory rate of one hundred per cent (100%). There were twenty three (23) participants for the key informant interviews and twelve (12) participants for the focus group discussion. Please see **Appendix 10** for the demographic information as regards the participants.

4.3. Findings of the Study

This study conceptualized (3) three objectives being; to identify the factors that increase the vulnerability of children to incidences of child defilement in Kilifi County, to identify the role community based child protection mechanisms play in the criminal investigation of child defilement in Kilifi County and to propose appropriate strategies that will enhance the efficacy of community based child protection mechanisms in the criminal investigation of child defilement.

In presenting the findings of the study, the researcher applied the thematic system of data analysis through the following methodology. Firstly, the researcher engaged in generating initial codes from the textual data. The researcher was well familiar with the entire data text having thoroughly read and re-read the transcripts and notes from the interviews. The creation of these initial themes

was theory-driven with the interview questions as a basis of generating the coding. The researcher then proceeded to search for themes to apply in analysis from the long list of codes identified in the initial coding. The researcher came up with several themes from the codes and which were then subsequently refined. The refining of the themes included the collapsing and merging of already identified themes to form patterns that were then subjected to defining and naming of themes based on the patterns. These refined themes subsequently informed the narrative analysis and the generated report from the findings

The thematic analysis of this study established the following findings based on the identified themes in line with the research objectives.

4.3.1. Factors that increase the vulnerability of children to incidences of child defilement in Kilifi County

The factors identified that increased vulnerability of children to incidences of child defilement in Kilifi County were established through the following three questions; the participant definition of child defilement, the community definition of child defilement and factors that contribute to the occurrence of child defilement in Kilifi County.

4.3.1.1. Child defilement definition:

The study ascertained that majority of the participants understand the definition of defilement. The participants all cited that these are sexual advances that are directed towards a child with the definition of a child being anyone below the age of eighteen (18) years.

All the forty five (45) participants interviewed were fully versed with the definition of child defilement as demonstrated in their responses. Some of these more specific responses to child defilement included;

Participant P7 stated:

Child defilement is the sexual violation of persons below 18 years of age and may result in pregnancy.

Participant P9 stated:

Child defilement is the sexual violation of children as outlined in Section 8 of the Sexual Offences Act, 2006.

Participant FGDP4 stated:

Child defilement in the sexual abuse of children with or without the use of force. Consent from a child cannot be obtained in the case of defilement.

Further the study was able to ascertain through the participant, the community definition of the term child defilement.

4.3.1.2. Community definition of defilement:

The responses from the participants with regard to the community definition of child defilement varied in various ways. From the responses of the participants, majority of them were in agreement that there is blurred understanding amongst community members as regards what constitutes child defilement. The findings established by the study point to general low awareness levels with a myriad of different definitions presented as being what the community considers to be defilement. This was demonstrated in the responses that the participants shared.

Low understanding of defilement definition:

Some of the interesting responses from participants were as below:

Participant P7 stated:

The community understands child defilement as constituting three categories; the defilement of children of tender age, children having early debut of sexual relations and where children get married before the age of 18.

Participant FGDP6 stated:

The community awareness of the term defilement is still low. This is especially with regard to the category of children aged between 13 to 17 years.

Participant P9 stated:

The community seems to define child defilement as only the sexual violation of a child that has resulted in pregnancy.

Participant P8 stated:

The community defines child defilement as sexual violation of a school going child, therefore if a child is not school going the community does not consider them a child hence defilement does not apply.

Participant 21 stated:

The community seems not to fully understand what child defilement is. The community define defilement to have occurred when a child is pregnant and as such, they rarely report fresh cases.

Participant P20 stated:

The community is well aware of the law in place with regard to defilement and as such they know what child defilement is.

Participant P11 stated;

I feel that the community understands the issue of child defilement but continuous awareness should be raised among the members.

4.3.1.3 Factors contributing to child defilement

The research study further proceeded to establish the factors that contribute to increased vulnerability of children to child defilement in Kilifi County, the study established the following causes through the participants: retrogressive cultural practices (24%), poverty factors (18%), Abdication of parental responsibility(15%), low literacy levels (11%), failure to access justice (9%), lack of access to service providers (7%), effects of tourism(6%) and drug and substance abuse (4%). Some of the responses from the participants as regards the cause factors are highlighted below:

Poverty factors:

This was mentioned by majority of the participants as being one of the leading factors that increase the vulnerability of children and especially girls to defilement. The participants stated that girls are often lured by perpetrators through offering gifts such as food and money to buy sanitary pads which places them at risk of violations. The following participant responses illustrate this reality:

Participant FGDP2 stated:

Poverty is a leading cause of child sexual abuse in this area. Poverty has made many children and especially girls vulnerable to the perpetrators.

Participant P6 stated:

Poverty levels in Kilifi County are very high. Therefore defilement cases are usually presided over by village elders through 'kangaroo' courts and end up imposing very lenient fines on the perpetrators which encourages the vice.

Participant P5 stated:

The poverty levels in this area is very high. This is reflected in the poor housing arrangements that families have leading to parents and children having to share bedrooms which lead to exposure of children to sexual activities at a very early age.

Participant P7 stated:

Poverty levels in Kilifi County are very high. As a result, children and especially girls are often lured with gifts such as money and food and this leads to vulnerability of the children.

Participant P8 stated:

The high levels of poverty within the communities have led to forced marriages of young girls who are married by older men in exchange for money to the girls' families.

Participant P21 Stated:

Poverty levels within the communities are very high leaving the communities particularly vulnerable.

Retrogressive cultural practices

The issue of culture and harmful traditional practices topped the list of the factors leading to vulnerability of children to defilement. Cultural practices that involve the abuse of the children especially such as burial rites commonly referred to 'disco matanga' as well as early child marriage were cited as practices that lead or result in defilement of children as defined by the law. Some of the interesting responses from the participant are as follows:

Participant P5 stated:

The cultural practice among the Giriama community that takes place during funerals commonly referred to as 'disco matanga' also involves the participation of young children thereby leaving them vulnerable to violations.

Participant P8 stated:

The cultural rites that are conducted during funeral ceremonies that include 'disco matanga' leads to the exposure of children to all members of the community without supervision increasing their vulnerability to defilement. The practice of 'siniriche' which means do not leave me in English, involves overnight vigil ceremonies which involve children as well.

Participant P9 stated:

The cultural practices such as polygamy which are widespread lead to family creation where there is no biological bond thereby leading to high cases of incest reported.

Participant P23 stated:

Cultural beliefs that seems to have formed stereotypes towards children, their welfare is not prioritized and they are often not believed. This has led to the inability of children to speak out even when violated.

Participant P19 stated:

The culture of early marriage that is widespread and leads to low enrolment in school leaving children exposed to defilement violations.

Participant P17 stated:

The culture of the 'disco matanga' is pervasive within this society. This has led to high numbers of defilement violations. Magarini sub-county has an adolescent pregnancy rate of twenty two per cent (22%) against a national average of eighteen percent (18%).

Abdication of parental responsibility

The role of parental care is a factor that was mentioned repeatedly by participants as being a leading cause of child vulnerability to child defilement. Some of the significant responses from the participants are as follows:

Participant P7 stated:

The abdication of parental responsibility especially by men to women has led to desertion of families where women are the sole bread winners thereby exposing their children to possible violations as they everything possible to provide for their families.

Participant P14 stated:

Children are often left to be minded by relatives and strangers when their parents are away and this often leads to vulnerability of the children.

Participant P18 stated:

The occurrence of family disputes that lead to the breakdown of families and when remarriage occurs, the children are vulnerable to incest from step fathers and step families.

Participant P22 stated:

There are poor parenting levels within the community and children are often left unsupervised. This increases their vulnerability to violations.

Lack of access to service providers

Service providers are crucial in the response to child defilement. Service providers include medical and legal intervention through health care centers and police stations. These are essential services that determine the response to child defilement. Majority of responses from participants with regard to accessing service providers cited the distance challenges as far as access is concerned which in turn increases vulnerability of children defiled as they are unable to access needed services on time or at all. This is factor is characterized by the low numbers of cases reported on time at the health centers as well as police desks. Some of the significant responses from the participants are as below:

Participant P5 stated the following:

Some of the areas within this sub county are remote and far flung. As such their access to crucial services such as the police and the health centers when a defilement occurs are very low. This is especially so when the defilement occurs at night.

Participant P17 stated:

Victims of child defilement have limited access to quality health care which is reflected in the data records of the county.

Participant P20 stated:

The absence of police stations as they are few and situated far and wide is a challenge.. This makes accessing the stations for purposes of reporting the violations difficult and as a result, perpetrators get away with the violations by settling the disputes with the families of the victims. In some instances, they get to marry the victims.

Participant P21 stated:

The children in the region often have to travel long distances to attend school. Majority of the schools are day schools and there are very few boarding schools in the area. As such the children and especially girls are left vulnerable to exploitation by 'boda boda' operators who are common perpetrators.

Other factors that were cited by the participants as being factors leading to vulnerability of children to defilement as mentioned by participants include literacy challenges, tourism effects, drug and substance abuse as well as fear of reporting perpetrators. Though they were not mentioned as much by participants, these factors brought out significant discussion points as regards child defilement vulnerability in Kilifi County. Key highlights of the participant responses are highlighted below;

Low literacy levels;

Participants of the FGDP7 stated:

There are low cross generational literacy levels thus leaving the communities particularly vulnerable.

Participant P13 stated:

Another cause of defilement in this region is due to the high illiteracy levels among the population. Defilement cases are as a result not taken seriously with majority of the cases are reported when the girls are visibly pregnant.

Drugs and substance abuse

Participant P7 stated

Another cause of defilement prevalence in this region is caused by alcoholism and drug abuse which has led to the break up of families and young children left with huge responsibilities making them vulnerable to defilement.

Effects of Tourism:

Participant P11 stated the following:

The effect of tourism within the coastal region has led to child sex tourism where there is an attitude of easy money which has led to violations against young children.

Participant P23 stated:

During the tourism high season, girls are especially lured into child sex tourism as they are turned into family bread winners thereby exposing them to defilement and exploitation.

Fear of reporting perpetrators

Participant P7 asserted:

The stereotypes and social attitudes associated with the vice of defilement has led to stigma associated with those pursuing the cases.

Participant 23 stated:

There is an attitude within the community that once defilement occurs, there is no need to report the perpetrators and instead these cases are settled at the local level through the village elders and in some instances the chiefs.

Failure to access justice

Participant P7 stated:

The lack of sufficient access to justice and the slow conclusion of cases has led to a culture of impunity among perpetrators

Participant FGDP6 stated:

Often victims of child defilement do not access justice as parents are unwilling to be witnesses in court and thereby hampering the investigation and prosecution of the cases.

Participant P12 stated:

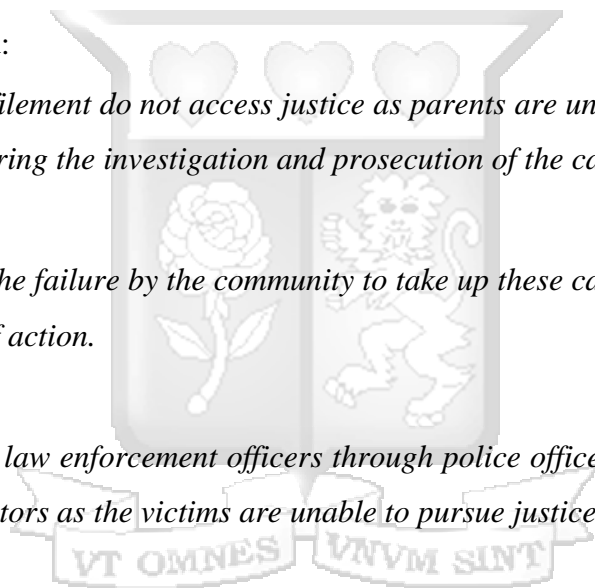
A cause of defilement is the failure by the community to take up these cases seriously and has led to impunity due to lack of action.

Participant P20 stated:

The absence of adequate law enforcement officers through police officers has led to a culture of impunity among perpetrators as the victims are unable to pursue justice.

Participant P23 stated:

The community harbors an attitude, that there is no need to formally report defilement cases to the authorities thereby increasing impunity by perpetrators and impeding access to justice.



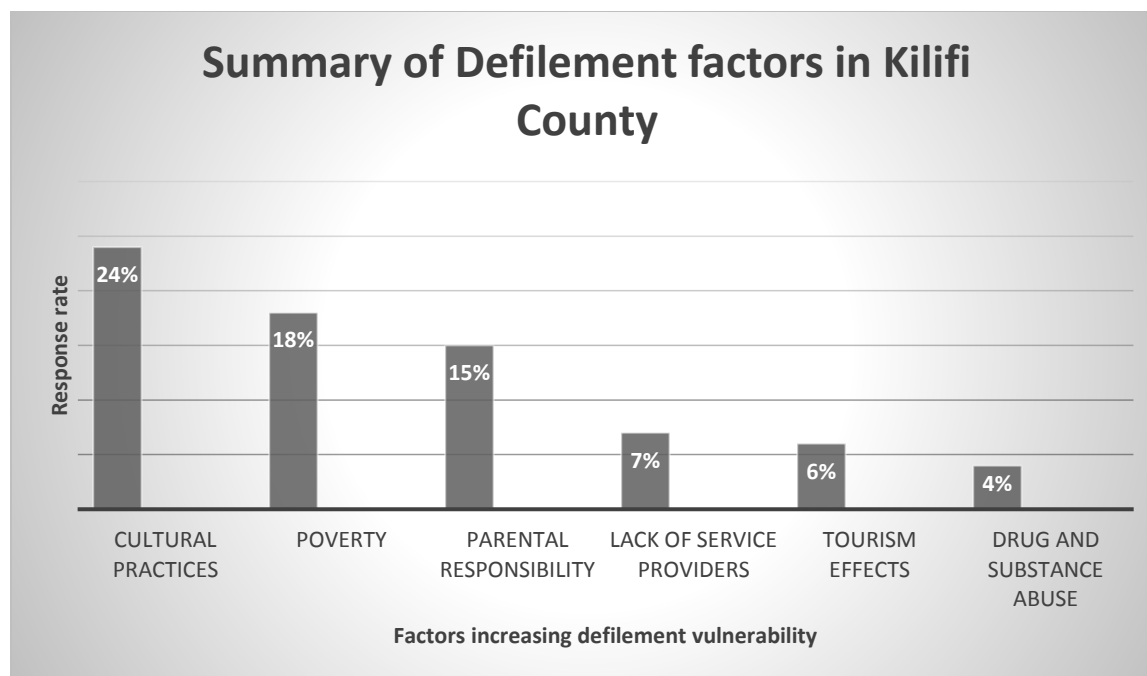


Table 4.3.1.

4.3.2. The role of community based child protection mechanisms (CBCPM) in the criminal investigation of child defilement in Kilifi County

The study further investigated the role of community based child protection in the investigation of child defilement in Kilifi County. The responses from the participants were ascertained through questions under the following specific themes; victim support, access to health care services and evidence management. The responses were analyzed on the basis of recurring codes in support of the specific themes.

4.3.2.1. Reporting and rescue of child defilement victims

To establish the role of community based child protection mechanisms from the participants, the following three questions(3) were asked to the participants; their understanding of victim support in child defilement, what support victims can access from their respective institutions and what procedure is involved in accessing this support. In presenting the findings, these questions were refined into the role of CBCPM in victim support and referral to victim support services as enablers of investigation. Some of the responses received are highlighted below:

Participant FGDP2 stated:

The role of CBCPM is to follow up cases from the beginning once a case takes place. Local community leadership should encourage reporting of these cases and to ensure the cases are followed through to eliminate impunity.

Participant P3 stated:

The role of the CBCPM is to protect the child once a violation of defilement occurs and further guide the child through the process of investigation

Participant P7 asserted:

Our role as members of the CBCPM is to protect children and to ensure that children grow up in suitable environments

Participant P9 stated:

Rescue centers as members of CBCPM are stop over and they assist in shielding the children during the justice process.

Participant P10 stated:

As health care providers and part of the CBCPM our role is to provide curative, preventative and rehabilitative services once a defilement occurs.

Participant P21 stated:

The CBCPM is crucial especially in the process of investigation as they ensure that the documents crucial for the investigative process are obtained.

4.3.2.2. Referral to Victim support services

The participant responses repeatedly alluded to the role of community mechanisms in referring child defilement victims to support related services. The participants indicated that this referral is crucial in the investigation of defilement claims once received within the community. Some of the key response from the participants were as follows:

Participant P6 stated:

As APS and members of the CBCPM we assist victims of child defilement by recording the details of the offence available.

Participant P7 stated;

As members of the community, we assist defilement victims by referring the cases to the health care centers for medical treatment and counseling as well as to the police stations for statement taking.

Participant P9 indicated:

As members of CBCPM, we can assist the victims of child defilement by taking the child to hospital and to the police stations

Participant P15 stated:

The parents of defiled children sometimes end up scolding and beating the victim unaware of the services that are available to assist such as medical and legal services.

4.3.2.3. Facilitating access to health care services:

The study was able to ascertain from the participants, the role of the CBCPM as far as access to and availability of health care services. This was ascertained through the following questions; which are the health centers in Magarini sub-county, the services that are expected from the health centers with regard to child defilement, whether these services are usually readily available and how much they pay for these services.

In response to these interview questions, some of the participant views are highlighted key factors that affect access to health care services repeatedly. These factors are outlined below:

Availability of health services:

This was a vital concern raised by the participants when accessing health care services and largely affected the outcome and quality of investigation into defilement matters.

Participants FGDP7 stated:

There are 10 health centers within Magarini sub-county. Majority are of these centers are accessible during the day but not at night. The main challenge with regard to laboratory technicians who are few in the health centers and often people are referred to Malindi sub county hospital which a long distance away.

Participant P4 stated:

After my child was defiled, we reported the matter to the area chief who referred us to the local health center. At the health center, we paid Kshs. 25 for the record book and also Kshs. 150/- for the laboratory tests. The medical personnel tested my child for pregnancy, STIs and HIV.

Affordability of health care services:

The participants raised repeatedly that the costs of accessing health care affect accessibility of the services. The participants confirmed that health care services are accessed free of charge at the health centers with a minimal cost applied to registration of patients. Some of the participants responses to confirm this position are as follows:

Participant P6 stated:

The health services associated with child defilement cases are provided free of charge within in the hospitals

Participant P7 stated:

The health services available at Marafa Health Centers are available free of charge to us and are available 24 hours a day. The services offered at this health facility include the testing for pregnancy and STIs including HIV as well as counseling of the child.

4.3.2.4. Challenges with accessing medical services

The study findings in addition to establishing the role of the CBCPM in facilitating access to health care, also illustrated some of the challenges that child defilement victims face in obtaining medical services. The challenges mentioned by the participants were mostly personnel related and further the distances covered to access the services. Some of the responses highlighted by the study are outlined below:

Participant FGDP12 stated:

There is often a challenge of having enough lab technicians and especially at the health centers and dispensaries. This leads to slow processing of evidence samples.

The health services with regard to child defilement especially with regard to the P3 form, there are only two doctors who are able to fill in the forms. These doctors are based at Malindi sub county hospital which is a distance from Magarini. These forms are filled on only two days a week, hence posing a challenge. There is need to equip the health centers with doctors who can fill in P3 forms.

Participant FGDP2 stated:

We require full time doctors at the dispensaries and health centers who are authorized to fill in the P3 forms as this will ease the process of evidence collection.

Participant FGDP8 stated:

The challenge of availability of health services to victims of child defilement is especially where there are long distances to be covered to get to the sub county hospital at Malindi and this leads to members of the CBCPM stepping in to offset the transport costs from their pockets.

Participant FGDP5 stated:

A huge challenge as regards the ability of victims of child defilement to access health care services is where the victim has no birth certificate and age assessment has to be carried out, which is not always accurate.

4.3.3. Evidence Management:

The study managed to establish the role of community based child protection mechanisms in far as evidence management is concerned through the following five (5) questions; their understanding of the term evidence, what evidence they think is crucial for the investigation of child defilement cases, how this evidence should be handled, what challenges are experienced in the handling of child defilement and how these challenges can be resolved.

4.3.3.1. Definition of the term evidence in child defilement

The study findings revealed the participant understanding of what constitutes evidence in a case of child defilement. The response illustrated that the participants understand crucial evidence required for the investigation of child defilement thereby making them vital in the process. Some of the responses established through the study include the following:

Participant P7 stated:

The term evidence refers to the specimen available to enable the processing of a child defilement charge which evidence also includes witnesses.

Participant P8 stated:

The evidence required in child defilement matters refer to clothing items that the child was wearing at the time of defilement, medical related reports where treatment was administered as well as witness statements

4.3.3.2. Evidence crucial for investigation of child defilement cases

The study findings established the participants' views as regards the evidence that is a requisite in the investigation of child defilement. The participants illustrated in their responses that the evidence crucial in the investigation of defilement includes physical evidence, witness statements

as well medical history of the child. Some of the key responses from the participant were as follows:

Participant P7 asserted:

The evidence that is important in the investigation of child defilement cases includes examination of the private parts (genitalia) of the child, physical injuries that may signal the use of force, clothing items that the child had including the undergarments. The medical reports of the child once examined as well as the statement of the perpetrator also form crucial evidence.

Participant P9 stated:

Crucial evidence in a case of child defilement includes the age of the victim, either through birth records or through the process of age assessment.

4.3.3.3. Handling of evidence in child defilement cases

The study findings also established the manner in which evidence collected in the process of child investigation should be stored. This includes, storage bags that will not destroy the DNA details, effective record taking and confidentiality of submitted evidence. The responses of the participants also mentioned the police and health care workers as key actors who should ensure proper handling of the evidence. Some of the participant responses are outlined below:

Confidentiality handling:

Participant P7 stated:

The evidence obtained in child defilement cases should be handled by the Police and health care workers confidentially.

Participant P9 stated:

The clothing and undergarments of a defilement victim should be stored in a khaki paper to ensure the DNA is not destroyed by heat and other factors.

Participant P12 stated:

Police action upon receiving a report of a child defilement matter should enter this complain in their record books and upon receiving the medical evidence through the PRC 1 form and P3 forms, treat the same with utmost confidentiality.

4.3.3.4. Challenges with evidence management

The study was able to establish challenges with regard to evidence management which is an integral part of investigation of child defilement. These challenges were themed around two factors; police related challenges and witness related challenges.

Police related challenges

The study established the following findings as regards police related challenges:

Participant P7 stated:

The police are at times reluctant to follow up cases where the victim has cleaned and washed out the evidence as they already conclude that the cases will not go far. The police also at times contact the perpetrators to negotiate the cases. The roles of the two police services being the Administration Police and the Kenya Police are not clear to the public and lead to lack of cooperation in investigation.

Participant P9 stated;

There are challenges with regard to evidence management. For instance, the community is still unaware of the need to report child defilement cases within 72 hours and the importance of not taking a shower as this washes off and destroys evidence. Further, as members of the APS, we are only arresting officers and not investigators in any way. We lack sufficient information on the management of evidence as the recruit level training on evidence management is very basic.

Participant FGDP7 stated:

The police in certain instances do not follow up with witnesses in the reported cases. Further they instruct the community members to follow up with the community members instead.

Witness related challenges

As regards witness related challenges, the study established the key challenges as relates to witnesses in child defilement. These cases are largely to do with stigma associated with reporting child defilement cases as well as monetary expectations from community members once they record witness statements. These challenges were reiterated by majority of the participants. Some of the key responses from participants are as follows:

Participant P9 stated:

There are challenges as regards stigma associated with reporting child defilement matters. The witnesses fear re-entry into the community once they have provided statements to the police.

Participant FGDP7 stated:

Some witnesses especially from the community expect payment when they record statements and even when they attend court.

4.3.3.5. Resolving challenges of evidence management:

The study was able to identify and establish salient challenges as regards the management of evidence in child defilement related matters. The response from the participants that were mentioned by majority of the participants were with regard to increased awareness among community members on prevention and response to child defilement as well as enhanced capacity of the National Police Service in carrying out investigations. Some of the key responses by the participants are outlined below.

Participant P2 stated:

We should encourage children in our schools to speak out as regards child defilement through guidance and counseling sessions as well as having suggestion boxes in our schools to encourage reporting of the cases.

Participant P7 stated:

The evidence required in processing child defilement cases is usually available but the investigation is still a challenge with the community still unaware of the procedures involved in investigation. As such, further awareness should be conducted.

Participant P8 stated:

In order to ensure efficient investigations, we recommend the APS should also be trained and equipped to carry out defilement investigation as we are the ones at the community level and who receive the reported cases first.

Participant P18 stated:

There should be increased gender desks at the police stations and have more female officers to run these stations. In addition there should be gender desks established at the Administration Police posts as they are often the first responders to the cases in rural areas such as in Magarini.

Participant P8 asserted:

To enhance the management of evidence, the NPS should facilitate the safe and efficient transportation of evidence to court as currently the NPS mainly relies on partners such as international NGOs. The NPS should further invest in effective storage facilities given that the

evidence obtained in child defilement is of a very sensitive nature. I also recommend that the APS conduct investigations in matters that are reported to them.

Participant P9 stated:

The prevailing challenges with regard to community reporting of cases to the authorities can be overcome through increased frontline prevention of child defilement through increased sensitivity of parents to the issue of defilement.

Participant FGDP2 stated:

We can improve police handling of evidence through holding training on child defilement investigations for the police and ensuring that the leadership of the police ensures efficacy of the established gender desks.

4.3.3. Appropriate strategies is enhancing efficacy of community based mechanisms in child protection

This study was able to ascertain and establish various strategies that community based mechanisms can apply in child protection. The findings established that awareness raising and sensitization of the community, increased linkages among various like-minded players, response, referral and follow up of reported child defilement cases are effective strategies that members of the CBCPM can apply. Below are some of the responses from the participants:

Participant P1 stated:

As members of CBCPM, we are vital in raising awareness and sensitization of school children as regards child defilement. This awareness creation is also extended to parents.

Participant P6 stated:

As members of the CBCPM, the police can ensure access to justice for child defilement victims through arresting the offenders. The police can also increase the awareness levels especially as regards investigation through training sessions with community members.

Participant P9 stated:

The role of the community based interventions in child protection through increased linkages with parents as well the inclusion of children. Child protection is a collaborative issues and involves all stakeholders in the issue.

Participant P10 asserted:

The community mechanisms should educate the community members more on the need on prompt reporting of the cases especially to the medical facilities so as to ensure effective medical intervention.

Participant P11 asserted:

As members of the child protection mechanisms at community level, we assist in the follow up of cases through working with volunteer children officers who identify and report cases to the hospitals as well as to the police

Participant P14 stated:

As members of the community based intervention as regards child defilement, we respond to cases of child defilement through the treatment protocol.

Participant P18 stated:

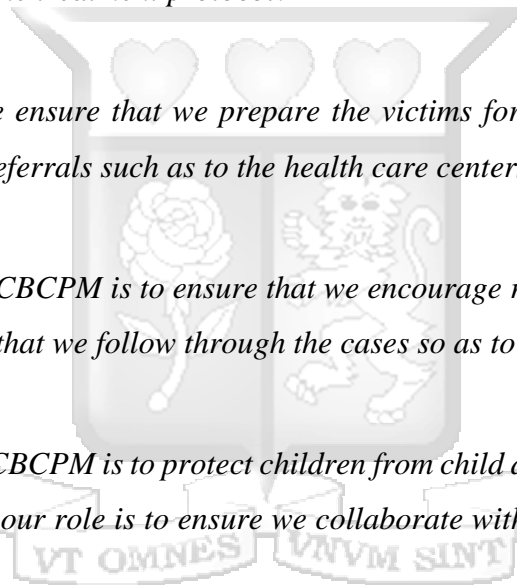
As members of CBCPM, we ensure that we prepare the victims for the court process and also through making necessary referrals such as to the health care centers

Participant FGDP1 stated:

Our role as members of the CBCPM is to ensure that we encourage reporting of defilement cases once they occur and ensure that we follow through the cases so as to discourage impunity.

Participant P7 stated:

Our role as members of the CBCPM is to protect children from child defilement. Where defilement has unfortunately occurred, our role is to ensure we collaborate with the police in the process of investigation.



CHAPTER FIVE: DISCUSSION ON STUDY FINDINGS

5.1. Introduction

This chapter presents the discussion of the study findings and as presented through the data analysis. The chapter provides a comparison of these findings and outcomes with previous studies undertaken on the subject. The findings as discussed support the findings of existing knowledge outlined in studies and where no studies of a similar nature have been undertaken, proceed to provide additional knowledge.

5.2. Discussion on the findings

5.2.1. Factors that expose and increase the vulnerability of children to incidences of child defilement in Kilifi County

The study was able to establish key factors that expose and increase the vulnerability of children to incidences of child defilement in Kilifi County. The study focused on Magarini sub-County which was cited by key informants as having the leading numbers of children defiled. The study ascertained that there is a general good understanding of the legal defilement among the key informants, as being the engagement of any sexual activity with a person below the age of eighteen years as stipulated in law. The study further established that there are varied definitions among community members as regards the definition of defilement. The findings of the study indicate that whether a child defilement victim is enrolled in school or not has an impact on the perception of the community as regards occurrence of defilement. Further, whether the child defiled has become pregnant or not affects the community definition of defilement with more empathy given to a child who becomes pregnant as a result of the violation.

The study established poverty as a leading factor contributing to child defilement. The effect of poverty is evidenced through limited preventative and response mechanisms. This finding is confirmed by (Jewkes et al, 2005), which study was able to show compelling evidence of the link between poverty in households and the exposure of young children to sexual predators.

This study was also able to establish that literacy levels have an effect on the quality of life that communities lead. Literacy and awareness levels are crucial in ensuring that follow up of violations occurs effectively. Low household literacy levels both predispose children to abuse as well as making follow up difficult. The response process and protocols as regards child defilement require

a certain level of awareness and literacy to enable interaction with stakeholders such as health care workers and the police. This finding is validated by other studies undertaken such as (Nansasi, 2010) which revealed that ignorance is one of the leading factors contributing to child defilement. The study findings ascertained that retrogressive cultural practices are a leading cause of vulnerability of children to defilement. The key informants all alluded to the infamous practice of '*disco matanga*' which is a traditional practice carried out during funerals as a main factor leading to defilement. This rite involves overnight vigils which include children and involve music, dance and alcohol consumption. This particular finding is supported by the findings in (Boakye, 2009) where the study underscored the importance of understanding the influence on cultural factors on the occurrence, disclosure and reporting of child defilement. The emphasis of the importance of perceived cultural practices tend to excuse violations that may occur during cultural rites, the study outlines.

This study also established that the lack of access to crucial service providers increases the vulnerability of children to defilement. Essential service providers include health care and legal assistance to facilitate reporting and prosecution of perpetrators. The study revealed that the health care facilities in Magarini sub-county are largely dispensaries and health care centers which have limited intervention ability. This is demonstrated in the reality that P3 forms with respect to victims can only be filled in at Malindi Sub county hospital. Further there are only two doctors who have authority to fill in these forms which is scheduled once a week. This leads to delays in the follow up of cases as families need to find means to access the hospital on numerous occasions which is costly for already constrained household budgets. With regard to police stations, the study established that there are only two police stations in Magarini sub-county namely *Adu* Police Station and *Marereni* Police Station. The long distances that defilement victims have to cover lead to lack of follow up in the cases through the formal channels leading to impunity of perpetrators. This finding is supported by (Morhe and Morhe, 2013) which study outlined that access to justice for defilement victims needs to be supported by removing all possible barriers that impede accessing response services.

The study was also able to discover that there is fear and stigma at community level associated with reporting of defilement cases especially to the police. The study findings pointed to the taboo levels of the sexual topic and the related stigma associated with sexual violations as a contributing factor to the low reporting levels and that community members would not like to be associated

with the child violations. These findings confirm the assertions made in (Soussou and Yogtiba, 2008) that identifies cultural norms towards the subject of child sexual abuse as a cause of the violations through the stigma associated with the vice.

5.2.2. The role of community based child protection mechanisms (CBCPM) in the criminal investigation of child defilement in Kilifi County

The study findings established a number of roles that the community based child protection mechanisms play with regard to the investigation of child defilement. These roles are classified into three broad themes; victim support, access to health care services and evidence management.

5.2.2.1. Victim Support

The study findings with regard to the role of CBCPM as regards victim support established two major roles as regards child defilement, that of child protection as well as first responders once child defilement occurs. The participants representing the CBCPM alluded that they have a crucial role to play especially as regards protecting children from defilement and early marriages. The participants also indicated that CBCPM are critical especially in the justice process once a crime of defilement occurs. They cited roles from ensuring the defilement victim is shielded from further abuse as well as to accelerate the pursuit of justice. The role of the CBCPM especially as regards rescue of the children involved was highlighted by the participants. Child defilement is a violation that alters the life of a victim.

The findings of the study further established that the concept of victim support especially within the home setting needs to be discussed within the society. The findings of the study alluded to the socialization and cultural stereotypes that children face which shape their place in society. The findings of the study established that often children are disbelieved and not taken seriously especially when they allude that they have been facing certain violations such as defilement. As such, the adults in society beginning with the home often do not provide the required support to the defiled children. This is supported by the findings in (Jewkes et. al, 2005) as regards the vulnerability of children to defilement being higher in communities where likelihood of action following the violation is low.

5.2.2.2. Access to health care services

The study findings established that the CBCPM play a crucial role as regards access to health care services as well as the administering of treatment to the defiled children. The findings of the study indicated further that the though community is aware of the need to ensure a defiled child accesses treatment, these services are logistically situated far away. There are a number of health centers and dispensaries within Magarini sub-county but no major hospital. The nearest hospital is Malindi Sub- county hospital which is situated close to seventy kilometers (70) from the sub county with a very poor road network. The significance of this finding is that the dispensaries and health centers are very limited in the intervention that they can carry out including that the medical P3 form can only be filled out by one of two doctors based at Malindi hospital. The P3 forms are filled out only twice a week. This therefore means that a victim of defilement has to travel all the way from the farthest corner of Magarini to Malindi hospital to have the P3 form filled. One of the most crucial benefits of accessing medical treatment other than the actual treatment itself, is that the medical personnel are able to fill in the medical report referred to as the post rape care form (PRC 1) form which is crucial in the filling in of the P3 form.

The P3 form is filled in most importantly in the presence of a police officer as it is obtained from the police station. This is the form that a medical officer uses to fill in the P3 form. The findings of the study established that access to medical treatment in the occurrence of a defilement case is not a challenge. Majority of the health care centers are well stocked with the emergency treatment required in the occurrence of a defilement. Where there are serious cases, the health centers are able to refer the same to Malindi hospital. The findings of the study however established that a major challenge exists as regards delayed reporting of the cases. This is essence means that most girls are discovered to have been violated when they present pregnancy. This is often too late as this leaves very little room for medical intervention to resolve the cases. The intervention that is most applicable is to have the girl deliver the child and then have DNA tests carried out on the child to ascertain the perpetrator. The DNA tests are extremely costly where a girl is still pregnant hence untenable.

The findings of the study established that in order to maximize on the access and availability of medical services, it is imperative that the cases are reported on a timely basis by the community. This is one role that the CBCPM has been playing as regards sensitization on the need to report cases once they occur. The challenge however remains as regards the awareness of children to be

able to report the cases as they occur as well as having health care facilities closer to the communities. With regard to the latter challenge, the CBCPM have assisted in certain instances in the follow up of cases and from the study findings, these cases record the highest success.

5.2.2.3. Evidence Management

This study sought to establish the role of the CBCPM in the management of evidence as regards child defilement cases. The findings of the study established that the crucial evidence as relates to child defilement cases includes, the medical related evidence, physical injuries and clothing items of the victim as well as witness statements. These sources of evidence remain vital and must be safeguarded to ensure that they are managed effectively until the matter is prosecuted in a court of law. The engagement and role of the CBCPM is one area where there have been limited studies carried out as (Ajema, et. al, 2009) observe. The CBCPM plays a role in the evidence management as the study findings illustrate.

The findings of the study established that parents and teachers for instance as members of the CBCPM are vital in the reporting of a case as it occurs. They are often the first responders to a child defilement violation and as such, are critical in the preservation of evidence from the outset. It is the parents for instance, who ensure that a violated child does not take a bath or wash the evidence until they are presented to a medical facility for treatment. The study findings established that counseling of the child from this early stage is crucial so as to ensure the child is not victimized. The findings of the study however observed that confidentiality is a key factor that first responders to the violation need to observe. This confidentiality adherence is crucial in the preservation of evidence such as the statement of the victim as well as other witnesses.

The study findings also established that the CBCPM members play a crucial role in the protection of victims of child defilement so as to preserve evidence. The child protection officers and rescue homes work together to offer protection to victims who may not be safe within the home or community due to the presence of a perpetrator. The rescue homes offer a temporary shelter for close to six months during which period, a victim will have testified in court. The rescue homes however face certain challenges. Firstly, they are very few. Kilifi County as a whole has only one rescue home which is run privately by a religious institution and is often overwhelmed by demand. Secondly, the process of reintegration is not always easy and the victim may subsequently face stigma upon re-entry into the community. The CBCPM is crucial to ensure that they support the victim in such situations.

The study findings also established that the CBCPM especially non – governmental organizations and community based organizations are crucial in the follow up of evidence with the police. The police are the institution with the sole mandate of investigation as outlined in the National Police Service Act, 2011. This therefore means that they are tasked with ensuring the management of all the evidence as relates to a defilement case is managed appropriately. The study findings established that there is limited police presence in Magarini sub-county with only two Kenya Police stations. This therefore means that the CBCPM need to step in to ensure they support the investigation efforts. The study findings established that the CBCPM have been vital in transporting victims and witnesses to police stations for purposes of recording statements. This has therefore led to challenges such as lack of follow up from the police in instances where the CBCPM are not present to ‘apply pressure’ in the investigation of cases. These cases as a result drag for ages and eventually fall off the system, leading to a culture of impunity.

5.2.3. Appropriate strategies that enhance the efficacy of Community based child protection mechanisms in the criminal investigation of child defilement

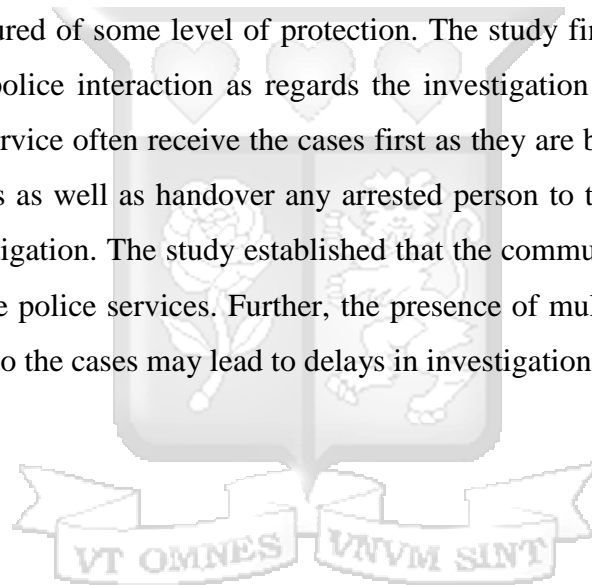
The composition of community based child protection mechanisms includes different actors who are both state and non-state actors. Some of the members are community based institutions who receive and process cases of child defilement within their communities. There are other actors who are tasked with the medical management of defilement cases that occur as well as referring cases to the police for investigation.

The study findings established that though the members of the CBCPM are aware of the definition of the term defilement, the community understanding is quite low and there are various different definitions of the term defilement. As such, the community needs to be sensitized as regards the definition of defilement. This would in turn ensure that there is proper understanding of the violation to start with and further would enhance the reporting rates of cases that occur.

The reporting of defilement cases is crucial and in turn ensures that the victims access the assistance that is timely and appropriate. This assistance ranges from the medical assistance to the legal intervention that is critical to the case follow up. The study findings established that it is crucial for the members of the CBCPM to be fully aware on accessing medical services once a defilement violation occurs and further to have clarity on what services they should expect from the health centers. The study findings established that though often, victims of defilement face

threats and danger as a result of reporting the violations, the child protection officers are vital in ensuring that this child is rescued to a shelter for the sake of preserving his or her witness statement. This finding is supported by the findings by (Jonzon, 2006) as regards the safety net that social support offers as a form of victim protection to child sexual abuse victims.

The study findings also established that there is a culture of silence especially at community level with regard to child defilement. This challenge especially plays out where there are witness statements required as part of evidence. Members of the community especially shy away from giving evidence as they avoid being labelled as ‘snitches or sell outs’. This in turn weakens the case the concerned victim. The study findings suggested working with the police in particular to guarantee confidentiality. This assurance of confidentiality encourages witnesses to record their accounts as they are assured of some level of protection. The study findings further established that there are different police interaction as regards the investigation of child defilement. The Administration Police Service often receive the cases first as they are based at community level. They then refer the cases as well as handover any arrested person to the Kenya Police who are mandated with the investigation. The study established that the community is not aware of these distinct roles between the police services. Further, the presence of multiple layers and stages of intervention in response to the cases may lead to delays in investigation.



CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

6.1. Introduction

This chapter presents the overall conclusions and recommendations based on the specific study objectives.

6.2. Conclusions based in study objectives

This study set out with three main objectives;

6.2.1. Factors that expose and increase the vulnerability of children to incidences of child defilement in Kilifi County

The study findings established that various factors lead to the vulnerability of children to child defilement. The drivers that expose and increase chances of defilement in children include, poverty, retrogressive cultural practices, high levels of illiteracy, abdication of parental duties, lack of access to service providers and fear of reporting perpetrators. Other factors that lead to exposure of children to defilement include the influence of tourism, drug and substance abuse as well as lack to access justice. The study findings further suggest a need to have community members effectively sensitized on the definition of child defilement as well as its adverse effects so as to encourage reporting.

6.2.2. Examine the role of the Community based child protection mechanisms in the criminal investigation of child defilement in Kilifi County

The study findings illustrated the CBCPM play crucial roles in the criminal investigation of child defilement. These roles are largely three fold; victim support, access to health care services and evidence management. This roles are vital and the study findings suggest that they are complementary roles within the process of investigation.

6.2.3. Suggest appropriate strategies that will enhance the efficacy of Community based child protection mechanisms in the criminal investigation of child defilement

The study findings were able to establish that the CBCPM needs to work closely and most critically understand the role of the National Police Service in the investigative process. The study findings suggest that there is need for clarity on the roles of the different services of the police service. The study findings established the crucial need for the CBCPM to sensitize the community on the importance of timely reporting of defilement cases so as to ensure prompt and effective investigation by the police. The study findings established several challenges that impede the efficacy in the investigation of child defilement largely around access to health care as well as management of presented evidence. The study findings indicate that there is need to revisit the medical management standards in so far as filling in of the P3 form is concerned. This is especially due to the reality that there remain very few doctors who can fill in the form as required by law whilst the demand remains overwhelming. The study findings further established that there is need to revise the investigative roles between the Kenya Police and Administration Police in view of the accessibility reality especially at grass root level.

6.3. Recommendations

The recommendations of this study have three fold implications, advocacy, management and policy implications.

6.3.1. Advocacy implications

The findings of the study established that awareness of defilement within the community is quite low. This is especially as regards the definition of the term defilement. The study findings established that the community seems to most sympathetic to defilement occurrence where the violated child is subsequently pregnant. This situation leads to investigation complexities as the most crucial evidence is not available any more. As such, given the different factors that lead to child defilement as suggested in the study, there is need to ensure that the advocacy initiatives within the community specifically focus on the definition of who a child is and further that defilement is a crime. The role of the community is supporting a victim of defilement should further be disseminated as it is an integral part of investigation. The awareness initiatives should

go beyond the definition of defilement and highlight the importance of medical response to the cases of defilement and further that this forms part of crucial evidence.

The study further recommends that the advocacy initiatives can be spearheaded by vital institutions such as the Ministry of Health and the National Police Service and should also include success testimonials where community cooperation has led to investigation success. The Public Prosecution is also a vital institution that can spearhead the community awareness on timely reporting and cooperation with the police as they investigate the violations. The study suggests that the members of the CBCPM can also participate in this sensitization forums and facilitate the formation of linkages with community members. Cooperation within the community is largely driven by trust.

6.3.2. Management implications

The study suggests several recommendations as regards the management and investigation of child defilement. Whilst appreciating the various efforts made especially as regards the medical management of child defilement, the reality still presents a different picture. With the logistical and infrastructural challenges that rural areas especially face, there is need for innovative management of investigation.

The study makes a strong recommendation as regards the administering and presentation of the P3 Medical form as anchor piece of evidence. The scarcity of medical doctors and the demand for medical services has resulted in the establishment of numerous health care facilities especially at rural level under the management of Clinical officers. While this is a welcome development in so far as access to health care, there is need to review certain response policies that mandate only medical doctors can fill in a P3 form as well as attend court as expert witnesses in the event of child defilement. This is especially so even against the reality that the attending health care worker was a clinical officer. There is need for this response mechanism to be reviewed and reflect the reality of the response mechanisms especially in the rural areas.

The study further makes strong recommendations as regards reviewing the roles of the two main institutions of the police service namely the Kenya Police Service and the Administration Police Service as regards the investigation of child defilement. The KPS are tasked with the investigation

of crimes and are gazetted as official cell jurisdictions though they have a scarce presence in the rural areas. The APS on the other hand, are located at the grass root level, are usually the first responders but are not mandated to carry out investigations of crimes. The most that the APS can effect is the arrest of suspects which is technically an investigative function. As such, there is need to review the roles and responsibilities of the National Police Service as regards crime management and investigation, which review should reflect the prevailing context of rural Kenya areas such as Magarini sub county. Our recommendation is that to be reflective of the trends in crime including child defilement, the two services should complement each other and the Administration Police Service empowered to conduct investigation.

The study also recommends the continuous training of the National Police Service on their investigative mandate. The NPS should further develop a data base of trained officers in sexual crimes so as to ensure horizontal transfers of officers, that is , when a trained officer is transferred, they are posted to a similar position within sexual crimes and not to non-related stations such as the Canine unit or anti- stock theft unit. This would ultimately be a waste of resources. The NPS should also ensure investment into investigation quality through available resources and fast tracking the operationalization of the forensic laboratory.

6.3.3. Policy implications

This study makes certain key recommendations for policy makers as regards the investigation of child defilement and the role of CBCPM. The study recommends the recognition through policy of CBCPM. These structures play a huge role especially in as far as child protection is concerned. Most of these institutions are formed on an ad hoc basis and often have limited resources which impede their interventions. The reality of challenges that plague remote and rural areas of Kenya rely on the intervention of community based mechanisms. This is the case as regards investigation of child sex crimes, where there is limited police presence, far located medical services and community awareness that are low. There is need to formally recognize community based initiatives and to supplement their funding sources to enable them to function optimally.

The study also recommends the establishment through policy of a one-stop centers alongside specialized police child crimes unit. The study findings especially as regards underreporting of child defilement cases pointed to the lack of access to service providers coupled with high poverty

rates. This status quo makes a conducive environment for local settlement of cases by village elders thereby encouraging the climate of impunity. The policy makers must consider this reality and reduce costs of seeking medical services and access to justice through establishing one stop centers where cases reported can be medically responded to in record time as well as have investigations conducted in record time. The current status as regards response to child defilement is more on a piece meal basis which is yielding little gain. This study strongly suggests the need for a holistic policy diffusion of all interventions that relate to child protection. Establishing rescue centers which refer cases to one stop medical centers with specialized police officers who then refer the cases to specialized children courts. This approach would further optimize on the role of CBCPM through well-defined contribution of stakeholders involved. This is the recommended approach to effective policy diffusion in child protection.

6.4. Study limitations and recommendations for further study

The study conceptualized reaching at least thirty (30) key informants and participants who presented solid knowledge and expertise on the area. In this aspect, the study was successful and managed to reach to thirty five (35) participants all who cooperated and were forth coming with their information sharing.

The study however faced certain limitations related to the following: the sample size of the participants especially from the community level, focus on participants from the accessible areas of Magarini due to infrastructural challenges and harsh rainy weather, the inability to overrule interviewee bias due to the challenge and perception of certain institutions, the researcher's bias on the use of interviews in the course of the study. Other limitations that the researcher faced were time constraints of both the researcher and participants as well as limited literature available on the study objective.

The researcher however submits that despite these challenges, the data and information sourced from participants was hugely adequate for insight gaining that can be subjected to empirical tests for future studies on the topic of investigation of child defilement as well as the role of community based child protection mechanisms. For future purposes, the study observed that the role of specialized children courts came up, a concept that is yet to be implemented in Kenya. There is need to have in depth empirical studies on the operationalization and impact of these courts.

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APPENDICES

Annexure 1: SU- IRB Approval 1



7th May 2018

SU-IRB 0230/18

ANNE WAMBETI IRERI,
P.O Box 4174-00506
Nairobi
Kenya.

Email: aireri@sbs.ac.ke

Dear Anne,

REF Student Number: 84369 Protocol ID: SU-IRB 0230/18
**ASSESSING THE ROLE OF CHILD PROTECTION SYSTEMS IN THE INVESTIGATION OF CHILD
DEFILEMENT: A STUDY OF COMMUNITY-BASED MECHANISMS IN KILIFI COUNTY, KENYA**

We acknowledge receipt of your application documents to the Strathmore University Institutional Ethics Review Committee (SU-IERC) which includes:

1. Study Proposal dated April 2018
2. Participant Information and Consent form dated April 2018
3. Study questionnaire dated April 2018
4. CV

The committee has reviewed your application, and your study "*Assessing the Role of Child Protection Systems in the Investigation of Child Defilement: A Study Of Community-Based Mechanisms in Kilifi County, Kenya*" has been granted **approval**.

This approval is valid for one year beginning **7th May 2018** until **6th May 2019**.

In case the study extends beyond one year, you are required to seek an extension of the Ethics approval prior to its expiry. You are required to submit any proposed changes to this proposal to SU-IERC for review and approval prior to implementation of any change.

SU-IERC should be notified when your study is complete.

Thank you

Sincerely,

Amina Salim
Regulatory Affairs Fellow



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Email info@strathmore.edu www.strathmore.edu

Appendix 1: List of Cases

1. *C.K.A (a child) through Ripples International as her guardian and Next of Friend) & 11 others vs. Commissioner of Police/Inspector General of National Police Service & 3 Others* [2013] eKLR.
2. *C.K.W. v Attorney General and another* [2014] eKLR (referred to as the 160 girls case).
3. *W.J. and another v A.H.A. and 9 others* [2015] eKLR
4. *Dennis Osoro Obiri v Republic* [2014] eKLR
5. *WJ & another (suing through their guardians) v Astarikoh Henry Amkoah & 4 others, Petition no. 331 of 2011.*



Appendix 2: List of Statutes

LIST OF STATUTES

1. Constitution of Kenya, 2010
2. Children Act, Cap 586 Laws of Kenya
3. Criminal Procedure Code, Cap 75 Laws of Kenya.
4. Evidence Act, Cap 80, Laws of Kenya
5. Penal Code, Cap 63, Laws of Kenya
6. Sexual Offences Act No. 3, 2006, Laws of Kenya
7. Witness Protection Act, Cap 79 Laws of Kenya
8. National Police Service Act, 2011
9. Health Act, 2016

TREATIES AND CONVENTIONS

1. African Charter on Human and Peoples' Rights (1981)
2. African Charter on Peoples and Human Rights (1986)
3. African Charter on the Rights and Welfare of the Child (1999)
4. Convention on the Rights of the Child (1990)5.
5. International Covenant on Civil and Political Rights (1976)
6. International Conference on the Great Lakes on Sexual and Gender-based Violence (2011)
7. Optional Protocol to the International Covenant on Civil and Political
8. Rights (1976)
9. The African Union Gender Policy (2009)
10. The Declaration of the Heads of States and Governments of the Member States of the
11. The Solemn Declaration on Gender Equality in Africa (2004)
12. The Intergovernmental Authority on Development Gender Policy and Strategy (2004)
13. The Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children
14. Universal Declaration on Human Rights (1948)

Appendix 3: Key informant interview guides

Introduction, Residence, Job description and Location of informant

Section A: Community Awareness of Child Defilement

1. Are you aware of the laws that relate to Child Sexual Abuse?
2. What is your definition of Child Defilement?
3. What is the community definition of Child Defilement?
4. What factors contribute to occurrence of Child defilement in Kilifi County? Please explain

Section B: Victim Support Structures

1. What is your understanding of victim support in child defilement?
2. What support can a victim of child defilement access from your institution?
3. What is the procedure for a victim of child defilement to access this support? Please explain
4. Have you ever been unable to offer this support to a victim of child defilement? Please explain

Section C: Access to Health Care Services

1. Which are your nearest health centers?
2. What means do you use to access the health centers?
3. What services do you expect to receive from health centers with regard to child defilement?
4. Are these services usually readily available at the health centers? Please explain
5. How much do you pay for these child defilement related health services? Please explain

Section D: Evidence Chain Management

1. What do you understand by the term evidence?
2. What evidence do you think is crucial for the investigation of child defilement cases?
3. How should this evidence be handled? Please explain
4. Who should handle this evidence? Please explain
5. What challenges do you experience in the handling of child defilement evidence?
6. How can these challenges be resolved?

Section E: Role of Community- based Child Protection Mechanisms

1. What is your role as regards child protection?

2. Do you think you have any role to play with regard to the child defilement investigation process? Please explain

Section F: Additional Comments

Do you have any additional observations as regards the investigation of child defilement?

Thank you for your time and feedback.



Appendix 4: Informed Consent for Key Informants.

My name is *Anne Wambeti Ireri* .I am a researcher and a student from Strathmore Business School, Nairobi.

This is a request for you to participate in this research study. The objective of this study is to assess the role of community based child protection mechanisms in investigation of child defilement.

I am interested in your role and views as a member the community based child protection system in Kilifi County. Given the nature of your engagement, I am interested in your perception of the investigation of child defilement cases.

Interview procedure

The interview may take approximately 1 hour. I will ask you different questions and I will take notes while we talk and engage. If you are uncomfortable with a question, you don't have to answer it. With your permission, I will use a tape recorder to record the conversation so that I will not forget what we have discussed. You can end the interview any time you wish. I might ask you to meet me with you again for another interview to seek clarification on things I may have not understood and ask you some more questions that I may not have time to ask.

Discomforts and Risks

Given the sensitive nature of the topic of study- child defilement, questions asked will be sensitive and may make you uncomfortable. Therefore you have a right to refuse to answer the question or stop the whole interview.

Benefits of Study

Your participation and feedback in this study will help to provide valid information especially for policy makers and implementers involved in the response to child defilement. This information we hope will improve the child defilement investigation and improve success rates of reported child defilement matters.

Confidentiality

The information you share during the interview is confidential. I will assure confidentiality by not writing your name or other identifiable information in the interview documents. All written information from this interview will be given a number instead of your name. Any other information that may come up during the discussion that may make you identifiable will be amended.

I will have to share my findings from this study for purposes of completion of my master's degree.

Voluntary participation

Participation in this study is voluntary. Feel free to withdraw from the study any time you want without need for providing a reason. If you wish to participate in this study, please sign the declaration of consent below. If you later wish to withdraw your consent or have any questions concerning the study, you may contact me through the listed address below.

Contact Information

Anne Wambeti Ileri
Email: aireri@sbs.ac.ke

Participant Statement

The above information regarding my participation in the study is clear to me. I have been given a chance to ask questions and my questions have been answered to my satisfaction. My participation in this study is entirely voluntary.

Name of the participant

Thumb print /Signature by the project participant

Date

Interviewer Statement

I confirm that I have explained to the participant in a language that s/he understands the procedures to be followed in the study and risks and benefits involved.

Name of the interviewer

Signature

Date

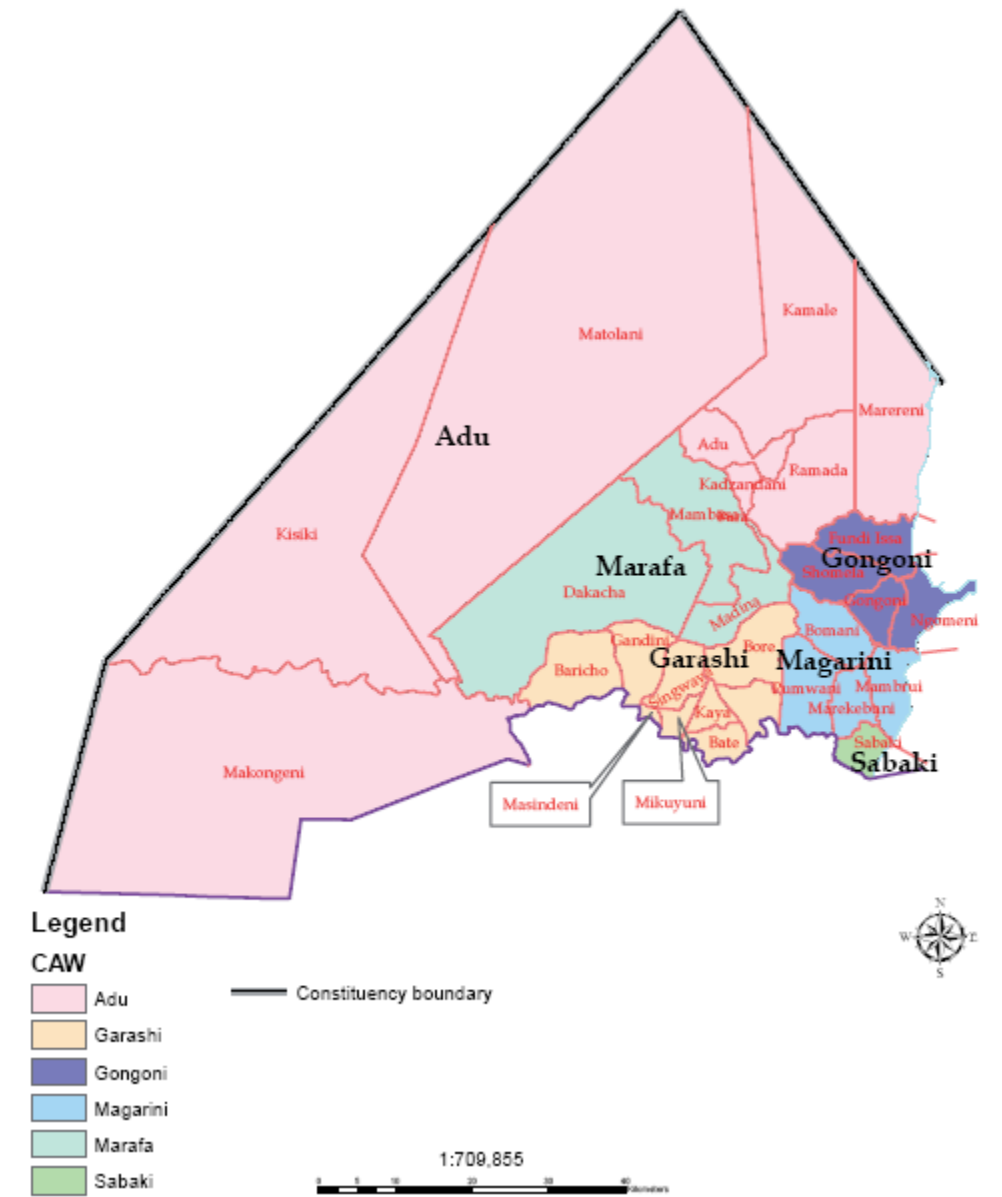
Appendix 5: Focus Group Discussion protocol

<p>1. Welcome Remarks</p>	<p>Greetings and Welcome. I want to thank you for coming today. My name is Anne Ileri and I will be the facilitator for today's group discussion. I am currently a Masters Student at Strathmore Business School.</p> <p>Allow me to introduce _____ present to take notes for us.</p> <p>We invites you to take part in this group discussion today because you are all members of the <i>Kilifi community based child protection mechanisms</i> (Researcher to expound further)</p> <p>What you share today will help in the analysis and evaluation of the child protection systems here with regard to child defilement in this area.</p> <p>.</p>
<p>2. Ground Rules and Climate Setting</p>	<p>Before we begin, I would like to review a few ground rules for the discussion.</p> <ol style="list-style-type: none"> a) I am going to ask you several questions; we do not have to go in any particular order but we do want everyone to take part in the discussion. b) We ask that only one person speak at a time and be free to speak in English or Kiswahili. c) Please treat this as a discussion and respond to what others are saying, whether you agree or disagree. We're interested in your opinions and whatever you have to say is fine with us. d) There are no right or wrong answers. We are just asking for your e) Opinions based on your own personal experience as we are here to learn from each of you. f) You each have unique experiences with the issues we shall discuss and so don't worry about having a different opinion than someone else. However, please do respect each other's answers or opinions. g) If there is a particular question you don't want to answer, you are not mandated to answer to everything. h) We will treat your answers as confidential. We are not going to ask for anything that could identify you uniquely. i) We ask that we only use first names during the discussion. We j) We ask that each of you respect the privacy of everyone in the room and not share or repeat what is said here in any way that could identify anyone in this room.

	<p>k) Please note, we are tape recording the discussion today and also taking notes because so as not to miss any of your comments.</p> <p>l) Once we start the tape recorder we will not use anyone's full name and we request that you do the same.</p> <p>m) Is everyone OK with this session being tape recorded?</p> <p>(RESEARCHER TO GET VERBAL CONSENT TO TAPE RECORD DISCUSSION.</p> <p>IF A PARTICIPANT DECIDES THAT S/HE DOES NOT WANT TO BE TAPED AND WANTS TO LEAVE.)</p> <p>i. We undertake not include your names or any other information that could identify you in any reports we write.</p> <p>ii. We will destroy the notes and audiotapes after we complete our study and publish the results.</p> <p>iii. Finally, this discussion is going to take about three hours and we please ask that you stay for the entire meeting.</p> <p>At the end of the discussion we will have some modest refreshments.</p> <p>Does anyone have any questions before we start?</p>
<p>3. Introductions (15 minutes)</p>	<p>(START TAPE RECORDER)</p> <p>I would please like to around the table starting on my immediate right to have everyone introduce themselves. Please tell us your first name only, where you live and what you do for a living.</p>
<p>4. Group Discussion Topic 1 (25 minutes)</p>	<p><i>Topic 1: Community awareness of child defilement</i></p> <ol style="list-style-type: none"> 1. Are you aware of the laws that relate to Child Sexual Abuse? 2. What is your definition of Child Defilement? 3. What is the community definition of Child Defilement? 4. What factors contribute to occurrence of Child defilement in Kilifi County? Please explain
<p>4. Group Discussion Topic 2 (30 minutes)</p>	<p><i>Topic 2: Victim Support Structures</i></p> <ol style="list-style-type: none"> 1. What is your understanding of victim support in child defilement? 2. What challenges do victims of child defilement face within community? 3. What support can a victim of child defilement access from the community?
<p>4. Group Discussion Topic 3</p>	<p><i>Topic 3: Access to response mechanisms Health Facilities</i></p>

<p>(60 minutes)</p>	<ol style="list-style-type: none"> 1. How many public health care facilities are in Kilifi County? 2. Are they accessible to victims of child defilement? 3. What services should victims of child defilement access from these health care facilities? 4. Are these services always readily available to victims of child defilement? Please explain. 5. How much do victims of child defilement pay to access these services from health care facilities? <p><i>Police Stations</i></p> <ol style="list-style-type: none"> 1. Which are the nearest Police stations/posts? 2. What services should victims of child defilement access from these health care facilities? 3. What responses do you receive from police stations as regards investigation of child defilement matters? 4. What can be done to improve responses by the police to child defilement cases?
<p>4. Group Discussion Topic 4 (45 minutes)</p>	<p><i>Topic 4: Role of Community based child protection mechanisms</i></p> <ol style="list-style-type: none"> 1. What is the role of the community with regard to investigation of child defilement? 2. What is the role of health facilities as regards investigation of child defilement? 3. What is the role of police stations as regards investigation of child defilement? 4. How can CBCPM work improve efficiency in the investigation of child defilement?
<p>5. Review and Wrap-up (5 minutes)</p>	<p>Thank you very much for coming today and for sharing your opinions with us. We hope you enjoyed the discussion today. Welcome to have some refreshments. (SERVE REFRESHMENTS)</p>

Appendix 6: Map of Magarini Sub County



Source: Kilifi County Government

Appendix 7: P3 Form



**THE KENYA POLICE
MEDICAL EXAMINATION REPORT**

P3

PART 1-(To be completed by the Police Officer Requesting Examination)

From.....Ref.....
Date.....
To the.....Hospital/Dispensary
I have to request the favour of your examination of:-
Name.....Age.....(If known)
Address.....Date and Time of the alleged offence.....
Sent to you/Hospital on the.....20.....under escort of.....
.....and of your furnishing me with a report of the nature and
extent of bodily injury sustained by him/her.
Date and time report to police.....
Brief details of the alleged offence.....
Name of Officer Commanding Station.....Signature of the Officer Commanding Station

**PART II-MEDICAL DETAILS - (To be completed by Medical Officer or Practitioner
carrying out examination)**
(Please type four copies from the original manuscript)
**SECTION 'A'-THIS SECTION MUST BE COMPLETED IN ALL
EXAMINATIONS**

Medical Officer's Ref.NO.....
1. State of clothing including presence of tears, stains (wet or dry) blood, etc.
.....
2. General medical history (including details relevant to offence).....
.....
3. General physical examination (including general appearance, use of drugs or
Alcohol and demeanour)
.....

This P3 Form is free of charge

**SECTION 'B' - TO BE COMPLETED IN ALL CASES OF ASSAULT,
INCLUDING SEXUAL ASSAULTS, AFTER THE
COMPLETION OF SECTION 'A'**

1. Details of site, situation, shape and depth of injuries sustained:-
 - a) Head and neck.....
.....
.....
 - b) Thorax and Abdomen.....
.....
.....
 - c) Upper limbs.....
.....
.....
 - d) Lower limbs
.....
.....
2. Approximate age of injuries (hours, days, weeks).....
.....
3. Probable type of weapon(s) causing injury.....
.....
4. Treatment, if any, received prior to examination.....
.....
5. What were the immediate clinical results of the injury sustained and the assessed degree, i.e. 'harm', or 'grievous harm'.*

DEFINITIONS:-

"Harm" Means any bodily hurt, disease or disorder whether permanent or temporary.

"Maim" means the destruction or permanent disabling of any external or organ, member or sense

"Grievous Harm" Means any harm which amounts to maim, or endangers life, or seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent, or serious injury to external or organ.

.....
Name & Signature of Medical Officer/Practitioner

Date.....

**SECTION "C"-TO BE COMPLETED IN ALLEGED SEXUAL OFFENCES
AFTER THE COMPLETION OF SECTIONS "A" AND "B"**

1. Nature of offence.....Estimated age of person
examined.....

2. FEMALE COMPLAINANT

a) Describe in detail the physical state of and any injuries to genitalia with
special reference to labia majora, labia minora, vagina, cervix and
conclusion.....

b) Note presence of discharge, blood or venereal infection, from genitalia or
on body externally.....

3. MALE COMPLAINANT

b) Describe in detail the physical state of and any injuries to
genitalia.....

c) Describe in detail injuries to anus.....

d) Note presence of discharge around anus, or/ on thighs, etc.; whether recent
or of long standing.....

This P3 Form is free of charge

SECTION "D"

4. MALE ACCUSED OF ANY SEXUAL OFFENCE

a) Describe in detail the physical state of and any injuries to genitalia especially penis.....
.....
.....
.....

b) Describe in detail any injuries around anus and whether recent or of long standing.....
.....
.....
.....

5. Details of specimens or smears collected in examinations 2,3 or 4 of section "C" including pubic hairs and vaginal hairs.....
.....
.....

6. Any additional remarks by the doctor.....
.....
.....

Document printed from the Kenya Police Website. All laws apply

.....
Name & Signature of Medical Officer/Practitioner

Date.....

This P3 Form is free of charge


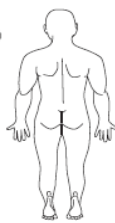
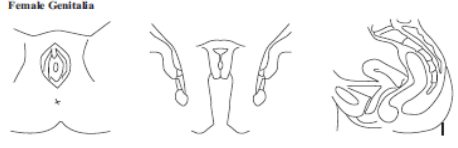
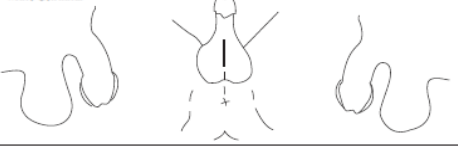
Appendix 8: PRC1 Form

POST RAPE CARE FORM (PRC) PART A

MOH 363 MOH 363

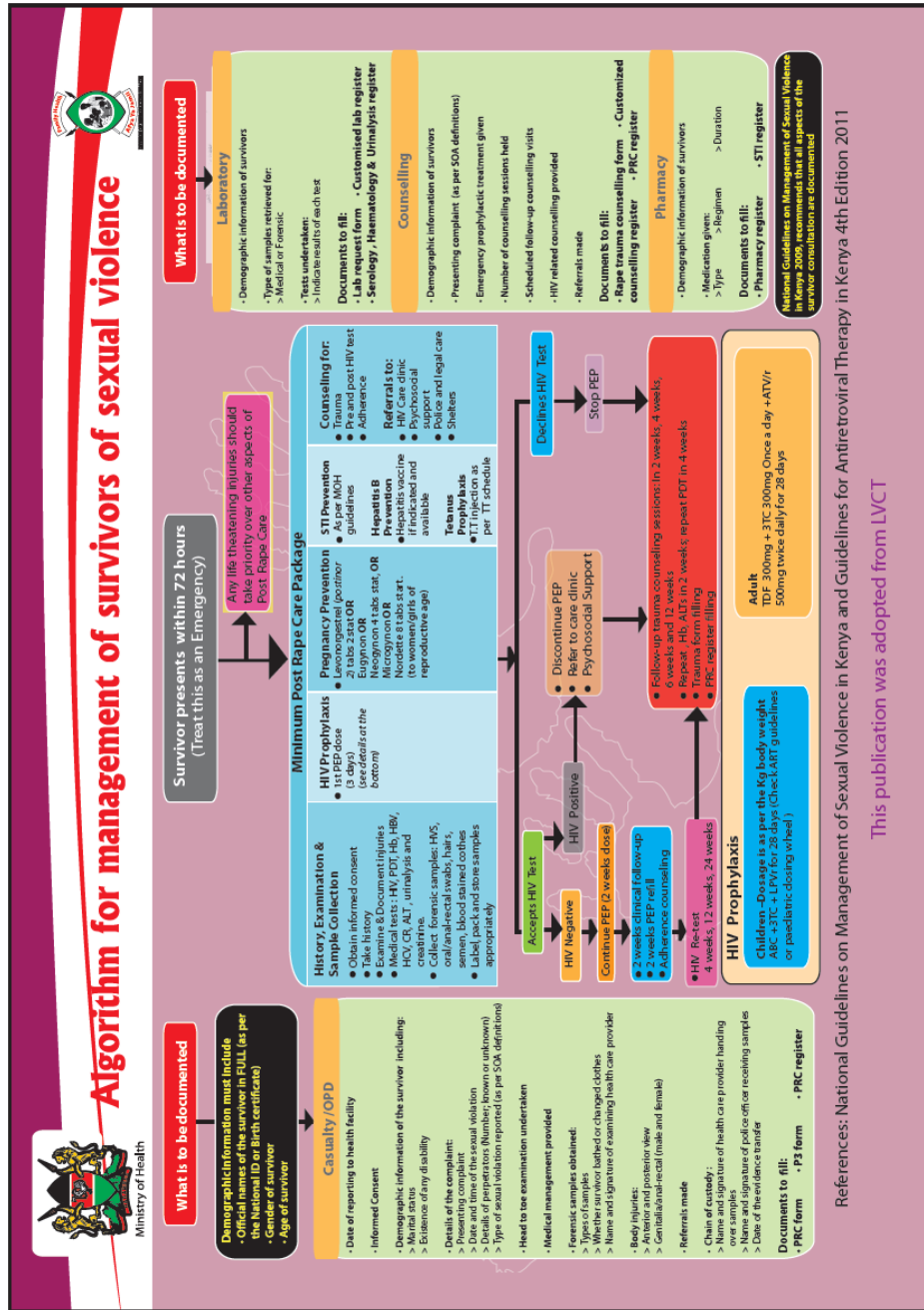
Ministry of Health National Rape Management Guidelines: Examination documentation form for survivors of interpersonal violence (to be used as clinical notes to guide filling in of the P3 form)

PRC Post Rape Care Form

Date Day Month Year	County Code	Sub-county Code	Facility Name	OP/IP No. MFL Code	OB GYN History	Parity	Contraception type	LMP	Known Pregnancy? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of last consensual sexual intercourse
Name(s) (Three Names)					Date of birth		Male <input type="checkbox"/> Female <input type="checkbox"/>		General Condition	
Disabilities (Specify)					Marital Status (specify)		BP		Pulse Rate	
Orphaned vulnerable child (OVC) <input type="checkbox"/> Yes <input type="checkbox"/> No					Citizenship		RR		Temp	
Date and time of Examination					Date and Time of Incident		No. of perpetrators		Demeanor /Level of anxiety (calm, not calm)	
All alleged perpetrators					Estimated Age		How were the clothes transported?		Did the survivor change clothes?	
Where incident occurred					Administrative location: County Sub-county Landmark		<input type="checkbox"/> a) Plastic Bag <input type="checkbox"/> b) Non Plastic Bag <input type="checkbox"/> c) Other (Give details)		<input type="checkbox"/> Yes <input type="checkbox"/> No State of clothes (stains, torn, color, where were the worn clothes taken)?	
Chief complaints: Indicate what is observed					Indicate what is reported		Were the clothes handed to the police?		Did the survivor go to the toilet?	
Circumstances surrounding the incident (survivor account) remember to record penetration (how, where, what was used? Indication of struggle?)					Did the survivor have a bath or clean themselves?		<input type="checkbox"/> No <input type="checkbox"/> Yes (Give details)		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Long call? <input type="checkbox"/> Short call?	
Type of Sexual Violence					Use of condom?		Incident already reported to police?		Did the survivor leave any marks on the perpetrator?	
<input type="checkbox"/> Oral <input type="checkbox"/> Vaginal <input type="checkbox"/> Anal <input type="checkbox"/> Other (specify)					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		<input type="checkbox"/> No <input type="checkbox"/> Yes (Indicate name of police station)		<input type="checkbox"/> No <input type="checkbox"/> Yes (Give details)	
Attended a health facility before this one?					Were you treated?		Were you given referral notes?		GENITAL EXAMINATION OF THE SURVIVOR-indicate discharges, inflammation, bleeding Describe in detail the physical status Physical injuries (mark in the body map)	
<input type="checkbox"/> No <input type="checkbox"/> Yes (Indicate name of facility)					<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		Outer genitalia Vagina Hymen Anus Other significant orifices Comments	
Significant medical and/or surgical history					Comments: Indicate additional information provided by the client or observed by clinician		Immediate Management <input type="checkbox"/> No <input type="checkbox"/> Yes (No of tablets)		PEP 1st dose <input type="checkbox"/> No <input type="checkbox"/> Yes	
PHYSICAL EXAMINATION [indicates sites and nature of injuries bruises and marks outside the genitalia] Please use the body map below to indicate injuries, inflammations, marks on various body parts of the survivor					Referrals to <input type="checkbox"/> Police Station <input type="checkbox"/> HIV Test <input type="checkbox"/> Laboratory <input type="checkbox"/> Legal <input type="checkbox"/> Trauma Counseling <input type="checkbox"/> Safe Shelter <input type="checkbox"/> OPD/CCC/HIV Clinic <input type="checkbox"/> Other (specify)		ECP given <input type="checkbox"/> No <input type="checkbox"/> Yes		Stitching /surgical toilet done <input type="checkbox"/> No <input type="checkbox"/> Yes (Comment)	
BODY MAP Anterior View  Posterior view  Comments					STI treatment given <input type="checkbox"/> No <input type="checkbox"/> Yes (Comment)		Any other treatment / Medication given /management?		L Sample Type A Test B Please tick as is applicable O National government Lab R Health Facility Lab Comments	
Female Genitalia 					S Blood A Haemoglobin M HIV Test P SGPT/GOT L VDRL E DNA S Other (specify)		CHAIN OF CUSTODY These /All / Some of the samples packed and issued (please specify)		By Name of Examining Officer (Doctor/Nurse/Clinical officer) Signature Day Month Year	
Male Genitalia 					To Police Officer's Name Signature Day Month Year		PSYCHOLOGICAL ASSESSMENT Complete psychological assessment section in Part B			

Source: MoH Natl Guidelines, 3rd Ed.2014

Appendix 9: Algorithm on Management of Sexual Violence



Source: MoH Natl Guidelines, 3rd Ed.2014

Appendix 10: Demographic information

10.1. Key Informant Guide Interviews

Participant Code	Gender	Occupation	Interview Date
P1	Female	Head teacher Primary School	29/4/18
P2	Female	Head teacher Primary School	29/4/18
P3	Female	Parent of defilement victim	30/4/18
P4	Male	Parent of defilement victim	30/4/18
P5	Male	Administration Police Service Officer	1/5/18
P6	Female	Administration Police Service Officer	1/5/18
P7	Female	CBO Manager	2/5/18
P8	Male	Administration Police Service Officer	29/4/18
P9	Male	Sub-County Children Officer	29/4/18
P10	Male	Clinical Officer	2/5/18
P11	Female	Rescue Centre Manager	2/5/18
P12	Male	Rescue Centre Social Worker	2/5/18
P13	Male	Sub County Hospital Social Worker	3/5/18
P14	Male	Sub County Hospital GBV Manager	3/5/18
P15	Female	Sub County Hospital GBV Counselor	3/5/18
P16	Female	Sub County Hospital Laboratory Technician	3/5/18
P17	Female	County GBV Coordinator	4/5/18
P18	Female	Kenya Police Service Officer	4/5/18
P19	Female	State Counsel	4/5/18
P20	Female	Chief Magistrate	4/5/18
P21	Female	Kenya Police Service Officer	5/5/18
P22	Male	Kenya Police Service Officer	5/5/18
P23	Male	County Child Protection Coordinator	5/5/18

10.2 Focus Group Discussions

Interview date: 28/4/18 (Gongoni shopping center)

Participant Code	Gender	Occupation
FGDP1	Female	School Teacher
FGDP2	Male	Senior Assistant Chief
FGDP3	Male	Head Teacher
FGDP4	Male	Village Elder
FGDP5	Male	Volunteer Children Officer
FGDP6	Female	Women Leader
FGDP7	Male	Village Elder
FGDP8	Female	Women Leader
FGDP9	Male	Volunteer Children Officer
FGDP10	Male	Youth Leader
FGDP11	Male	Youth Leader
FGDP12	Female	Women Leader

