

“GIRL-CHILD DEFILEMENT” DOES THE CULTURAL PRACTICE DETERMINE THE CRIME IN THE 21ST CENTURY – A STUDY OF SEMIRURAL KENYA, RONGO SUB-COUNTY

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IJMSSSR 2020

VOLUME 2

ISSUE 5 SEPTEMBER – OCTOBER

ISSN: 2582 - 0265

Abstract: Girl-child defilement is a specific form of child sex abuse occurring in many communities around the world. Girls are vulnerable defilement because of their inability to physically resist the male perpetrators and to make decisions which relate to sex. The study was guided by the Feminist Theory of Criminology and the Integrated Theory of Sexual offences. Heads of households with girls below the age of eighteen were targeted for the study, and the sample size was 245 households. Data was collected by the use of questionnaires, interview schedules and focused group discussions. Quantitative data was statistically analyzed using Statistical Package for Social Science (SPSS) v.19, and was presented using bar graphs, pie charts and tables. This study found that the customary practice of physical sexual maturity as an indicator of readiness for marriage was not supported by 85.46% of respondents and 89.87% stated that the age at first sexual intercourse should be above eighteen years. The value of virginity and the practice of early marriage was not supported by 89.87% and 81.94% of respondents respectively. 92.07% of respondents did not support beliefs regarding male sexuality as having influence on girl-child defilement. The chi-square test revealed a significant association between the level of education and awareness of girl-child defilement and the Cramer's V test indicated a moderately strong association. The test also found a significant relationship between the area of residence and awareness of girl-child defilement, though the Cramer's V test indicated a weak association. This paper concludes that girl-child defilement is not determined by culture. Based on the findings of this study the Ministry of Labor and Social Protection should review existing policies on the socio-economic development of rural households. The Ministry of Education should develop policies to continuously sensitize communities on girl-child defilement.

Keywords: Girl-child defilement, Child sex abuse, Sexual offences, Culture, Semi-Rural

1 Introduction

Kenya has a strong legal framework protecting children from sexual abuse. These are the Children's Act of 2001, which was adapted from the United Nations Charter on Children's Rights of 1989, the Sexual Offences Act of 2006 and the Constitution of Kenya 2010. Despite this strong legal framework, child sexual abuse continues to be a menace in Kenya. According to the Kenya National Bureau of Statistics (KNBS, 2019), there were 4,512 cases of girl-child defilement in Kenya in 2016, 3,487 cases in 2017 and 4,767 cases in 2018.

The United Nations (2010) defines child sex abuse as sexual activities such as sexual intercourse with a child (defilement):- incest; non-physical contact and non-penetrative sexual activities- such as involving children in watching sexual activities, encouraging children to behave in sexually explicit ways and exposing them to inappropriate sexual material (UNICEF, 2010). Child sex abuse occurs when children are involved in sexual activities which they do not comprehend, are not able to give informed consent and those that violate the social taboos of the

family, (Mrazek, 2014). Therefore, the question of a girl-child consenting to sex should not arise in any given circumstance since she is not capable of making decisions which relate to it.

The feminist theory of criminology and the ecological factor of the Integrated Theory of Sexual Offences were used to guide the study. The feminist theory of criminology states that gender matters and needs to be examined since it has an impact on individual lives (Collins, 2000). It is based on the conflict theory which assumes that relations are based on domination of men over women, this is evident in patriarchal societies which are characterized by violence against women/girls which shows inequality and oppression (Vukoicic, 2013).

The fourth factor in the Integrated Theory of Sexual offences posits that the cultural circumstance experienced by individuals is more influential to human behavior than what lies within a person, (Small bone, 2016), (Boer, 2016). The cultural practices in the community, rather than individual reasons of sexual offences need to be investigated in order to understand the context of girl-child defilement which occurs in the community.

Culture is the behavior learnt through the process of socialization and is passed on from generation to generation. Kenya has two layers of culture: the first is the tribal traditional culture and the second is the western culture (Onyango, 2008). The western culture has weakened the traditional moral codes and mechanisms that controlled sexual behavior (Kioli, 2012).

In the Luo culture, sexual maturity was defined by the onset of the development of sexual characteristics in girls, (Weinreb, 1999). At this age, the girl was prepared for marriage and this was a rite of passage after which sex was permitted, therefore culturally the developmental age was important for the community to start preparing the girl for marriage. Currently the chronological age of 18 years marks the age distinction conceptualizing leaving childhood and entering adulthood, (Mathews, 2017). An individual below the age of 18 cannot consent to sex as stated by policies such as the Children's Act of Kenya 2001, the constitution of Kenya 2010 this is contrary to the cultural practices.

Virginity was highly valued by the community if a girl was found not to be a virgin she was ridiculed in public by members of the community, (Ojjo, 2012). A survey held in Kenya reported that 50% of girls had their first sex by the age of 18 years, (GOK, Kenya Demographic Health Survey 2014, 2015). The median age at which the girl is forced or coerced into sex is sixteen, (Oindo, 2002) (Becker, 2018). The 2019 National survey on violence against children in Kenya also reported that the median age at first sex for girls is 17.2 years, (Ministry of Labor and Social Protection of Kenya, Department of Children's Services, 2019).

The custom of marrying girls at a young age exists in many parts of the world, including Kenya. The National Survey Report on violence against children in Kenya reported that 1.1% of girls between the ages of 13 to 17 years were married or lived with someone as if married and this was most likely to be arranged by their parent, (Ministry of Labor and Social Protection of Kenya, Department of Children's Services, 2019). The Kenya Demographic and Health survey reported that early marriage appears to be declining among girls (GOK, Kenya Demographic Health Survey 2014, 2015), however their result contradicts that of the National Crime Research Centre which reported that early marriage in Migori County is at 69.5%, meaning that it is a common practice in the community, (NCRC, 2014). Early marriage is practiced for various reasons, the rural population may practice it for the purpose of economic gain when dowry or bride price is paid (Nour, 2006), (Mwiti, 2006) (Walker, 2012). Communities where cattle is strongly valued view girls as a source of wealth, (UNICEF, 2012) this encourages the occurrence and persistence of early marriage in the community. Some parents also practiced early marriage since it prevented premarital sex, early pregnancies and the infection if HIV/AIDS. Early marriage entails sexual relations which implies that girl-child defilement has taken place since that girl cannot give consent for a decision which has been made for her by her parents, (Ganira, 2015). The expectation of a girl to be a virgin meant that she was protected from defilement since her body had not developed sexually. Despite the achievements of providing free primary education and ensuring the 100% transition into secondary education early marriage is still practiced by communities in Kenya.

Traditional norms and beliefs concerning gender, sexuality and violence was endorsed by 72.5% of males and 60.5% of females in a survey conducted on violence against children in Kenya (Ministry of Labor and Social Protection of Kenya, Department of Children's Services, 2019), however these traditional norms or beliefs were not specified. There

are societal norms which support male superiority and their sexual entitlement, the common theme is that men cannot control their sexual desires hence they need to have sex constantly, (Kaboberi-Macharia, 1998), (Lalor,

2004). Existing norms reflect the general attitude toward girl-child defilement in the community since it may influence whether certain beliefs and behaviors are accepted or tolerated in the community.

In the developing world studies on child sexual abuses have focused on commercial sexual exploitation of children, child sex abuse within the family and the individual's personal decision or the psychopathology (Lalor, 2004) , (Kanyanya, 2007), (Deche, 2013). As a result studies on child sex abuse within communities has been neglected by researchers. Girl-child defilement is a specific form of child sex abuse which has been neglected by researchers.

2 Methodology

2.1 Study Design

This study employed a mixed-method approach that used a cross-sectional survey, key informant interview schedules and focused group discussions.

2.2 Study Area and Study Population

The study was done in Rongo sub-county, which is a semi-rural area in Migori County in Kenya. It is one of the counties in Kenya with the highest prevalence of girl-child defilement. The sample size of 245 for the study was drawn from the household population of 29,087 households in Rongo sub-county, (KNBS, 2019).

2.3 Sample Size determination and sampling

Three locations of the study area with the highest population was purposively selected since the level of social interactions higher and crimes are usually reported from highly populated areas. The three locations were sampled proportionally according to their number of households per populations. A sampling frame was drawn for each of the selected locations, from which the household heads who were the main respondents were selected using the purposive sampling method.

2.4 Data collection

A pre-testing was done in Suna West sub-county which is in Migori County and 20 respondents were involved, this enabled the researcher to develop a concise questionnaire. Data from main respondents collected through questionnaires, this was complemented by information gathered from key informants who were purposively selected: they included a police officer, the local administration, a children's officer, an education officer and 4 care givers to victims of girl-child defilement. Care givers to victims of girl-child defilement who were selected using the snow ball method.

2.5 Data Analysis

Qualitative data was analyzed thematically and quantitative data collected was analysed using descriptive statistics using IBM SPSS V.20 software and findings presented in frequency tables, bar graphs and bar charts. A Chi-square test was used to find out the degree to which the socio-demographic variables were related to girl-child defilement.

3 Results and discussion

The study targeted 245 respondents, 245 questionnaires were distributed out of which 227 were returned giving a return rate of 92.65%.

Table 1 Socio-demographic characteristics of house hold heads

		N= 227	
Socio-demographic characteristics		Frequency	Percentage
Gender	Female	47	20.70%
	Male	180	79.30%

Marital Status	Single	20	8.81%
	Married	180	79.30%
	Widow	27	11.89%
Area of residence	Rural	163	71.81%
	Urban	64	28.19%
Level of education	Primary	92	40.43%
	Secondary	103	46.37%
	Diploma	16	7.05%
	Degree	10	4.41%
	Other	6	2.64%

Table 1 show that 79.30% of respondents of the household heads are male and 20.70% of respondents are females who head the house hold. The head of the household is the primary care giver responsible for the welfare of the girl- child. The Luo ethnic group is mainly patriarchal, meaning that males dominate in heading households in communities. The girl-child is at risk of defilement in the community in the absence of the father or any other male adult in the household. The female heads of household may be as a result of single parent families, the death of a spouse, separation or divorce. The girl-child living in a female headed household is more likely to be defiled because the father is a symbol of protection for the household and his absence makes the household prone to lack of security which perpetrators identify when targeting victims to defile.

The Luo culture is founded on patriarchal structures similarly, communities in Sub-Saharan Africa are predominantly patriarchal, (Orwa, 2016) (McCrann, 2017). The married couple is most likely to protect the girl-child from defilement in the, and the absence of a male household head implies the lack of protection for the household. The girl-child living in households headed by female is most likely to be defiled in the absence of a father which may be because of death, separation or divorce as reported by the findings of (McRee, 2004).

8.81% of respondents were single parents, 79.30% of respondents were married and 11.89% of respondents were widowed. Girls growing in single parent families are most likely to be defiled reason being patriarchal absence in the family indicating a lack of security (Lauristen, 2012;McRee, 2004). The girl-child in a single parent family headed by a female who may be the mother, aunt or grandmother is at risk of defilement in the community (Finkelhor, 1994).

Rongo sub-county is semi-rural in table 1 reveals that the rural population is 71.81% and the urban population is 28.19%. The rural population is attributed to being conservative as compared to the urban population which is liberal since they are exposed to the media, religion and other cultures. The rural population is most likely to uphold traditional practices in comparison to the urban population who may choose what to uphold. In urban communities families live in isolation as a result of employment which forces them to migrate from rural to urban areas or they may come from other cities or urban areas influenced by the nature of their employment. The girl-child living without the presence of her mother or father as a result of migration due to employment places her at risk of defilement in the community. The constitution of Kenya 2010 (GOK, The Constitution of Kenya 2010, 2010) has devolved government

services to the rural population hence they have access to government services through the administrative units. Urbanization in Africa has influence on girl-child defilement since living in isolation without security of relative's places her at risk of defilement (UNICEF,CHIN, 2001). Parents are forced to migrate and live separately because of employment or work hence the male household head is not in a position of protecting his family as a result of this separation in the family (Shafe, 2014).

The majority of respondents had a primary level of education that is 40.43%, 45.37% of respondents had a secondary level of education, 7.05% of respondents had diploma level. 4.41% respondents had a University degree and 2.64% of respondents had no formal education. The level of education relates to the respondents inclination to follow traditional cultural practices in their community or to shun these practices, for example the low rates of early marriage relates to the higher level of the parents education, (Ganira, 2015;UNICEF,2012).

3.1.1 The influence of cultural practices on girl-child defilement

This paper investigated the influence of cultural practices on girl-child defilement by in Rongo sub-county. This was established by investigating, the cultural definition of readiness for marriage, and the age at first sexual intercourse, the value of virginity, the practice of child marriage and the beliefs on male sexuality. The findings are discussed below.

3.1.2 Readiness for marriage

Many cultures defined readiness for marriage for the girl-child by looking at the onset of puberty which meant that she was ready to be married; this practice is contrary to the constitution which states the age at which a person can marry is eighteen and above. This study sought to find out at what age is the girl-child ready for marriage

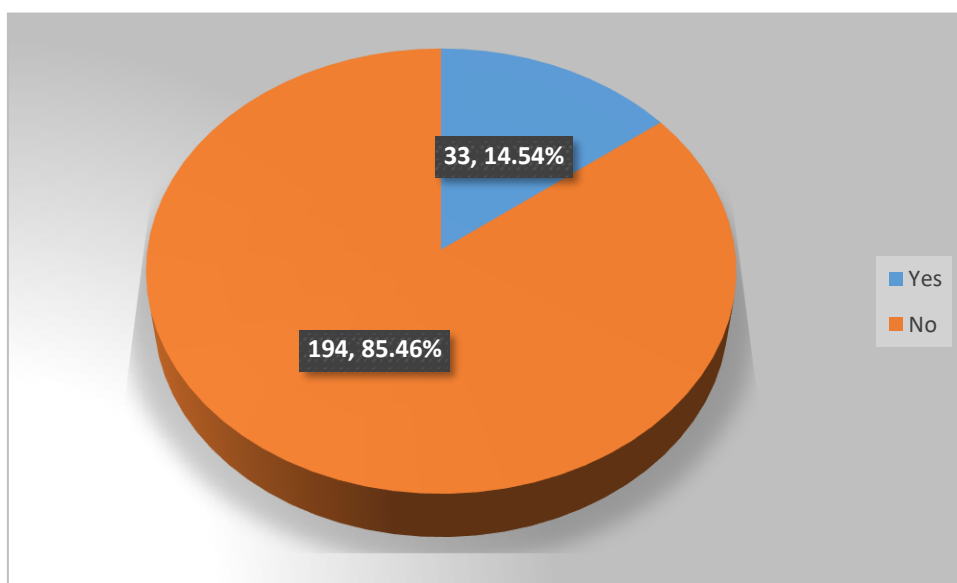


Figure 1: Readiness for marriage

85.46% state that physical sexual maturity does not signifies readiness for marriage, this result may be attributed to the strong legal framework and administrative units. The children's Act of 2001 is a policy document spells out the children's right to education, the government of Kenya has a policy of free primary education and all learners must transition from primary to secondary school. It may also be attributed to decline of the cultural value that physical sexual maturity means readiness for marriage. 14.54% state that physical sexual maturity signifies readiness for marriage this result may be attributed to the respondent's conservative nature, they are most likely inclined to follow

Cultural practices which dictate that the girl-child is ready for marriage when she has developed physical sexual maturity.

This finding is contrary to according to the tradition in the Luo culture which observes that physical sexual maturity signified readiness for marriage (Weinreb, 1999). It is also contrary to a study in Nyatike sub-county in Migori County, Kenya which revealed that the majority of girls perceived to be ready for marriage by their parents were above the age of thirteen, this is the beginning of puberty for the average girl (Ganira, 2015). These results differ since Rongo sub-county is more urbanized as compared to Nyatike sub-county which is predominantly rural and rural areas are more inclined to following traditional practices.

3.1.3 Age at first sexual intercourse

The study sought to find out the opinion of respondents on the age at which the girl-child may be allowed to start engaging in sexual intercourse. Culture dictated that sex was placed in the context of marriage; therefore the girl was expected to be a virgin at marriage. When the girl entered puberty she was seen to be sexually mature hence ready for marriage and consequently sexual relations. The results are shown figure 2. below.

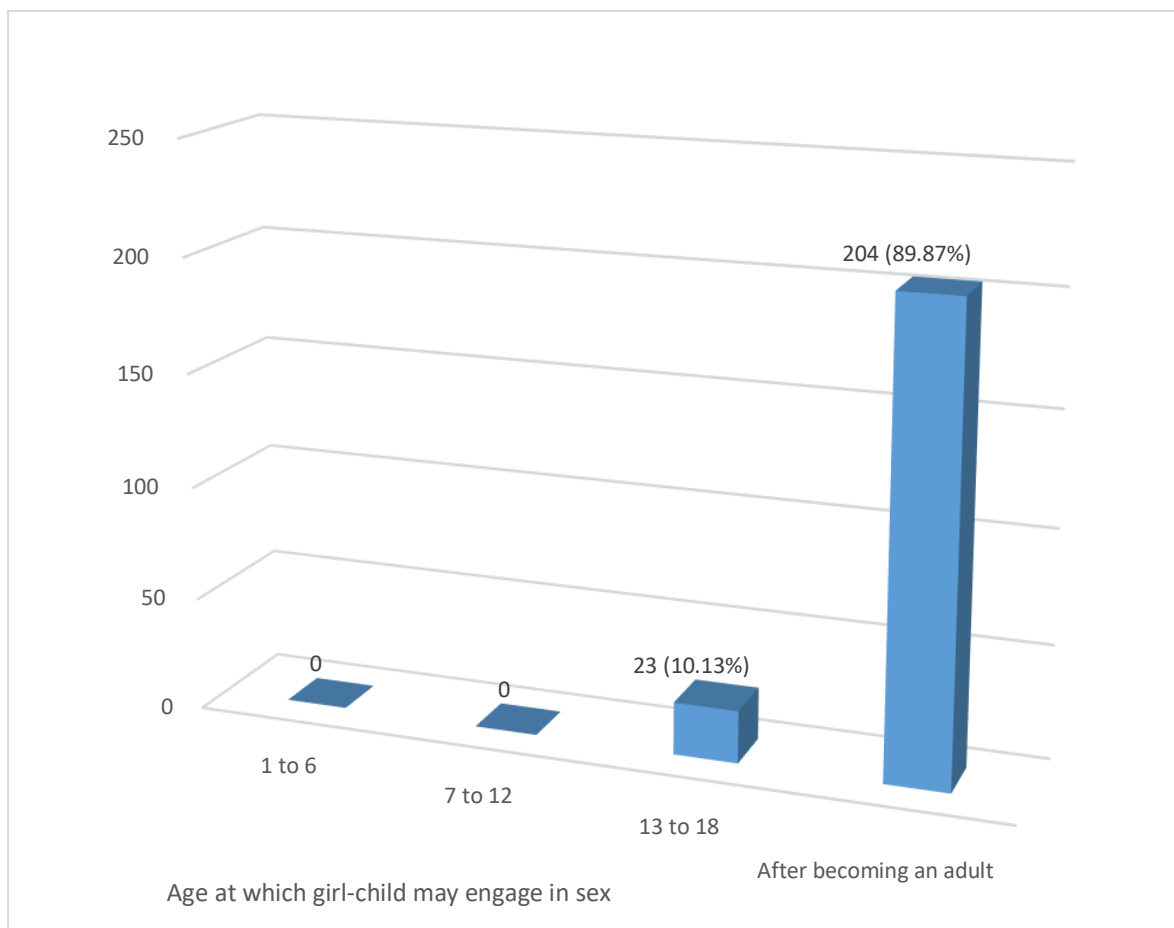


Figure 2: Age at first sexual intercourse

Respondents state that the girl-child from age 1 to 6 years and 7 to 12 years should not be engaging in sexual intercourse. This result may be attributed to taboos which prohibit sex between an adult and the girl who has not entered puberty. 10.13% stated that between the age of 13-18 may start engaging in sexual intercourse, this result may be attributed to the cultural view that physical sexual maturity indicates that a girl is ready for sexual relations. This opinion was supported by a FGD,

“Men who are youthful usually have sex with girls who are in secondary school, because they are beautiful or sexually attractive and easy to seduce as compared to women who are their age mates. As a result men in this age group are charged with girl-child defilement.”

(Focus Group Discussion 4,(d)North East Kamagambo)

89.87% stated that the girl-child may start engaging in sex once they become an adult. This result may be attributed diminishing influence of culture which does not focus on the physical sexual maturity but on the chronological age provided in policy documents which assumes that she is physically and psychologically mature to engage in sex at the age of eighteen.

These findings are contrary to a survey on violence against children in Kenya which reported that girls engage in sex at the median age of 17.1 years, study conducted in Mombasa county revealed a median age of sixteen and Kenya Demographic Health Survey which found that 50% of girls engage in sexual intercourse by the age of 18, (Violence Against Children in Kenya, 2019; Becker, 2018; Kenya Demographic Health Survey, 2015).The girl-child is exposed to sexual activities in their teens placing them at risk of defilement as discussed in the FGD, this differs from the expectation that they may engage in sexual intercourse at the age of eighteen years and above.

3.1.4 The preservation of virginity

The Luo culture valued the virginity of the girl-child; sex with a girl below the age of puberty was a taboo (Ojjo, 2012). This implies that the girl-child below the age of puberty was protected from defilement since sex was allowed in the context of marriages with a girl who showed physical development of sexual characteristics. The opinion on whether this practice is valued is revealed from the results is figure 3

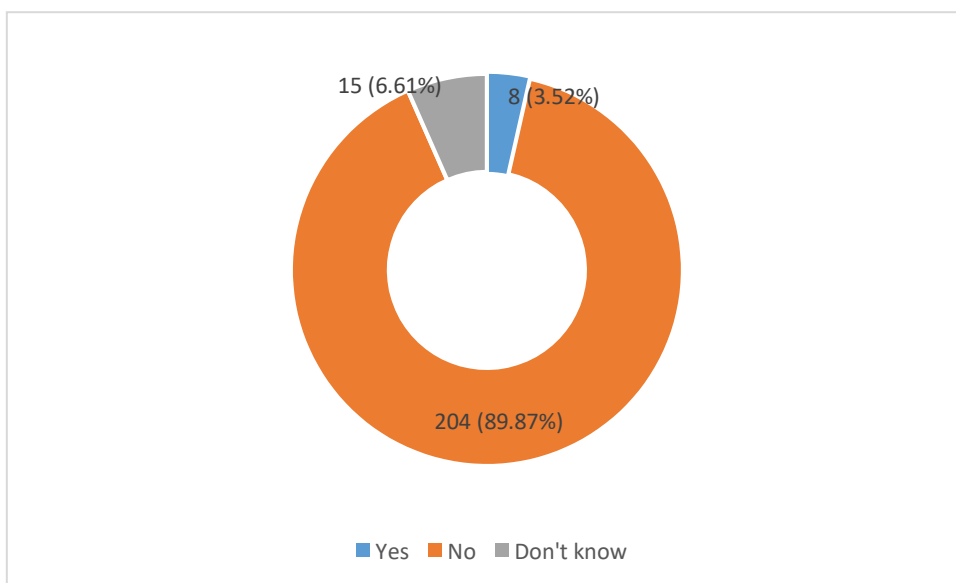


Figure 3: Preservation of virginity

89.87% stated that the preservation of virginity is no longer practiced and 3.52% stated that the preservation of virginity is still practiced in the community. 6.61% stated that they don't know whether the preservation of virginity is still practiced. The preservation of virginity not being practiced may be attributed to the diminishing value of virginity in the community, it is assumed that girls engaging in sex in the adolescent stage with their peers and sometimes adults who groom them into accepting gifts such as school fees and pocket money. The preservation of virginity not being valued in the community may influence the girl-child to be defiled in the community since the perpetrator may assume that the girl-child is sexually active. The practice of preserving the virginity of girls may be attributed to culturally conservative people who are more likely to adhere to traditional practices, especially the ones which have economic gain such as payment of bride price in early marriage where the girl was expected to be a virgin owing to the tender age.

These findings are consistent with (Kioli, 2012; Onyango,2008) who observed that the traditional moral codes and mechanisms which controlled and checked sexual behavior are almost non-existent meaning that the value of preserving the virginity has been eroded and the western influence on the tribal culture causes the value of some practices to collapse. These findings are contrary to (Walker, 2012; Nour, 2006) they observed that the preservation of

Virginity is still being practiced by the rural population with a goal of preventing premarital sex ensuring the girl is still a virgin when she is married hence encouraging early marriage. These findings are contradictory since the urbanized areas are most likely to be influenced by Western culture as compared to the rural population which is

mainly conservative.

3.1.5 The practice of child marriage

The practice of child marriage in the community is an indicator of girl-child defilement in the community since marriage entails sexual relations implying that the girl is being defiled.

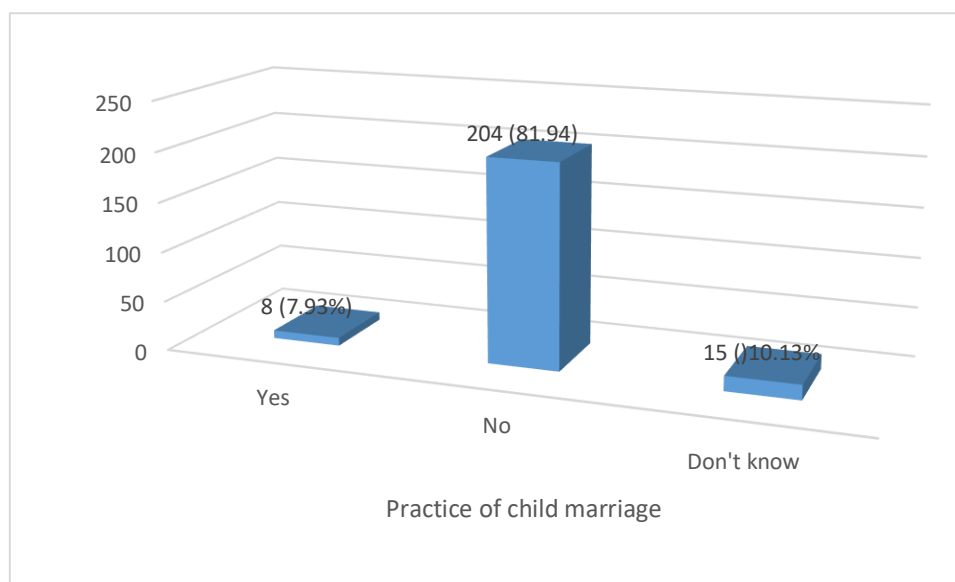


Figure 4: Practice of child marriage

7.93% state that child marriage is still practiced in the community. 81.94% state that child marriage is not practiced in the community. Culturally the girl-child was married from the onset of puberty/physical sexual maturity, and presently the girl must be 18 years of age to get married. Child marriage being practiced in the community may be attributed to those who reside in rural areas being conservative and more likely to practice early marriage for economic gain. Child marriage not being practiced may be attributed to the value of education in the community and Western influence which supports marriage after the age of eighteen. The age of puberty does not mean that the girl-child is ready for marriage. Educated parents ensure that their daughters go to school hence reducing the practice of early marriage and allowing the girl to get married when she is over eighteen. The government policy of 100% transition rate for all children to join secondary education ensures that early marriage in the community is discouraged. This may imply that girl-child defilement is prevented since the girl-child is kept in school till completion at age eighteen and above, she is therefore protected from early marriage and defilement. These findings are consistent with a survey on violence against children in Kenya which reported that 1.1% of girls between the age of 13-17 years had ever been married or lived with someone as if married which was arranged by the parent (Ministry of Labor and Social Protection of Kenya, Department of Children's Services, 2019). In East Africa, Kenya has the lowest rate of child marriages taking place which is influenced by the high literacy levels in the country, the quality of education of parents determines the perceptions held by parents on early marriage, (Ganira, 2015).

These findings are not consistent with (Ruto, 2015) who posits that the rural poor mainly practice child marriages for economic gain when dowry is paid since rural areas have higher levels of poverty and illiteracy as compared to the urban areas where poverty and literacy levels are much lower hence they are not likely to practice child marriage. The National Crime Research Centre reported that child marriages in Migori County are at 69.5% (NCRC, 2014).

3.1.6 Beliefs on male sexuality

According to (Bowman, 2014) patriarchy assumes that men have the right to effect the use of sexual intercourse by violence if necessary, this view enforces some beliefs regarding male sexuality.

Figure 5. Below shows results on these beliefs.

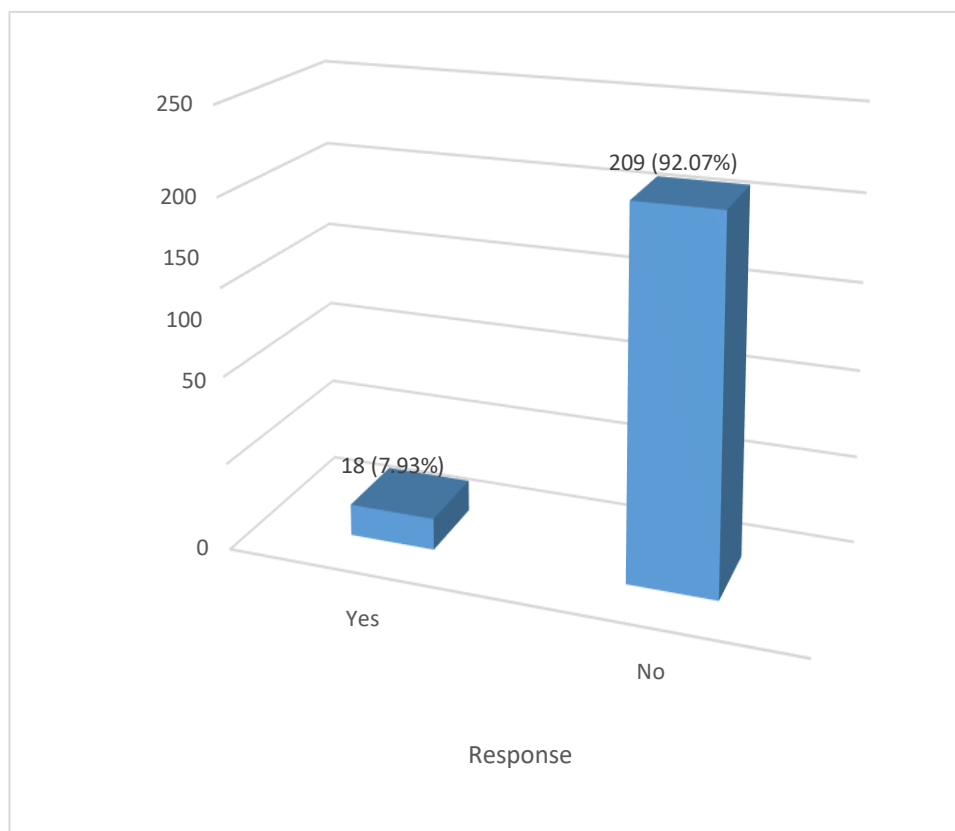


Figure 5: Beliefs regarding male sexuality

7.93% stated that there are beliefs regarding the male sexual nature that influences girl-child defilement while 92.07% stated that these beliefs do not exist. This result may be attributed to Western influence since it has eroded culture to the extent that reason supersedes beliefs in the community. This also relates to the literacy level of respondents with the majority having a primary education and above so they are most likely to disregard beliefs in favor of reason.

One KII had a supporting the view that that men need to have sex frequently hence their polygamous traits and some go to the extent of having sex with the girl who is below eighteen committing defilement.

“Men need to have sex constantly hence the practice of polygamy some go as far as having sex with girls who are of school going age which is defilement.”(KII, Local Administration)

These findings are not consistent with a national survey on violence against children held in Kenya which reported that the majority of household respondents, that is, 72.5% of males and 60.5% of females supported traditional norms and beliefs about sexual behavior, (Ministry of Labor and Social Protection of Kenya, Department of Children's Services, 2019). These findings are also not consistent with a study conducted in Tanzania which revealed that certain cultures still believe that men need to have sex constantly causing them to defile girls, (Lalor, 2004).

3.1.7 Inferential statistics

The relationship between the socio-demographic characteristics and awareness of girl-child defilement and between the area of residence and awareness of girl-child defilement.

Table 2: Associations between socio-demographic characteristics and awareness of defilement

		Awareness of girl-child defilement	
		Yes	No
Level of education	Primary	74	18
	Secondary	103	0
	Diploma	16	0
	Degree	10	0
	Others	0	6
Total		203	24
		X=73.870 df=4 p=0.05 Significant	
		Cramer's V Test=0.570	
Residence	Rural	140	23
	Urban	63	1
	Total	203	24
		X=7.653 df=1 p=0.05 Significant	
		Cramer's V Test=0.184	

Chi-square test was used to determine the influence of demographic characteristics on awareness of defilement. On level of education, a chi square value of 73.870 was obtained at 4 degree of freedom with a P value<0.05. This chi-square value is more than table value (9.49). This indicates that there is significance association between level of education and awareness of girl-child defilement. When the result was subjected to Cramer's V Test, a value of 0.570 was obtained indicating moderately strong association.

Chi-square test equally revealed that there is significant relationship between the area of residence and awareness of defilement with chi square value of 7.653 at 1 degrees of freedom with a P value<0.05 which is more than chi-square table value of 3.84. When the result was subjected to Cramer's V Test, a value of 0.184 was obtained indicating a weak association.

4 Conclusions

Results from the study revealed that, cultural beliefs and practices on: the use of the physical sexual maturity of a girl as an indicator that she is ready for marriage, the age at first sexual intercourse, the value of virginity, the practice of child marriage, and the beliefs regarding male sexuality are no longer upheld by the community. This results further reveal that, from the cultural perspective girl-child defilement is least influenced by culture which may be attributed to western culture and enforcement of policies on education and children's rights

5 Recommendations

This study recommends that the Ministry of Labor and social protection should review existing policies on the socio-economic development of rural households which may help eradicate early marriage that is still practiced in these areas as a result of poverty. The Ministry of Education should develop policies to continuously sensitize parents on girl-child defilement since increased awareness may reduce its prevalence in communities.

6 Acknowledgements

The authors are grateful to communities, community leaders and government officials in Rongo sub-county for their willingness to participate in the study and providing the requested information.

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