

# Contribution of Responsive Governance to Personal Security of Crime Victims in Kenya

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## ABSTRACT

This study explored the critical role of responsive governance in enhancing the efficacy of victim assistance programs, with a particular focus on Kenya's criminal justice system. By examining Kenya's low ranking on the World Justice Project's Rule of Law Index and comparing it with other nations such as the U.S., U.K., Germany, and Nigeria, the study highlights significant gaps in the protection of crime victims' rights. Employing a mixed-methods approach, this study investigated how governance impacts victim support by analyzing data from surveys and interviews with victims, government officials, law enforcement, and advocacy groups in Nairobi. The research identified the key principles for successful victim support, including inclusivity, transparency, accountability, and flexibility. It underscores the need for victim-centered approaches that prioritize accessibility, empathy, respect, confidentiality, and empowerment. The findings reveal both successes and challenges in current programs, with issues such as inadequate funding and limited collaboration affecting service delivery. The study advocates for the establishment of a Victim Support Agency (VSA) in Kenya to centralize victim support, enhance transparency, and foster effective stakeholder collaboration. The study recommends a holistic, coordinated, and well-funded approach that includes continuous improvement of victim support programs to address the existing gaps and advance justice and support for crime victims.

**Keywords:** Responsive Governance, Victim Assistance, Rule of Law, Kenya, Victim Support Agency, Criminal Justice, Inclusivity, Transparency, Accountability

## INTRODUCTION

The rule of law is critical to security. It is a fundamental principle of governance that maintains the law's authority. Respect for the law is essential to building a nation that is secure, peaceful, and stable. The concept of rule of law holds that all people, organizations, and entities, public and private, as well as the state itself, are subject to publicly announced laws (Annan, 2004). It provides a framework for amicably and fairly settling disagreements and conflicts. Furthermore, it ensures that everyone, including those in positions of authority, bears responsibility for their actions. The goal of the criminal justice system is to uphold the rule of law while fostering personal safety and security of everyone involved. The goal of the criminal justice system, which operates under the rule of law, is to hold criminals accountable in order to enhance public safety and internal security (Barkhuizen, 2019).

The World Justice Project (WJP, 2021) acknowledges criminal justice as one of the eight factors that make up the Rule of Law index. The eight factors comprise constraints on government powers, the absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice. In their most recent rankings of countries, Denmark tops the list as the best country with the strongest adherence to the rule of law, while Venezuela comes last as the weakest (WJP, 2022). Kenya's ranking of 104 out of 140 countries falls short of the expected average. This ranking may be interpreted to mean that Kenya's accountability levels for those who commit crimes within her borders fall below the expected threshold.

This study examines the criminal justice system as one of the factors in the rule of law, with particular emphasis on the principle of responsive governance in protecting crime victims' rights. The focus is specifically on crime victim rights, as the study has endeavored to demonstrate that crime victims have suffered systemic silent neglect that has occasioned the perpetration of untold and undocumented injustices. This contributes to a weak rule of law culture in criminal cases, impacting and weakening everyone's personal security, which in turn compromises internal security in any country. This study also conducts a comparative examination of the legal rights and interests of victims, contrasting them with the actual experiences they had during their pursuit of justice in the criminal justice system.

Hill (2019) in his study of victims of sexual assault in the state of Texas in the United States of America notes that majority of victims were ignorant of some or all of the hazards and rights related to the victim impact statement. This was the case despite the fact that victim assistance providers had addressed the rights with them and that they had received written papers outlining those rights. In the United Kingdom, research by Aviv and Weisburd (2016) indicated that robbery victims often had their cases adjudicated in court. Despite the country's developed status, the majority of crime victims did not fully understand their legal rights and potential risks. Similarly in Germany, Kohlberg (2021) observed that there is a clear acknowledgment among victims that there exists a neglect of victims within the criminal justice sector. This neglect has resulted in a significant compromise in achieving speedy justice for victims. This inevitably has led to a systematic failure to hold crime perpetrators accountable.

Religion and its impacts in Nigeria has a bearing as the justice of crime victims differs considerably between Christians and Muslims. Overall, Amusan and Saka (2018) highlighted that victims often face constraints, for example, poor support services, lengthy court processes, and a lack of sufficient awareness regarding their rights. Victims in the north, where Islam is dominant, often encounter more obstacles because of the influence of Sharia law. This leads to discriminatory practices and limited rights for victims, specifically women.

The Constitution of Kenya, 2010 significantly impacted delivery of justice for crime victims in the country. This development led to the introduction of reforms aimed at enhancing victim rights and access to justice. The constitutional order established victims' right to participate in the criminal justice process. Article 50(9) of the Constitution addresses victim rights and provides a constitutional basis for victim justice. This article specifically directs parliament to enact legislation providing for the protection, rights, and welfare of victims of offenses. It legitimizes the importance of considering victims' interests and ensuring their participation in legal proceedings.

### **The Research Question**

The Constitution of Kenya explicitly and thoroughly outlines the rights of individuals accused of crime, providing detailed and clear protections for them. On the other hand, the description of the rights of crime victims is vague and broad, devoid of specific details and clarity. This suggests that while the legal

framework gives significant attention and precision to the rights of the accused, it does not offer the same level of specificity and protection to the crime victims. Procedures, laws, policies, and organizational cultures in the practice of criminal law consistently reinforce this constitutional imbalance against crime victims. The systemic alienation of victims unintentionally exposes most of them to the unfortunate tragedy of re-victimization. Crimes have a significant impact on an individual. Victims of crime endure financial, emotional, psychological, and bodily harm from which they may never fully recover. Threats to harm or kill victims, witnesses, or relatives can also occur.

A careful perusal of articles 49,50 and 51 of the Constitution of Kenya reveals that the law provides in details the rights of the accused persons whereas the rights of the crime victims are articulated in one small, vague sweeping sub article (9) of article 50. The placement of the sub article persuades a critical eye to consider it an afterthought on the part of the framers of the supreme law. This unfortunate discrepancy manifests and overshadows the operational aspects of the criminal justice system through its laws, policies, procedures, and organizational cultures leading to awful neglect to the needs and vulnerabilities of crime victims.

Opondo's (2019) research points to the broader impact of these issues on the system's effectiveness in meeting victim needs, while Gikunda (2021) emphasizes the challenges victims face, including insensitivity and fear of retribution. Wanjau's (2020) work further explores the ramifications of an unresponsive system on crime rates and victim experiences, showing how these systemic failures can exacerbate crime. Hall (2018) reveals how obstacles within the system discourage victim participation, offering insights into the broader implications for justice and crime prevention. These studies collectively show how far the Kenyan criminal justice system is from the ideal, fair and efficient system contemplated by the constitution, particularly when it comes to addressing victim rights and their well-being. The gaps identified in these studies underscore the urgent need for reforms to enhance crime victim support and system responsiveness in Kenya.

According to UNODC, victims who receive adequate care and assistance are more likely to collaborate with the criminal justice system to hold offenders accountable for their crimes. This study, therefore, sought to contribute to addressing the gaps by exploring how the concept of responsive governance and the available regimes can provide the necessary support to crime victims, thus advancing the cause of criminal justice in Kenya and by extension contributing to the realization of personal security as envisaged in the human security framework.

### **Research Objective**

To examine the principles of responsive governance that influence the success of victim assistance programs (Victim Support Services) in Kenya's criminal justice system.

### **LITERATURE REVIEW**

Human rights activists and academics have expressed worry about the systemic disregard for crime victims, which threatens the culture of rule of law. Zehr (2015) explains that the criminal justice system's disregard for victims impedes the growth of a culture that upholds the rule of law. He argues that sidelining victims, which is a common phenomenon in many a jurisdiction across the globe, can erode trust in the legal system. Similarly Sarat and Ewick (2015) have explored the relationship between justice, power, and the neglect of crime victims. They argue that neglect of victims' rights can rightly be characterized as a violation of fundamental human rights. Additionally, Harris (2011) discusses the challenges in providing adequate support to crime victims, including resource limitations and a lack of victim-centred policies.

Such challenges contribute to the neglect of victims and undermine the entrenchment of a culture of rule of law. Organizations that support victims of crime are essential in drawing attention to the (mis)treatment of these individuals and the need to enforce their legal rights. This paper attempts to contribute to the need for a more victim-oriented strategy and the uncertainty surrounding victimization as advanced by Resick (2002). The rule of law is negatively impacted when victims of crime are neglected. When victims are not adequately supported and recognized, it erodes trust in the legal system and its ability to provide justice. Victim assistance programs are essential for providing support to individuals who have experienced victimization, whether from crime, disasters, or other traumatic events. These programs play a critical role in helping victims rebuild their lives and regain a sense of control and well-being (Foa, 2016). A comprehensive literature review on the key principles contributing to the success of victim assistance programs reveals a wealth of knowledge and research in this field. It reveals a set of fundamental principles that underpin effective victim support. First, there is the accessibility principle, which states that anyone in need of assistance should have easy access to victim assistance programs. This comprises services that are culturally and linguistically sensitive, are geographically accessible (available in multiple locations), and are financially accessible (affordable or readily available for free). According to Kilpatrick (2013) it is essential to have access to victim aid programs and victims ought to have simple access to services regardless of their location or socioeconomic standing.

Secondly, the other essential principle is that of embracing some essential values particularly empathy and respect, confidentiality, empowerment and cultural competence. Programs should treat victims with empathy and respect, acknowledging their feelings and experiences. There is then the crucial need for professional skills that build trust and a safe, non-judgmental environment to enable victims to open up and seek help (Foa, 2016). Concerning confidentiality, victims need to know that, to the extent permitted by law and morality, their information will be kept private. This promotes a feeling of security and confidence according to McCammon (2007). The other core value is empowerment. Empowering victims to make decisions about their recovery is crucial. Programs should provide information and resources to help victims regain a sense of control and agency in their lives. Developing knowledge, access, and self-awareness of one's own skills and then using that power to bring about positive change is what empowerment entails (Dunn, 2007). The other value is cultural competence while dealing with victims of crimes. Regarding crime victims, it is crucial to understand and accept cultural variations. Ng (2009) proposes that programs must be culturally competent and cognizant of the particular difficulties that victims from various backgrounds could encounter.

Based on the reviewed literature, there is a common thread of neglect of victims of crimes cuts across, a situation that this study views as a violation of fundamental human rights. This state of affairs highlights the urgent need for victim-centered policies and comprehensive support mechanisms (Hatty, 2012). Effective victim assistance programs should embrace principles such as inclusivity, empathy, respect, confidentiality, and cultural competence. Accessibility to services must be ensured, and programs should be designed to meet the diverse needs of victims. Core principles for success include trauma-informed care, comprehensive and individualized support, and a focus on collaboration, prevention, and community engagement (Foa, 2016; Kilpatrick, 2013; Ng, 2009).

Research consistently indicates that victim assistance programs must integrate accessibility, empathy, trauma-informed care, and confidentiality to offer effective support (McCammon, 2007; Harris, 2001). Programs should prioritize individualized support and victim empowerment while fostering collaboration among agencies to avoid service delivery gaps (Cronin, 2019; Dunn, 2007). Furthermore, efforts in

prevention, legal support, and community engagement are crucial for enhancing program efficacy (O'Connell, 2005; Resick, 2002). Addressing research gaps in resilience, legal frameworks, cross-cultural factors, and economic aspects can further improve victim assistance (Viswanathan, 2012; Green, 2010). A coordinated approach among researchers, policymakers, and practitioners is essential to advancing victim support and addressing emerging challenges, including those posed by environmental disasters (Finkelhor, 2018). These are the specific concerns that this study sought to explore with regard to the situation in Kenya

## Theoretical Review

This study was anchored on two theoretical perspectives, namely the governance capacity theory and the victim centred approach theory. Each of these theoretical lenses and their applicability in this study are discussed hereunder.

### 1.1 Capacity Governance Theory

The pioneer theorists included Finer, Friedrich, and Waldo highlighted who argued that state capacity deficits undermined policy delivery across multiple dimensions: fiscal, administrative, political, legal, coercive, and infrastructural. Contemporary proponents such as Fukuyama, Marenin and Rotberg have elaborated on the determinants, dimensions, and consequences of limited governance capacity. Fukuyama (2014) examines how state capabilities enable institutional strength and governance outcomes. Otwin Marenin (2005) focuses on operational policing capacities. Rotberg's (2014) work on nation-states' performance reveals how the provision of security underpins legitimacy and political stability. Grindle (cited in Partelow *et al.*, 2020) argues that governance capacity deficits reinforce historical patterns and path dependencies constraining reforms in developing countries Expertise, infrastructure and technologies, funding, human resources, legitimacy, and coordination and accountability mechanisms are key capacity determinants, according to the theory. Limited governance capacity prevents coherent, resourced, and integrated policy implementation.

Examining multi-dimensional governance capacity barriers offers practical insight into the challenges facing Kenyan crime victims. Police lack infrastructure, forensic expertise, and technologies to conduct investigations. Prosecutors are overburdened and underequipped to prepare cases. Courts face extensive backlogs and delays, as well as infrastructural constraints, staff shortages, and judge shortages. Prisons also have chronic deficiencies. Cumulatively, this enables criminals to threaten victims with repeat victimization. By looking at areas of weakness in capacity, we can see where reforms need to be focused. These include building up expertise, making procedures clearer, updating infrastructure and technology, hiring more people, and streamlining institutions to improve their ability to prevent problems and respond to them (Andrijevic *et al.*, 2020). Integrated approaches addressing diverse capacity barriers can enable responsive governance.

### 1.2 Victim Centered Approach Theory

The significance of identifying and attending to the needs and experiences of crime victims within the criminal justice system has been underscored by scholars of victim-centered theory. They support the criminal justice system by treating crime victims' needs and rights in a comprehensive manner. By centering victims' experiences and voices, this theory aims to create a more responsive, compassionate, and effective system of justice (Denton, 1970). Some of the key points articulated by scholars in this field include the recognition of victims' rights. Scholars highlight the significance of acknowledging victims as rights holders within the legal system. According to Parsons and Bergin (2020), this includes advocating

for legal frameworks that guarantee victims' rights to information, participation, protection, and restitution throughout the criminal justice process.

Marlene is a prominent scholar known for her work on victimology and victim-centered approaches to justice. She has written extensively on topics such as victims' rights, victim-offender mediation, and restorative justice. Marlene A. Young's work on victim rights has been influential in shaping the discourse surrounding victims' rights within the criminal justice system. She has emphasized the importance of recognizing victims as active participants in the legal process and ensuring that their voices are heard and their rights are upheld.

Marlene's work on victim rights emphasizes the necessity of fair and equal treatment for victims within the justice system dealing with crimes, advocating for their rights to information, participation, protection, and support. She underscores the importance of providing victims with timely and accurate information, ensuring their safety and well-being, and granting them access to support services such as counseling and financial assistance. Additionally, Young stresses the significance of holding offenders accountable for their actions and providing victims with restitution and compensation for the harm they have endured. Through her advocacy, she seeks to empower victims to assert their rights and regain a sense of agency and control over their lives in the aftermath of crime (Parsons & Bergin, 2020).

However, the theory tends towards institutional determinism without considering political and societal contexts shaping governance priorities and reformer commitment. Power relations and elite incentives influence resource allocation decisions that concentrate state capacity disproportionately on powerful societal groups while deprioritizing vulnerable groups' needs. Reforms may be obstructed or sabotaged by politically influential elements. Sustaining meaningful capacity building requires first addressing the political settlements and social value commitments that produce governance institutions lagging in protecting marginalized groups (Ciplet, 2021). Technical capacity building alone cannot enable victim-centric, responsive governance without conscious efforts by state and civil society actors to reorient governance towards equitable security and justice.

## **METHODOLOGY**

The study adopted a mixed-methods approach and employed a descriptive research design to analyze the place of responsive governance in enhancing personal security of Kenyan crime victims. The design was chosen due to its ability to provide a framework for the researcher to report social phenomena as they occur (Babbie & Mouton, 2010). This feature made it possible for the researcher to clarify the benefits, reasons, adoption, and implementation of responsive governance in the criminal justice space and its implication on personal security, including the attendant difficulties. Overall, the design helped the researcher comprehend the facets of personal security and responsive governance (Mugenda & Mugenda, 2008). The study used a sample of 180 respondents drawn from among crime victims, law enforcement officers, crime investigators, prosecutors, the Judiciary, Members of Parliament, legal experts and advocacy groups. Researchers in the fields of criminology, healthcare, governance, and public policy were also incorporated to offer a more analytical perspective on the relationship between responsive governance and personal security in Kenya. Due to the personal nature of some of the crimes, the study used a mix of convenience, purposive and snowball sampling procedures to ensure representativeness of sample in terms of victims and also to ensure inclusivity in terms of other players within the criminal justice system.

Once the sample had been determined, data was collected from the respondents using structured questionnaires and in-depth personal interviews to gather primary data. To maintain the respondents'

attention on the topic as the researcher gathered in-depth data, semi-structured interviews were used. The data collection tools were piloted to ensure their validity and reliability. The key informant interviews were administered to respondents with policy making or advisory roles while the questionnaire was administered to the rest of the sample membership. The resultant data was corroborated using secondary sources such as reports from credible institutions. The emergent quantitative data was analyzed using descriptive statistics while the qualitative data was analyzed using thematic analysis. The study further employed triangulation during the analysis of findings to ensure their robustness and rule out alternative interpretations.

### DATA ANALYSIS AND FINDINGS

Out of a sample of 180 respondents, the overall response rate was 116 (64%), wherein questionnaire participants accounted for 102 (78.5%) and key informant interviewees, 14 (21.5%). The response rate was deemed sufficient to inform analysis in line with Fincham (2008) who points out that a response rate of 60% and above is adequate in surveys.

**Table 1: Response Rate**

Respondents	Sampled	Responded	Response Rate
Questionnaires	130	102	78.5
Interviews	20	14	21.5
<b>Total</b>	<b>180</b>	<b>116</b>	<b>100</b>

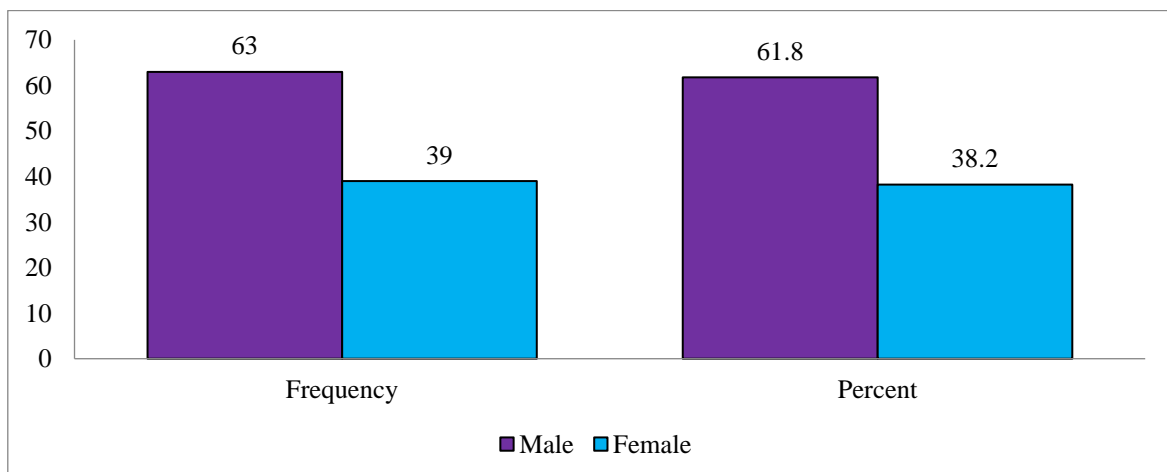
Source: Field data, 2024

### Social Demographic Characteristics of Respondents

General information about the respondents that were assessed in the study included gender, age, level of education, occupation as well as duration in current occupations.

### Gender of Respondents

The study sought to determine the gender of the participants responding to the questionnaires. The findings are presented in Figure 1 below.

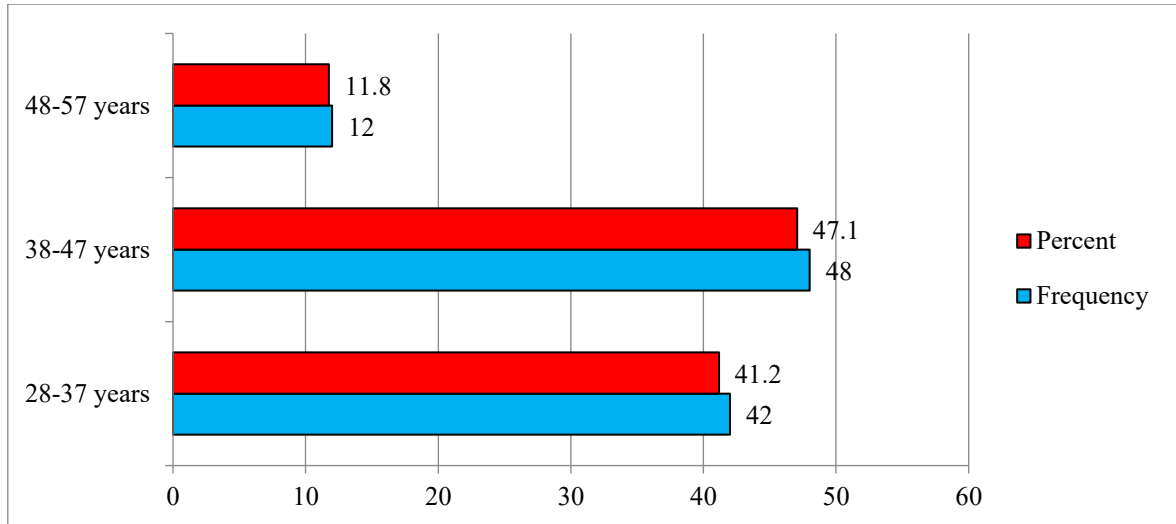


**Figure 1: Gender distribution**

As shown in Figure 1 above, 63 (61.8 %) of the respondents were male while, 39 (38.2 %) were female. This shows that more males took part in the study as opposed to females. Nevertheless, both genders were well represented in the study which could avert gender bias.

### Age of Respondents

The participants were asked to indicate their ages. The findings are presented in Figure 2 below.

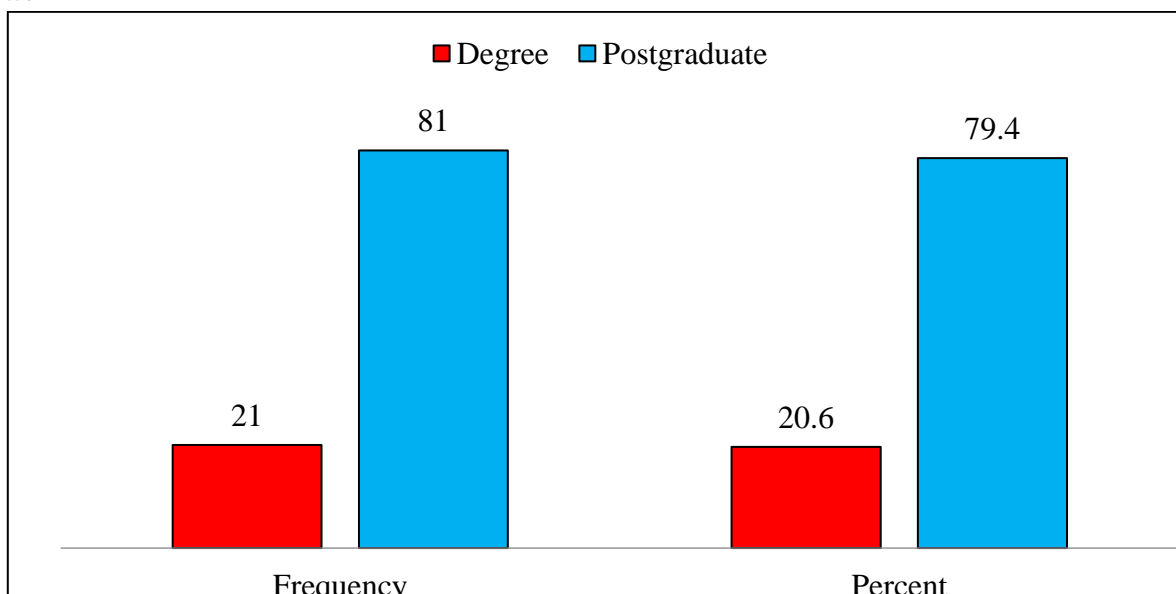


**Figure 2: Age of respondents**

The findings indicate that majority of participants 48 (47.1%) were aged between 38- 47 years. This demographic was followed by those aged 28-37 at 42 (41.2%) while 12 (11.8%) were aged between 48-57 years. These findings show that the respondents had diverse ages and this helped reduce age bias in the obtaining findings.

### Education Level of Respondents

The participants were asked to indicate their levels of education and the findings were as shown in Figure 3 below.



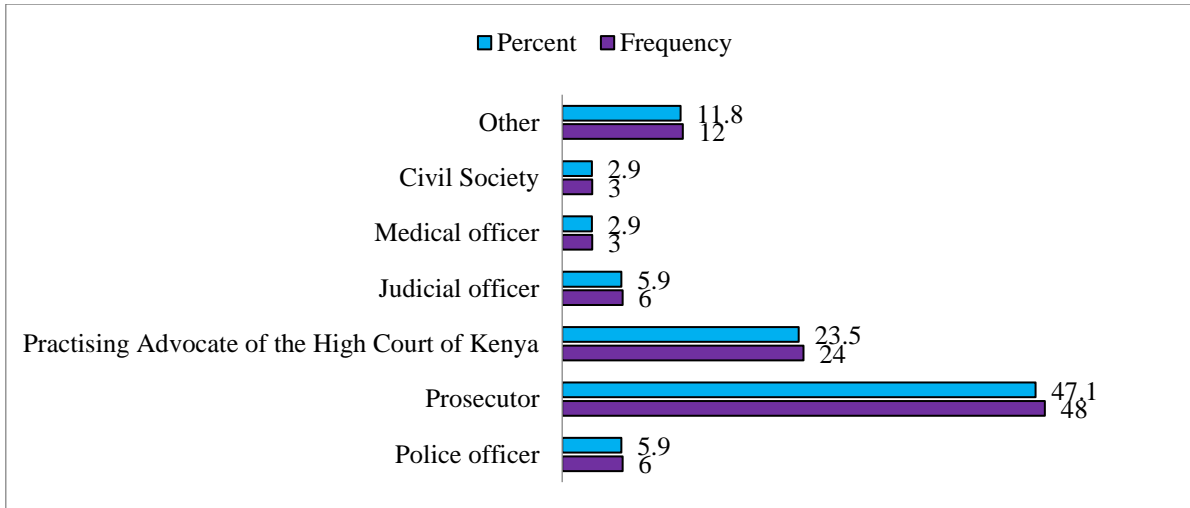
**Figure 3: Education Levels of Respondents**



The findings indicate that 81 (79.4%) had attained postgraduate education while 21 (20.6%) had attained degree level education. This illustrates that the respondents well educated and could make significant contributions on the subject under investigation.

### Occupations of Respondents

The respondents were asked to state their work category and the outcomes are depicted in Figure 5 below.

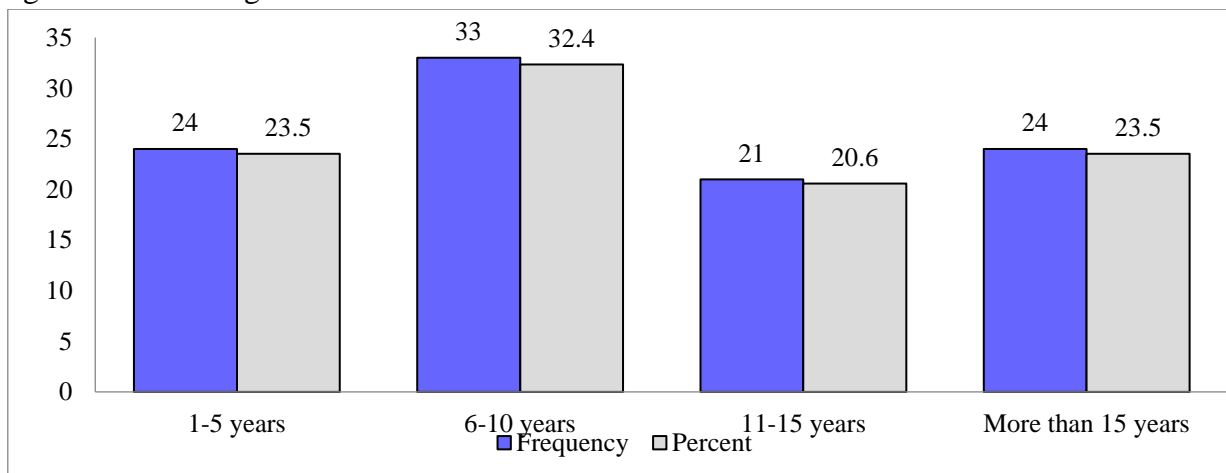


**Figure 4: Occupation of Respondents**

As shown in Figure 4 above, 48 (47.1%) of the respondents were persecutors. These were followed by practicing advocates of the high court of Kenya at 24 (23.5%). Those from other occupations were 12 (11.8%) while judicial officers and police officers were at 6 (5.9%) each. Conversely, medical officers and civil society officials tied at 3 (2.9%). The findings show that the categories comprised of diverse work categories thus demonstrated a wide range of opinions relevant to the study.

### Years of Work Experience

Respondents were asked to indicate their number of years worked in their specific work category and findings indicated in Figure 5 below.



**Figure 5: Years of Experience in Current Role**

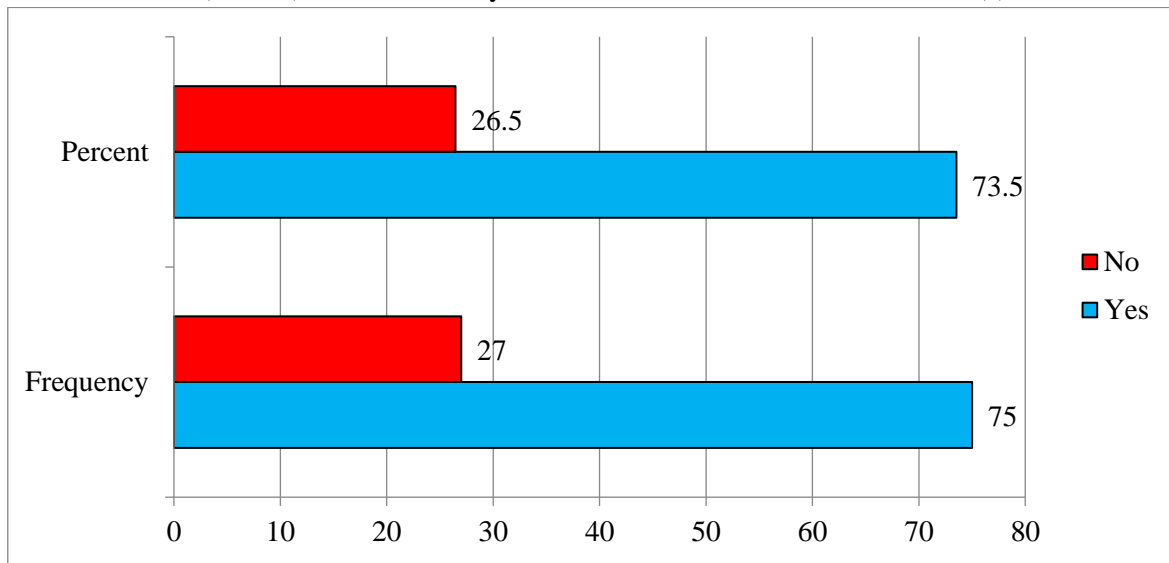
The majority, 33 (32.4%) had worked for 6-10 years. These were followed by those who had worked for 1-5 years and for more than 15 years each at 24 (23.5%). Those who had worked for 11-15 years were the

least at 21 (20.6%). This indicates majority had worked for a significant duration thus knowledgeable about their subject under investigation and could make pertinent contributions to the study subject.

**Key Governance Principles that Contribute to Success of Crime Victims Assistance Programmes**

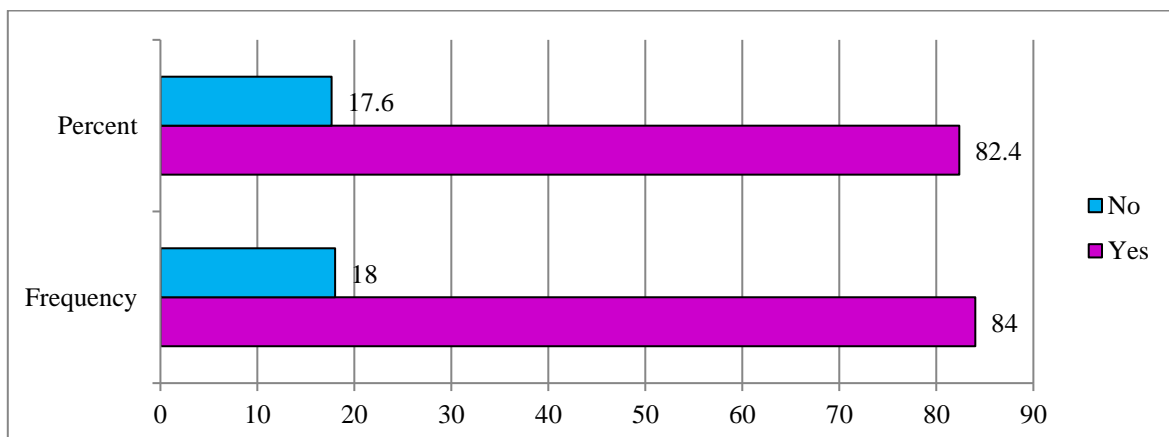
The objective of the study was to examine the key principles of responsive governance that contribute to the success of victim assistance programs (Victim Support Services). This section presents findings from questionnaires and interviews.

The respondents were asked to indicate whether they have ever been victims of crime(s). The findings were as shown in Figure 6. Majority of the respondents 75 (73.5%) responded affirmatively while a significant number 27(26.5%) stated that they had not been direct victims of crime(s).



**Figure 6: Respondent being a Victim of Crime in Kenya**

The respondents were further asked to indicate whether they were familiar with the factors that contribute to successful crime victim assistance programmes generally. Most of the respondents 84(82.4%) said yes while a significant number 18 (17.6%) stated that they were not. Figure 7 below summarizes this information.



**Figure 7: Factors that Contribute to Successful Crime Victim Assistance Programmes**

The respondents were asked to point out the specific governance institutions or programs that had been put in place to support crime victims in Kenya. The findings show that the main institutions were as shown

in Table 1.

**Table 1: Governance Institutions and Programs Established to Support Crime Victims in Kenya**

	<b>GOVERNMENT INSTITUTION</b>	<b>MANDATE OF THE INSTITUTION</b>	<b>HOW THEY PROVIDE SUPPORT</b>
1	Independent Police Oversight Authority (IPOA)	Oversight of the Police	Referral of victims; Provide oversight to ensure transparency on victim protection
2	NATIONAL COUNCIL OF PERSONS WITH DISABILITIES	Protection and promotion of the rights of Persons with Disabilities (PWDs)	Referral of victims; Support protection programmes of the VPB
3	COMMISSION ON ADMINISTRATIVE JUSTICE	Facilitate complaints handling capacity in the public service and state organs; Adjudicate allegations of maladministration and administrative injustice in public service	Referral of complaints relating to victim protection; Evaluation of complaint handling; Issue compliance certificate
4	CIVIL SOCIETY	Conducting advocacy on matters of human rights and administration of justice; Public Interest Litigation on Victim Rights	Create awareness; Referral of victims; Funding of programs; Training
5	NATIONAL LEGAL AID SERVICE	Provide legal aid	Referral of victims; Support VPB programs; Representation of victims through pro-bono services
6	COUNCIL OF GOVERNORS/COUNTY GOVERNMENTS	Promote social and economic development and provision of proximate, easily accessible services throughout Kenya	Collaboration in decentralization of services
7	KENYA PRIVATE SECTOR ALLIANCE (KEPSA)	To bring together various private sector actors	Provide information and research on victim rights and protection; Funding of programs
8	NATIONAL CRIME RESEARCH CENTRE	To carry out research into the causes of crime and its prevention and to disseminate the research findings and recommendations to the Government Agencies	Provide periodic reports on crime trends
9	KENYA INSTITUTE OF PUBLIC POLICY RESEARCH AND ANALYSIS (KIPPRA)	Conduct research on behalf of public institutions	Provide financial assistance; Provide a network of private actors

			for dissemination of information and creation of awareness
10	KENYA LAW REFORM COMMISSION	Develop curriculum for institutions	Develop curriculum on victim rights and protection

In view of the forgoing findings, the respondents were asked to state some of the Programmes they were involved in. The respondent shared their knowledge and possible involvement in several programs aimed at supporting victims of crime and witnesses in legal proceedings as shown in Table 2.

**Table 2: Programs Aimed at Supporting Victims of Crime and Witnesses in Legal Proceedings**

Program Name	Support to the Victims
Opportunity Motivation	Victim/Witness Support
Victim Protection	Victim/Witness Support
Policare	Victim/Witness Support
Victim Impact Assessment	Victim/Witness Support
Kituo cha Sheria, Katiba Institute, FIDA, POLICARE	Legal Support/Counseling
Investigations	Victim/Witness Support
Witness Protection	Victim/Witness Protection
Medical Support and Legal Aid	Legal/Medical Assistance
Victims Fund	Victim Support/Funding
SGBV Courts and Centers in Mombasa	Gender-Based Violence Support
International Criminal Out Witness Protection	International Witness Protection
Victim Protection Board	Victim Protection Oversight/Coordination
Timely Crime Reporting	Crime Reporting
Creating Rapport Program and Counseling for Victims	Support/Counseling
Empowering Victims of Crime	Victim Empowerment
Victim Protection Mechanisms	Victim Protection
Restorative Justice to Victims	Victim Restoration
Counter Trafficking in Persons Secretariat Victims Assistance Program	Human Trafficking Victim Support
National Counterterrorism Centre Programs	Counterterrorism Victim Support
Probation and Aftercare Services Programs	Probation/Aftercare Services
Victims of Terrorism Compensation Fund	Terrorism Victim Compensation
Legal Aid Programs	Legal Assistance
NLAS	Legal Support
Witness Protection Policy	Witness Protection Policy
Prosecution	Legal Support
Retribution	Legal Support

Compensation

Victim Compensation

Source: Field data, 2024

The study went on to find out the extent the programmes identified above had been successful. The respondents indicated that these programmes encompassed a wide range of support systems aimed at assisting victims of crime and witnesses throughout legal proceedings, carrying significant implications for the individuals involved and the broader justice system.

At the forefront of these initiatives are programmes like Opportunity Motivation and Victim Protection, which offer vital assistance and support to those affected by crime. From counseling and medical aid to legal representation, these services play a pivotal role in helping victims and witnesses navigate the challenges and trauma associated with their experiences.

Legal support and advocacy programmes provided by organizations such as Kituo cha Sheria, Katiba Institute, and FIDA ensure that victims and witnesses have access to justice and representation throughout legal processes. This not only helps individuals assert their rights but also strengthens the overall fairness and integrity of the legal system.

Central to many of these programmes is the imperative of protection and safety. Witness Protection and similar mechanisms are instrumental in safeguarding individuals whose lives may be at risk due to their involvement in criminal cases. By offering a secure environment and anonymity, these programmes enable witnesses to come forward without fear of retaliation, thereby facilitating the pursuit of justice.

Furthermore, initiatives addressing specific forms of violence, such as the SGBV courts and centers in Mombasa, provide tailored support to survivors of gender-based violence, recognizing the unique challenges they face and offering resources for recovery and justice.

Empowerment and restorative justice programmes seek to go beyond mere assistance, aiming to empower victims to rebuild their lives and actively participate in the justice process. By providing resources, skills, and support, these initiatives foster resilience and agency among those affected by crime.

In addressing broader societal issues, programmes focusing on counterterrorism and human trafficking offer specialized support to victims of these crimes, recognizing the distinct challenges they encounter and providing targeted assistance. Compensation and financial support mechanisms, such as the Victims Fund and Victims of Terrorism Compensation Fund, acknowledge the financial burdens often incurred by victims and aim to alleviate these pressures, enabling individuals to recover and move forward with their lives.

Coordination and oversight provided by entities like the Victim Protection Board ensure that these programmes operate effectively and efficiently, maximizing their impact and ensuring that support reaches those who need it most. However, some programmes encountered challenges. For instance, Opportunity Motivation faces limitations due to budgetary constraints, while the operationalization of the Victim Protection programme is somewhat restricted despite its strong policy and strategy. The success of Policare lies in mitigating cases, though not without some hurdles. The findings show that these programmes represent a concerted effort to uphold the rights and well-being of victims and witnesses within the justice system, contributing to a fairer, more compassionate society. On the victims' side, concerns about the criminal justice system, limited knowledge of legal procedures or support services and psychological trauma can lead to under-reporting or withdrawal of a complaint (Kilcommins *et al.*, 2018).

The respondents were asked to rate their level of agreement with the selected statements regarding key Principles that contribute to success of crime victims assistance programmes (Victim Services) within

responsive governance framework on a scale of: “1 = Strongly Agree (SA), 2 = Agree (A), 3 = Neutral (N), 4 = Disagree (D), 5=Strongly Disagree (SD).” The results are presented in Table 3.

**Table 3: Governance Mechanisms in Kenya Responsiveness to the Needs of Crime Victims**

Statements	SA	A	N	D	SD
	%	%	%	%	%
(i) Victim assistance program are accessible in terms of location, language, and affordability.	21.6	13.7	9.8	21.6	33.3
(ii) The staff of the victim assistance program treated victims with empathy and respect, acknowledging my feelings and experiences.	42.2	14.7	10.8	22.5	9.8
(iii) The victim assistance program ensures personal information about the victim is kept confidential to the extent permitted by law and morality.	49.0	21.6	15.7	6.9	6.9
(iv) The victim assistance program provides comprehensive services that address psychological, legal, social, and medical needs.	12.7	15.7	12.7	23.5	35.3
(v) The victim assistance program develops an individualized support plan tailored to victims’ unique circumstances and needs.	12.7	16.7	12.7	21.6	36.3
(vi) The victim assistance program collaborates with other agencies and organizations to provide victims with holistic support.	10.8	16.7	12.7	22.5	37.3
(vii) Victim assistance program engage in prevention and education initiatives to reduce the likelihood of future victimization.	26.5	17.6	13.7	24.5	17.6
(viii) The victim assistance program provided victims with access to legal support to navigate the criminal justice system or obtain restraining orders.	26.5	17.6	14.7	19.6	21.6

Source: Field data, 2024

Table 3 show that a significant proportion, 21.6%, strongly agreed with their accessibility, while 13.7% expressed agreement regarding the statement on victims' accessibility to these programs in terms of location, language, and affordability. However, a concerning 33.3% strongly disagreed with this statement, suggesting a perceived lack of accessibility among a considerable portion of respondents. Regarding the treatment of victims by program staff, a majority, 42.2%, strongly agreed that staff exhibited empathy and respect, acknowledging the feelings and experiences of victims. Conversely, only a small fraction, 9.8%, disagreed with this assertion. Concerning confidentiality, nearly half of the respondents, 49%, strongly agreed that victim assistance programs ensured the confidentiality of personal information within the bounds of legal and moral constraints.

When it comes to the provision of comprehensive services addressing psychological, legal, social, and medical needs, opinions were more divided. A significant portion, 35.3%, strongly disagreed with the effectiveness of these programs in delivering such comprehensive support. Similarly, regarding the development of individualized support plans tailored to victims' unique circumstances and needs, a notable 36.3% of respondents strongly disagreed with the effectiveness of these programs in this aspect. In terms of collaboration with other agencies and organizations to provide holistic support, opinions were split, with 37.3% strongly disagreeing with the effectiveness of such collaboration, while 22.5% agreed. In the realm of prevention and education initiatives aimed at reducing the likelihood of future victimization, 26.5% of respondents strongly agreed that victim assistance programs engage in these initiatives.

Finally, regarding access to legal support for navigating the criminal justice system or obtaining restraining orders, responses were mixed. While 26.5% strongly agreed that victims have access to such support, 21.6% strongly disagreed. The findings underscore a consensus among stakeholders regarding the importance of providing victims with access to services that are easily accessible, sensitive to their unique needs, and delivered with empathy and respect. Trauma-informed care recognizes the profound impact of trauma on victims and guides service providers in delivering appropriate support. Confidentiality and comprehensive services are essential for building trust and addressing victims' diverse needs. Moreover, individualized support plans, empowerment, collaboration, and prevention efforts are crucial in tailoring assistance to the specific circumstances of each victim.

These findings are in agreement with the knowledge that engaging the community in supporting victims and preventing future victimization is essential. This involves building a network of support and raising awareness (Viswanathan, 2012). It is noted that many victims require legal assistance, such as help navigating the criminal justice system or obtaining restraining orders. Providing access to legal support is often a central aspect of victim assistance (O'Connell, 2005). It is essential to guarantee victim support programme's long-term viability. To ensure this, it is necessary to provide consistent funding, conduct regular staff training, and create policies and processes that are resilient to shifts in leadership (Green, 2010).

However, cooperation and coordination between victim service organizations and other agencies should be explored to enhance support, and evaluating prevention efforts can contribute to reducing victimization. Understanding the specific challenges faced by victims of environmental disasters and tailoring assistance programs to address these challenges is essential in the context of environmental victimization. Bridging these research gaps will lead to a more comprehensive understanding of victim assistance programs, ultimately improving the support provided to victims and their families.

The findings align with the Restorative justice theory which emphasizes repairing the harm caused by crime and reconciling the victim, offender, and the community. It posits that by actively involving victims in the criminal justice process and providing them with a voice in how justice is achieved, the rule of law can be strengthened. This theory argues that addressing the needs and rights of victims is essential for a just and peaceful society.

The study also found that participants provided specific examples of how these principles have been implemented in Kenya. To this end, one of the key informant interviewees stated that:

Many victims require legal assistance, such as help navigating the criminal justice system or obtaining restraining orders. Providing access to legal support is often a central aspect of victim assistance. It is essential to guarantee victim support programme's long-term viability. To ensure this, it is necessary to provide consistent funding, conduct regular staff training, and create policies and processes that are resilient to shifts in leadership (KII 1).

This underscores the importance of resilience and coping strategies developed by victims which can shed light on the factors contributing to their recovery and inform more effective support mechanisms. Assessing the role of legal and policy frameworks in program effectiveness is essential, as these frameworks can either facilitate or hinder victim assistance initiatives. Cross-cultural studies provide insights into the impact of cultural factors, while researching the economic aspects of victim assistance programs informs resource allocation and sustainability. Collaboration and coordination between victim service organizations and other agencies should be explored to enhance support, and evaluating prevention efforts can contribute to reducing victimization.

The success of victim assistance programs is contingent on a holistic, victim-centred approach that prioritizes the principles mentioned. These principles collectively contribute to creating an environment of care, support, and empowerment for victims, facilitating their recovery and healing after experiencing trauma or victimization. These key principles collectively contribute to the success of such programs by providing a framework for the delivery of compassionate, effective, and empowering services to victims of various forms of victimization (Viswanathan, 2012).

## CONCLUSION AND RECOMMENDATIONS

In conclusion, the key principles of responsive governance play a pivotal role in ensuring the success and efficacy of victim assistance programs also known as Victim Support Services. Through the lens of responsive governance, several fundamental principles emerge as essential contributors to the effectiveness of these programs. Inclusivity stands out as a cornerstone principle. By actively involving victims, community members, government agencies, non-profit organizations, and other stakeholders in the decision-making processes, victim assistance programs can ensure that services are tailored to meet the diverse needs and realities of those they aim to support. Inclusivity fosters a sense of ownership among stakeholders and enhances the relevance and responsiveness of the services provided. Transparency and accountability are equally critical principles in responsive governance. By maintaining transparent communication channels and accountability mechanisms, victim assistance programs can uphold public trust and confidence. Clear and accessible information about the allocation of resources, program outcomes, and decision-making processes fosters accountability and ensures that resources are utilized effectively to address the needs of victims. Flexibility and adaptability are also imperative in navigating the complex and evolving landscape of victim assistance. Responsive governance allows programs to remain agile and responsive to changing circumstances, emerging challenges, and evolving needs within



communities. By continuously evaluating and adjusting strategies, victim assistance programs can remain relevant and effective in meeting the dynamic needs of victims.

From the foregoing conclusions, the study makes the following recommendations to players operating in the criminal justice system in Kenya:

1. Inclusivity should be prioritized by actively involving victims, community members, and relevant stakeholders in the decision-making processes of victim assistance programs. This involves establishing advisory committees or forums comprising representatives from diverse backgrounds to provide input on program development, implementation, and evaluation. Outreach initiatives should also focus on underprivileged or marginalized populations to make sure that all victims' needs are met and their views are heard.
2. Transparency and accountability are essential for building trust and confidence in victim assistance programs. Governance mechanisms should ensure transparency in resource allocation, program outcomes, and decision-making processes. This entails regularly publishing reports on program activities, expenditures, and outcomes, as well as establishing mechanisms for feedback and grievance redress. Furthermore, accountability measures should be strengthened to hold program administrators and service providers accountable for the effective provision of assistance to victims. The study findings show that the key principles of responsive governance play a pivotal role in ensuring the success and efficacy of Crime Support Services (CVSS). The study asserts that Kenya needs to urgently establish a Victim Support Agency (VSA).
3. The establishment of a Victim Support Agency (VSA) in Kenya is crucial for institutionalizing key principles of responsive governance especially inclusivity, transparency, accountability, flexibility, and collaboration which are essential for the welfare of crime victims. The VSA would ensure victims are central to decision-making, involving diverse voices in shaping policies, while promoting transparency through regular reporting on resource use and program outcomes. By establishing strong accountability mechanisms, the VSA would hold service providers responsible for delivering effective support, and its flexible approach would tailor services to individual victims' needs. Furthermore, as a coordinating body, the VSA would foster collaboration among government agencies, NGOs, and other stakeholders, creating a comprehensive, victim-centered system that addresses the legal, emotional, and material needs of crime victims, making the justice system more equitable and efficient.

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