

**EFFECTS OF PROCEDURAL JUSTICE REFORMS ON SATISFACTION OF
VULNERABLE VICTIMS, A STUDY OF KAKAMEGA LAW COURTS, KENYA**

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**A Thesis submitted in Partial Fulfillment for the Award of a Degree of Master of Arts
in Criminology of Masinde Muliro University of Science and Technology.**

NOVEMBER, 2023

DECLARATION

This thesis is my original work and has not been presented to any examination body. No part of this thesis should be produced without my consent or that of the university.

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DEDICATION

This thesis is dedicated to my parents Mr. David Gachoki and Mrs. Jacinta Gachoki for their incredible support even when things were so tough and to my mentor Prof. Arch. Paul Mwangi Maringa for his unwavering encouragement and support throughout my studies by always reminding me that my horizons are high and not to forget to keep my eyes on the ball.

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ABSTRACT

The promulgation of the Kenyan Constitution in 2010 and the enactment of the Victim Protection Act in 2014 significantly advanced the status of victims of crime within the Kenyan criminal justice system. The victim is no longer treated as a bystander but as a potentially active participant in the criminal justice system; however, this status of the victim has not been fully realized. This study assessed the effects of procedural justice reforms on satisfaction of vulnerable victims at Kakamega law courts, Kenya. The study was guided by the following objectives; to examine the nature of procedural needs of vulnerable victims, to determine procedural correlates of satisfaction of vulnerable victims with the criminal justice system, and to assess the challenges and opportunities in enhancing satisfaction of vulnerable victims in Kakamega Law Courts. Procedural justice theory by Thibaut and Walker (1975) and feminist theory by Engles (1884) informed the study. Descriptive cross-sectional research design was adopted. The study target 379 victims of sexual and gender-based violence. Yamane's formula was used to arrive at a sample size of 199. Additionally, 15 key informants were purposively sampled. Both qualitative and quantitative data were collected from the study. Thematic analysis was used for analyzing qualitative data while quantitative data was analyzed using both inferential and descriptive statistics. The validity of the study questionnaire was ascertained using Content Validity Index where feedback informed the refinement of the questionnaire. The reliability of instruments was established using the test-retest method, where Cronbach's Alpha coefficient of reliability was computed. Findings revealed a statistically significant relationship between meeting the needs of vulnerable victims and satisfaction with the criminal justice system ($r=0.623$; $p=0.000$). The study also revealed a statistically significant relationship between factors responsible for satisfaction where; demographic characteristics; age, gender, marital status and level of education and procedural factors; prompt arrest, police treatment, efficiency and informed participation correlate to satisfaction ($r=0.483$; $p=0.000$). The study found that a gap exists between policy and practice that hinder vulnerable victim satisfaction with the criminal justice system. The study concludes that meeting vulnerable victim's needs, adhering to procedural factors, bridling certain barriers and full implementation of the Victim Protection Act of 2014 can enhance victim experiences in the criminal justice system. The study, recommends that, there is need to embrace a victim-centric approach that prioritizes the needs of vulnerable victims by ensuring they are safe, supported and empowered. The criminal justice should adopt procedural justice practice that captures the treatment of victims, promptness, efficiency, non-blaming attitudes as well as allowing victims tell their stories for the criminal justice system to fully realize the Victim Protection Act of 2014. The study further recommends that there is need for partnerships with civil society organizations that has played a role in responding to the needs where government services failed to meet their expectations. The study findings can be adopted by policymakers to enhance satisfaction of vulnerable victims within the criminal justice system.

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LIST OF ABBREVIATIONS

BJS: Bureau of Justice Statistics

CDC: Center for Disease Control

CSO: Civil Society Organizations

ICC: International Criminal Court

ICTR: International Court Tribunal for Rwanda

IPV: Intimate Partner Violence

KNBS: Kenya National Bureau of Statistics

NACOSTI: National Council of Science, Technology, and Innovation

NIJ: National Institute of Justice

PTSD: Post Traumatic Stress Disorder

SGBV: Sexual and gender-based violence

SPSS: Statistical Package for Social Sciences

UNGA: United Nations General Assembly

USA: United States of America

VCP: Victim Compensation Programme

VIS: Victim Impact Statements

VPA: Victim Protection Act

OPERATIONAL DEFINITION OF TERMS

Caregiver: means a person who assumes responsibility for the care of a vulnerable person.

Court: Refers to a system of interplay where the three organs that make up the criminal justice system intersect.

Criminal proceedings: Refer to the process of seeking justice from when a victim files a report at the police station to when sentencing occurs in a court of law.

Family victim: a person who was a member of the primary victim's immediate family at the time the crime was committed and "as a direct result of which a primary victim has died," regardless of whether the individual has experienced personal injury as a result of the crime.

Procedural justice reforms: Includes legislative and policy changes that have been put in place to help improve the experience of vulnerable victims in accessing justice within the criminal justice system. This includes measures to enhance participation, information, protection, access to compensation and any assistance offered to victims.

Satisfaction: Refers to fulfillment of victims' wishes, and expectations.

The criminal justice system: Refers to an array of government agencies and institutions with the goal of holding offenders accountable, preventing future crimes and giving moral support to victims. This includes the police, the courts and the corrections.

Victim representative: means a person chosen by a victim to represent their interests or one appointed by the court.

Victim: Means any natural person who suffers injury, loss or damage as a consequence of an offence.

Vulnerable victim: Refers to a victim who due to gender, age or disability requires the provision of special justice and support. This includes women, children and people living with disabilities. The focus will be on victims of sexual and gender-based violence.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

Victim inclusion into the criminal justice process involves procedural justice reforms embedded in procedural rights. A procedural criminal justice reform focuses on the victims, their rights, and the subsequent violations, starting with the victim's filing of the first information report that initiates the criminal justice system (Hagan and Hans, 2017). By adopting a victim-centric approach, procedural justice reforms primarily concentrate on the interests and concerns of the victims to guarantee that services are provided to them in a caring and nonjudgmental manner. This victim-centered strategy aims to lessen traumatization brought on by the criminal justice system (McKenna, 2021). This involves giving victims access to victim advocates and support providers, empowering survivors, including them in the criminal justice system, and giving victims a chance to contribute to the prosecution of their offenders.

Kirchengast (2016) points out that modern criminal justice procedures have undergone progressive modifications that give victims' needs more consideration and permit significantly more victim engagement throughout the course of the criminal trial. As a result, measures in many jurisdictions addressing victim care and designed to make the criminal justice system victim centered have helped to reduce victim neglect. Such victim-centered reforms have been implemented to not only address the needs of victims by

offering services, particularly those that are protective and informative, but also to give them appropriate opportunities to participate in criminal processes.

Globally, criminal prosecution by UN-established international tribunals has focused heavily on victims of crime (Lyon, 2018). The victims are explicitly mentioned in the law that established these courts. For example, Article 19(1) of the International Court of Rwanda (ICTR) states that courts must ensure that a trial is fair and timely, that the rules of procedure and evidence are followed, that the accused is treated with respect, and that the protection of victims and witnesses is given appropriate consideration. Similarly, article 21 of the same act requires the court to establish safeguards for the protection of victims and witnesses, including, but not limited to, holding sessions in camera to conceal the identities of victims. The topic of victims of crime and power abuse has become more important since the creation of the International Criminal Court (ICC). The law allows victims to take part in the procedures at different points. Victims may be represented in front of the pre-trial chamber under Article 15(1). The law also mandates that the court take the necessary steps to safeguard the victims' safety, bodily and mental health, respect, and privacy.

The UNGA ratified the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985 (Deshmukh, 2020). This sparked the international coordination of victim protection measures. Four categories can be used to group the legislative and administrative reforms that came about as a result of this strong work. First, changes were made to the criminal justice system that improve the status of victims at all levels, including pretrial, plea negotiations, sentence, and parole. In 1970, Florida in the United States of

America (USA) performed the first plea-bargaining sessions with victim involvement, and years later, other states had enacted similar legislation (Turner, 2020).

In some jurisdictions where the victim was obliged to present material to the court prior to punishment, the introduction of the Victim Impact Statements (VIS) by the US legislature under the Victim and Witness Protection Act was also significant. Victims benefited from this reform because it met their immediate needs (Myers, Johnson, and Nunez, 2018). A strategy that would substitute informal processes for conventional adversarial proceedings was another radical overhaul. Informally resolving disputes through mediation that resulted in satisfactory actions and outcomes for the persons involved was encouraged in premodern societies (Barsky, 2016). Neighborhood or community orientation were additional options with the goal of a quicker and less expensive approach. Both civil and criminal proceedings were in favor of being replaced by informal ways of dispute settlement. As a result of this movement, victim-offender reconciliation initiatives have been tested. Other reforms also included those aimed at helping victims without interfering with the established criminal justice system. This covered the different forms of support provided to victims and witnesses to help them get over the trauma brought on by being victimized, to meet their needs, and to mend the harm done.

In order to protect the interests of victims in the criminal process, the United States of America introduced the victim bill of rights in an effort to match the rights provided to defendants under the US constitution. Many states have changed their founding documents to include protections for victims (Roach, 2016). The Federal Victims of Crime Act of

1984 also enacted changes that aimed to put some of the recommendations made in the UN declaration into practice. The creation of the victim compensation mechanism was the most notable reform.

The European Convention on the Compensation of Victims of Violent Crimes, ratified in 1983 and coming into force in 1998, is a European legislative agreement. The Convention addressed victim-centered reparation through monetary compensation. It further stated that the state would be held liable if an offender was unable to recompense victims of serious physical injury or dependents of someone deceased as a result of criminal behavior (Fredman, 2016).

The active involvement of victims in the criminal justice system has also been promoted within the African context. In order to meet the requirements of victims, the United Nations General Assembly's 1975 resolution on principles and measures for the prohibition and prevention of torture and cruel, inhuman treatment in Africa also played a part. It made the state accountable for providing compensation to victims whether or not the case was successful. The resolution acknowledged that victims should be provided with suitable and standard social medical care (Sainati, 2016).

The Nairobi Declaration on Women and Girls from the African Commission on Human and People's Rights, published in 2007, introduced the right to remedy and restitution, which has been crucial in promoting the active engagement of victims (Hendricks, 2015). Reparations were one of the actions listed in this statement to put an end to cultural

impunities. Only by including the victim perspective in the more general description of what a victim is would this be possible. The declaration further noted that decision-making required the victim's complete participation.

In Kenya, the Criminal Procedure Code was amended in 2003, which included the introduction of the Victim Impact Statement application. Osiro (2022), the use of victim impact statements (hereinafter VIS) in criminal proceedings, which entails giving victims the opportunity to participate in the criminal justice system by providing input on the harm they have suffered as a result of the crime, is a significant development in the Criminal Procedure Code. Between the accused person's conviction and sentencing, the court receives these declarations. They have the potential to offer the victim a voice. This means giving victims the chance to participate in criminal justice procedures with relation to the offender's sentencing. This modification marked the beginning of the victim's metamorphosis from a passive to an active participant in a criminal prosecution. Two additional advancements regarding crime victims were seen in 2010.

The Witness Protection Act was additionally revised in 2010 to include a victim compensation fund for those victims who are participating in the witness protection program. The Kenyan Constitution of 2010, article 50(9), states that victims of crime must be protected in order to preserve their right to a fair hearing and trial. A law was passed under the constitutional provisions in order to safeguard criminal victims and their roles in the legal process. This prompted the 2014 enactment of the Victim Protection Act. The legal status of crime victims has undergone a revolution since the 2014 legal framework.

According to the Act, victims have rights and obligations during trials, victim services are provided with a goal of restoring the victim, the Victim Protection Trust Fund is established, and a victim protection board is established. Since 2010, criminal laws that recognize the status of victims have been enacted as a result of these significant legal developments regarding victims' rights in the criminal justice system. In the criminal justice system, victims are now considered active participants rather than passive bystanders (Stubbs and Wangman, 2015).

However, the prospective active participation of a victim in the criminal justice system has been faced with various bottlenecks (Healy, 2019). Osiro (2022) for instance, conducted a study in Kakamega Law Courts and observed that victim impact statements only serve their purpose when the courts deem it appropriate which has led to dissatisfaction among victims, despite the Criminal Procedural Code's adoption of their usage. In light of this, the purpose of this study is to determine how these reforms affect victims' satisfaction with the criminal justice system.

1.2 Statement of the problem

Prudent justice processes and outcomes should be able to heal relationships and individuals. All of the parties involved should also have their needs met. A number of procedural justice reforms have been implemented in recent decades to assist in integrating the victim into the criminal justice system. The safeguards put in place as a result of these reforms, however, have been deemed inadequate in situations when victims continue to suffer secondary victimization as a result of the legal system. For instance, Kunst *et al.*

(2015) notes that victim expectations appeared to be unmet by the criminal justice system in cases when compensation was imposed but not provided.

Furthermore, only 35% of victims who participated in Wood's (2015) victim and witness survey in the United Kingdom provided a personal statement, indicating that victims' rights are not being implemented to their full potential. According to the survey, 20% of victims were unsatisfied with the level of information provided to them throughout the criminal procedure, and 19% of victims were dissatisfied with the Crown Prosecution Service. Despite urgent efforts to bring about the procedural justice reforms, this also raises the issue of victim satisfaction within the criminal court system.

Ngáng'ar (2020), examined the obstacles to the implementation of the Kenyan Victim Protection Act of 2014 and found it not been fully implemented. Investigating officials treat victims to unconstitutional principles of availing document in trial, sometimes known as trial by ambush, by failing to deliver reports to them so that they can participate in the process. Victims are now unsatisfied as a result of this.

Another study on victims' willingness to cooperate with the criminal justice system conducted in Kenya by Kariuki (2016) found that victims of crime were not adequately informed about the suspect's release and the case's overall development, which resulted in their dissatisfaction and resistance to cooperate in the future.

In view of these studies, it is apparent that there are gaps in the realization of the intended goals of procedural justice reforms within the criminal justice system both in Kenya and elsewhere. However, these studies have evaluated the experiences of generic victims of crime, that is the typical crime victim. This study specifically focused on a subcategory of victims of crime who need special justice measures, known as vulnerable victims to inquire into whether procedural justice reforms have enhanced their satisfaction with the criminal justice system.

1.3 General objective of the Study

The general objective of this study is to assess the effect of procedural justice reforms on satisfaction of vulnerable victims, at Kakamega Law Courts, Kenya

1.3.1 Specific objectives of the study

The study was guided by the following specific objectives;

- i. To examine the nature of procedural justice needs of vulnerable victims in criminal proceedings at Kakamega Law Courts.
- ii. To determine procedural correlates of satisfaction of vulnerable victims with criminal proceedings at Kakamega Law Courts.
- iii. To assess the challenges and opportunities in enhancing satisfaction of vulnerable victims at Kakamega Law Courts.

1.4 Research Questions

- i. What procedural justice needs do vulnerable victims present with in criminal proceedings in Kakamega Law Courts?
- ii. What procedural factors account for satisfaction of vulnerable victims with criminal proceedings in Kakamega law court?

- iii. What are the challenges and opportunities in enhancing satisfaction of vulnerable victims in Kakamega Law Courts?

1.5 Study Justification

The following are some of the reasons that make the study on the assessment of victim satisfaction with procedural justice reforms justifiable.

1.5.1 Philosophical Justification

The procedural justice ethos, which seek to protect fairness, openness, opportunities for expression, and impartiality in decision-making in the criminal justice system, serves as the foundation for this study. It hopefully aids in the design of justice procedures where perceived fairness in the resolution of legal disputes is not only justified by the outcome's favorability but also the recognition of procedural aspects like impartiality, reverence, and voice, particularly for the most vulnerable members of society.

1.5.2 Academic Justification

The majority of criminologists' and victimologists' empirical research available today (Kunst,2015: Wood,2015: Ng'anga'r,2020: Kariuki,2016) concentrate on overall satisfaction but do not dwell much on evaluating victim satisfaction with procedural justice improvements. This study expands the corpus of knowledge by looking at a category that is legally entitled to special justice measures to understand their experience of these reforms and draw pertinent conclusions and recommendations that subsequent scholars will use the study's findings as a basis for their writing.

1.5.3 Policy Justification

The 2014 Victim Protection Act places focus on how vulnerable crime victims should be handled within the criminal justice system. The study generated recommendations that

criminal justice professionals and government agencies might use to address any difficulties encountered in addressing victims' needs and enhancing the satisfaction of vulnerable victims. The study also generated strategies that can be used to improve vulnerable victims' access to justice in the criminal justice system.

1.6 Scope of the study

The study was conducted in Kakamega Law Courts within Kakamega County. The study was carried out in January 2023 and included 379 victims of sexual and gender-based violence whose cases are pending in court and those whose cases have been decided from 2019 to the 1st of March 2022 as this is the available data from Kakamega Law Courts. The study targeted vulnerable victims of crime which in this case included females who are victims of sexual and gender-based violence. This study sought to examine the nature of procedural justice needs of victims, determine the procedural correlates of satisfaction of victims with criminal proceedings and assess the challenges and opportunities in enhancing satisfaction of vulnerable victims.

1.7 Limitations of the study

The following are some of the shortcomings that the researcher anticipated while conducting the study;

- i. Accessing the vulnerable victims posed a challenge to the researcher as the victims were not confined to one location but rather scattered across Kakamega county. The researcher overcame this challenge by using court records to trace the whereabouts of these victims and request them to take part in the study.

- ii. Another challenge is that some of the respondents were not willing to share their experiences due to fear of being revictimized but the researcher overcame this challenge by assuring respondents of confidentiality of the information they give.
- iii. Another challenge that the researcher anticipated in the course of the study involved access to court files and records which were secured for issues of confidentiality. The researcher overcame this challenge by ensuring that an authorization letter from the school and the National Council of Science and Innovation (NACOSTI) is presented to the court officials for them to grant access to the court files

1.8 Assumptions of the study

The following were the assumptions of this study;

- i. The researchers assumed that ethical considerations related to victim privacy, well-being, and confidentiality were upheld throughout the study. This assumption underscores the importance of conducting research with sensitivity to potential harm or discomfort to participants.
- ii. The researcher assumed that procedural justice, which encompasses fairness, transparency, and respect in the legal process, is a significant factor in shaping victim satisfaction. This assumption implies that procedural justice reforms have the potential to impact victims' perceptions and overall satisfaction.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The literature on procedural justice reforms and satisfaction of vulnerable victims with the criminal justice system is reviewed in this chapter. It examines the body of knowledge on the nature of procedural justice needs of vulnerable victims in criminal proceedings as well as the procedural correlates of satisfaction of vulnerable victims with criminal justice proceedings and outcomes. It also assesses the challenges and opportunities in enhancing satisfaction of vulnerable victims and concludes by outlining the conceptual framework informing the study as well as the conceptual framework model depicting the relationship between variables in the study.

2.2 Nature of procedural justice needs of vulnerable victims in criminal proceedings.

According to Cooper and Bauffard (2017), there are disparities in the demands of victims of crime depending on factors such as the type of crime, gender, severity of the crime, and ethnic background. The demands listed below are some of those that victims feel are crucial to meeting when they work to obtain justice through the criminal justice system.

2.2.1 Need for information for vulnerable victims in criminal proceedings

The victim's urge to understand more about the attacker, the crime, and the reasons behind it might be characterized as a need for information. Victims are interested in learning about the perpetrator, whether they are sorry for what they did, and what the repercussions will be (Kirchengast, 2016). It is crucial to consider the four fundamental elements as described

by Boom and Kuijpers (2012) in order to gain a thorough understanding of what the phrase "needs for information" refers to.

First, the demand for an explanation is a part of the need for information (Thomas and Hartmann, 2015). This can be broken down into two categories: the requirement for an explanation of the criminal justice system's process and the necessity for an explanation of the offender's background and motivations.

Second, involvement is another aspect of the demand for knowledge. Victims desire updates on the case's status as well, and this information should be provided in a language they can comprehend (Kennedy *et al.*, 201). The quantity of information that victims receive, along with their favourable interactions with law enforcement and other criminal justice professionals, all affect their perception of fairness (Murphy and Sargeant, 2017). Therefore, it is arguable whether or not victims desire to learn about the crime, including but not limited to how the criminal justice system functions, the criminal justice process, and the victim's role in it. One form of involvement entails the giving of victim impact statements to either the police or courts.

The requirement for knowledge on how to stop victims from becoming repeat victims is a third element. Additionally, victims want assurances that the criminal won't carry out their crimes again in the future (Landstrom, 2017). They want to be sure that whatever they are going through won't happen again. These requirements can be met by the victim's family, organizations, police, and judicial system.

Information about how to deal with the crime emotionally is the final element of the demand for information, and this can be provided by organizations or other people. In order to survive, victims need to know how they will be helped (Turner *et al.*, 2017).

Despite the various reforms that have been put in place to help involve victims in the criminal justice system, victims are still spectators while seeking justice. They are rarely informed on the court proceedings, the release of the accused or even when they are granted bail and neither are they given a chance to fill the Victim Impact Statements. It is therefore in this premise that the study aimed at assessing whether information as a need has been fully relayed to victims to enhance their satisfaction with the criminal justice system.

2.2.2 Need for compensation for vulnerable victims in criminal proceedings

Victimization comes with a variety of repercussions. Injuries and other observable expenses, such as medical bills and lost wages, are among them (Rennison and Augustyn, 2020). The victim's compensation program was founded in California, USA, in 1965 to help offset these financial burdens. Ten years later, the majority of states had begun to recognize the value of California's efforts and had also implemented a victim compensation scheme. Every state in the USA now offers victims the chance to get compensation in an effort to lessen the financial burden of victimization (Doemer, 2017).

Giving financial assistance through this program helps both direct and indirect victims through the physical and mental pain caused by their experiences of abuse. The system is acknowledging the harm that the victim has experienced and aiding in their recovery through this act of satisfying their needs, which is significant (Lab, 2017). In California, there is a provision for financial compensation for eligible crime victims who have been

hurt or who have been threatened with harm. Domestic abuse, sexual and physical assault, homicide, robbery, drunk driving, and vehicular manslaughter are among the crimes for which compensation is available (Kim and Gallo, 2019). These victims receive assistance with medical and dental care, mental health services, aid with income loss, burial costs, rehabilitation, and relocation.

By giving victims the resources to pay for services like counseling and medical care, victim compensation lessens the harmful effects of victimization. Crime victims have the right to ask for compensation in Georgia, for instance, thanks to the crime victims bill of rights (Kirchengast, 2019). Sexual assault, child abuse, domestic violence, robbery, kidnapping, homicide, and child pornography are examples of violent crimes for which victims are entitled to compensation.

Parliamentarians in Britain sponsored a bill to create a national victim compensation scheme. Six people were selected to a criminal injury compensation board as part of a non-statutory experiment that was initiated in late 1964. Members were advised to provide compensation to victims of violent crimes and to the victims' dependents in the event that the victim passed away. The parliament imposed a number of limits, one of which being that victims of crimes perpetrated by family members were not eligible for compensation (Lynch and Argomaniz, 2017).

The Kenyan Victim Protection Act of 2014 established the victims' right to restoration and compensation. A victim's right to compensation for financial loss, property damage, physical harm, medical expenses, and any other relief the court may find appropriate is

provided for by Section 23 of the Ac. However, the Kenyan criminal justice system, particularly in criminal cases, does little to compensate crime victims.

2.2.3 Need for participation for vulnerable victims in criminal proceedings

Individual victims of crime have the opportunity to play a significant part in and even affect the criminal justice system through victim participation (Halder, 2016). This involvement is crucial since victims' interests differ from those of the prosecutor; as a result, victims may go unnoticed and their perspectives may be disregarded (Oliver, 2019).

Cohen (2008) asserts that victim participation is beneficial since it helps reveal the truth and provides some light on the pain and harm that a victim endures as a result of a crime. She expresses the opinions and worries of victims and claims that victim involvement can assist give voice to the entire community who suffered, either directly or indirectly. If involvement takes place in this way, it does not interfere with the roles of the other parties and may even be advantageous during proceedings as it puts the crime in perspective by providing a glimpse of what life is really like during times of conflict (Van Ness, 2016). Since the victim has first-hand knowledge of the crime that took place, victim participation is beneficial in determining the truth.

Some crime victims, according to studies, prefer to participate in the criminal justice system, while others prefer to keep silent (Westmarland & McGlynn, 2019). Several national committees formed as part of the study of crime victims in the criminal justice system have recognized victims' rights to participate in the process (Tamir, 2017). The

International Community, for example, has recognized the need of incorporating victims of crime in the criminal justice system, as have the President's Task Force on Victims of Crime in the United States, the Report of Kenya's Standing Committee on Justice and Human Rights, and others. During the proper stages of the criminal justice process, victims of crime must be given the opportunity to express their concerns and opinions, according to a declaration made at the seventh United Nations convention on the prevention of crime and treatment of offenders (Hovell, 2016).

The Sentencing Policy Guidelines (GoK, 2016) state that a victim has the right to submit his or her opinions regarding the fitting penalty. This includes any negative consequences of the crime, needs it causes, or other feelings it may generate, such as the desire for the offender to be pardoned. The victim must be heard by the court if they want to express their opinions. A legal representation may submit the opinions if they so choose. Victim Impact Statements must be submitted on behalf of either the prosecutor or the victim. These statements give specifics of the initial personal injury the victim experienced, or in cases where the victim has passed away, they detail the impact of the primary victim's demise in length. Similar instructions are given in the Sentencing Policy for how the victim should participate in the criminal court system. The victims should get notices to appear at the sentencing hearing from the court, but their decision not to do so should be respected. A court should find out whether victim impact statements will be provided before sentencing. When submitted, they should be considered along with the victim's opinions. The victims are entitled to speak up at the beginning of the sentence hearing, and the court will allow

them to accomplish this after the prosecution and defense have finished their arguments. The victims can choose not to participate, and the court should inform them.

Regardless of the rules set down, victims normally do not participate in the court proceedings other than as witnesses. They are frequently kept in the dark about the status of the case, which has made victims angry with the criminal court system. Studies examining how victims interact with the criminal justice system, it was discovered that both possibilities for participation and contacts with practitioners had an effect on how satisfied victims feel (MacGregor, 2021). These variables also have an impact on how satisfied victims are with the sentencing process because for victims, the inclusion process is just as significant as the verdict. According to Inzunza (2022), victims' contacts with the criminal justice system affect how they feel about justice.

Whereas existing literature establishes the case for victim participation in criminal processes, the opportunities and challenges attendant to such participation faced by specific categories of victims, such as vulnerable victims have not been given much attention, especially in the Kenyan context, despite the recent introduction of victim-oriented legal reforms. Vulnerable victims have intricate and varied requirements. These people need a variety of services and forms of assistance to aid in their healing and general wellbeing. In order to make sure that vulnerable victims are protected, given care, and given the tools they need to continue living their life, it is crucial to attend to their needs.

In order to guarantee that vulnerable victims receive the proper care and protection, it is imperative to address their needs. According to the National Center for Victims of Crime, (2021), it is a matter of human rights to grant all victims, regardless of their vulnerability, equal access to justice and support. This promotes healing, lessens the chance of revictimization, and lessens the negative effects of victimization. The National Institute of Justice also stated in 2016 that meeting the needs of vulnerable victims might assist boost such individuals' confidence in the legal system and lessen the risk that crimes will go unreported.

The goal of the current study was to bridge the gap where the studies outlined above-explained needs in regard to severity of the crime and heterogeneity among diverse victim categories while commensurate attention has not been given to the needs of vulnerable victims. The existing literature recognizes vulnerable victims as victims who require special treatment but has not addressed to what extent these special requirements are met and with what effects on victim satisfaction.

2.3 Procedural correlates of satisfaction of victims of crime with the criminal proceedings

A comprehensive definition of satisfaction with the criminal justice system, according to Copes and Pogrebin (2016), incorporates an indicator of crime victims' affective reactions to their cognitive assessments of how well the system handled their cases. The majority of victim studies have traditionally focused on victim satisfaction with the criminal justice system. The inadequate treatment of victims by the criminal justice system fostered the victim's rights movement (Karmen, 2015). As a result, numerous studies have been

conducted on victim satisfaction with the criminal justice system, victim happiness with different legal entities the victim interacts with, and victim satisfaction with sentencing outcomes. Numerous studies on victim satisfaction have revealed that aspects including voice, information, and compensation are important (Lopez, 2017).

Several elements affect how satisfied victims are with the criminal justice system, including;

2.3.1. Demographic characteristics as a correlate of satisfaction of vulnerable victims with criminal proceedings

Laxminarayan (2015) found a correlation between demographic characteristics and satisfaction with police services. Demographic information is included to help understand the particular effect that procedural fairness and outcome have on victims. Age, ethnicity, gender, and social status are examples of demographic traits (Williams, 2015). These are significant factors that aid in the cognitive organization of individuals' expectations and attitudes regarding the criminal justice system. According to Bemasco (2019), victim characteristics could either boost or decrease satisfaction with the criminal justice system. It has been discovered that age, a demographic factor, correlates with victim satisfaction, with older victims are more likely than younger ones to have a favourable opinion of the police. Nazok (2019) also discovered that satisfaction varies with age. This link is the result of two factors: older people have higher levels of anxiety and are more prone to depend on the police, whereas young people value freedom more and regard the police as their adversaries.

Gender and contentment have a substantial association as well (Cheng, 2015). Women's interactions with a criminal justice system that is unsympathetic to their needs may have a negative impact on how involved they become in the system; feminist campaigners have long warned (Tam *et al.* 2016). Given that police serve as the system's gatekeepers, their response is especially crucial. The effectiveness of the criminal justice system depends on how satisfied victims of domestic abuse are with the police's replies. According to research, victims who are happy with the police are more inclined to participate in investigations. In contrast, when women feel unsatisfied with the system, they are less likely to seek assistance in cases of future assault (Daly, 2018).

Arrests are a police action that is of particular importance in the field of domestic violence study. Research studies show that women call the police because they anticipate that they will make an arrest on their behalf. In Abel and Suh's ten-year study, 60% of the victims asked for an arrest to be made, but the police only carried it out in 28% of the cases (Voce & Boxall, 2018). Saunders & Size (2021) also pointed out the conflict between what victims want and what police do. Martin (2021) also discovered that the police's failure to serve as social control agents in situations involving battering women has been a major factor in the public's displeasure with police responses.

In spite of the fact that just one arrest was made in each of the four reported cases, three out of every four victims said the police's answers were helpful, according to a 1994 study by Yegidis and Renzy (quoted by Weisburd, 2016). For 110 victims of domestic violence in the United Kingdom, the discrepancies between what the victims want and what the

police performed were analyzed, along with the effect it had on satisfaction levels. According to the findings, whether police actions were in line with the victim's preferences was the critical element that impacts satisfaction levels among victims of domestic abuse. Before seeking out formal assistance, IPV victims frequently turn to informal networks (Barrett & Peirone, 2020). The needs, resources, and culture of the victim affect how they seek assistance. Compared to white victims, people of colour rely more on unofficial assistance.

Ladabaum (2018) discovered that Asian victims were less likely to turn to counsellors and the police for assistance and more likely to share their experiences with friends in a study comparing the disparities in disclosure between various racial groups. This unofficial network aims to offer victims practical support that is frequently lacking from formal services, as well as emotional support.

Racial minorities are shown to be less likely to use mental health services than the whites (Kugelmass, 2016). The national data in the USA collected on those seeking mental services reports that racial minorities used these services less frequently compared to the whites. Another study found that only 17% of the Asians with mental disorders sort mental services (Burton, 2015). There is a difference between racial groups who use mental services as well as difference in satisfaction with services being offered to victims to address IPV (Ogolsky& Hardesty, 2020). Satisfaction with services is an important component in addressing the services offered to victims, given a long history of victim

suffering where they have been ignored, blamed and mistreated by service providers. The victim's life quality depends on how satisfied she is with the treatments she receives.

After analyzing data from a national survey, Kumar (2019) discovered that compared to white people, Hispanics and African Americans were less satisfied with most aspects of mental health care. Racial minority groups were shown to be more content than whites in a different study that used national survey data from veterans (Jones and Stone, 2018). Where care providers demonstrate empathy, cultural competency, and a positive attitude toward the victims, satisfaction is shown to be quite high. Compared to other racial groups, some racial groupings are more likely to indicate satisfaction with a particular form of care. For instance, according to the findings of a recent study, African Americans are more satisfied with social workers and psychiatrists than Hispanics, who are more content with psychologists (Gross, 2015).

2.3.2 Victim expectations as a correlate of satisfaction of vulnerable victims in criminal proceedings

An essential factor to consider when examining victim satisfaction is victim expectations. Expectations play a part in whether victims are satisfied with police replies, according to research on the subject of police response time and satisfaction (MacQuarrie, 2021).

Aihio (2017) discovered a moderate association between satisfaction and response time in a study conducted in the United Kingdom, with satisfaction increasing as response time decreased. According to the findings of the survey, 72% of victims were satisfied with the

police's performance when they responded in ten minutes or less. When the response time was increased to 50 minutes, 25% of the victims were also pleased. Satisfaction declined when elderly victims reported that the police could have arrived sooner; satisfaction increased as a result of faster police response times.

According to Morash (2021) study on domestic violence victims, victims who had their expectations met were more likely to be satisfied than those whose expectations had not been met. According to Kuijpers (2016), victim satisfaction was also influenced by the victim's expectations of the police. When the victims' expectations were met, contentment was more likely. Those with high expectations were shown to be less satisfied than those with low expectations. These findings corroborated the findings of Fleury (2018), who discovered that white women were more likely than minority women to be unsatisfied with police responses because they had greater expectations. People who had high expectations of the police expected them to do more, which led to incredulity when those expectations were not met.

Sousa (2021) concluded that police were able to live up to victims' expectations of police conduct and behaviour. This included exhibiting traits like being polite and considerate, caring for their issues, and treating their cases seriously. In this instance, expectations were based less on what the police actually did, which predicted satisfaction, and more on what those actions were. The degree to which the police treated the victims' cases with civility, respect, and concern influenced the satisfaction level. Levels of satisfaction were impacted by expectation fulfilment.

Small (2019), sexual assault victims have a variety of requirements that serve as the foundation for their expectations. These needs include, but are not limited to, safety, which means re-establishing psychological and emotional safety. Victims shouldn't have to worry about psychological damage while seeking safety and justice. The criminal justice system shouldn't do victims more suffering. Healing is another need that weak victim express. Victims should receive healing support. The criminal justice system shouldn't hinder their recovery or cause them new suffering. Personal effectiveness and control must be regained in order to heal. This calls for the victims to have some degree of influence over situations that directly impact them (WHO, 2020).

Giving the victim an opportunity to share their experience and provide evidence in court could be one way to communicate this. The regaining of autonomy is another crucial requirement for helpless victims. Victims must express their individuality and regain control over themselves. Additionally, vulnerable victims must be handled with dignity, respect, and compassion. This suggests that victims ought to be heard and provided the chance to comprehend specific courses of action. The filing of charges that do not accurately reflect victim experiences can significantly worsen a victim's sense of invisibility and lack of systemic support (Clark, 2015).

However, victims frequently describe the criminal justice system as humiliating, retraumatizing, degrading, and cruel. It denies victims the ability to feel safe, heal, reclaim their dignity, and reclaim their personal autonomy, and they are treated with contempt

(Killean, 2021). The current study intends to investigate whether various procedural justice innovations have increased the satisfaction of vulnerable victims with the criminal court system.

2.3.3 Nature of contact with the criminal justice system as a correlate of satisfaction of vulnerable victims

Both positive and negative effects can result from contact with the criminal justice system (Moore and Tangney, 2017). The victim may experience purgative and difficult flashbacks to their past experiences after making contact. Regardless of the outcome of the punishment, women who pursue their cases via the criminal justice system reported having improved self-esteem concerns in Magalhaes, Vidal, and TTaveira's study on victims of intimate partner violence in 2021. In Wilson's (2018) study on sexual abuse victims, it was noted that the necessity of victims sharing their experiences, being heard, having their victimization acknowledged, and having the abuser apologize were all emphasized in compensation claims. For both domestic abuse and rape victims, avoidant coping mechanisms have been linked to post-traumatic stress disorder.

The way the criminal justice system responds to victims who report crimes might affect whether the trauma is exacerbated or heals. Both reporting the abuse to the police and having the incidents described in court frequently result in trauma (Rich, 2019). If these crimes are not prosecuted, the victims could feel disappointed and resentful. According to Walklate and Iliadis' study in 2021 on how violent crime victims in Australia see the justice system, they may feel traumatized and unsatisfied with their court experiences. According

to Haskell and Randall (2019), giving a testimony in court is one of the scariest triggers for rape victims and causes anxiety and worry.

In a study on victim willingness to interact with the Kenyan criminal justice system, Kariuki (2016) explicitly targeted victims of assault and victims of property crime. The study's findings showed that given the unfair information they are given, crime victims are reluctant to interact with the system. As previously mentioned, victims of crime are quite interested in just being informed. This is true because they are parties with an interest, but all too frequently in the current criminal justice system, victims feel misinformed about anything that happens after reporting a crime, including the release of a suspect following an arrest, criminal investigations, hearings and prosecution, and even changes to the date and location of the trial. Insufficient communication with crime victims may result in their dissatisfaction with the criminal justice system and their reluctance to interact with it in the future.

The criminal justice system's role is to dispense justice. However, in most cases, it is focused on penalizing the perpetrator rather than protecting the victim and honouring the defined aims of procedural justice reforms (Lacey, 2019). This study aims to investigate the nature of vulnerable victims' interactions with the criminal justice system and how this impacts their satisfaction with both the process and the outcome of the process.

2.4. Challenges and opportunities in enhancing satisfaction of vulnerable victims with the criminal justice system

Criminal justice victim experiences affect victims' physical, emotional, and mental health, as well as their willingness to report, engage, and participate in the future. The prospects for ensuring that victims are at the centre of our criminal justice system, as well as some of the problems in improving victim satisfaction, are highlighted below.

2.4.1 Challenges in enhancing satisfaction of vulnerable victims with the criminal justice system

2.4.1.1 Secondary victimization as a challenge in enhancing satisfaction of vulnerable victims in criminal proceedings

When a victim interacts with the criminal justice system, they experience harm. The phrase "secondary victimization" describes this. The harm a victim experiences after their initial interaction with the criminal justice system is best described as secondary victimization (Hess and Orthmann, 2016). It also includes a worsening of the emotional and physical pain that victims of the original crime experienced.

According to Yaeger (2021), criminal proceedings have an impact on victims in that they don't provide an opportunity for an effective intervention or a successful handling of the incident that caused the trauma. There is a connection between victim feelings of dread, anxiety, grief, shame, and abandonment and court contact as well. According to the study, victims who interact with the criminal court system become secondary victims.

In a different study, 52% of participants reported having negative interactions with the judicial system as a result of being in contact with community agencies to address secondary victimization among rape victims (Hunter, 2019). A third of respondents said they had negative experiences with the medical system, which contrasted with the

responses of some respondents who said that their interactions with mental health professionals, rape crisis centers, and religious communities were healing rather than negative.

Even the most resilient individual can experience severe mental stress due to being involved in legal processes, according to Herman (2017). She makes the case that a court of law would resemble a system that has been purposefully created to elicit symptoms of post-traumatic stress disorder. According to the study, the criminal justice system should be structured so that it helps the victim's condition rather than making it worse.

The National Institute of Justice (2019) notes that victims frequently suffer emotional suffering as a result of the pursuit of justice. When victims have to describe the terrible occurrence to various authorities, such as the police, prosecutors, and judges, they may feel re-traumatized, leading to higher levels of anxiety, despair, and post-traumatic stress disorder (PTSD).

Re-victimization, according to statistics, is a common issue. In research conducted by the National Center for Victims of Crime, it was shown that 80% of sexual assault survivors said they had been re-victimized in some way during the legal system. In a similar vein, National Institute of Justice research discovered that 42% of victims said that criminal justice staff had placed blame on them.

According to Campbell and Feeney's (2017) study on rape victims, there is a clear association between secondary victimization caused by adverse community connections and poor health outcomes. The study found that victims who felt hurt by their interactions with the criminal justice system reported more psychological and bodily suffering.

Suarez and Gadalla (2010) notes that, the criminal justice system reflects the victim's inferior position. Although victims are recognized to be entitled to some rights, they still encounter special challenges in the criminal justice system. Victims struggle to exercise their rights because they lack legal expertise and support networks. The media is frequently used by the courts to breach victims' privacy, which frequently causes victims to feel ashamed, conceal their testimony, and give contradictory testimony which undermine their credibility.

Yosef (2019) opines that radical, feminists link female victimization to crime victimization. In the eyes of the criminal justice system, female victims are relatively helpless. They are portrayed as people who exhibit helplessness and passivity, which results in the victim receiving substantial social benefits like sympathy, social support, compassion, attention, forgiveness, and recompense. However, in order to receive these advantages, the victim must meet victim stereotypes, which include exaggerating their suffering.

Anderson (2002) also draws the conclusion that regulations intended to safeguard crime victims may lead to revictimization. Other women are unable to be recognized as victims or to receive the assistance and protection of the courts because the regulations are designed

to meet the requirements of a specific group. Women's stories are changed to fit the stereotype of battered women that a middle-class judge can identify with and help. The purpose of rape laws is to shield sexual assault victims from privacy invasion. They do, however, offer broad expectations that reinforce women's conceptions of conventional and acceptable sexual morality, leaving persons deemed promiscuous without protection.

2.4.1.2 Victim blaming as a challenge to enhancing satisfaction of vulnerable victims in criminal proceedings

When a victim is made to bear the blame for a crime that has been perpetrated against them, their value is diminished (Williams, 2017). The public is more sympathetic to some victims than to others. The victims of crimes such as violence against women, sexual assault, homicide, and sex trade employees are often blamed.

Hockett (2016) observes that, the majority of criminal justice professionals attempt to excuse the conduct when attempting to comprehend rape and sexual offenses. For instance, the victim may have been acting seductively or may have been under the influence of alcohol prior to the incident. Genschow and Vehlow (2021) conclude that people's desire for a just society influences their perceptions, which results in victim blaming and drawing the conclusion that the conduct occurred for reasons that favored the offender.

The criminal justice and investigation systems have historically handled rape victims unfairly (Campbell and Fehler, 2018). A rape victim was aggressively questioned about police attitudes in one episode of the BBC television series that portrayed police responses to rape victims. There is still a problem with how rape victims are treated, particularly

when rape cases are being investigated, despite the fact that both the courts and the police have undergone significant transformation.

Sleath and Bull (2017) discovered low levels of victim satisfaction with police responses and abuse by police. According to the conclusions of the study, only one-third of respondents were extremely satisfied with the police's responses, and 22% were dissatisfied with how the police handled their cases. Hogge's (2017) research of male rape victims revealed similar results, with police responding with homophobic attitudes and disinterest.

Female rape victims were asked about their interactions with the criminal justice system in interviews conducted by Brooks and Burman (2017). The findings showed that, in terms of experiencing unfavorable attitudes with the police, the experiences of women who had been the victims of rape had not altered significantly. Further, 15% of the victims indicated that they would not recommend that other victims disclose their crimes.

According to the studies mentioned above, the criminal justice system has the potential to cause post-traumatic stress disorder as well as psychological and physical pain. The system still violates victims' rights despite the different victim-centric strategies that have been implemented. The criminal justice system worsens the victims' state rather than offering them an opportunity to successfully deal with the terrible experiences brought on by the crime. The research that is currently available does not focus much on vulnerable victims, so our study aimed to bridge this gap.

2.4.2: Opportunities for enhancing satisfaction of vulnerable victims with the criminal justice system

2.4.2.1: Provisions of the Victims Protection Act on vulnerable victims

The Victim Protection Act of 2014 defines a vulnerable victim as anybody who may require special justice and support due to their age, gender, handicap, or other distinguishing features. The act also defines a vulnerable victim's rights, which include the following:

Part 17 (1) of the act requires the court or competent authority to determine, either on its own initiative or at the request of the prosecution, whether the victim is vulnerable due to age, physical, intellectual, or psychological impairment, trauma, disability, cultural differences, gender, language, or race. In circumstances where the court has reservations about the victim's vulnerability, Part (2) of the same statute requires the court to summon an expert to proclaim the victim's vulnerability. The provision also allows a court to appoint a representative for such a victim. The representative is obligated to appear in court on specific dates and times, and if they fail to do so, they must provide advance explanations to the appropriate authority.

The vulnerable victim enjoys the following rights as stipulated under the Act and the constitution which include; right to receive special consideration and victim support services from the criminal justice system. The victim should also receive programs created to ensure that they receive the benefits offered to victims, especially in cases involving children, the best interests of the kid should come first and all rights granted to children should be upheld.

Victim experiences are crucial both for their mental health and the potential to become future offenders. Victim dissatisfaction brings about problems on how they perceive the criminal justice system (Donovan, 2015).

2.4.2.2: Provisions of the United Nations protocol on assistance to vulnerable victims

The United Nations Secretary General's High-Level Steering Group on Sexual Exploitation and Abuse endorsed the United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse (the "Protocol") in 2019 as part of its commitment to advancing a UN system-wide approach to victim support. The Protocol provides a set of practical procedures to protect victims' rights and dignity while also meeting their needs. Regardless of the perpetrator's affiliation, the Protocol strives to build a shared set of norms and standards centered on the provision of assistance and support that prioritize victims' rights and dignity. The policy is consistent with bigger UN measures to prevent and combat sexual violence.

When giving aid and support as outlined in Part 3.1 of the Protocol, the rights and guiding principles listed below must be upheld at all times. These fundamental rights and ideals must also be properly checked. All victims of sexual exploitation and abuse are given support and help, regardless of whether the victim starts or cooperates with an inquiry or any other accountability action. Victim-centered, legal, age-, disability-, and gender-sensitive, non-discriminatory, and culturally appropriate support and assistance are provided. Victims' rights and best interests must be considered while planning and giving

assistance and support. Victims' rights, dignity, and general well-being must be protected while adhering to the do no harm principle. In order to avoid retaliation, revictimization, and re-traumatization, safety precautions must be taken. Victims' rights to secrecy, privacy, and informed consent with regard to aid must be upheld. Victims have the right to seek out any appropriate accountability measures, including legal remedy if requested.

According to Protocol Part 5.5, assistance and support should be provided in a comprehensive manner with the assistance of a designated case manager or service provider who possesses the necessary expertise and ability. Typical assistance for victims of sexual exploitation and abuse include:

First is safety and protection. This calls for the creation of an immediate safety or protection plan to address the possibility of reprisals, possible confidentiality violations, or other acts of additional violence against the victim. Roles and responsibilities, as well as the capabilities of designated or pertinent actors, should be clearly defined in the safety response. The safety or protection plan may, subject to a risk assessment, and based on the victims' agreement and best interests, include relocation support when necessary and appropriate.

The second is medical care, which involves offering the required therapy for conditions specifically brought on by sexual exploitation and abuse. This involves educating victims of sexual assault on the significance of receiving medical attention within 72 hours and making the appropriate referrals to services, such as HIV post-exposure treatment, post-

exposure prophylaxis (PEP), and reproductive and sexual health care as required and desired. The approved United Nations system entity or pertinent partner should offer medical treatment.

Third is provision of psychosocial support. This includes offering victims basic psychosocial support, such as counseling and psychological first aid, as well as evidence-based, targeted interventions from the Mental Health and Psychosocial Support Network (MHPSS) and facilitating referrals to more advanced mental health care, as necessary. Peer-to-peer assistance, increased social support via reuniting victims with family, friends, and neighbors, and/or promoting social ties and interactions through preexisting community networks are other forms of support that may be provided.

Fourth includes provision of education, livelihood support and basic material assistance. Specifically for victims in the most vulnerable circumstances, this comprises the provision of food, clothes, shelter, school reintegration, and livelihood support in order to help meet their urgent needs. When it is judged that supporting and helping a child's family or caregiver is in the child's best interests, it should be done so. In such situations, it may also be included to feed the host families and to give the victims clothing and hygiene kits.

Fifth is the provision of legal services. This entails the United Nations directing the victim, upon request, to providers of legal aid. Last but not least is the provision of support for children born as a result of sexual exploitation and abuse. In cases involving alleged perpetrators who are not citizens or permanent residents of the host country, legal service

providers should be able to handle cases that may involve multiple jurisdictions. If a victim requests it and it is permissible to do so, the UN will assist in pursuing paternity and child support claims on their behalf.

2.4.2.3 Justice administration as an opportunity in enhancing victim satisfaction

In the administration of justice, victim satisfaction is crucial (Holder, 2015). Victims supply the criminal justice system with information. In order to successfully prosecute perpetrators, it is also helpful to have the testimony of victims. Without the participation of victims in the criminal justice system, laws could not be properly implemented. Victims who are unhappy with the criminal justice system are less likely to take part in the proceedings, which could result in an injustice being committed.

Victims' propensity to grant the criminal court system legitimacy is strongly influenced by their level of comfort and overall contentment with the system (Weir, 2017). Providing for the victim's expectations could result in restored legitimacy. The criminal justice system benefits from this legitimacy because it can garner public support, which is essential to its survival. The degree of comfort victims experience during their interactions with the criminal justice system can be used to measure victim satisfaction. The disposition of those working in the criminal justice system is crucial in influencing how satisfied the victim is with their outcome. Treating victims with respect rather than pity is a straightforward way to do this. In fact, the goal of boosting legitimacy depends on the public's perception that the criminal justice system is run by heartless experts.

2.5 Conceptual framework

The two theories that served as the foundation for this study were the procedural justice theory, which explains satisfaction as a result of a procedurally just and fair process, and the feminist theory, which emphasizes the gendered nature of victimization and intersectionality, which emphasizes that victims experience victimization differently, which influences their coping mechanisms and, in turn, influences their need.

2.5.1 Procedural justice theory

The origins of the concept of procedural justice can be traced to a book published in 1975 by John Thibaut and Laurens Walker book where they first used the term to describe the social psychological effects of procedural variation, with a focus on how procedural effects affect the fairness of judgments. According to Sabbagh and Schmitt (2016), procedural justice is the concept of fairness in the procedures used to settle conflicts. When procedural fairness is adopted, it promotes beneficial organizational development and excellent interpersonal interactions. According to Deuchar and Fallik (2002), procedural justice is based on four principles: impartiality in decision-making, opportunity for voice, fairness of the process, and transparency in acts. The focus of procedural justice is on how the public is interacted with by law enforcement and criminal justice professionals and how those interactions affect the public's perception of and willingness to obey the law. According to Vinod (2018), procedural fairness is a key factor in predicting how satisfied victims are with the criminal justice system. Tyler and Jackson (2018) argue that people's experiences with the police provide them with information about their standing in society. This means that treating someone fairly at all stages of the process shows inclusiveness

and conveys that they are regarded and cherished. Contrarily, unfair procedural treatment suggests exclusion and disrespect.

According to Koster and Kunst (2020), victims are typically more concerned with how police investigate and resolve crimes. According to victim assessments of procedural justice, this is viewed as police performance. In contrast to victim evaluations of police performance, which contain victims' opinions on the actions done by the police officers, victim evaluations of procedural justice focus on the treatment victims receive from police officers. This covers timeliness, effectiveness, and if the police officer made the appropriate decisions. Wemmers' (2017) research on Dutch victims has demonstrated the significance of treating victims with respect and decency. She came to the conclusion that how victims regarded their treatment to be fair affected victim satisfaction. Wemmers found that when crime victims obtain the information they requested from the police, they are more likely to have a favorable opinion of the police.

Campbell and Greeson (2015) claim that victims frequently have a bad experience with the police. Without an advocate present, victims of rape frequently reported that police officers were unwilling to accept their reports and thought their cases weren't serious enough to pursue further. Similar findings were found by Williamson and Hester (2015), who found that victims of domestic abuse had both positive and unfavorable interactions with the police. Positive experiences included police officers listening to victims and acting sympathetically and concerned. Police not believing the victims, not caring, and downplaying the severity of the crime were some of the negative experiences.

Procedural justice theory is relevant for addressing all the objectives of the study. It primarily argues that when individuals perceive the procedures used in the legal system as fair and just, they are more likely to accept and comply with the outcomes, which can lead to increased satisfaction with the system. When victims perceive that their needs are acknowledged, their voices are heard, and they are treated fairly and respectfully, they are more likely to feel satisfied with their overall experience with the criminal justice system. It is useful for addressing the first objective of the study on the nature of needs of vulnerable victims since it provides a conceptual lens for understanding the needs of victims arising from how they are treated within the criminal process. With respect to the second objective on the correlates of victim satisfaction with criminal justice, it provides variables relating to procedural justice which are related to victim satisfaction. It is also useful in identifying challenges and opportunities for victim satisfaction arising from procedural aspects of how vulnerable victims are treated within Kakamega Law Courts.

2.5.2 Feminist theory

Understanding the situation of victims has always been a priority for feminists in the study of criminology (Gruber, 2020). Feminist theory traces its origin in Engles' work in 1884 who felt the necessity to comprehend the beginnings and subsequent growth of the subordination of the female sex, is where feminist theory gets its start. The study of victims has benefited from a number of feminist victimology's contributions, which center on issues including the gendered nature of criminal victimization, the connection between women's victimization and offending, and the violent victimization of women (McGarry

and Walklate, 2015). Although little has been done to promote the conviction of sex offenders, feminist victimology has contributed to penalization (Mancini and Mears, 2016). Although there has been a rise in the desire for betterment of victims' rights, victim reforms have remained minimal as a result of the focus on reducing the threat posed by dangerous men, which has replaced the victim experiences (Serisier, 2018).

The formal criminal justice system makes the assumption that punishing offenders is in the victims' best interests, but this is not always the case, particularly when it comes to sexual offenses, which are normalized by cultural attitudes that support sexual violence and must be changed if victims' rights and sense of justice are to be improved. Herman (2015) noted that victims of domestic abuse and sexual assault do not place a high importance on punishment in the retributive sense that is normally conceptualized and applied by the criminal justice system. Instead, the key objective was to identify the criminal as an offender. It was more crucial to deny the offender of the unfair honor than to take away their freedom. By denouncing the act, which moved the shame to the offender, victims frequently sought affirmation. Herman does note that the need for judicial proceedings frequently conflicts with victims' needs and desires. Julich (2017) discovered that victims wanted to share their tale in a meaningful way and in a secure setting. The victims of historical child sex abuse voiced their displeasure with a criminal justice system that silenced them.

Feminist theory, which acknowledges that people face various types of oppression and discrimination based on their intersecting identities, places a strong emphasis on the

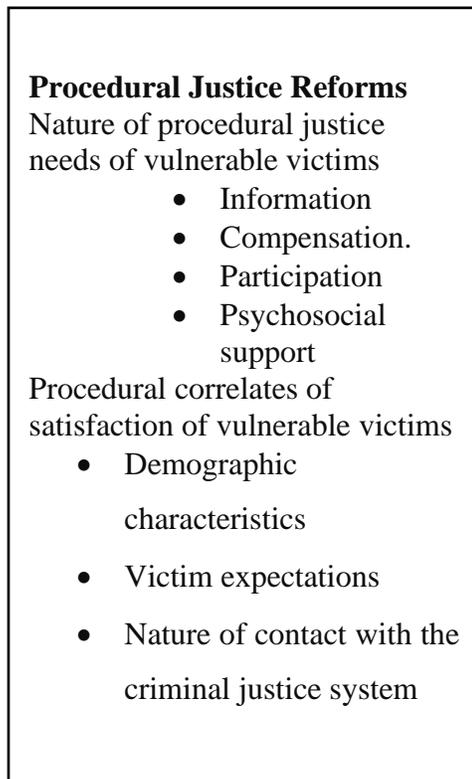
concept of intersectionality. Victims, particularly the most vulnerable members of society, may endure particular incidents that have a unique effect on their satisfaction with the criminal justice system. As defined by Lockhart and Mitchell (2010), intersectionality refers to the way social identity characteristics such as race, gender, and sexual orientation overlap and interact with oppressive frameworks. Social identity variables influence lived experiences and success opportunities in a variety of ways that are interconnected rather than independent stratification factors. Individual lived realities cannot be understood via the lens of a single feature, such as socioeconomic class or gender, because they are influenced by the concurrent operation of micro and macro social processes, structures, and dynamics.

According to Nixon and Humphreys (2010), intersectionality highlights how different victims have different experiences and have different reactions to their circumstances. Simply put, victims of gender oppression may not interpret their experiences primarily through the lens of gender oppression, hence it is important to take into account other identity complexity. Since victims are not a uniform population, one-dimensional techniques miss the various explanations for victimization. Victimization can have a deep and long-lasting negative impact on individuals who experience it. Regardless of the type of abuse they have experienced—physical, psychological, or sexual—victims frequently find it difficult to deal with the trauma's aftereffects. Some victims are able to bounce back from the damaging effects of victimization, but some are unable to do so.

Mythen (2007) draws the conclusion that victims' social connections and experiences affect their capacity to handle victimization, which in turn affects the nature of their needs. An elderly burglary victim with a strong network and enough resources may be less vulnerable than a young male victim of violent crime. This suggests that it's important to understand that victims' capacities for coping vary based on their demographics. Recognizing that everyone experiences victimization differently highlights the significance of a variety of needs that particular populations present with as well as the necessity of therapies that are specifically designed to address these unique needs. Feminist theories offer valuable insights into the correlates of victim satisfaction in the criminal justice system. Feminist perspectives generally highlight the gendered nature of victimization and how they intersect with the criminal justice system.

2.6 Conceptual Framework model

Independent variable



Dependent variable

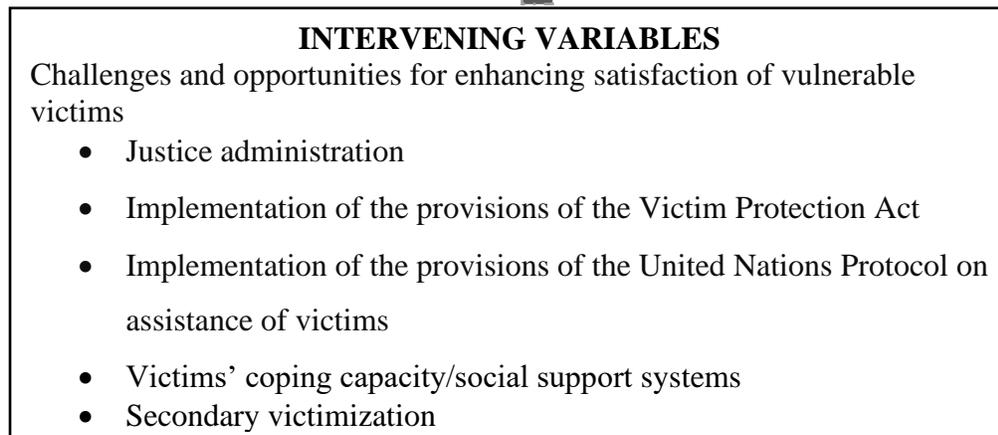
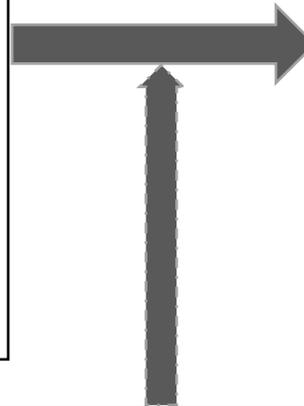
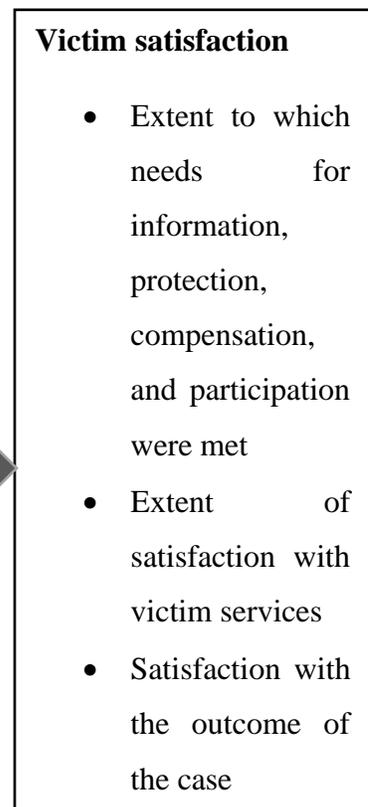


Figure 2. 1: Relationship between procedural justice reforms and satisfaction of vulnerable victims

Source: Researcher, 2023

In this study the independent variable is procedural justice reforms while the dependent variable is victim satisfaction. This is premised on the analogy that upholding the principles of procedural justice significantly influences victim satisfaction with the criminal justice system. Procedural provisions are supposed to meet victims need for information, protection, participation and psychosocial support. Victim satisfaction in this study was assessed by the extent to which needs for information, protection, compensation, and participation were met, extent of satisfaction with victim services, satisfaction with the outcome of the case, access to victim services and satisfaction with the criminal justice procedures. The intervening variables for this study included the challenges encountered in the process of seeking justice and the opportunities that present themselves to ensure victims are at the centre of our criminal justice system. These opportunities included; Justice administration, implementation of the provisions of the Victim Protection Act, implementation of the provisions of the United Nations Protocol on assistance of victims. Challenges on the other hand included; Awareness amongst criminal justice practitioners, Victims' coping capacity/social support systems, secondary victimization and victim blaming.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter provides the methodology that the researcher adopted while conducting the study. Research methodology includes the procedures that are used in identifying, selecting, processing and analyzing information. This chapter details the research design, study area, target population, sampling procedures and sampling size, data collection instruments, validity and reliability of the study instruments and concludes by detailing the ethical considerations.

3.2 Research design

Research design describes how the study methods and procedures relate to the research questions, conclusions, and recommendations (Wilson, 2017). The study design used was descriptive cross sectional. An accurate and systematic description of a population, circumstance, or phenomena is the goal of a descriptive cross-sectional study design, which also analyzes data at a certain point in time (Akhtar, 2016).

According to Kesmodel (2018), a descriptive cross-sectional study design describes the frequency of one or more outcomes in a given population. This served the study's many objectives regarding vulnerable victims well. This research methodology proved helpful in outlining procedural justice improvements in depth and how they affected the satisfaction of vulnerable victims over a specific time period.

3.3 Study area

The selected area for the study was Kakamega Law Courts in Kakamega county. According to the Kenya National Bureau of Statistics (KNBS), Kakamega County, one of the counties created under the devolved government, has a total population of 1,867,579. The court is likewise situated in the Kakamega central subcounty, which according to the 2019 census has a total population of 188,212. Sugarcane, maize, bean, cassava, finger millet, and sorghum are the principal crops farmed in Kakamega County. Maize is the county's main source of food. Cattle are reared by 53.2% of the population, while sheep, goats, and pigs are reared by 22.2%, 11.2%, and 1.6% of the population, respectively. Chickens predominate, with 92% of families keeping them, while 0.7% have donkeys. Annually, over 20 million litres of milk are produced, as are 364,000 kg of beef.

3.3.1 Rainfall Distribution and Pattern

The annual precipitation ranges between 1,200 and 2,000 millimeters. This rainfall is evenly spread throughout the year, with heavy rains falling in March and July and moderate showers falling in December and February. Temperatures range from 18 to 9 degrees Celsius. November, December, January, and February are the hottest months. Temperatures in other months are comparatively higher and similar (Kakamega Metrological Department statistics, 2010-2015).

3.3.2 Socio-economic Potential of the County

Kakamega County is well-known for its exciting activities including as bull fighting and cock fighting. The crying stone (Ikhonga Murwe) in Ilesi and the surviving old Wanga

Kingdom in Mumias draw a large number of visitors. The county mine has a big gold mining potential around Kshs. 171 billion. Mining and related activities employ around 80,271 people in the county.

3.3.3 Kakamega Law Court jurisdiction

Kakamega Law Courts are located in the 81,930-person Lurambi constituency (KNBS, 2019). Under the direction of Hon. Mr. Rauf, Resident Magistrate, Kakamega Law Courts underwent a transformation from an African court to a magistrate's court in 1967. In Kisumu, all High Court cases for the western area were submitted and heard. The 1982 establishment of the High Court in Kakamega gave it the authority to consider all criminal and civil matters as well as appeals resulting from lower courts.

The Kakamega Law Courts is located behind Kakamega Police Station, along the Kisumu-Kakamega Highway's Kakamega Central General and Referral Hospital Road. In addition to the High Court, the court also has lower courts. This makes it ideal to be able to understand victim experiences as they navigate both higher and lower courts. All criminal and civil cases must be decided by the High Court, which also hears appeals from the Lower Courts and supervises the lower courts. Land-related concerns are handled by the Environment and Land Registry, whereas disputes where parties choose to settle their differences outside of court with a third party are handled by the Mediation Registry. Three judges, seven magistrates, one Kadhi, one legal researcher, and seventy-three judicial staff members make up Kakamega Law Courts, who assist in performing everyday court tasks. The five subordinate courts that the Kakamega High Courts manage are Mumias Law

Courts, Butali Law Courts, Vihiga Law Courts, Hamisi Law Courts, and Butere Law Courts. A children's court is available at Kakamega Law Courts. Kakamega, with 248 reported incidences, was in third place among Kenyan cities for the number of cases of sexual and gender-based abuse against children under the age of five in 2019. This makes it the perfect setting for the study to determine whether changes made to enhance victim experiences with the criminal justice system are really achieving the goals and resulting in satisfied victims.

3.4 Target population

Landers and Behrend (2015), define the target population as the group of people who will be the subject of an intervention and will be used to gather data and form conclusions. The study focused on 379 primary respondents, 373 of whom were victims of sexual and gender-based violence with cases still pending, 6 of whom had cases already been adjudicated. The study also targeted 25 key informants among who; 1 police officer in charge of sexual and gender-based violence, 7 probation officers, 7 members of the civil society, and 10 prosecutors.

3.5 Sampling procedure and sample size

Sampling is the process of selecting a few components from a broader target population for a sample so that the data collected can generalize the findings. Sampling methods are the techniques the researcher use to choose a sample (Sazima, 2016). In this study both probability and non-probability sampling techniques were utilized. The study targeted 379 victims of Sexual and Gender-based violence as extracted from Kakamega Law Courts

records as from 2019 to 1st march 2022. Stratified sampling was used to stratify primary respondents who were grouped into two stratas on basis of the status of their cases where one stratum included 373 vulnerable victims whose cases are pending final judgement and the other stratum include 6 vulnerable victims whose cases have been decided. In order to establish the sample size for the study for those vulnerable victims whose cases are pending the researcher utilized Yamane's (1967) formulae which is given by;

$$n = \frac{N}{1 + N e^2}$$

where;

n = is the sample size for the study

N = is the population

e = is 0.05 level of confidence

$$n = \frac{373}{1 + 373 * (0.05)^2} = 193$$

Therefore, the sample size for this study for the two stratas was 199. Additionally, out of the 25 key informants of the study, 15 were purposively selected and included; 5 prosecutors, 1 police officer in charge crime, 5 magistrates and 4 probation officers who are in constant contact with the vulnerable victim.

Table 3. 1: Distribution of the sample

Category	Description	Target population	Sample size	Sample size	Sampling technique
			determination method		
Victim of Ongoing SGBV	Ongoing cases	373	Yamane (1967)	193	Simple random
	Decided cases	6	Census	6	Census
Key informants	Prosecutors	10	50%	5	Purposive
	Civil society actors	10	50%	5	Snowball
	Probation officers	7	50%	4	Purposive
	Police officer in charge SGBV	1	Census	1	Purposive

Source: Author, 2022

3.6 Data collection methods and Instruments

The study made use of both primary and secondary data sources. Primary data is first-hand information that the researcher gathers while carrying out the study (Flick, 2015). On the other hand, secondary data contains analysis of the primary data that has already been

obtained (Edwards, 2020). Journals, articles, census data, departmental data, organization records, and publications are examples of secondary data sources this study utilized. Information from participants was gathered using questionnaires and an interview guide.

3.6.1 Questionnaires

The researcher used a questionnaire (Appendix II) that included both open and closed ended questions. The questionnaires were administered to the study's primary respondents, who included 199 victims of sexual and gender-based violence. A questionnaire is a research instrument that involves asking a series of questions of participants in order to gather their information (O'Neil, 2016). This study tool's questions were divided into four different sections. The first portion sought responders' background information, while the second sought the nature of vulnerable victims' procedural demands in the process of seeking justice. The third segment looked for procedural correlates of vulnerable victim satisfaction, while the final piece looked at the difficulties and prospects for improving vulnerable victim satisfaction. This study strategy was advantageous since it provided a quick, cost-effective, and efficient method of collecting a large amount of data from large samples. Questionnaires collected both qualitative and quantitative information. Open-ended questions evoked qualitative information, whereas closed-ended ones elicited quantitative information. Open-ended questions allow participants to respond in as much or as little detail as they like. When answering closed questions, participants had a restricted amount of prepared responses to choose from.

3.6.2 Interview guide

The researcher conducted 15 interviews using an interview schedule (Appendix III) among 5 prosecutors, 5 civil society actors, 4 probation officers and 1 police officer in-charge of SGBV. Interviews involved a conversation between an interviewer and an interviewee in order to obtain information. The interviewer directed the process by asking questions while the interviewee answered to them (Manning, 2016). In this study, interviews were generally conducted, during which the researcher asked general, open-ended questions of the participants and documented their responses. Audiotapes were utilized to ensure correct transcription. Interviews were useful for eliciting the context of a participant's experiences and gathering detailed information. Qualitative research interviews were useful because they were utilized to investigate the significance of overarching themes in their participants' lives (Brooks, 2018). For this study, the researcher conducted both structured and semi-structured interviews. A structured interview is a sort of interview in which the researcher asks a predetermined set of questions in order to learn more about a given topic (Adams, 2015). On the other hand, unstructured interviews entailed the interviewer asking various questions in accordance with the setting and objective of the systematic study (Roulston, 2021). This was useful in yielding qualitative data. To gather all the details from the researcher, the aforementioned type of interview used flexibility and follow-up questions.

3.7 Pilot test

A pilot study is used to determine whether questions or procedures need to be changed if they fail to elicit the desired replies or provide the researcher with rich data (Hellberg, 2019). A pilot study is typically the first stage of the entire research process, consisting of a smaller-scale study that aids in the design and modification of the study. A pilot research was done in Bungoma Law Courts, which have characteristics similar to Kakamega Law

Courts. According to the Kenya Demographic and Health Survey 2022, many women in Bungoma had experienced both physical and sexual assault. Questionnaires were used to collect data from victims of sexual and gender-based violence, and an interview schedule was used to collect data from prosecutors. The pilot research had 21 people. According to Connelly (2008), the sample size for a pilot study should be 10% of the total sample size for the research. The researcher was able to determine the reliability and validity of the research tools as a result of this. The researcher was also able to improve the tool's effectiveness by identifying the questions that the respondents did not comprehend. The researcher gave the data gathering tools to the same group twice, two weeks before the actual data collection process.

3.7.1 Validity of research instruments

According to Taherdoost (2016), the ability of a research instrument to assess an outcome accurately is the most significant definition of validity in research. Validity is defined by Oso and Onen (2017) as the degree to which study findings may be understood and applied to populations. The researcher employed content validity in this study. That extent to which an instrument measurement captures every facet of the concept being measured is known as content validity. The researcher in this study made sure that the questionnaires and interviews were carefully analyzed to make sure that they accurately reflected the study objectives and established a connection between the variables. The utilization of criminology specialists as the student's supervisors ensured content validity. The questionnaires were sent to the two supervisors, who were asked to review, evaluate, and rate the relevance of each item to the goal on a scale of 1-4. For example, 1 is irrelevant,

2 is somewhat relevant, 3 is fairly relevant, and 4 is quite relevant. The content validity index was calculated using the assessors' agreement scale as follows:

$$CVI = n_{3/4} / N$$

Where $n_{3/4}$ is the total number of items scored 3 or 4 by both judges and N represents the total number of items analyzed. The question was modified to achieve a validity index of .70, the lowest recognized validity in research (Amin, 2005).

3.7.2 Reliability of research instruments

Research reliability refers to the ability of a research tool to consistently generate the same results over time. It entails gauging the uniformity and stability of the research tools. The reliability of the research tools is crucial since it determines how long they will last (Pandey, 2021). The researcher applied the test-retest approach to assess the instrument's reliability. This required conducting a pilot test with the pilot study population from Bungoma Law Courts multiple times, during which the respondents were asked to complete interviews and questionnaires on the subject at hand. The results were then analyzed and compared to assess for the reliability of the instruments and results presented on table 3.2. The Cronbach's Alpha test in SPSS Statistics was used to determine Cronbach's alpha, and thus the reliability of the variables' items. It takes values from 0 to 1, with 1 being the highest value, indicating perfect internal consistency. A Cronbach's Alpha value greater than 0.7 is considered more reliable than values less than 0.7. The research question items of challenges and opportunities in enhancing satisfaction of vulnerable victims have relatively high internal consistency since the alpha coefficient of the 5 items is 0.885.

Table 3. 2: Cronbach's Test Outputs

Variables	No. of Units Tested	Cronbach's Coefficient	Remarks
Nature of Needs	5	0.839	Reliable
Determinants of Satisfaction	5	0.821	Reliable
Challenges and Opportunities	5	0.885	Reliable

Source: Field data, 2023

3.8 Data analysis and presentation

Data analysis is the process of acquiring, modeling, and analyzing data in order to derive insights that aid in decision making (Jain, 2018). The researcher in this study modified and encoded the questionnaires to enhance the quality of the data. Checking to see if the participants responded to the questions required going through the questionnaires during editing. Thematic analysis, which uses themes, categories, and coding to interpret qualitative data, was used in this case. Each data corpus's core concepts were distilled using coding. Finding patterns and connections was a step in the process to improve comprehension. Themes, or broad insights running through the data, were seen as patterns arising from the data. To verbatim explanations technique was applied to present data.

Quantitative data was analyzed using descriptive statistics which included frequencies, percentages and means in order to have a summary of the sample and the observations that have been made. Inferential statistics were analyzed by use of Pearson product moment correlation coefficient to establish the degree of linear association between variables. Data collected was presented in graphs, tables and charts.

3.9 Ethical considerations

A study design and techniques should be guided by a set of rules and principles called ethical considerations (Benton, 2016). The following ethical concerns served as a guidance for this study. The National Council of Science, Technology, and Innovation, as well as Masinde Muliro University of Science and Technology, were among the appropriate authorities from whom permission was first sought by the researcher.

Prior to involving participants in the study, the researcher obtained their informed consent (Appendix I) by explaining the study's objectives and their position in it. By explaining to the participants that the study was being done for academic purposes and that their role in it was to contribute data, the researcher in this study made sure that their informed consent was obtained. The parents, guardians and caregivers provided consent and the minors provided assent where they gave an affirmative agreement to participate in the process. Consent was viewed as an ongoing process as it was a contract between the researcher and the participant. Where minors became non-communicative this was viewed as withdrawal of consent.

Confidentiality involved the understanding that assured that private information would be handled with the utmost care (Surmiak, 2018). Due to the nature of this study involving vulnerable victims, the researcher ensured the victims that the information they provided would be protected by first developing trust with the participants and ensuring that they would uphold their commitments and safeguard their interests.

According to Raymaker (2015), respect in research refers to the idea that researchers should value the information, perspective, experience, and skill of their subjects. The study made sure the participants were treated with respect, which made sure they were open and honest in their responses. Additionally, the researcher honored the participants' freedom to decline to participate in the study.

Data gathered through the use of questionnaires and interview schedules will be protected with the utmost confidentiality both before and after the study and won't be used for any purposes aside from those of this particular study.

CHAPTER FOUR

DATA PRESENTATION, INTERPRETATION AND DISCUSSIONS

4.1 Introduction

Results and discussions on assessment of procedural justice reforms on victim satisfaction are presented in this chapter. The study sought to achieve three objectives namely; to examine the nature of procedural justice needs of vulnerable victims in criminal proceedings, to explore procedural correlates of satisfaction of vulnerable victims with the criminal proceedings and to assess the challenges and opportunities in enhancing satisfaction of vulnerable victims in Kakamega Law Courts. The study had three research questions that it sought to answer. Data was collected using questionnaires and interview guides. Descriptive and inferential statistics were utilized to analyze quantitative data while qualitative data was analyzed thematically. The chapter starts by discussing the response rate, details the demographic characteristics of the respondents and concludes by outlining discussions of the study findings as per the objectives.

4.2 Response rate

A total of 199 questionnaires were administered to victims of sexual and gender-based violence victims and 15 interviews were conducted to the key informants of the study who were 5 prosecutors, 5 civil society actors, 4 probation officers and 1 police officer in charge of sexual and gender-based violence. Out of the total 199 questionnaires administered only 184 questionnaires were completed and 7 out of the 15 interviews conducted were successful. This gave a response rate of 89%. According to Sounders, Lewis, and Thornhill (2009), a response rate of 80% is very significant for the purpose of generalizing the results.

The analysis and explanation of the study's findings were thus suitable given this return rate.

The Kayser-Meyer-Olkin (KMO) sampling adequacy metric was used to determine whether the data acquired was sufficient and appropriate for analysis, as well as to provide a number indicating the study's sample adequacy. Field (2009), who referenced Hutcheson & Sofroniou (1999), any value above 0.9 is great, followed by amazing values between 0.8 and 0.9, acceptable values between 0.7 and 0.8, and mediocre values between 0.5 and 0.7. This study recorded a value of 0.786, which falls under great, and this suggested that the data was adequate.

Table 4. 1: Test of sampling adequacy and sphericity of data

Kaiser-Meyer-Olkin Measure of Sampling Adequacy	.786	
Bartlett's Test of Sphericity	Approx. Chi-Square	29746.839
	Df	1973
	Sig.	.000

Source: Field data,2023

Bartlett's Test of Sphericity was also used to assess whether the correlation matrix contained any relationships or whether it was an identity matrix (in which case all correlation coefficients would be zero). At the 0.01 level of significance, Barlett's Test yielded a very significant result for the data in issue, suggesting that the data were significantly acceptable and suited for this form of statistical analysis.

4.3 Demographic characteristics for primary respondents

In this section the researcher sought the respondents' background information. The focus on this section was on age, gender, marital status, level of education, nature of

victimization, number of times one had experienced victimization and the identity of the perpetrators of the victimizations. The significance of these factors hinged on existing literature which shows that these factors influence victims' vulnerability, needs and coping capabilities which in turn affect their experiences within the criminal justice system.

4.3.1 Age of the respondents

With respect to age of the respondents, the findings are presented in figure 4.1.

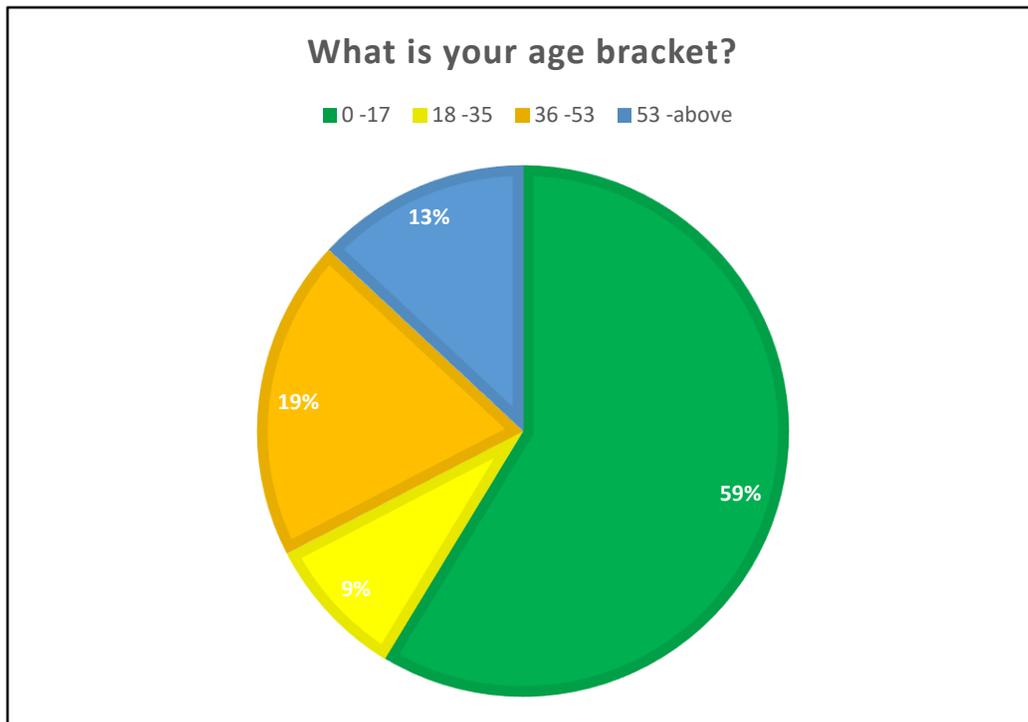


Figure 4. 1: Age of respondents

Source: Field data, 2023

Study findings from the Figure 4.1 above reveal that 108 (59%) were between the ages of 0-17, 17 (9%) were between the ages of 18-35, 35 (19%) were between the ages 36-53 and only 24 (13%) were above the age of 53. This shows that the majority of the respondents were young, with most being between the age of 0-17 and 36-53. Besides other characteristics, age is an important aspect of vulnerability to criminal victimization. Children and the elderly have a higher risk of criminal victimization due to their social,

physical, and cognitive features, with the elderly being more likely to be victims of maltreatment and children being subjected to physical and sexual abuse (Daly and Wilson, 2017). Children are especially vulnerable to exploitation because they frequently lack the information and abilities necessary to defend themselves. Furthermore, they may be more trusting of others and less capable of detecting potential hazards (Widom, Czaja, and Dutton, 2008). Children and adolescents are more vulnerable to physical and sexual abuse than adults, according to the National Center for Victims of Crime (2019). Relatedly, at the global level, the US Centers for Disease Control and Prevention (CDC) estimates that one in four children experience some form of abuse in their lifetime (CDC, 2021). These experiences can have long-lasting effects on the child's physical and psychological well-being and can also increase their risk of victimization later in life (Widom, Czaja, and Dutton, 2008).

4.3.2 Sex identity of the respondents

Respondents were requested to indicate their sex identity and findings presented in figure 4.2.

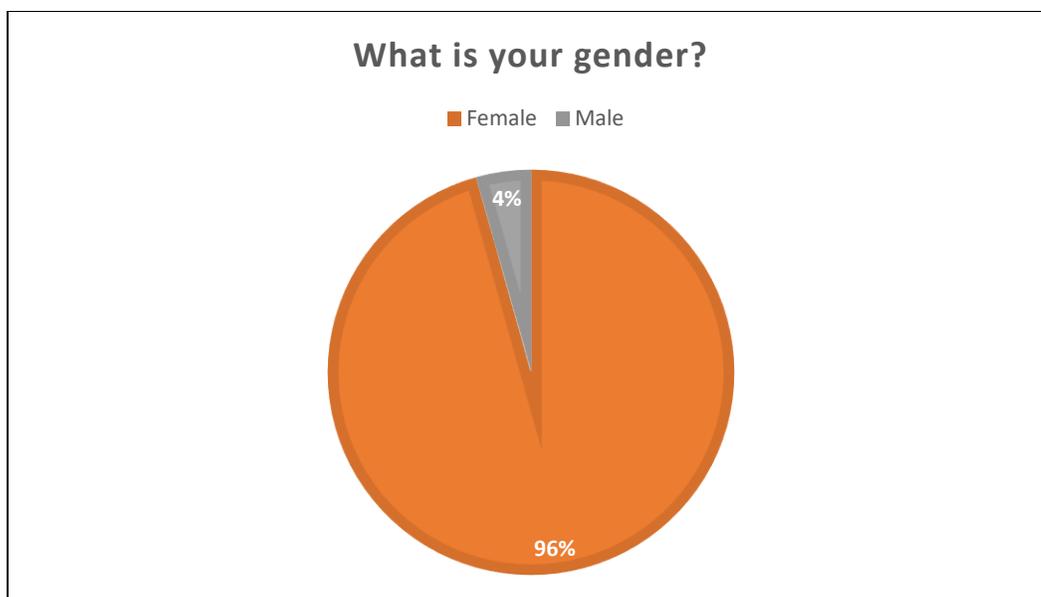


Figure 4. 2: Sex identity of respondents

Source: Field data, 2023

Findings from Figure 4.2 reveal that 177 (96%) of the respondents were female and only 7 (4%) of the respondents were male. This reveals that most of the respondents were female. Sexual and gender-based victimization is a pervasive problem across the globe. While both men and women experience sexual and gender-based violence, women and girls are more likely to be victimized.

The United Nations Population Fund (UNFPA) conducted studies in Kenya on gendered patterns of victimization in collaboration with the Kenyan government and discovered that one in every three Kenyan women has experienced physical or sexual violence, with the majority of these incidents occurring in the home (UNFPA, 2014). Similarly, according to research conducted by the Centers for Disease Control and Prevention (CDC), 32% of Kenyan women had experienced sexual violence at some time in their lives (CDC, 2017).

The survey also discovered that girls were more likely than boys to encounter sexual assault, with 20% of girls reporting sexual violence compared to 14% of boys.

This observation is in line with research indicating gendered patterns of victimization on a worldwide scale. According to the World Health Organization (WHO), one in every three women globally has experienced physical or sexual assault at some point in their lives. According to the National Sexual Violence Resource Center (NSVRC, 2021), one in every five women and one in every 71 males in the United States of America have been sexually abused at some point in their lives. Women are also more likely than males to be victims of intimate partner violence, with the Centers for Disease Control and Prevention reporting that one in every four women and one in every nine men having experienced sexual or physical violence by an intimate partner (CDC, 2020). Women are also at a heightened risk for sexual violence and harassment, with rates of victimization significantly higher among women than men (National Institute of Justice, 2015). According to the National Crime Victimization Survey (NCVS), women are more likely to experience nonfatal intimate partner violence compared to men (Truman and Morgan, 2019). Furthermore, young women are particularly vulnerable to sexual assault, with nearly half of all sexual assault victims being under the age of 18 (National Sexual Violence Resource Center, 2020).

4.3.3 Marital status of respondents

Marital status is a key factor in determining an individual's vulnerability to sexual and gender-based victimization. Respondents were also requested to indicate their marital status and findings presented in table 4.2.

Table 4. 2: Marital status of the respondents

Category	Frequency	Percent	Valid Percent	Cumulative
				Percent
Single	112	60.9	60.9	60.9
Married	60	32.6	32.6	93.5
Divorced	12	6.5	6.5	100.0
Total	184	100.0	100.0	

Source: Field data, 2023

Results in Table 4.3 indicate that 112 (60.9%) of the respondents were single, 60 (32.6%) were married and only 12 (6.5%) were divorced. The finding that the majority of respondents were single resonates with the fact that most were young in age and female, as previously observed. One of the main reasons why unmarried individuals are more vulnerable to sexual and gender-based victimization is because of their social status. Unmarried individuals are often perceived as more sexually available than their married counterparts, which makes them more likely to be targeted by sexual predators. According to a study conducted by the National Crime Victimization Survey, single women are more likely to be victims of sexual assault than married women (Sorenson and Thomas, 2014). This is because unmarried women are seen as more vulnerable and therefore easier targets for sexual predators.

Nevertheless, despite the protective nature of marriage, research has also shown that being married does not necessarily provide complete protection against sexual and gender-based violence. In some cases, married individuals may experience sexual and gender-based

violence from their partners. For instance, in a study conducted in India, Khan (2017) found that married women were more likely to experience sexual and gender-based violence from their husbands than from strangers.

From the aforementioned, it is apparent that marital status may interact with other factors, such as age and gender, to influence vulnerability to victimization. The emerging general profile of the respondents suggest an intersection of gender, age, and marital status as factors defining the profile of the vulnerable victims in this study. Thus, vulnerability to victimization is influenced by a convergence of certain demographic factors including gender, age, and marital status. Women, young individuals, and those who are single may be particularly vulnerable to victimization.

4.3.4 Level of education of the respondents

Respondents were requested to indicate their level of education and findings represented in the Figure 4.3.

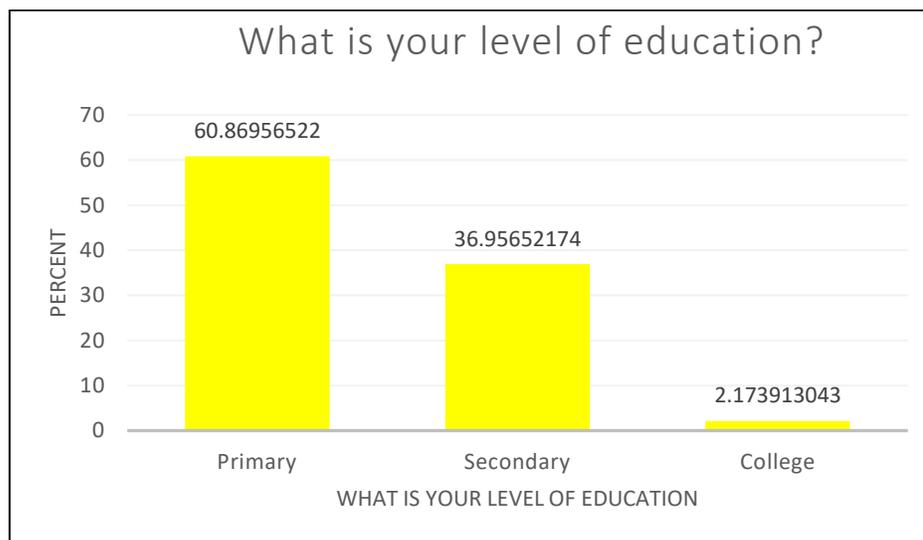


Figure 4. 3: Level of education

Source: Field data, 2023

Results Figure 4.3, 112 (61%) of the respondents attended primary school, 68 (37%) attended secondary school, and only 4 (2%) attended college, indicating that the majority of respondents had only attended up to the primary level of education. Education is widely recognized as a critical factor in reducing vulnerability to sexual and gender-based victimization. The level of education among young females is a significant factor in determining their susceptibility to victimization. Higher education levels are associated with a lower risk of sexual and gender-based assault, harassment, and exploitation (Truman and Morgan, 2019).

Felson, Teasdale, and Burchfield (2020) observed that individuals with a high school diploma or less were three times more likely to experience sexual assault than those with a bachelor's degree or higher, using data from the National Crime Victimization Survey (which collects information on crime victimization in the United States). A study conducted in Nigeria discovered that women with lower levels of education were more likely than those with higher levels of education to experience intimate partner abuse (Oyediran, 2018).

Education can provide individuals with knowledge and skills that can help them recognize and resist SGBV. For example, individuals with higher levels of education may be more knowledgeable about their rights and the legal protections available to them in cases of SGBV (García-Moreno et al., 2015). These findings suggest that education may serve as a protective factor against sexual victimization.

4.3.5 Nature of respondent's victimization

Respondents were asked to indicate the nature of their victimization and results presented in Figure 4.4.

Results presented in figure 4.4 below suggest that 58 (31.5%) of the respondents experienced physical abuse while 126 (68.5%) of the respondents experienced sexual abuse. This implies that most of the respondents had experienced sexual abuse. The most significant form of victimization experienced by young girls is sexual violence. According to a report by the United Nations Office on Drugs and Crime (UNODC,2018), 11% of girls in Kenya have experienced sexual violence before the age of 18. This highlights the vulnerability of young girls to sexual violence in Kenya.

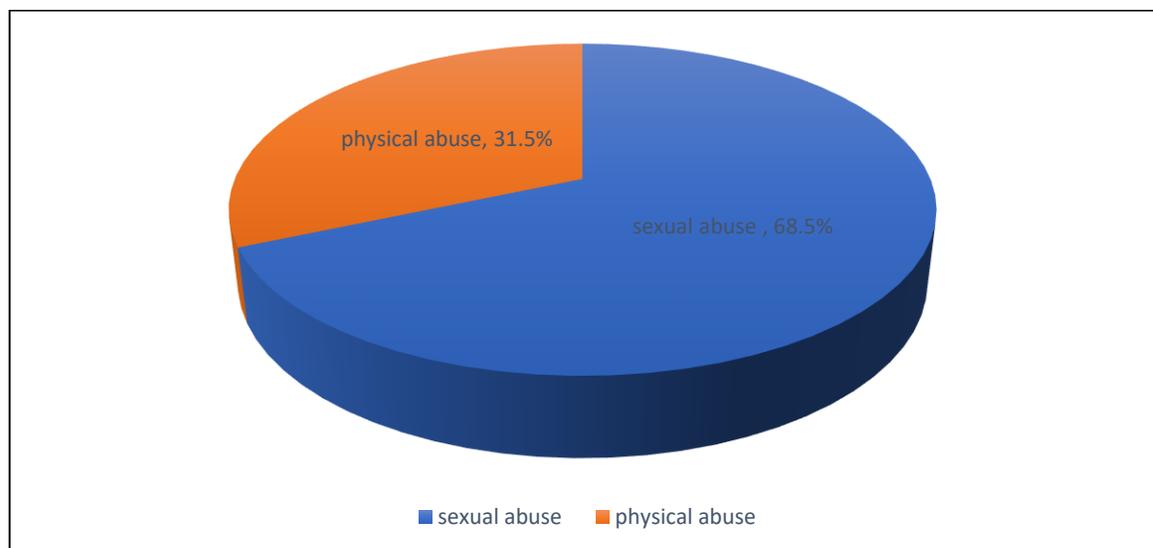


Figure 4. 4: Nature of victimization of respondents

Source: Field data, 2023

Similarly, in another study in the U.S.A by the National Institute of Justice, 1 in 4 girls will experience sexual abuse before the age of 18 (Snyder and Sickmund, 2006). The study also found that girls are more likely to experience sexual abuse than boys, with 82% of victims being female.

A study conducted by the United Nations found that approximately 120 million girls worldwide have experienced sexual violence before the age of 20 (UN Women, 2020). Another study conducted in South Africa revealed that approximately 60% of young girls experienced sexual violence before the age of 18 (Mathews et al., 2013). From these studies it is evident that vulnerability to sexual victimization of young girls is rampant in Kenya and also globally.

A more recent study conducted in 2020 by the Kenya National Bureau of Statistics (KNBS) found that sexual violence against girls in Kenya had increased during the COVID-19 pandemic (KNBS, 2020). The study reported that the number of girls who experienced sexual violence increased from 4.3 percent in 2014 to 14.8 percent in 2020.

4.3.6 Number of times respondents experienced victimization

Respondents were also asked to indicate the number of times they had experienced victimization and findings presented in figure 4.5 below.

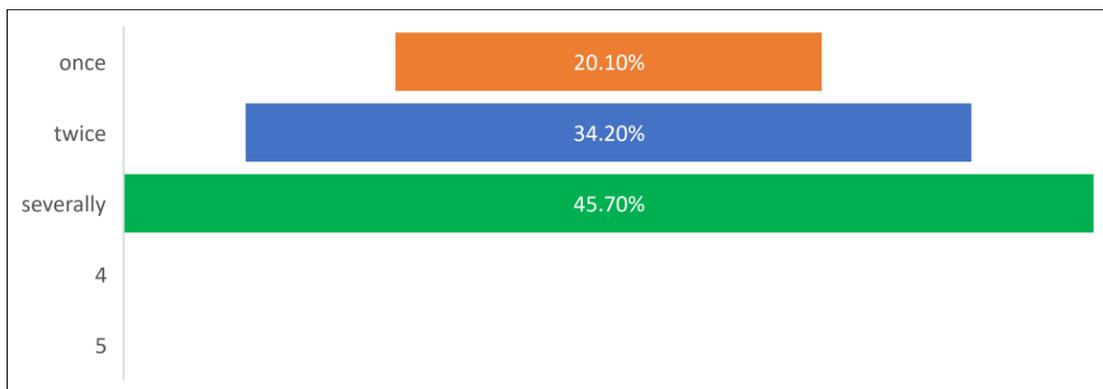


Figure 4. 5: Number of times respondents experienced victimization

Source: Field data, 2023

Results presented in figure 4.5 above indicate that 37 (20.1%) of the respondents experienced victimization once, 68 (34.2%) experienced victimization twice and 4 (45.7%) of the respondents had experienced victimization severally. While repeat victimization affects people of all genders and ages, young girls are particularly vulnerable to this issue. Studies have shown that young girls are more likely to experience repeat victimization than their male counterparts (McGillivray et al., 2020). In one study conducted by the National Crime Victimization Survey (NCVS), it was found that girls between the ages of 12 and 17 were more likely to experience repeat victimization than boys of the same age group (Truman, 2017). According to a study by Miller (2011), more than half of the girls in their sample who had experienced sexual abuse or exploitation reported having been victimized more than once. This study highlights that young girl are experiencing repeat victimization specifically for sexual abuse case.

4.3.6 Respondent’s Perpetrator of victimization

Respondents were asked to indicate who perpetrated the victimization and findings presented in the Figure 4.6.

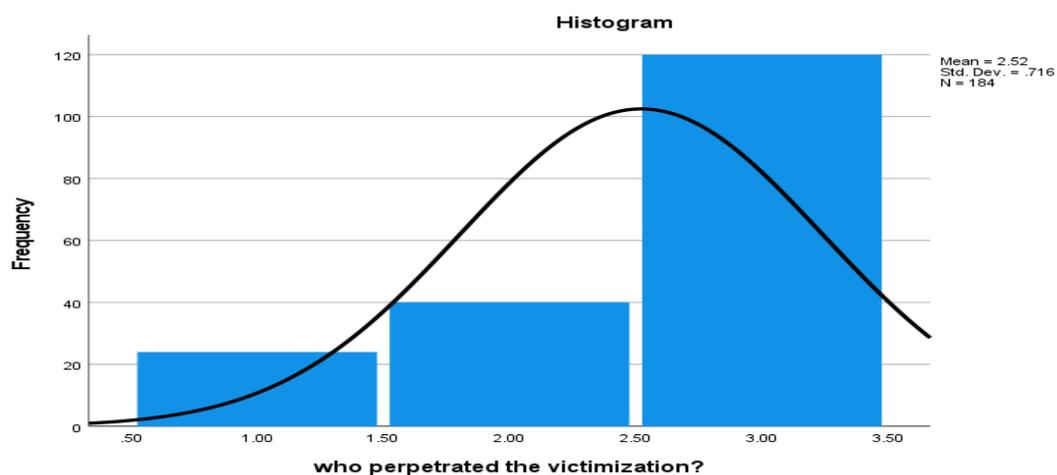


Figure 4. 6: Perpetrator of victimization

Source: field data, 2023

Results from Figure 4.6 above indicate that only 24 cases of the victimization were perpetrated by a stranger, 40 cases were perpetrated by an intimate partner and 120 cases were perpetrated by others who included neighbors and known relatives. These findings reveal that most of the respondents' victimizations (65%) were perpetrated by others who included fathers and step-parents abusing their children, neighbors, close relatives, people who are well known to the victims. The majority of victims being young and female suggests some kind of dependency relationship between victims and their assailants which in turn compounds their vulnerability not only to subsequent victimization but also to seeking and or getting justice.

This finding corroborates with other studies conducted elsewhere and in Kenya that reveal that the most common perpetrators of victimization among young girls are a family member or someone known to the family. For example, according to a report by the National Sexual Violence Resource Center, nearly 30% of child sexual abuse cases involve a family member, and another 60% involve a person the victim is familiar with, like a relative or an acquaintance (NSVRC, 2017).

Correspondingly, studies conducted in Kenya have also consistently shown that family members and acquaintances are responsible for a significant proportion of violence against young girls. For instance, a study by FIDA-Kenya (2017), found that 57% of perpetrators of sexual violence against girls aged between 6 and 18 years were known to the victims. This study also found that fathers, stepfathers, uncles, and grandfathers were the most

common perpetrators of such violence. These statistics highlight the fact that perpetrators of victimization are often people whom the victim knows and trusts.

4.4 Nature of procedural justice needs of vulnerable victims in criminal proceedings

The first specific objective of the study sought to examine the nature of needs of vulnerable victims in criminal proceedings. Specific needs of vulnerable victims that were of interest to this study included; information, protection, participation, compensation, psychosocial support and medical assistance. Respondents were asked to indicate the needs they experienced in the process of seeking justice, indicate whether they were important to them and also rate their levels of satisfaction with how these needs were addressed post victimization. Results are presented in the tables and figures below.

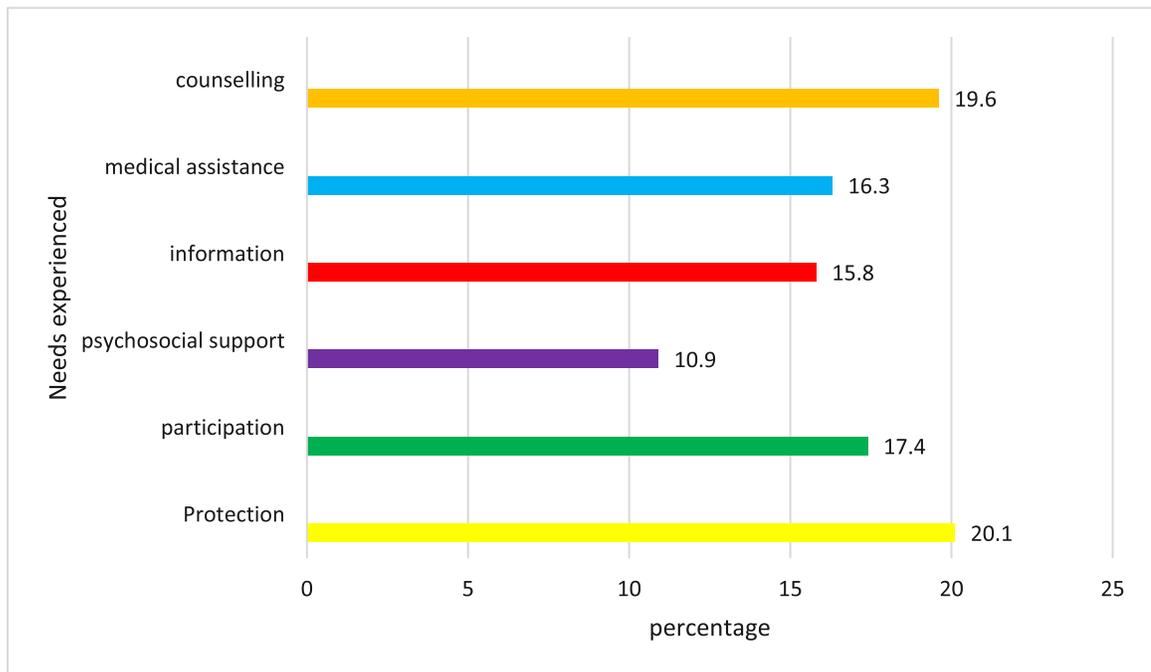


Figure 4. 7: Needs experienced by vulnerable victims in the process of seeking justice

Source: Field data,2023

Results from the figure 4.7 above indicate that 37 (20.1%) of the respondents need protection, 32 (17.4%) needed to participate in the criminal proceedings, 20 (10.9%) needed psychosocial support, 29 (15.8%) needed to be informed on the progress of the case and how the criminal justice functions, 30 (16.3%) needed medical assistance while 36 (19.6%) needed counseling services. This finding implies that while respondents cited having experienced various needs, most of the respondents 20.1% cited experiencing protection as the most prominent need in the process of seeking justice. Therefore, providing protection and security measures such as restraining orders, safe houses, and witness protection programs can help vulnerable victims feel safe and secure throughout the process of seeking justice.

A minor, a victim of defilement sheltered in a safe house stated:

I feel fearful that if my assailant is free, he might come looking for me and even steal me from this shelter and abuse me once again (RES 10, 2023).

From these sentiments, the respondent identified a criminal justice policy issue which incidentally by its implementation generates safety needs for vulnerable victims. This pertains to the bond and bail policy. An emergent theme from the qualitative data revealed a conflict between the protection needs and rights of victims of crime and the due process rights of accused persons which creates personal safety vulnerabilities for victims of crime. Article 49 (1) (h) of the Constitution of Kenya gives an arrested person the right “to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.” Further, According to Article 50 (2) of the Constitution every accused person shall be presumed innocent until guilt is proven in a

competent court of law. This is the primary rationale behind the Constitution's demand that an arrested individual be released on bail or bond. When possible, accused persons should be freed on bail or bond under the presumption of innocence. According to Article 49 (2) of the Constitution, "a person shall not be remanded in custody for an offence if the offence is punishable only by a fine or imprisonment for no more than six months."

On the victim rights' side of the equation, the Victim Protection Act 2014 recognizes and gives effect to the rights of victims of crime, including the right to participation, protection, information, among others. This Act requires courts to "ensure that every victim is, to the greatest extent possible, given an opportunity to be heard and respond before any decision affecting him or her is taken." It also grants victims of crime the right "to have their safety and that of their family considered in determining the conditions of bail and release of the offender." However, victims' needs for protection are sometimes overshadowed by the necessity to respect and preserve the rights of accused persons.

Another victim of defilement stated thus:

My assailant was to be released on bond. I was informed and my opinion sought but I refused because he had said once he is out, he must look for me wherever I am and end my life. When asked whether that is what he said he agreed that even now he would still kill me if released. I felt unsafe but the court still gave him 100,000 shillings bond. If they release him, I am not going back home I won't be safe. I fear for my safety, (RES 22, 2023).

This situation was similarly captured by a Probation Officer who expressed concern that

In cases of bond, the victim is informed and his or her views sought but that does not mean they are taken into considerations because there are various circumstances that are looked into its not just about the victim. If the person is working, the health conditions, security, economic status

among other issues enter into the decision to give bond/ bail, (RES 2, 2023).

A community based human rights champion who had intervened to secure the rescue of a child who was being subjected to abuse similarly expressed safety concerns arising from the bond policy;

After the child testified, the abuser was released on bond and ordered to report to the court because she had a small child. I met the accused in the market. She refused to greet me I felt unsafe while seeking justice, (RES 1, 2023).

A victim (indirect) whose case is yet to be concluded expressed concerns about actual threats received from the man accused of defiling her child;

The perpetrator keeps threatening me. He says even if I took a step to report, there is nothing that will happen (RES 33, 2023).

Another indirect victim whose case were once resolved highlighted safety concerns that surfaced after the case was resolved, when offenders' freedom comes at the expense of victims' emotional harm, a risk related with the adversarial nature of the retributive trial process. She stated:

Because the perpetrator was sentenced but placed on probation, the father used to threaten us and I felt unsafe and psychologically disturbed by his threats, (RES 99, 2023).

A related case of safety needs involved a case in which an elderly woman in her 50s was assaulted by the husband resulting in her losing some of her teeth. At the rear end of the criminal case in court the family prevailed on her to pitch for a non-custodial sentence and this was granted by the court. She observed that;

He (the husband) has since changed. His age made him get placed on a non- custodial sentence. But I have not withdrawn the case because if I do

so he will still beat me up. He has not genuinely changed. He is just aware that he is under supervision and I feel safe that way, (RES184, 2023). In this instance, victim safety seems not to be leveraged by the court's final decision in the case. It is instead hinged on the suspended sentence and the fact that the threat of a custodial sentence in the event the husband breaches the terms of the probation order is what seems to control him and afford her safety from further victimization. Thus, whereas the non-custodial sentence was granted on the strength of mitigating factors (his age) which secured the husband conditional freedom, it simultaneously serves as the only leverage for her safety. This case highlights the sense in which vulnerability of victims of intimate partner violence potentially outlasts the criminal process, and thus is not resolved by it. The criminal trial appears to address the symptom of the disease rather than its cause. It also signals the need for provision of relevant and clearly needed therapeutic services to help victims cope with the aftermath of their victimization. The fact that the victim clings to the perpetuity of the court case suggests that she is yet to heal from the trauma of the violation and lives in fear of repeat victimization. This observation converges with other studies which describe the nature of gendered victimization as repeated in nature, and reflecting the gender power relations that routinize intimate partner violence (Farrell, 2014).

The foregoing gaps in meeting or provisioning for victim protection needs exists despite provisions in policy and legislation to this effect. The Victims Protection Act 2014 stipulates several provisions for the protection of vulnerable victims. For example, Section 4 of the Act states that; If the court or a police officer believes there is sufficient reason to believe that the victim will face intimidation or retaliation from the accused, offender, or any agent of the accused or offender, the Victims Protection Board shall immediately refer

the victim to the Witness and Victim Protection Agency established under the Witness Protection Act of 2006 (VPA, 2014).

Regarding protection, the Act states that "A victim has a right to be free from intimidation, harassment, fear, tampering, bribery, corruption and abuse; have their safety and that of their family considered in determining the conditions of bail and release of the offender; and have their property protected".

The Act also includes measures for victim security, stating that anyone dealing with a victim must guarantee that the victim is immediately protected from further harm before any other action is taken against the victim. Further, it states that these actions must, among other things, secure the victim's immediate medical attention, immediate psychosocial support, police protection, placement with a relative when appropriate, and placing the victim in a place of safety when the victim is a vulnerable victim. It also states that any other related parties must be rescued and placed in a place of safety until the victim's safety is guaranteed. From the sentiments expressed by many of the victims these legislative provisions were hardly implemented by agencies mandated to do so. This was underscored by the sentiments expressed by one probation officer who stated that;

The witness protection is not being well utilized. The victims are on their own. Only politically significant people are offered protection. The common wananchi are not benefiting. They are not even aware that such is available to them. The prosecutors who are supposed to protect the victims also have very little to do with them, (RES 1, 2023).

Table 4. 3: The extent to which vulnerable victims’ needs were met within criminal proceedings

Category	N	Yes	No	Mean	Std. deviation
Were you informed of the progress of the case?	184	88.8%	15.2%	1.1522	.36017
Was receiving information important?	184	98.1%	2.1%	1.0272	.16303
Were you given a chance to participate in criminal proceedings?	184	94.3%	5.7%	1.1739	.38007
Did you appear before the court?	184	95.7%	4.3%	1.0435	.20449
Were you given a chance to tell the court the events that materialized on that day of the victimization?	184	73.9%	26.1%	1.2609	.44031
Was participating important to you?	184	99.1%	0.9%	1.0000	.0000
Do you think compensation was a need that the court should have addressed?	184	34.8%	65.2%	1.6522	.47758
Did the court order compensation?	184	3.3%	96.7%	2.0000	.0000
Was the compensation equivalent to the harm you had suffered?	184	4.6%	95.4%	2.0000	.0000

Source: Field data, 2023

4.4.1 Victim informational needs

In regard to information needs for vulnerable victims, results shown in table 4.5 above indicate that 84.8% of the respondents indicated that they had been informed of the progress of the case while 15.2% indicated they had not received any information on the progress of their cases. This implies that most of the respondents (84.8%) had received some communication regarding their cases. The results also indicate that (98.9%) of the respondents agreed that receiving information was important to them while only (2.1%) of the respondents disagreed that receiving information was important. This implies that (98.9%) of the respondents agreed that receiving information was important to them.

One approach the criminal justice system tries to treat victims of crime with dignity is to keep them informed about the status of their case. Victims have the right to know the status of their case, which can help them feel more involved in the process and better understand what is going on. Existing research has identified this as an important component of procedural justice. According to Bryant et al. (2018), it is critical to realize the emotional impact that crime can have on victims. Being a victim of a crime may be a stressful experience, and it is critical that victims receive the necessary support throughout the criminal justice process.

A way to assist victims is to keep them updated on the status of their case. Victims who are kept up to date on the status of their case are less anxious and distressed than those who are not. According to Brink and Marolla (2018), providing victims with updates on the

status of their case can help to develop trust in the criminal justice system. Victims who believe they are being kept in the dark about the status of their case may come to believe that the system is not functioning for them. However, when victims are provided with regular updates on the progress of their case, they are more likely to feel that the system is working for them and that their rights are being respected. As a result, people may be more satisfied with the criminal justice system.

Giving victims updates on the status of their case can also help them make more informed decisions about their own life. For example, if a victim knows that the trial is scheduled for a particular date, they can plan their work and personal lives accordingly. Additionally, knowing what is happening with their case can help victims to decide whether or not to seek counseling or other forms of support.

While the above statistics suggest that victims were obtaining information about their cases, qualitative data revealed that the quality of information received was of a limited nature that would be incapable of meeting the supposed benefits of information provision as a victim right. It appeared that the kind of information received was of an operational nature, geared to enable the courts function rather than packaged or delivered in a manner that gives victims assurance, and confidence about the justice process. Most of the victims received information about when to appear in court rather than systematic information about the court process and progress of the case. The sentiments expressed by victims below indicate this position:

A minor stated thus:

I only understand that the prosecutor in case it is a child's case, he or she is the one who decides whether to prosecute or release. The magistrate listens to the case and the prosecutor also notes something and the magistrate also writes the next hearing date. The prosecutor tells me when I appear before the court. He tells me to talk the truth and I should not fear but does not tell me what or how the court functions, (RES 86, 2023).

These sentiments imply that the minor did not have the benefit of a prior briefing about the trial process, especially who the actors in the courtroom are and what their roles are. Such information would have facilitated a more informed engagement with them and the courtroom procedures.

She continued:

I have never had a chance to talk to the magistrate. He only listens...I am sometimes fearful (when I appear in court) but when I get hold of the Bible I am strengthened, (RES 15, 2023).

From these sentiments, it appears that there is a need for debriefing of vulnerable victims like children to empower them by building their confidence to express themselves in court as they would wish to. The recourse to a spiritual source of such empowerment (the Bible) suggests an unmet need that otherwise victim services providers are mandated by law to do.

Another minor, a victim of defilement said:

I have not received information on how the court functions. I have never sat down with the prosecutor but when I go to court, she tells me to explain to her the details of my case. she tells me not to be fearful. The prosecutor tells me to tell the truth without fear, (RES 68, 2023).

Thus, the kind of information received is merely one that is one way, extracting information from the victim, as a witness, without a reciprocal furnishing the victim with relevant information to support their participation in court.

This was affirmed by the sentiments by another victim who stated:

No one has told me where my case has reached but once you go to court, they tell you when to go to court next, but I am not aware of where we have reached, (RES 116, 2023).

Yet another minor, victim of defilement, whose case was still underway in court stated:

I was advised by the prosecutor to say the truth on what happened so that I can get justice. Since then, I have never had a chance to talk to her again. Nobody explains to me the role of the magistrate, (RES 77, 2023).

Thus, communication with victims is evidence-focused, whose presence in court is instrumental in facilitating a state a state function by giving evidence, (the truth), rather than as a whole person with multiple needs pursuing justice and which could have an impact on their wellbeing.

An adult victim of domestic violence stated:

I am not sure the next step the case is taking. When we go to court we are only informed of the next date, (RES 141, 2023).

A similar sentiment was expressed by another victim, a mother to a defiled minor whose case was still in progress in court:

I have no information on where the case is going or how long it will take. When we go to court the clerk only tells us that today is a mention. We should come back on a certain day, (RES 151, 2023).

One probation officer expressed similar sentiments when she noted:

Other times victims come to court and the court is not sitting and no one informed them about a previous adjournment. At other times the defense lawyer has requested for an adjournment but the victim is not informed accordingly, (RES 1, 2023).

4.4.2 Victim participation need

Regarding participation, results from the table 4.4 also shows that (95.7%) of the respondents had appeared before the court and only (4.3%) of the respondents reported not having appeared before the court. This was explained by factors such as missing files, other respondents complained of going to court only for their cases to be postponed.

A female victim of domestic violence expressed her disappointment with the court by noting that;

I have been going to court every month since the case began without making any progress. I later realized that my assailant was out on bond and went to make a complaint to the court they re-arrest him and from then every time I went to court, they kept postponing claiming that my file is missing. I kept going to court hoping I would get justice a year was over without making any progress and now I could not afford transport, (RES 71, 2023).

However, most of the respondents felt they had an opportunity to participate in criminal proceedings through personal presence at trial. Besides (73.9%) agreed to having been given a chance to tell the court of the criminal events while (26.1%) still had not been able to tell their story. When asked to indicate whether participating in the criminal proceedings was important to them, (99.1%) of the respondents agreed while only (0.9%) disagreed to this statement. The lack of interest to participate in criminal proceedings by a small

percentage was attributed to respondents' inability to afford medical assistance which was essential in setting the case in motion and others would not afford transport to the courts which led to cases being discarded. This implies that most respondents felt that participating in the proceedings was important to them.

However, as the above respondent indicated, victims' participation is worthwhile when it is meaningful in the sense that the criminal process is progressive and productive of results and there is closure in their cases. It is apparent that uninformed participation just compounds the cost of pursuing justice and frustration with the process. In this case, the respondent felt that the delay was deliberate the process was opaque, and she was merely a spectator, experiences that depart from the procedural entitlements stipulated in the Victims Protection Act 2014. Victim participation in criminal proceedings is recognized as right which victims are entitled to enjoy, as stipulated in the Victim Protection Act 2014. Specifically, section 14, 2 (b) of the Act states that victims should have access and participate in the criminal justice system.

Gibbs (2017), observes that victim involvement in criminal processes can take many different forms, including the right to be present in court, the right to testify or make comments, and the right to be updated on the status of the case. Victim impact statements are now frequently admitted as evidence during sentencing hearings in several countries. These remarks give victims the opportunity to explain the impact that the crime has caused to them and their families.

The goal of victim involvement is to give victims a stronger voice in the criminal justice system and to ensure that their needs and interests are taken into account in court decisions. Victim involvement in criminal proceedings ensures that the victim's interests are represented and that their voice is heard in court. According to Gallagher and Wilson (2008), victim involvement contributes to higher victim satisfaction with the criminal justice system. Victims may feel helpless in the face of the criminal justice system's complexities and dangers. This sense of helplessness can be lessened by involving the victims in the process, which can also increase their sense of control over the case's conclusion. In addition, victims who are given the chance to take part in criminal processes are happier with the verdict than victims who are not. This is so that victims may feel empowered and in control of the criminal justice system as a result of victim engagement.

Meaningful victim participation is enhanced by victim appreciation of how the criminal process is supposed to work and their role in it. It seems that the previous limitations of victim information affected how victims participated in their cases in court. For example, one respondent stated:

We are not prepared to give testimony in court. The court does not prepare us. You just decide whether to tell the truth, (RES 68, 2023).

Thus, it is apparent that a significant burden is placed upon the victim to be a co-producer of justice insofar as they are propelled by a passion to get justice done. This sentiment suggests some helplessness felt by victims when they are not adequately informed about what is expected of them. Whereas they are propelled by a desire to get justice to participate in proceedings the best way they know how, it seems they are not sure whether the court

is really interested in ‘the truth’ that they present to the court and that they have no control over what the court does with it.

4.4.3 Victim compensation needs

With respect to compensation, results shown in table 4.4 indicate that only (34.8%) of the respondent’s considered compensation was a need that the court should have addressed while (65.2%) disagreed to wanting the court to compensate them. This suggests that most respondents felt that compensation was not an appropriate remedy to their victimization. The results also indicates that only (4.6%) of the cases the court had ordered compensation while in (95.4%) of the cases no compensation was ordered by the court. This indicates that most of the respondents whose cases had been decided did not have the court order compensation. When asked if compensation was equivalent to the harm they had suffered, the data from table 4.0 show that only (3.3%) of respondents agreed, while (96.7%) answered that compensation would not be equivalent to the harm they had suffered. This suggests that most respondents felt that compensation even if ordered by the court would not be equivalent to the harm they had suffered.

Table 4. 4: Victims’ evaluation of the importance they attach to criminal justice response to their specified needs

Specified need	N	Very important	Important	Not important	Slightly important
Receiving information	184	56.2%	48.3%	0.3%	0.2%
Participating in proceedings	184	77.2%	21.7%	1.1%	0.1%
Receiving compensation	184	3.1%	20.7%	62.%	14.2%

Source: Field data, 2023

Results from table 4.6 above show that (56.2%) of the respondents indicate that receiving information was very important and (43.3%) of the respondents indicate that receiving information was just important, (0.3%) indicated that receiving information was not important and only (0.2%) indicated that receiving information was not very important. This implies that most respondents view receiving information about the progress of their cases as very important. This is in line with findings which have consistently shown that victims place a high value on receiving information about their case. Converging findings of a study conducted by the US Department of Justice in (2019) indicate that 91% of crime victims reported that being kept informed about their case was essential to them. Similarly, a study conducted in the United Kingdom found that 98% of victims considered being

informed about their case to be important (Ministry of Justice, 2018). According to a survey conducted by the Australian Institute of Criminology (2021), over 80% of victims believe that receiving information about their case is very important. Moreover, over 60% of victims feel that they did not receive enough information about their case.

The importance of being informed was expressed by respondents in terms of what it empowers victims to achieve with it or what it costs them in its absence. Some of the respondents further detailed how this scarcity of needed information generates certain forms of personal harm which amount to secondary victimization. One mother to a child victim of defilement stated:

Sometimes we spend money to go to court only to be told that nothing is happening today, we come again another day, (RES 3, 2023).

This was corroborated by a key informant, a probation officer who noted that:

Victims end up going to court at every other mention even when they are not needed and nobody is going to refund the expenses they incurred, (RES 2, 2023).

For some respondents, accessing information on progress of the case was a critical factor in determining their prospect for getting justice. For instance, one respondent stated:

If you have no information your case cannot go far. On many occasions I went to court and found my file was missing. You have to push your case sometimes they could hide my file. Thrice I had to be harsh on them, (RES 66, 2023).

Thus, even if only instrumental, without information, one becomes vulnerable to manipulation by unscrupulous court personnel inclined to frustrate the progress of the case if compromised by the accused persons or their associates.

Regarding the victims' ranking of the importance, they placed on participating in criminal proceedings, results from table 4.6 indicate that (77.2%) of them consider participating in criminal proceedings is very important to them, (21.7%) indicated that participating was important to them, (1.1%) indicated that participating was not important and only (0.1%) indicated participation as being not very important. This implies that most victims view participating in criminal proceedings as very important to them. Nevertheless, most victims seemed to limit their discussion of participation to the form of being present in court whenever their cases were scheduled for mentions or hearing and that they did not anticipate other modes of participation. This in turn implies their limited understanding of their role and rights within the criminal trial process.

When victims were asked to rank how important receiving compensation was to them, the findings in table 4.6 show that only (3.1%) of respondents ranked it as very important, (20.7%) as important, (62%) as not important, and (14.2%) as not very important. This implies that vulnerable victims place little importance to receiving compensation which is an essential tool for helping victims recover from harm or loss. However, for vulnerable victims, such as those who have experienced sexual violence, compensation may not be a priority. Vulnerable victims may not place importance on compensation due to the trauma they have experienced. For example, Gilmore (2021) notes that victims of sexual violence may be more focused on healing and recovery than on compensation. Furthermore, many victims may feel ashamed or embarrassed about what has happened to them and may not want to talk about it or be reminded of it.

According to the Kenya National Commission on Human Rights (KNCHR), obtaining compensation for victims of sexual and gender-based violence (SGBV) is a difficult and time-consuming process (KNCHR, 2015). According to the study, victims often face challenges in reporting the crime, and when they do, they encounter delays and bureaucracy in the legal system. As a result, many victims do not receive the compensation they are entitled to, which can lead to further trauma and economic hardships. The bureaucratic red tape involved in seeking for compensation is also a barrier to doing so. In many cases, obtaining compensation requires filing a legal claim, which can be a lengthy and complicated process. For vulnerable victims who may already be dealing with trauma or other challenges, the thought of going through a legal process may be daunting, and they may not want to go through it.

4.4.4 Extent of victims' satisfaction with how the criminal justice system provided for their needs

Victims were asked to indicate how satisfied they were with the way the criminal justice practitioners helped them meet their needs for information, participation and compensation.

Table 4. 5 Satisfaction with the met needs

Met needs	N	Satisfied	Very satisfied	Not satisfied	Very dissatisfied
Receiving information	184	58.2%	33.2%	8.7%	0.1%
Participating in criminal proceedings	184	30.4%	54.1%	15.3%	0.2%
Receiving compensation	184	41.3%	21.7%	17.4%	58.2%

Source: Field data, 2023

With respect to receiving information, the findings presented in table 4.7 below indicate that 58.2% of the respondents were satisfied with receiving information while 33.2% were very satisfied, 8.7% were not satisfied and 0.1% were not very satisfied with receiving information. This implies that a large number of respondents felt satisfied with receiving information from the criminal justice practitioners.

According to studies, empowering vulnerable victims with information can significantly affect how satisfied they are with the whole process. The Australian Institute of Criminology found that victims who received information about their case were more satisfied with the police response than those who did not receive any information (Harris et al., 2010). Similarly, Kimani et al. (2017) conducted a study in Nairobi, Kenya, where they examined the impact of information provision on victims of sexual violence. The

researchers found that victims who received regular updates on their cases and had access to information about the criminal justice process reported higher levels of satisfaction than those who did not receive such information. In particular, the study found that information provision increased victims' sense of control over their situation and reduced their anxiety levels.

In addition, a study by Obura and Ondabu (2019), explored the satisfaction levels of victims in Kisumu, Kenya. The study found that victims who were provided with timely and accurate information about their cases, including updates on the progress of investigations and court proceedings, were significantly more satisfied than those who did not receive such information. The researchers noted that victims who felt informed were more likely to view the system as fair and just.

It is noteworthy that victims felt their information needs were met largely to the extent to which they were informed about hearing dates. This need was met largely by police officers although court clerks also were cited as providing this information. In most instances it is investigating officers who consistently informed victims about when they were required to appear in court on when their cases would be scheduled for mention or hearing. Nevertheless, this still suggested that victim information was merely instrumental in getting the witnesses to appear in court. A parent to a victim of defilement reported that

The police used to tell me the date I was supposed to go to court,
(RES 84, 2023).

Regarding participation, results in table 4.6 above show that 30.4% of the respondents indicated that participating in the proceedings would make them feel satisfied while 54.1% indicated they would feel very satisfied, 15.3% indicated would not feel satisfied and 0.2% indicated would feel very dissatisfied with the participation. This suggests that most of the respondents would feel very satisfied with participating in the criminal proceedings.

This is consistent with a study undertaken by Felson, Ackerman, and Gallagher (2005) which found that victims who participated in the criminal justice process reported higher levels of satisfaction with the outcome of their case than those who did not participate. The research also revealed that victims who were more involved in the process tended to feel more in control and had a greater sense of closure.

Owino (2017) evaluated the levels of satisfaction of victims of sexual violence who participated in criminal processes in Kenya. According to the survey, the majority of victims were satisfied with their involvement in the criminal court system, with some indicating that it helped them regain control of their life. According to the study, victims who were satisfied with the process had higher self-esteem and were less likely to experience psychological discomfort. This is because victim participation gives them a voice in the process and ensures that their concerns are acknowledged and addressed.

Results from the table 4.7 also indicate that in regard to compensation 41.3% felt satisfied with compensation in case the court ordered it while 21.7% would feel very satisfied, 17.4% would feel not satisfied with compensation while a large number (58.2) would feel

not very satisfied. These results suggests that most respondents would not be very satisfied even if the court ordered compensation.

Vulnerable victim express dissatisfaction with compensation because the compensation awarded often does not reflect the true cost of the harm suffered. For example, victims of sexual abuse may suffer from long-term psychological trauma that can affect their ability to work and earn a living. However, the compensation awarded may not take into account these long-term effects, resulting in inadequate compensation. According to a study conducted by Ngugi and Wanjiru (2017), found that victims of sexual violence were dissatisfied with the compensation they received because the compensation was inadequate and did not cover the medical expenses they incurred. Another study conducted by Odongo and Agolla (2018) found that victims of crime were dissatisfied with the compensation they received because the compensation process was slow and bureaucratic, resulting in delays in compensation payments.

A mother whose daughter was a victim of defilement but later succumbed to her injuries expressed her rejection of compensation as a mode of redress thus:

About compensation I wouldn't want even one cent. That would never bring my daughter back. I just want justice for my daughter. Life imprisonment would be justice. I cannot see my daughter. Let him also not see the light out of that prison, (RES 34, 2023).

Table 4. 6: Pearson correlation results on the relationship between meeting victim needs and satisfaction with the criminal justice system

Pearson Product Moment Correlation Coefficient was computed to determine the degree of linear association between meeting the needs of vulnerable victims and effect it had on their satisfaction.

		Victim needs	Satisfaction
Victims needs	Pearson Correlation	1	.623**
	Sig. (2-tailed)		.000
	N	184	184
Satisfaction	Pearson Correlation	.623**	1
	Sig. (2-tailed)	.000	
	N	184	184

** . Correlation is significant at the 0.01 level (2-tailed).

Source: Field data,2023

Table 4.7 shows that there is a statistically significant association between addressing demands and satisfaction ($r= 0.623$; $p 0.000$). This implies that there is a strong link between addressing respondents' requirements and satisfaction.

4.5 Procedural correlates of satisfaction of vulnerable victims with the criminal justice process

The second objective of the study sought to explore procedural correlates of satisfaction of vulnerable victims with the criminal proceedings. Respondents were asked to indicate what made them satisfied with processes involving reporting the crime, assistance received, how police carried out investigations, how the police treated them, information they received from the police, medical assistance and counseling and the general outcome of the case. They were also asked to indicate how satisfied they were with the named variables.

Table 4. 7: Procedural correlates of satisfaction of vulnerable victims

	N	Yes	No	Mean	Std. Deviation
Were you satisfied with the speed with which the perpetrator was arrested?	184	78.3%	21.7%	1.2174	.41360
Were you satisfied with the way the criminal justice system responded to you upon reporting?	184	67.4%	32.6%	1.3261	.47006
Were you satisfied with the level of participation during the proceedings?	184	68.2%	31.8%	1.0174	.31260
Were you satisfied with the way police carried out investigations?	184	78.3%	21.7%	1.1478	.53201
Were you satisfied with the police treatment?	184	87.8%	13.2%	1.2174	.41360
Were you satisfied with the information received from the police officers?	184	67.4%	32.6%	1.3261	.47006
Were you satisfied with the medical assistance and counseling you received from the criminal justice practitioners?	184	45.7%	54.3%	1.5435	.49947
Were you satisfied with the outcome of this case?	6	3.3%	96.7%	1.3333	.51640

Source: Field data, 2023

Respondents were requested to indicate whether the perpetrator was arrested immediately upon reporting the victimization. Results presented in table 4.10 above indicate that 78.3% of the respondents agreed that the perpetrator was arrested immediately and only 21.7% of

the respondent disagreed. This implies that most respondents had their perpetrators arrested immediately after reporting the victimization. The speed of arrest has also been found to impact victim satisfaction. One way that law enforcement agencies can help to alleviate some of the negative effects of victimization is by making a concerted effort to apprehend offenders quickly.

Some respondents expressed satisfaction with the efforts the police made in investigations and arrest of suspected perpetrators of crime. One stated:

The police are ok they have done their work, (RES 54,2023).

Another victim stated:

I am satisfied with the way the police carried out investigations, (RES 72, 2023).

Similar sentiments were also expressed by a different victim who reported:

In my case police are ok they did their work, (RES 120, 2023).

It is noteworthy that the satisfaction level of 78% represents the victims' understanding of the role of the police. This revolved around having the suspect arrested and eventually arraigned in court. It does not suggest anything to do with the quality of the investigations or the technicality thereof. Victims were satisfied with police work once they had done their part presenting the suspect to court for trial. Police failure to achieve this would be construed to mean the police were compromised by the suspect or their supporters to undermine the course of justice by letting them off the hook. In some instances, interference by suspects or their supporters compromises the integrity of officers thereby

generating suspicion and distrust of police officers by the victims and eventual dissatisfaction with the process. One male victim of assault by another man but which he attributed to his financially superior wife's instigation detailed his plight at the hands of the police to demonstrate this scenario:

My wife had already bribed the police and they could not listen to what I had to say despite even having recorded my statement at the police station, I kept going to the police for help but they kept beating around the bush. They kept postponing and finally my case did not go any further. I was not treated well. I got no justice. I felt like the police looked down upon me and did injustice to me by siding with my wife. I found the police are unfair, (RES 90, 2023).

Several studies (Reisig et al. 2007; Stolzenberg et al. 2004) have found that victims who believe the police are working hard to solve their case are happier with the criminal justice system than those who do not. According to the Bureau of Justice Statistics' (BJS) National Crime Victimization Survey (NCVS, 2019), victims of violent crime who believed the police took immediate action were more likely to be satisfied with the police response (71%) than those who did not believe the police took immediate action (38%).

Respondents were also requested to indicate whether they had to seek for assistance from anywhere else to have the police respond to their case. Results presented in table 4.10 above also indicate that 67.4% agreed to having sought assistance from elsewhere in order to have the police respond to their case while 32.6% disagreed. The majority of the respondents had to seek assistance from either the chief who often called the police and also assisted in locating the perpetrator and this contributed to the high number of immediate arrests that were made. The role of the locational chief in ensuring quick arrests are made is an

important aspect of maintaining law and order in rural communities. A community human rights campaigner reported

We sought help from the chief who called the police. I am satisfied with the way the police carried out investigations, (RES 2, 2023).

The chief serves as a mediator between the community and law enforcement and plays a crucial role in promoting cooperation between the two entities. While the mediating role of the local administrative officers was facilitative of police response, it signals that citizens do not have direct claims on police service, a situation that potentially lengthens the duration it takes for police to respond to an incident. Delays in responding to the plight of vulnerable victims in particular poses more risks of harm to them and hence dissatisfaction with the criminal process. Their intervention is in some instances to the detriment of the cause of justice for victims especially when they pressurize victims to pursue out-of-court solutions to their victimization or terminate the quest for justice altogether.

One female victim of domestic violence observed:

Sometimes even the chief can be compromised and can close the case, (RES 36, 2023).

A female victim of violent assault narrated her experience thus:

I reported the case but my family requested we solve the matter at home. We went to the chief and documented the case and were directed to the police station where we filled the P3 form. The perpetrator did not show up and at the chief's office. My case died there since then. I haven't gotten justice, (RES 46, 2023).

In extreme cases, they can be compromised to actually interfere with vulnerable witnesses.

A child protection social worker working at a child rescue center observed:

The Police sometimes get compromised. They can come and ambush us under the pretext that the child needs to go for testing or is urgently required to give testimony in court and then disorient the child, (RES 1, 2023).

However, she further observed:

Sometimes if you don't follow up your case the police talk to the accused and ask for some money so that they can do away with their case, (RES 1, 2023).

Thus, access to justice is threatened by and becomes contingent on the readiness of law enforcement personnel to uphold the rule of law.

Respondents were requested to indicate whether they were satisfied with their participation during the proceedings. Results presented in table 4.10 above indicate that 68.2% agreed they were satisfied while 31.8% stated dissatisfaction. This indicates that a large number of respondents felt satisfied with their participation in the proceedings.

Studies have shown that victim satisfaction in criminal proceedings is positively correlated with the level of participation. Victims who participate more actively in the process, such as giving victim impact statements or testifying in court, tend to be more satisfied with the process than those who have a less active role (Tilley, 2012). Following the coming into effect of the Victims Protection Act 2014, victims of crime in Kenya are now allowed to participate in criminal proceedings and have their voices heard during the trial. This participation has been recognized as a way to empower victims and increase their satisfaction with the justice system.

In a survey of victims in Washington State, researchers found that victims who participated in the criminal proceedings, either through testimony or attending court proceedings, had higher levels of satisfaction with the process than those who did not participate (Washington State Institute for Public Policy, 2017). In a similar vein, an Australian study indicated that victims who took part in legal processes expressed greater levels of satisfaction with the procedure than those who did not (O'Leary, 2018). Because victims can feel as though they are actively pursuing justice for the harm done to them by participating in the processes, victim involvement in the criminal justice system may result in better satisfaction. Participation also gives victims the chance to tell their tale and have it accepted by the court, which can make them feel heard and validated. Participation's sense of empowerment and control can also lessen victims' sense of helplessness and heighten their sense of justice being done (Dignan, 2014). Victim involvement can also contribute to an increase in victim trust in the legal system (Crawford and Newburn, 2003).

When victims are satisfied with the investigation process, it can lead to faith in the justice process, future cooperation with the police and potentially higher rates of successful prosecutions. It can also generate a sense of closure and justice for the victims. Victims may feel frustrated and anxious if they perceive that the investigation is taking too long, particularly if they are dealing with ongoing trauma or other difficulties as a result of the crime.

When respondents were asked whether they were satisfied with the way police carried out investigations, results presented above show that 78.3% agreed to be satisfied with the way

police carried out investigations while only 28.7% disagreed. This suggests that most of the respondents were satisfied with the way police carried out investigations.

Respondents' satisfaction with police investigations revolved around the timeliness of the arrests made. Most respondents felt that the police are doing their work whenever their perpetrators were behind bars. An indirect victim of defilement expressed her concerns by noting that:

The police are doing their work; they arrested my perpetrator, (RES 176, 2023).

This sentiment resonates with the observation that safety was the priority need felt by the respondents in this study. Having the perpetrator arrested not only assured victim safety from further harm but also ensured that they would be accountable in court and that victims could hope to get justice done.

Onditi and Ojwang (2018) examined the experiences of crime victims in Nairobi as well as their opinions of police response time. According to the study, victims who reported fast arrests were more satisfied with the criminal justice system, underlining the need of prompt police action.

Another study conducted by Johnson (2007) focused on the perceptions of sexual assault victims in Kenya regarding the responsiveness of law enforcement agencies. The research revealed that victims who experienced timely arrests reported a greater sense of satisfaction and perceived the criminal justice system as more supportive. Conversely, delayed arrests resulted in decreased victim satisfaction and increased frustration with the overall process.

In regard to police treatment, victims were requested to indicate whether they were satisfied with the way the police treated them. Results from table 4.10 above report that 87.8% of the respondents agreed to be satisfied with the way police treated them while only 13.2% disagreed. This suggests that a large number of respondents were satisfied with the way the police treated them. The way in which police treat victims can influence their level of satisfaction with the process. Victims who perceive the police as treating them with respect and empathy report higher levels of satisfaction with the police and the criminal justice system as a whole.

According to studies, the quality of police treatment is a strong determinant of victim satisfaction. In a survey of sexual assault victims in the United States, for example, researchers discovered that victims who perceived the police as compassionate and respectful had higher levels of satisfaction with the police and were more likely to report the crime to law enforcement (Littel, Krahe, and Bijleveld, 2018). Similarly, a study conducted in the Netherlands discovered that victims who believed the police treated them with respect and dignity were more satisfied with the police and the criminal justice system (Van der Vleugel, De Keijser, and Finkenauer, 2016).

According to Tyler (2011), victims' perceptions of the credibility of the criminal justice system might be influenced by how satisfied they are with their treatment. Victims are more inclined to believe in the fairness and justice of the system when they see that the police are treating them with respect and empathy. The willingness of victims to assist with

law enforcement and take part in the criminal justice system may also increase if they believe that the police are attentive to their needs and concerns.

Kilpatrick, Resnick, and Ruggiero (2013) discovered that the quality of police treatment can have an effect on victim well-being. Victims who consider the police to be respectful and compassionate are less likely to report discomfort and signs of post-traumatic stress disorder (PTSD). As a result, police treatment can have an impact not only on victim satisfaction with the criminal justice system, but also on victim healing.

With respect to information received from police officers, respondents were requested to indicate whether they were satisfied with the information received from police officers. Results on table 4.10 report that 68.2% of the respondents agreed to having been satisfied with the information received from the police officers while only 31.8% disagreed. This implies that most respondents were satisfied with the information received from the police officers. Victim satisfaction with the information received from police officers is an essential aspect of the criminal justice system. Victims of crime often experience feelings of powerlessness and anxiety, and receiving clear and accurate information from police officers can help to alleviate some of these negative emotions.

The high level of satisfaction with information provided by the police appears to be arising from its functional nature, the fact that police communication helped them participate in the trial by being present in court. This was the extent of police communication with

victims of crime, which in itself is problematic insofar as it represents a gap between policy and practice. This was revealed by a key informant, a probation officer who noted

The UN Declaration [on the principles of treatment of victims of crime and abuse of power] requires the victim to access information at all stages of the proceedings but in many cases, police do not avail the statements to the victims for them to read. They only inform the victim that they are now taking the perpetrator to court, no information on which court you are even supposed to attend and this makes victims to get distorted information, (RES 2, 2023).

Respondents were also asked whether they were satisfied with the medical assistance and counseling they received from criminal justice practitioners. According to the results presented in table 4.10, only 45.7% of respondents agreed to be satisfied with the medical assistance they received from the criminal justice system, while 54.3% disagreed. This implies that most respondents were not satisfied with the medical assistance and counseling received. Whereas the Victims Protection Act specifically provides that vulnerable victim are entitled to medical care at the expense of the State, in practice, this provision is not actualized. The dissatisfaction of victims with the way the criminal justice system responds to this need arises from the fact that in most of the cases, they had to pay for these services rather than access them freely.

A mother to a minor victim of defilement reported:

Medical assistance is becoming a challenge because even when one is hurt badly you have to pay to get help, (RES 129, 2023).

Another mother to a minor who had been defiled similarly stated:

I am not satisfied with the medical assistance we received because we had to pay. I needed money to get to the hospital to get to the police station to report my case, (RES 50, 2023).

An adult female victim of domestic violence similarly observed:

At the hospital when you have gone for medical assistance the doctors keep asking for money to attend to you. At that moment you even have nothing in your pockets (RES 93, 2023).

A key informant, a probation officer who has experience working with victims of crime corroborated the foregoing victims' sentiments by observing:

When it comes to medical assistance, the victims do not receive medical attention. The court tells the victim to wait until the case is concluded so that they can file a civil suit to secure compensation. Even when filling a P3 form, victims have to pay. They claim to have waived fees for victims of sexual violence, but the clinical officer still demands money to fill the medical form. Despite the government being responsible for such expenses, the victim is still incurring expenses in the process of seeking justice (RES, 2023).

When someone becomes a victim of crime, they often require medical assistance and counseling to help them cope with the trauma they have experienced. Unfortunately, many victims are left feeling dissatisfied with the services they receive from the criminal justice system. Other studies have shown that victims of crime often report feeling like they are treated as an afterthought by medical professionals and counsellors. In one study, victims reported feeling like they were being rushed through appointments, and that their concerns were not being taken seriously (Poythress et al., 2010). In other findings, victim dissatisfaction with medical and counseling services is due to the lack of access to these services. Many victims of crime are not aware of the medical and counseling services available to them through the criminal justice system. For example, a study conducted by Lurigio et al. (2014), in the US found that only 39% of victims of violent crime were offered counseling services by the criminal justice system.

Another issue that can lead to victim dissatisfaction with medical assistance and counseling is a lack of communication. Victims may not fully understand the services that are available to them, or they may not be kept informed about the progress of their case. This can lead to feelings of frustration and helplessness, which can exacerbate the trauma they are experiencing (Miller, 2013). Victims may also be dissatisfied with the quality of care they receive. In some cases, victims may be referred to under-qualified or inexperienced counsellors, which can lead to a lack of understanding and empathy for the victim's situation. Additionally, victims may feel like the criminal justice system is more concerned with punishing the offender than helping the victim (Poythress et al., 2010). Whereas these studies point to issues pertaining to the quality of medical services or barriers to access to them, this study finds that in the Kenyan context, the problem is one of victim neglect owing to non-implementation of legal provisions which mandate their access to these services.

Regarding the outcome of the cases, victims whose cases had been decided were asked if they were satisfied with the outcome of the case. The results shown in table 4.10 show that only 3.3% of the respondents agreed to being satisfied with the case, while 96.7% disagreed, implying that a large number of respondents whose cases had been decided were not satisfied with the outcome of the cases.

One explanation for this result was rendered by a Probation Officer who noted:

Most victims' express dissatisfaction with the criminal justice system because they believe that justice can only be achieved by confining the perpetrator (RES 1, 2023).

A parent to a child who had been defiled expressed her dissatisfaction with the outcome of the case thus:

I have been going to court until the judgment day only to see the perpetrator out two weeks after being sentenced to 20 years. We are not safe. What if he attacks us again? He was given bond. I have no information on how the case ended. I am not satisfied with the outcome of the case. I am frustrated. I don't know where to go (RES 24, 2023).

Here, it is apparent that failure to meet the information, participation and safety needs of victim's accounts for their dissatisfaction with the process and outcomes of the criminal process. Dignan (2017), explains that lack of communication and involvement in the legal process is a major source of victim dissatisfaction with criminal proceedings. Victims may feel left out of the decision-making process if they are not fully informed about the progress of their case thereby leading to feelings of powerlessness and feelings of dissatisfaction with the outcome of the case. Victims of crime often feel that they have been let down by the legal system when the outcome of their case does not meet their expectations. This dissatisfaction can have a significant impact on victims' recovery and can even discourage them from seeking justice in the future.

Victim discontent with a case's conclusion can have a big impact. If the victim is unhappy with the resolution of their case, they may endure long-lasting trauma and may be less willing to seek justice in the future. This may have detrimental effects on the criminal justice system as a whole since it may lower public

confidence in the justice system and deter crime victims from reporting their offenses (Buckler, 2017).

4.5.1 Level of satisfaction with selected aspects of the criminal justice process

Respondents were requested to rank how satisfied they were with various factors such as the manner of their participation in the criminal proceedings, how police carried out investigations, police treatment, information received from police officers, medical assistance and counseling received and with the outcome of the case. Results were recorded and presented in the table below.

Table 4. 8: Level of satisfaction of vulnerable victims with selected aspects of the criminal justice system

	N	Very satisfied	Satisfied	Dissatisfied	Very dissatisfied
How satisfied are you with the way you participated in the criminal proceedings?	184	26.5%	41.7%	29.6%	2.2%
How satisfied are you with the way police carried out investigations?	184	26.1%	52.2%	17.2%	4.5%
How satisfied are you with the police treatment?	184	24.3%	63.5%	12.7%	0.5%
How satisfied are you with the information received from criminal justice practitioners?	184	17.4%	50.0%	19.5%	13.1%
How satisfied are you with the medical assistance and counseling received from criminal justice practitioners?	184	10.9%	34.8%	47.8%	6.5%
How satisfied are you with the criminal justice system?	184	1.2%	2.1%	1.1%	95.6%

Source: Field data, 2023

Results from table 4.11 above indicate that 26.5% of the respondents were very satisfied with the way they participated in the criminal proceedings, 41.7% were just satisfied with the participation, 29.6% dissatisfied and only 2.2% were very dissatisfied. This implies that most of the respondents were satisfied with the way they participated in the criminal proceedings. This is in line with the findings on table 4.10 above where a large number of respondents agreed to having been satisfied with the way they participated in the criminal proceedings. Most respondents considered that being present during court proceedings and giving testimony was good enough since they did not seem to know more about pertinent entitlements or suggest a desire for more opportunities to participate in the proceedings as provided for in law.

In regard to the way police carried out investigations, respondents were requested to rank how satisfied they were with the way police carried out investigations. Results from table 4.11 above depict that 26.1% of the respondents were very satisfied with the way police carried out investigations 50.2% of the respondents were just satisfied, 17.2% were dissatisfied and only 4.5% of the respondents were very dissatisfied. This implies that most of the respondents were satisfied with the way police carried out investigations. This is in agreement with the results on table 4.10 where most of the respondents agreed to having been satisfied with the way police carried out investigations insofar as the investigations resulted in arrests of suspects and their arraignment in court.

When respondents were asked to rank how satisfied they were with the way the police treated them, results from table 4.11 reports that 24.3% of the respondents were very satisfied with police treatment, 52.2% were just satisfied with the police treatment, 17.5% were dissatisfied while only 4.5% of the respondents were very dissatisfied. This implies that most of the respondents were satisfied with the police treatment. This is in agreement with findings from table 4.10 where most respondents were satisfied with police investigations to the extent that they regularly provided updates on their next court appearances.

With respect to information received from the police officers, respondents were requested to rank how satisfied they were with the information received from they received from police officers. Results from table 4.11 above report that 17.4% of the respondents indicated being very satisfied with the information they received from police officers,

50.0% of the respondents were just satisfied, 19.5% of the respondents were dissatisfied while only 13.1% of the respondents were very dissatisfied with the information, they received from the police officers.

When respondents were asked to rank how satisfied they were with medical assistance and counseling received from the criminal justice practitioners, results from table 4.11 indicate that only 10.9% of the respondent were very satisfied, 34.8% of the respondents were satisfied, 47.8% were dissatisfied and 6.5% were very satisfied. This implies that most of the respondents were dissatisfied with the medical assistance and counseling received from the criminal justice practitioners. This underlines the findings in table 4.10 where most respondents were dissatisfied with the medical assistance and counseling received from the agencies mandated to do so by the Victims Protection Act 2014.

In terms of satisfaction with the case's outcome, respondents were asked to rank how satisfied they were with the outcome. According to table 4.11, only 1.2% of respondents were extremely satisfied with the conclusion of the case, 2.1% were content, 1.1% were dissatisfied, and 95.6% were very dissatisfied. This means that a high proportion of respondents were extremely displeased with the case's conclusion. This is consistent with the data given in table 4.10, in which nearly all victims disagreed with the case's resolution.

Pearson Product Moment Correlation Coefficient was computed to determine the degree of linear association between vulnerable victims' demographic characteristics and effect it had on their satisfaction.

Table 4. 9: Pearson correlation on demographic characteristics and satisfaction of vulnerable victims

		Age	Gender	Marita l status	Level of educatio n	Satisfaction with the criminal justice system
Satisfaction with the criminal justice system	Pearson Correlation	.841**	-.309**	.801**	.754**	1
	Sig. (2-tailed)	.000	.000	.000	.000	
	N	184	184	184	184	184

*. Correlation is significant at the 0.05 level (2-tailed).

Source: Field data,2023

Table 4.12 shows that there is a statistically significant relationship between key demographic characteristics and satisfaction, including age and satisfaction ($r=0.84$; $p=0.000$), gender and satisfaction ($r=-0.309$; $p=0.000$), marital status and satisfaction ($r=0.809$; $p=0.000$), and level of education and satisfaction ($r=0.754$; $p=0.000$). This implies that demographic variables and satisfaction have a statistically significant link.

Respondents were asked to rate how strongly they agreed with the idea that victims' coping abilities change according on demographic factors such as age, gender, race, and socioeconomic level. Table 4.13 shows the results.

Table 4. 10: Respondent’s assessment of the demographic correlates of coping ability with the aftermath of victimization

	N	Strongly agree	Agree	disagree	Strongly disagree	Std. Deviation
Victims have different coping capabilities depending on their demographic characteristics such as age, gender, race and economic status. How strongly do you agree?	184	26.1%	70.6%	2.2%	1.1%	.51446

Source: Field Data, 2023

In regard to respondent’s assessment of the demographic correlates of coping ability with the aftermath of victimization results presented in table 4.13 above indicate that only 26.1% of the respondents strongly agreed that victims have different coping capabilities depending on their demographic characteristics such as age, gender, race and economic status and 70.6% agreed, 2.2% disagreed and 1.1% strongly disagreed. This suggests that most of the respondents felt victims’ ability to cope with the negative effects of victimization depend on various demographic characteristics such as age, gender, race and economic status. The degree to which victims are able to cope with the aftermath of their victimization and the quest for justice is a significant factor shaping their experience of justice and satisfaction with both the process and outcomes.

This finding points to the sense in which victim experiences intersect with various dimensions of social identity especially gender and age. Most respondents were female but

their experiences with justice showed how the quest for justice following victimization is a gendered experience. This was apparent in instances where the victims' options for seeking justice were decided by spouses in situations where the perpetrator was related by kinship. In such cases, the women were prevailed upon to seek alternative dispute resolution mechanisms but which were not resolved as perpetrators eventually got away with their offences. Owing to lack of social capital and resources, they did not have the capability to even approach the courts to enforce some of the rights due to them like in cases where the perpetrators did not show up in court and their cases eventually collapsed.

A female victim of physical abuse reported that;

I was attacked by my friend and I lost my teeth. I reported my case and the elders requested for a sitting to solve the issue. My perpetrator was rude and we could not come to an agreement. I decided to pursue the court but I could not even afford to get to the court hence my case has not made any progress (RES 76, 2023).

An elderly woman narrated her experience depicting how precarious justice is by reporting that despite her spouse who has assaulted her resulting in loss of her teeth having changed, she could not withdraw her case from the court despite family pressures to do so because that would be her leverage eventually to get protection.

She asserts that;

My husband's family has convinced me to withdraw the case. I have not withdrawn because if I do so, he will still beat me up. He's not genuinely changed he's just aware that he is being watched. I feel safe that way. (RES 28, 2023).

A male respondent also expressed his emotional turmoil following her spouse’s alleged collusion with the police to allow his assailant to escape and to frustrate his quest for justice. He narrates thus;

I felt I did not get justice. I was abused but I had no one to help me even my own family. When we tried to revive the case with Groots Kenya we organized to have a sitting but my perpetrator ended up missing. I felt like the police were unfair because they sided with my wife (RES 90, 2023).

These results are consistent with a prior study on the gendered nature of victimization conducted by Mythen in 2007. He comes to an understanding that victims' interactions with others and experiences have an impact on their capacity to deal with victimization, which in turn affects the nature of their needs. An elderly burglary victim with a solid support system and enough resources may be less vulnerable than a young male victim of violent crime. This suggests that it's important to understand that victims' capacities for coping vary based on their demographics. Recognizing that everyone experiences victimization differently highlights the significance of a variety of needs that are specifically designed to meet the needs of various populations.

Table 4. 11: Pearson correlation results on the relationship between procedural factors and satisfaction of vulnerable victims

		Procedural factors	Satisfaction
Procedural factors	Pearson Correlates	1	.483**
	Sig. (2-tailed)		.000
	N	184	184
Satisfaction	Pearson Correlation	.483**	1
	Sig. (2-tailed)	.000	
	N	184	184

*. Correlation is significant at the 0.05 level (2-tailed).

Source: Field data, 2023

To measure the degree of linear correlation between procedural factors and the influence it had on their satisfaction, the Pearson Product Moment Correlation Coefficient was computed. Table 4.14 shows that there is a significant relationship between procedural factors and satisfaction ($r=0.483$; $p=0.000$). This means that there is a strong link between numerous procedural elements and customer satisfaction. The researchers used Guildford's (1973) rule of thumb for interpreting correlation coefficients (r) to determine the strength of the relationship, where 0.2 indicates a negligible relationship, 0.2-0.4 indicates a low relationship, 0.4-0.7 indicates a moderate relationship, 0.7-0.9 indicates a high relationship, and >0.9 indicates a very high relationship. Therefore, the strength of the relationship was moderate, which means procedural factors moderately increases the victims' satisfaction with the criminal justice system.

4.6 Challenges and opportunities in enhancing satisfaction of vulnerable victims

The third objective of the study was to assess the challenges and opportunities of enhancing satisfaction of vulnerable victims. Respondents were requested to indicate various challenges that they encountered in the processes of seeking justice and opportunities that presented themselves. The data collected was subjected to both descriptive and inferential analysis as well as thematic analysis, and the results shown in the tables below.

4.6.1 Challenges in enhancing satisfaction of vulnerable victims

Respondents were asked to express how strongly they felt about the harmful impacts of contact with the criminal justice system.

Table 4. 12: Descriptive statistics on the extent of secondary victimization of vulnerable victims

	N	Strongly agree	Agree	Disagreed	Strongly disagree
Victims suffer harm as a result of getting into contact with the criminal justice system. How well do you agree with this statement?	184	40.8%	50.1%	5.9%	3.2%
The criminal justice practitioners blame victims for causing their own victimization. How strongly do you agree with this statement?	184	37.1%	56.5%	4.3%	2.1%

Source: Field data, 2023

According to the findings in Table 4.15, 40.8% of respondents strongly agreed that victims experience injury while seeking justice, 50.1% agreed, 5.9% disagreed, and just 3.2% severely disagreed. This means that the majority of respondents agreed that victims experience harm while seeking justice. Victims of crime, particularly those from vulnerable groups such as women and children, confront a slew of difficulties while interacting with the criminal justice system.

The process of navigating the criminal justice system can be overwhelming and re-traumatizing for some victims, particularly those who have experienced sexual assault (Campbell et al., 2015). Other research has demonstrated that people who experience violent crime are more likely to experience depression, anxiety, and post-traumatic stress

disorder (PTSD) (Kilpatrick et al., 2003). Moreover, these health problems can persist long after the initial incident, leading to long-term health problems (Duke et al., 2010).

Contact with the criminal justice system can also have a significant impact on the financial stability of victims of crimes. Victims may incur medical expenses, legal fees, and other costs related to the crime, which can be particularly challenging for those who are already financially vulnerable (Davis & Henderson, 2003). Moreover, contact with the criminal justice system can also have a negative impact on a victim's trust in the criminal justice system. According to a study by the Vera Institute of Justice, victims of crime who have contact with the criminal justice system may have lower levels of trust in the system and may be less likely to report future victimizations (Vera Institute of Justice, 2018). This can be particularly problematic for vulnerable victims who may be less likely to seek help or report crimes due to their distrust of the system.

Respondents were also asked to rank to what extent they considered practitioners within criminal justice blamed them for their victimization. Results presented in Table 4.15 depict that 37.1% strongly agreed, 56.5% agreed, and only 4.3% of the respondents strongly disagreed. This suggests that a large number of the respondents agreed that practitioners within the criminal justice system tend to blame victims for their victimization.

Victim blaming has been prevalent in society and the criminal justice system, with victims of sexual assault, domestic violence, and other crimes often facing unfair judgment and blame. Victim blaming has negative consequences for victims, as it can deter them from

reporting crimes and seeking justice. Studies have revealed that women and children are often reluctant to report crimes, fearing that they will not be believed or that they will be blamed for the crime (Chuang and Wells, 2010). Moreover, even when crimes are reported, the criminal justice system may not respond appropriately, leading to further trauma for victim.

Research shows that victim blaming is common in the criminal justice system. For example, in a survey of 64 rape survivors who reported their assault to the police in the US, 40% felt that the police blamed them for the assault (Frazier et al., 2009). This conclusion is confirmed by research by Campbell and Raja from 2005, which indicated that 34% of rape survivors had experienced victim blaming from law enforcement. Furthermore, a study by Cortina et al. (2018) discovered that judges frequently had victim-blaming attitudes, with 41% of the judges in their sample believing that the victim of a rape was partially to blame for the crime.

Table 4. 13: Descriptive Statistics on the challenges in enhancing satisfaction of vulnerable victims

	N	Yes	No	Mean	Std. Deviation
Did you suffer harm in the process of seeking justice?	184	82.6%	17.4%	1.6304	.48400
Were you blamed for precipitating your victimization?	184	32.7%	67.3%	1.8261	.38007
Did you experience police mistreatment while reporting victimization?	184	4.3%	95.7%	1.9565	.20449
Were you able to cope with the negative effects of victimization?	184	26.1%	73.9%	1.2609	.44031

Source: Field data, 2023

The pursuit of justice is a fundamental right that every victim of crime deserves. However, seeking justice can be a painful and traumatizing experience for victims, with some experiencing further harm in the process. Despite the legal system's best efforts to provide justice for victims, the process can sometimes cause further harm to those who have already suffered.

Respondents were asked to state whether they had been harmed while pursuing justice. According to Table 4.16, 82.6% of respondents had incurred injury, while 17.4% disagreed. This means that the majority of victims incur harm while pursuing justice, which explains their discontent with the criminal justice system. Wamae (2020), investigated the

experiences of vulnerable victims of sexual violence in Kenya and found that victims of crime often experience a range of negative emotional reactions during the criminal justice process. These can include feelings of anxiety, fear, frustration, and powerlessness. In addition, victims may experience financial difficulties due to legal costs, time off work, and medical expenses. These harms were attributed to various factors, including, police inaction, stalling of cases, threats from suspects and or their families and delays in progression of cases once the perpetrator is arraigned in court.

A male victim of assault expressed his frustration with the justice system when his efforts to seek justice seemed blocked by police inaction:

I am now hopeless. My finger is not there. I have scars on my face, a reminder of the assault on me. Sometimes I just cry, for justice was not served. I needed to be heard, but nobody listened to me. I just wonder if I am a mistake, (RES 90, 2023).

Another form of harm experienced by vulnerable victims was the financial and emotional cost of delays in progression of cases in court. A mother to a victim of defilement expressed it thus:

We go to court every month and it is becoming tiresome. They keep telling us to wait. It has been two years and nothing has happened. The child says it is affecting her. She says she will not go to court any other day...the case is not making any progress. I don't know what is happening. We spend money to go to court every month and it is not bearing any fruits, (RES 112, 2023).

Highlighting the potential harm of delays in criminal proceedings, a victim of domestic violence opined:

Such cases should be solved quickly because when they keep postponing and the accused is already out on bond, when he meets you, he can kill you, (RES 12, 2023).

Another victim of assault by an intimate partner reported the adverse emotional cost of seeking justice owing to frustrations with the process:

In the process of seeking justice, I've been sick, always depressed. At some point I felt like taking away my life but I remembered I had to be strong for my children. I go to church, talk to people and forget my problems, (RES 70, 2023).

The findings from responses to open ended questions revealed instances where victims were subjected to treatment that amounted to secondary victimization. A noteworthy source of harms especially in cases of domestic violence involved interventions by local chiefs which were not binding and which made victims weaker. For example, a female victim of assault narrated her predicament at the hands of the chief thus:

I was attacked by my neighbour's house boy. He beat me to the extent I lost my teeth. I reported the case but my family requested we solve the matter at home. My husband decided that we take the case to the chief. I had no choice. We went to the chief who documented the case and directed us to the adjacent police station to have a P3 form filled. The perpetrator did not show up and at the chief's office on the appointed date. A different meeting was scheduled but this time it is the chief who did not show up for the meeting. My case collapsed there since then. I haven't gotten justice. I am helpless, (RES 100, 2023).

Pressures on females to yield to informal justice mechanisms subject them to the risk of finding no resolution and the accompanying harm of not finding closure following victimisation. This is because these processes proceed at the mercy of the chief who is not

under any legal obligation or legal competence to preside over them in a rule and time bound manner. When the cases pit a vulnerable member of the community against a relatively more powerful offender, the victim is not assured a fair resolution. In this case, it appeared the chief colluded with the employer of the perpetrator of assault to delay the resolution of the case thereby resulting in the eventual disappearance of the suspect, even after agreeing to preside over its resolution as a conflict. There is therefore need to institute some oversight measures to protect victims who seek justice through such informal mechanisms. Studies conducted in Kenya have found evidence of harm to victims who participate in ADR processes. For example, victims may be coerced into accepting settlements that do not adequately compensate them for the harm they have suffered (Nyamongo, 2005).

Kinyanjui (2019), reports that the use of alternative dispute resolution (ADR) has also been criticized for being biased against certain groups, particularly women. Victims may feel pressured to participate in ADR processes, particularly if they are not aware of their legal rights or if they believe that they will receive a faster and more favorable outcome than through formal court processes. However, victims may also be exposed to more harm through ADR processes. Further he found that victims of sexual violence who participated in ADR processes were more likely to experience stigmatization and marginalization than those who pursued formal court processes. Victims who participated in ADR were also more likely to report experiencing secondary victimization, such as being blamed for the harm they had suffered.

Yet another source of harm arises from weak or non-existent protection measures to protect victims from threats or intimidation from defendants or their families and or supporters. The Victim Protection Act stipulates that victim should be free from intimidation, harassment, fear, tampering, bribery, corruption and abuse. Despite the provisions of the Act victims of crime are often vulnerable to harm and intimidation by defendants, particularly in cases involving domestic violence, sexual assault, and harassment. While the justice system is designed to protect victims from such harm, weak measures have been found to be a source of harm in some cases. This converges with finds by Zeng, et al., (2020) who reports that over 60% of violent crime defendants were released prior to trial in 2018. When defendants are released, they may continue to intimidate or harm the victim, regardless of bail conditions.

With respect to victim blaming, results in Table 4.16 indicate that 32.7% of the respondents reported being blamed for precipitating their own victimization and 67.3% did not experience this. This implies that most of the respondents did not feel blamed for precipitating their own victimization. A possible reason for this is the fact that majority of the respondents (59%) were minors below the age of 18 years.

A key informant confirms this statement by noting that;

Vulnerable victims especially victims of sexual violence are not blamed, its either there was consent or no consent, (RES 2, 2023).

This contradicts with various studies conducted where victims express feeling blamed by the criminal justice system. The prevalence of victim blaming presents a key hurdle to improving victim satisfaction with the criminal justice system.

Victim blaming can have a substantial impact on victim satisfaction with the criminal justice system. When victims are blamed for their victimization, they may feel ashamed, embarrassed, or stigmatized. They may also feel as though they are not being taken seriously, or that their experience is not being validated. This can lead to feelings of frustration, anger, and disillusionment with the legal system (Kamau and Ndung'u ,2020). Studies have shown that victim blaming is a significant problem in the criminal justice system. For example, Rape, Abuse and Incest National Network (RAINN) conducted a study that revealed 94% of sexual assault survivors reported experiencing some form of victim blaming from family, friends, or law enforcement officials (RAINN, 2018).

Similarly, a study conducted by the National Institute of Justice found that victim blaming was a common theme in interviews with victims of domestic violence (Coker et al., 2000). The National Sexual Violence Resource Center (NSVRC, 2021) observes that victim blaming is a common response to sexual violence. The NSVRC reports that 50% of Americans believe that victims of sexual assault are partially or completely responsible for their assault. Victim blaming attitudes may arise from a variety of factors, including cultural norms that prioritize victimization avoidance, misconceptions about rape and sexual violence, and victim personal characteristics such as clothing, behavior, or prior sexual history.

Frazier, Huffman, and Sundance (2009), found that individuals who were victimized and experienced high levels of victim blaming had lower satisfaction with the criminal justice system than those who experienced low levels of victim blaming. Furthermore, victims

who are blamed are less likely to report crimes or cooperate with law enforcement in investigations, limiting the criminal justice system's ability to hold perpetrators accountable (U.S. Department of Justice, 2021).

Respondents were also requested to indicate whether they were subjected to police mistreatment while reporting victimization. Results in the Table 4.16 indicate that only 4.3% of the respondents agreed to having experienced police mistreatment while 95.7% disagreed. This implies that a majority of the respondents felt they were treated well by the police. This is in agreement with the findings from table 4.10 where most respondents indicate that the police were really helpful to them in their quest for justice: they made quick arrests and informed the victims on when they had court appointments. This contradicts with other studies where police are viewed to mistreat victims.

For instance, Lersch and Mieczkowski (2019) in the USA discovered that about one-third of individuals who interacted with police claimed to have been abused. The use of excessive force during arrests and other confrontations, as well as verbal abuse and physical violence, are all examples of this mistreatment. Another study conducted in the United Kingdom found that 20% of rape victims reported that they were dissatisfied with the way police handled their case, with some even describing the experience as re-traumatizing (Temkin and Krahé, 2008). A 2018 report by Amnesty International revealed that women and girls who reported sexual violence to the police in several countries were subjected to discrimination, harassment, and abuse by the police officers. In a similar vein, Human Rights Watch (2017) reports that many victims of sexual assault are subjected to

humiliating treatment by police officers. The study, which surveyed 500 sexual assault victims, found that 39% of victims were asked irrelevant and intrusive questions by police officers. Additionally, 37% of victims reported being threatened with violence or arrest if they did not withdraw their complaint (Human Rights Watch, 2017).

In this study, the police appear to be the gateway to access to justice, sometimes mediated by local chiefs, because of their proximity to the victims and being the first port of call. At the same time, because the legal mandate of protecting life and property falls on the police, they are the agency that is looked up to for protection by vulnerable victims whose personal safety is of primary concern. This was particularly noticeable in rural locations that are distantly placed from Kakamega town where the nearest court station is located but with poor roads network such as Navakholo sub-county, and therefore costly to access.

4.6.2 Opportunities in enhancing satisfaction of vulnerable victims

To assess the opportunities for enhancing satisfaction, the study examined whether victims had benefited from selected provisions in the VPA which were meant to enhance their experiences their experience of justice process. Table 4.1 displays the results.

Table 4. 14: Opportunities in enhancing satisfaction of vulnerable victims

	N	Yes	No	Mean	Std. Deviation
Did you have a representative while seeking justice?	184	30.4%	69.6%	1.6957	.46139
Did you receive any special treatment from the criminal justice system?	184	13.0%	87.0%	1.8696	.33770
Did your family receive any assistance?	184	19.6%	80.4%	1.8043	.39778
Did you receive any free medical assistance?	184	19.6%	80.4%	1.1957	.39778
Did you receive any form of assistance from any other support agency?	184	60.9%	39.1%	1.3913	.48937
Did you receive any counseling on how to cope with the negative effects of victimization?	184	37.0%	63.0%	1.3696	.48400
Was the criminal justice efficient in how it handled your case?	184	41.3%	58.7%	1.4130	.49372

Source: Field data, 2023

When respondents were requested to indicate whether they had a representative in the process of seeking justice, results presented in Table 4.17 indicate that 30.4% of the respondents agreed while 69.6% of the respondents disagreed. This implies that a large number of respondents did not have a representative while pursuing justice. Provisions of the Victim Protection Act of 2014 provide victims of crime with a right to legal representation. Section 17 (6) provides that; where a victim who is deemed to be a vulnerable victim and is unable to act on their own behalf must designate a representative,

ask the victim officer to act on their behalf, or, in the case of a child, have the parent, guardian, or legal representative act on their behalf.

Similarly, Section 9 (3) states that; the victim's views and concerns may be presented by the legal representative acting on their behalf. However, as depicted in this study its evident that most of the respondents could not enjoy these privileges due to lack of legal representative. They are left to navigate the criminal justice system only with the help of their parents who in most cases lack the knowledge on how the criminal justice functions. The prosecutors who act as the representative to the victims are subjecting them to further harm. This is evident from a probation officers' sentiments who notes that;

The victims are on their own. The prosecutors who are supposed to protect the victims have very little to do with them. They are not even aware who the victim is and sometimes even how the case is progressing. At times they even asking money from victims to help them. They don't even inform the victims yet they are the ones who stand on their behalf. They are rather subjecting the victims to secondary victimization, (RES 2, 2023).

She further states that;

The same prosecutor who is your representative is the one who asks you questions in court, (RES 2, 2023).

Victim legal representation is important because navigating the legal system can be overwhelming, and victims may not have the knowledge or resources to effectively advocate for their rights. However, as reported victims are left to navigate the legal systems all by themselves due to financial, social, and practical barriers. This lack of representation not only leaves victims feeling helpless but also impedes the pursuit of justice.

The lack of legal representation for victims has severe consequences. Victims who do not have legal representation may not be aware of their rights and may be taken advantage of by the criminal justice system. The lack of legal representation for victims of crime in Kenya perpetuates the cycle of inequality. Victims who are unable to access legal representation may be denied justice, leading to a loss of faith in the legal system. This loss of trust can, in turn, discourage victims from reporting crimes, leading to underreporting and a lack of accountability for offenders.

The National Crime Victim Law Institute (NCVLI) study observed that over 90% of crime victims do not have an attorney representing them in criminal court proceedings. This implies that the vast majority of victims are navigating the complex criminal justice system on their own, without the assistance and knowledge of legal specialists. This lack of representation can have serious consequences for victims, as they may not understand their rights, may not know how to advocate for themselves, and may not be able to effectively communicate with prosecutors or judges.

With respect to special treatment, respondents were also requested to indicate whether they received any special treatment from the criminal justice practitioners. Results tabulated in Table 4.17 report that only 13.0% of the respondents agreed to having received special treatment while 87.8% disagreed. This implies that despite the VPA of 2014 providing provisions for special treatment of vulnerable victims' majority of the respondents did not receive any special treatment. Section 17 (5) of the VPA of 2014 provides that; a victim who is a person deemed to be vulnerable as defined by this Act shall be accorded all the

rights conferred upon them by the Constitution and shall receive preferential treatment from the criminal justice agencies and victim support service providers in matters relating to victim protection and welfare services. However, as reported most vulnerable victims have no access to these special consideration from the criminal justice system. This is corroborated by qualitative data whose analysis shows an emergent theme on an existing gap between policy and practice. A key informant in this case a prosecutor confirms this when asked to state the special treatment the victims are entitled to, she states that;

We just handle them the same way even in cases of revictimization. We are focused on punishing the offender, (RES 1, 2023).

When asked if their families received any form of assistance, 19.6% of respondents stated that they had, while 80.4% said they had not. This means that a high majority of respondents' families received no assistance to help them cope with the negative repercussions of victimization. This runs counter to the principles of the United Nations Protocol on Victim help, which states that in situations involving children, support and help should be provided to children's family or caregivers where it is considered to be in the best interests of the child. In such cases, the provision of food to host families, and provision of clothing and hygiene kits to victims may also be included.

Zinzow, Rheingold, and Hawkins (2010), notes that families of victims experience significant negative psychological and emotional effects, such as depression, anxiety, and post-traumatic stress disorder. Moreover, children who witness victimization may experience academic difficulties, social isolation, and behavioral problems.

In response to these negative effects, various forms of assistance have been developed to support families of vulnerable victims. For instance, the Victim Compensation Program (VCP) in Kenya provides financial aid to victims and their families to cover expenses related to victimization, such as medical bills. The victim has a right to compensation from the offender for economic loss caused by the offense, loss of or damage to property, loss of use of the property, personal injury, costs of any medical or psychological treatment, and costs of necessary transportation and lodging, pursuant to Section 23 of the VPA of 2014. However, as evidenced in this study majority of the victims' families do not get any form of assistance nor does the compensation even if ordered goes to the victims. Both direct and indirect victims, are often forced to bear the costs of medical treatment, and counseling, on their own, which creates an additional burden on already traumatized individuals.

A key informant (a prosecutor) during an interview stated that;

Victims in most cases are only eligible for compensation cases by filing a civil suit where they have incurred medical expenses and transportation costs but we only give compensation for monetary loss that is assessable, but even so the money goes to the government (RES 2, 2023).

Kamau and Wachira (2018), report that the Kenyan criminal justice system is characterized by delays, corruption, and lack of coordination between stakeholders. This situation often leads to prolonged legal proceedings, which in turn increase the expenses incurred by victims in search of justice. The study found that victims of sexual violence, in particular,

face significant financial constraints due to the high costs associated with obtaining medical reports, transportation to and from court, and legal fees.

Similarly, Muriithi and Ndubi (2019), found that the Kenyan government's failure to compensate victims of crime for expenses incurred during the search for justice violates international human rights standards. The study highlighted the case of a victim of sexual violence who was forced to drop charges against her perpetrator due to lack of financial support to pursue the case. The victim was unable to afford medical treatment and transportation costs to attend court hearings, which resulted in the dismissal of the case.

Respondents were further requested to indicate whether they received support from any other agencies and results in Table 4.17 indicate that 80.4% agreed to have received support from other agencies and only 19.6% of the respondents disagreed. This implies that majority of the respondents had received assistance from other support agencies which included non-governmental organisations such as Transforming Nations and Groots Kenya.

It was noteworthy that the civil society stepped in to respond to victims' needs where government mandated services failed to or demanded for money to grant them access. This was particularly the case in accessing counseling support and paralegal interventions to assist in navigating the criminal justice system while seeking justice.

Several victims cited alternative means of obtaining therapeutic services to cope with the aftermath of victimization.

One victim of gender base violence stated:

In our women groups we share our problems and we also go to church and prayer helps us overcome our worries (RES 95, 2023).

Thus, the informal women group provides a forum for obtaining informal therapy by affording a safe setting to ventilate and get emotional support in the absence of formal government services.

A male victim of assault similarly reported that:

Going to church has been helpful I was hopeless. I felt like taking my life. I felt like men have no voice. I got counseling from my pastor and started viewing life differently. Groots Kenya also helped me with emotional support from the membership group I joined (RES 90, 2023).

A key informant also noted that;

It happens that the government has delegated its duties to NGOs, (RES 1, 2023).

Studies conducted coincide with these findings where for example CREAM (2021) reports that Civil society organizations such as the Center for Rights Education and Awareness (CREAW) have stepped in to provide support and advocacy for survivors of SGBV. CREAM has established safe houses and shelters for victims of SGBV, where they can access counseling, medical treatment, and legal aid services.

Similarly, the African Development Bank (AfDB) in 2016, found that CSOs in Kenya have been instrumental in providing assistance to vulnerable groups. The study revealed that CSOs were more effective in providing services such as health, education, and social protection to vulnerable groups than the government. The report stated that "CSOs are more

effective at reaching marginalized populations, such as the poor, women, and the disabled, and are better positioned to identify and address their specific needs".

With regard to counseling, respondents indicated that, 37.0% of them had received counseling on how to cope with the negative effects of victimization and 63.0% of the respondents hadn't received any counseling. Section 14 of the VPA of 2014 provisions provide purpose of support and welfare services. It further notes that the Board shall offer any necessary support services in addition to enforcing the rights granted by section 8 of the Act. The services required to be offered to victims under this Act must assist them in dealing with physical and mental trauma, gaining access to and participating in the criminal justice system, participating in restorative justice to seek reparations, or managing victimization difficulties. Despite these provisions, victims continue to lack access to programs that can assist them in coping with the harmful repercussions of victimization. They are left to heal on their own. These sentiments are corroborated by a key informant in an interview who stated that;

The court does not even provide counseling to victims of sexual violence. They don't even care. The government has not employed counsellors to offer counseling to the victims, it is left upon the victim how they cope it's up to them. They are left to just stay and heal, (RES 2, 2023).

A parent to a defiled minor lamented that the absence of necessary counseling support coupled with stigmatization by the community had traumatized the girl leading to adverse emotional and behavioural responses by the girl:

The child has become a laughing stock in the whole village. She now lives in fear and does not like being in crowds (RES 86, 2023).

Counseling and therapy have been found to be effective in mitigating the negative psychological effects of victimization on families. Several studies (Dunn, O'Connor, and Scheffer 2018; Garcia et al. 2021; Shalev et al. 2020; Hébert et al. 2020) have found that counseling interventions improved mental health outcomes for both vulnerable victims (victims of child abuse, victims of domestic violence) and their families, leading to reduced symptoms of depression and anxiety as well as significantly lower levels of emotional and behavioral problems.

However, studies have revealed that victims do not access this counseling. For instance, Mwenesi, Mugambi, and Ndeti (2012) in Kenya found that victims of sexual violence often suffer from a range of psychological problems, including depression, anxiety, and post-traumatic stress disorder (PTSD). The study also found that many of these victims do not receive any form of counseling or support from the criminal justice system, leaving them to cope with the trauma of their victimization alone.

Further, Atieno-Odhiambo and Omolo (2016), found that victims of domestic violence in Kenya also face significant barriers to accessing counseling and support services. Many victims are reluctant to seek help from the criminal justice system due to fear of stigmatization and social ostracism. Additionally, the study found that there is a lack of awareness among law enforcement officials and other criminal justice professionals about the importance of providing counseling and support services to victims of domestic violence.

When requested to indicate whether the criminal justice system was efficient on how it handled their cases results tabulated in Table 4.17 reveal that 41.3% agreed while 58.7% disagreed. This implies that most of the respondents felt that the criminal justice was inefficient in how they handled their cases. This was attributed to the fact that there is a lot of burden placed on the victim in pursuit of justice in regard to money paid to access medical assistance, time and even accessing therapeutic services despite the enactment VPA of 2014 which places the burden on the criminal justice system to facilitate access to justice for vulnerable victims.

This is accordant with related studies that have been conducted in Kenya for instance, according to Githinji and Mwaniki (2021), victims of sexual violence in Kenya face significant barriers when accessing medical and therapeutic services. They found that the lack of access to specialized medical facilities, the high cost of medical care, and the limited availability of therapists are some of the major challenges faced by victims.

Similarly, Nyamath et al. (2020) found that victims of domestic violence in Kenya also face significant challenges in accessing medical and therapeutic services. The study found that victims often lack the financial resources to access medical care, and there is a shortage of trained professionals in the field of domestic violence therapy.

The lack of access to free medical and therapeutic services has significant implications for the criminal justice system in Kenya. A study by Kenyatta and Karanja (2019), found that victims of crime who do not receive adequate medical and therapeutic support are more

likely to experience long-term trauma and are less likely to participate in the criminal justice process. This can lead to a lack of trust in the criminal justice system and can contribute to the underreporting of crimes.

The VPA of 2014 also includes alternative conflict resolution processes, as stated in Section 15: "A victim has the right to choose whether or not to participate in restorative justice." It allows victims to access restorative justice. Furthermore, if the victim chooses to participate in a restorative justice process, the process must proceed with the understanding that the offender's participation will not affect any of the offender's legal rights or be interpreted as an admission of guilt for the offense alleged; any of the parties may withdraw from the process at any time; and if the restorative justice process is unsuccessful, the case will be decided by the criminal court. Any agreement between the victim and the offender for restoration or other remedy shall be recorded and enforced as an order of the Court and may be enforced as a decree of the Court, but without prejudice to the victim's ability to seek lawful remedies in civil actions. Any restorative justice program must last six months and can only be extended with the agreement of the court. Despite the provisions, qualitative data show that vulnerable victims who chose alternative conflict resolution were subjected to more harm.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter summarizes the findings and conclusions from the study on assessment of procedural justice reforms on victim satisfaction and outlines recommendations for policymakers as well as for further research. The overall objective of the study was to examine the effects of procedural justice reforms on satisfaction of vulnerable victims in the criminal justice system in Kakamega Law Courts. From this overall objective, the study examined the nature of procedural needs of vulnerable victims in criminal proceedings, explored the procedural correlates of satisfaction of vulnerable victims and assessed the challenges and opportunities in enhancing satisfaction of vulnerable victims in Kakamega Law Courts.

5.2 Summary of the findings

This research was carried out under the assumption that procedural justice reforms influence satisfaction of vulnerable victims in Kakamega Law Courts. Both descriptive and inferential statistics were used in data analysis of quantitative data while qualitative data was analyzed thematically. Pearson Product Moment Correlation Coefficient was utilized to depict the relationships between.

5.2.1 Nature of procedural justice needs of vulnerable victims in criminal proceedings

The first objective examined the nature of procedural justice needs of vulnerable victims in criminal proceedings. A questionnaire was developed and administered to victims of sexual and gender-based violence, while an interview guide was used to gather information from the study's key informants. Data collected was both quantitative and qualitative. While qualitative data was analyzed thematically, quantitative data was analyzed by use of descriptive and inferential statistics.

Pearson Product Moment Correlation Coefficient was computed to determine the linear association between meeting victim needs and victim satisfaction in Kakamega Law Courts. Results revealed a statistically significant relationship between meeting victim needs and their satisfaction. This implies that meeting victims needs significantly influences their satisfaction in criminal proceedings.

Thematic analysis from qualitative data revealed major themes which included fear, conflict between the victims' protection need and the due process right to bond of the accused person where offenders' freedom comes at the expense of the victims' emotional harm. Another theme revealed was that information is evidence-focused whereby information delivered to victims was of an operational nature, geared to enable the courts function rather than packaged in a manner that gives victims assurance and confidence in the justice system.

5.2.2 Procedural correlates of satisfaction of vulnerable victims in criminal proceedings

The second objective sought to determine the procedural correlates of satisfaction of vulnerable victims in criminal proceedings. This objective sought to answer the question of what factors account for victim satisfaction in criminal proceedings. Data collected from questionnaires was subjected to qualitative and quantitative analysis.

Pearson Product Moment Correlation Coefficient was computed to determine the linear association between victim demographic characteristics and satisfaction in Kakamega Law Courts. Results revealed a statistically significant relationship between victims' demographic characteristics and satisfaction. This implies that victims' demographic characteristics significantly influence their satisfaction in criminal proceedings. Additionally, victim procedural factors and satisfaction revealed a statistically significant result, meaning that this study was significant in predicting determinants of victim satisfaction in criminal proceedings. Therefore, the study has revealed that various procedural factors such as participation in the trial, information updates on the progress of the case, protection from secondary victimization had an effect on satisfaction of vulnerable victims in criminal proceedings.

Thematic analysis from qualitative data revealed major themes which included victims need for informed participation as essential in enhancing satisfaction of vulnerable victims. Qualitative data also demonstrated a gap between policy and practice, which contributed to the discontent of the majority of vulnerable victims with the criminal justice system. Furthermore, the study revealed that the local administrative officers played a key role in

facilitating police response which contributed to most satisfaction of vulnerable victims in the criminal justice system.

5.2.3 Challenges and opportunities in enhancing satisfaction of vulnerable victims in criminal proceedings

The third objective sought to answer the question of what are the challenges and opportunities in enhancing satisfaction of vulnerable victims in criminal proceedings. In this respect, data collected from questionnaires and interview guides was subjected to both qualitative and quantitative analysis. Where qualitative data was analyzed thematically and quantitative data was analyzed by use of descriptive and inferential statistics.

Descriptive data revealed various challenges that impeded enhancement of satisfaction of vulnerable with the criminal justice system. These included vulnerable victim suffering harm in the process of seeking justice which was largely ascribed to police inaction, stalling of cases, threats from suspects and delays in progression of cases. Additionally, informal justice mechanisms were found to exacerbate vulnerable victims harm and subjected them to the risk of not finding solutions. A major theme from qualitative data involved weak or no existence of measures to protect vulnerable victims from further harm and intimidation by their perpetrators.

With reference to opportunities data revealed a gap between policy and practice whereby the provisions of the Victim Protection Act of 2014 were found not fully realized. This was with respect to provisions of support and welfare services including counseling, free medical assistance and legal representation.

Evident theme from the qualitative data was the role of civil society in responding to victim needs where government mandated services failed to or demanded for money to grant the access to services which by law should be accessible at the expense of the State. The study noted the important interventions by Non-Governmental Organizations in meeting the gaps in victims' services which suggests opportunities for partnerships to deepen and broaden access to these services in collaboration with these organizations.

5.3 Conclusions

This section presents the overall and specific conclusions based on the study objective;

5.3.1 Overall Conclusion

In accordance with the study findings, adhering to procedural justice principles, recognizing the needs of vulnerable victims, and fully implementing the procedural justice rules in the VPA of 2014 would improve their satisfaction with criminal processes at Kakamega Law Courts.

5.3.2 Conclusions Based on each Objective

The following conclusions are made based on the study findings;

- i. Based on the study findings with respect to the first objective, a conclusion is made that the most pertinent needs of vulnerable victims involved in the study were those of protection from further harm, especially from their assailants, and information about the progress of their cases. Meeting these needs would significantly enhance their experiences in criminal proceedings in Kakamega Law Courts.

- ii. In light of the second objective, it is concluded that certain procedural factors have a significant influence on satisfaction of vulnerable victims with the criminal proceedings in Kakamega Law Courts. These include provision of information on the progress of the case, participation in the proceedings and protection from secondary victimization.
- iii. In relation to the findings on the third objective, a conclusion is made that most vulnerable victims are exposed to various forms of secondary victimization owing to gaps in provision of requisite services and protection of their rights. However, the study notes the significant role played by civil society organizations as presenting an opportunity for promoting improved procedural justice outcomes for this category of victims.

5.4 Recommendations

The following recommendations are made in light of the study's results and conclusions:

- i. The study recommends that the criminal justice system embrace a victim-centric approach that prioritizes the needs of vulnerable victims by making sure they are secure, supported, and provided the resources they need to improve their interactions with the system.
- ii. The study further recommends that there is need to espouse procedural justice practices that entails promptness, efficiency, and non-blaming attitudes in order to enhance victim satisfaction in the criminal justice system.

- iii. The study further recommends that there is need for partnerships with civil society organizations which has played a role in responding to the needs of victims where government mandated services have failed to meet their expectations.

5.5 Suggestions for Further Research

The current study sought to examine the effects of procedural justice reforms on satisfaction of vulnerable victims in the criminal justice system in Kakamega Law Courts.

- i. Further research can be conducted to explore on modalities of reconciling defendants' rights and those of the accused to ensure both parties enjoy the rights they are entitled to rather than their mutually exclusive relations at the moment.
- ii. Further study can be conducted on understanding the impact civil society has in responding to victim's needs, the challenges encountered and how far they have gone in ensuring no further harm is done to already traumatized individuals.
- iii. Further research can be conducted on understanding male vulnerability to secondary victimization and their experiences in the process of seeking justice.

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APPENDICES

APPENDIX I: CONSENT FORM

Dear respondent

RE: CONSENT FORM

I am a student at Masinde Muliro university of science and technology pursuing a master’s degree in criminology. I am currently conducting a study on the effects of procedural justice reforms on satisfaction of vulnerable victims with the criminal justice system in Kakamega Law Courts as a prerequisite for the award of the degree. I would really appreciate your assistance in responding to the questions as honestly and correctly as possible. You will be required to fill a questionnaire containing statement or questions about your demographic characteristics and your experience with the criminal justice system. The information provided will be kept confidential and will be used for academic purposes only.

Please note that the participation is voluntary and you may withdraw at any point.

Thank you for your cooperation.

Research participant

Sign..... Date.....

Researcher

I believe that the participant is giving me informed consent to participate in the study.

Sign Date.....

APPENDIX II: QUESTIONNAIRE FOR VULNERABLE VICTIMS.

SECTION A: BACKGROUND INFORMATION

Please tick (√) or fill in the blank spaces appropriately.

1. What is your age bracket?

- (a) 0-17
- (b) 18-35
- (c) 36 -53
- (d) 53 and above

2. Gender

- (a) Male
- (b) Female

3. What is your marital status?

- (a) Single
- (c) Divorced
- (b) Married
- (d) widow /widower

4. What is your level of education?

- (a) Primary
- (c) College
- (e) Other
- (b) Secondary
- (d) University

5(a) What was the nature of victimization? Sexual abuse physical abuse

(b) How many times have you been victimized? Once twice severally

(c) Who perpetrated the victimization? Stranger Intimate partner

Other

SECTION B: NATURE OF NEEDS OF VULNERABLE VICTIMS.

7. Which of the following needs did you experience in the process of seeking justice?

- (a) Protection (c) Psychosocial support (e) Médical assistance
(b) Participation (d) Information (f) Counseling
(i) Were they met? YES NO
(ii) Arrange your needs in order of importance.

- i. Very important
- ii. Important
- iii. Not important
- iv. Not very important

8. Were you informed on the progress of the case? YES NO

(a) If yes, what information did you receive?

(b) Who relayed the information?

(c) Was receiving information important? YES NO

(d) If yes, how important?

- i. Very important
- ii. Important.
- iii. Not important
- iv. Not very important

(e) How did receiving information make you feel?

Satisfied Less satisfied Very satisfied Not satisfied

9. Were you given a chance to participate in the criminal proceedings? YES NO

(a) If yes, what stages did you participate?

(b) If no, state reasons?

(c) Did you appear before the court? YES NO

(d) Were you given a chance to tell the court of the events that materialized on that day of the victimization? YES NO

(e) Was participating in the proceedings important to you? YES NO

If yes, how important?

- i. Very important
- ii. Important
- iii. Not important
- iv. Not very important

(f) How did participating in the proceedings make you feel?

Satisfied Less satisfied Very satisfied Not satisfied

Nature of procedural justice needs for victims whose cases have been decided

10. Did the court order compensation? YES NO

(a) If yes, was the compensation received?

(b) If no, give reasons?

(c) Was the compensation equivalent to the harm that you had suffered? YES NO

(d) If yes, give reasons

(e) If no, what would be equivalent to the harm that you suffered?

(f) Was compensation important to you? YES NO

(g) If yes, how important?

- i. Very important
- ii. Important
- iii. Not important
- iv. Not very important

Nature of needs for victims whose cases are ongoing.

11 (a) Have you received explanation on how the criminal justice functions?

(b) Have you been informed of the progress of the case?

(c) Do you feel safe while undergoing your daily activities?

SECTION C: PROCEDURAL CORRELATES OF SATISFACTION OF VULNERABLE VICTIMS. (Victims whose cases have been decided)

12. Upon reporting, was the perpetrator arrested immediately? Yes No

(a) If yes, how did that make you feel?

(b) If no, how did that make you feel?

13. Did you have to seek for assistance from someone else to have the police respond to your case?

Yes No

(a) If yes, who was it?

(b) What was the nature of the assistance?

14. Were you satisfied with the participation during the proceedings? YES NO

(a) If yes, what level of participation made you satisfied?

(b) If no, give reasons?

(c) How satisfied are you with the way you participated in the criminal proceedings?

i. Very satisfied

ii. Satisfied

iii. Dissatisfied

iv. Very dissatisfied

15. Were you satisfied with the way police carried out investigations? YES NO

(a) If yes, what made you satisfied?

(b) If no, give reasons?

(c) How satisfied are you with the way police carried out investigations?

i. Very satisfied

ii. Satisfied

iii. Dissatisfied

iv. Very dissatisfied

16. Were you satisfied with the police treatment? YES NO

(a) If yes, give reasons?.....

(b) If no, state why?.....

(c) How satisfied are you with the police treatment?

i. Very satisfied

ii. Satisfied

iii. Dissatisfied

iv. Very dissatisfied

17. Were you satisfied with the information received from the police officers? YES

(a) If yes, state reasons?

(b) If no, what made you dissatisfied?

(c) How satisfied are you with the information received from the criminal justice practitioners?

- i. Very satisfied
- ii. Satisfied
- iii. Dissatisfied
- iv. Very dissatisfied

18. Were you satisfied with the medical assistance and counseling you received from the criminal justice practitioners? YES NO

(a) If yes, what made it satisfactory?

(b) If no, what was dissatisfying about it?

(c) How satisfied are you with medical assistance and counseling received from criminal justice practitioners?

- i. Very satisfied
- ii. Satisfied
- iii. Dissatisfied
- iv. Very dissatisfied

For vulnerable victims whose cases have been decided

19. Were you satisfied with the outcome of this case? YES NO

(a) If yes, state reasons?

(b) If no, why?

(c) How satisfied are you with the criminal justice system?

- i. Very satisfied
- ii. Satisfied
- iii. Dissatisfied
- iv. Very dissatisfied

SECTION D: CHALLENGES IN ENHANCING SATISFACTION OF VULNERABLE VICTIMS

20. Did you suffer harm in the process of seeking justice? YES NO

(a) If yes, what type of harm?

(b) How severe was the harm suffered?

(c) Victims suffer as a result of getting into contact with the criminal justice system. How well do you agree with this statement?

- i. Strongly agree
- ii. Agree
- iii. Disagree
- iv. Strongly disagree

21. Were you blamed for precipitating your own victimization? YES NO

(a) If yes, who blamed you?

(b) The criminal justice is responsible for victim blaming for causing their own victimization. How strongly do you agree with this statement?

- i. Strongly agree
- ii. Agree
- iii. Disagree
- iv. Strongly disagree

22. Did you experience police mistreatment while reporting victimization? YES NO

(a) If yes, what kind of mistreatment?

(b) Getting into contact with the criminal justice system has led to feeling of fear, anxiety and sadness. How strongly do you agree with this statement?

- i. Strongly agree
- ii. Agree
- iii. Disagree
- iv. Strongly disagree

23. Were you able to cope with the negative effects of the victimization? Yes No

(a) If yes, how did you cope?

(b) If no, explain?

(c) Victims have different coping capabilities depending on their demographic characteristics such as age, gender, race and social economic status. How strongly do you agree with this statement?

- i. Strongly agree

- ii. Agree
- iii. Disagree
- iv. Strongly disagree

For vulnerable victims whose cases are pending

- 24. (a) What was your state of life prior to the victimization?
- (b) How has the criminal justice system affected your mental health?
- (c) How has the victimization affected you and your family?
- (d) Did you feel blamed by the police upon reporting the victimization?
- (e) Are the police competent in how they are handling investigation?

SECTION E: OPPORTUNITIES IN ENHANCING SATISFACTION OF VULNERABLE VICTIMS.

25. Did you have a representative while seeking justice? YES NO
- (a) If yes, who was the representative and did the representative avail themselves to court?

(b) If no, did s/he give reasons for not showing up?

26. Did you receive any special treatment from the criminal justice system? YES NO

(a) If yes, what type of treatment?

27. Was the criminal justice system efficient in how it handled your case? YES NO

(a) If yes, why?

(b) If no, state why?

28. Did your family receive any assistance? YES NO

(a) If yes, what form of assistance?

(b) If no, give reasons

29. Did you receive any medical assistance? YES NO

(a) If yes, was it free or you had to pay to get assisted?

(b) If no, state reasons

30. Did you receive any form of assistance from any other support agency? YES NO

(a) If yes, what form of assistance?

(b) If no, state reasons?

(c) Was the assistance given directly or through a referral?

31. Did you receive any counseling on how to cope with the negative effects of the victimization? YES NO

(a) if yes, has the counseling been helpful?

(b) If no, how are you coping?

APPENDIX III: INTERVIEW SCHEDULE FOR PROSECUTORS

SECTION A: NATURE OF PROCEDURAL JUSTICE NEEDS OF VULNERABLE VICTIMS

1. Does the criminal justice system recognize vulnerable victims?
2. What are some of the special considerations that are applicable to vulnerable victims?
3. How does the criminal justice system ensure that participatory need for vulnerable victims is met?
4. How well are the vulnerable victims informed about the court proceedings?
- 5. Do you inform victims upon release of suspects on bond?**
6. Does the compensation the court orders go directly to the vulnerable victims?
7. Would you consider the criminal justice system efficient in meeting the needs of vulnerable victims?
8. Do you give vulnerable victims any form of assistance?
9. Are you aware of victims who have suffered post-traumatic stress disorder as result of contact with the criminal justice system?
10. Are there instances where victims are perceived to have contributed to their own victimization?
11. How do you handle such situations?

SECTION B: CHALLENGES AND OPPORTUNITIES IN ENHANCING SATISFACTION OF VULNERABLE VICTIMS WITH THE CRIMINAL JUSTICE SYSTEM

1. Do the provisions of the Victim Protection Act sufficiently protect vulnerable victims?
2. If no, in what respects?
3. Do you create awareness of the provisions of the Act to vulnerable victims?
4. How far has the criminal justice gone in ensuring that justice for vulnerable victims is achieved in a procedurally just manner?
5. Do you put into considerations the best interest of the victim when providing assistance to victims?
6. What safety measures do you put in place to ensure that no harm is done to victims in regard to re-traumatization and re-victimization?
7. In cases where victim's rights have been violated what action do you take?
8. In cases of children victims are the best interest of the child upheld and how do you ensure this is achieved?

APPENDIX IV: APPROVAL LETTER



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

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KENYA

Directorate of Postgraduate Studies

Ref: MMU/COR: 509079

31st October 2022

Daisy Wanjira Gachoki
CCJ/G/01 – 70065/2020
P.O. Box 190-50100
KAKAMEGA

Dear Ms. Gachoki,

RE: APPROVAL OF PROPOSAL

I am pleased to inform you that the Directorate of Postgraduate Studies has considered and approved your masters proposal entitled: *“Effects of Victim-Oriented Reforms on Satisfaction in the Criminal Justice System: A Study of Kakamega Law Courts, Kenya”* and appointed the following as you supervisors:

1. Dr. Evans Oruta - MMUST
2. Dr. Erick Onyango - MMUST

You are required to submit through your supervisor(s) progress reports every three months to the Director of Postgraduate Studies. Such reports should be copied to the following: Chairman, School of Arts and Social Sciences Graduate Studies Committee and Chairman, Department of Criminology and Social Work. Kindly adhere to research ethics consideration in conducting research.

It is the policy and regulations of the University that you observe a deadline of two years from the date of registration to complete your master's thesis. Do not hesitate to consult this office in case of any problem encountered in the course of your work.

We wish you the best in your research and hope the study will make original contribution to knowledge.

Yours sincerely,



Prof. Stephen O. Odebero, PhD, FIEEP
DIRECTOR, DIRECTORATE OF POSTGRADUATE STUDIES

APPENDIX V: NACOSTI PERMIT


REPUBLIC OF KENYA


NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY & INNOVATION

Ref No: 558783

Date of Issue: 21/November/2022

RESEARCH LICENSE



This is to Certify that Ms. DAISY WANJIRA GACHOKI of Masinde Muliro University of Science and Technology, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Kakamega on the topic: EFFECTS OF VICTIM-ORIENTED REFORMS ON SATISFACTION IN THE CRIMINAL JUSTICE SYSTEM: A STUDY OF KAKAMEGA LAW COURTS, KENYA for the period ending : 21/November/2023.

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