

**DEFILEMENT OF CHILDREN IN CHONGWE AND LUSAKA: A STUDY OF THE  
ISSUES INVOLVED IN REPORTING AND PROSECUTION OF CHILD DEFILEMENT  
CASES**

**BY**

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**A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS IN GENDER STUDIES**

**THE UNIVERSITY OF ZAMBIA**

**LUSAKA**

**2015**

## DECLARATION

I, **Emma Phiri**, do hereby declare that the work presented in this study for the degree of Master of Arts in Gender Studies:

- (a) Represents my own work;
- (b) Has not been presented either wholly or partially for any other degree at this or any other University; and
- (c) Does not incorporate any published work or material from another dissertation.

Signed.....

Date.....13.11.2015

## CERTIFICATE OF APPROVAL

This dissertation by **Emma Phiri** has been approved as a partial fulfillment of requirements for the award of the degree of Master of Arts in Gender Studies by the University of Zambia.

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## ABSTRACT

Defilement is a social problem which affects all members of society. Statistics indicate that there is an increase in the number of defilement cases reported but very few defilement cases are prosecuted. While there are a number of sexual offences against children, defilement is the most prominent. This study critically examined the problems involved in reporting and prosecution of defilement cases among boys and girls. The research designs used in this study were both quantitative and qualitative. Quantitative data was collected through administrative records and unpublished reports. Qualitative data was collected through Observations, Focus Group Discussions (FDGs) for parents and/or guardians and In-depth Interviews for the victims and Key Informants. Data was analysed through tables and graphs for quantitative while qualitative data was thematically analysed. The findings of this study revealed that sexually abused children encountered devastating experiences resulting in negative impacts such as teen pregnancy, sexually transmitted infections (STIs), psychological effects as well as educational effects. Factors that prevented immediate reporting of defilement/sodomy cases by either the victims or parents and/or guardians were also explored. The Zambia Police-Victim Support Unit (ZP-VSU) handled reports of defilement/sodomy cases; and that they faced challenges in handling the cases such as lack of forensic equipment, inadequate transport, limited office accommodation and few doctors to examine the victims. The study also found out that not all defilement/sodomy cases reported were prosecuted because of insufficient evidence, corroboration, lack of fast-track courts and lack of training in forensic evidence for doctors. The study recommends Ministry of Gender and Child Development (MGCD) in collaboration with ZP-VSU should extend sensitisation and awareness programmes throughout the country on the importance of reporting and prosecution of defilement/sodomy cases. The government of Zambia through the Ministry of Transport, Works, Supply and Communication should build more police posts especially in rural areas to encourage more reporting. Ministry of Health should train Medical doctors in forensic evidence to ensure certain guidelines and formalities are strictly followed. The Ministry of Justice should speed up the rolling out of fast-track courts throughout the country in order for the cases to be disposed of quickly.

## **DEDICATION**

This dissertation is lovingly dedicated to my two lovely daughters; Taphiwa aged 15 years and Musarwisa Tika aged 12 years who are a blessing to me.

## ACKNOWLEDGEMENTS

This study was as a result of contributions from many people too numerous to mention. However, I wish to thank all my lecturers in the Department of Gender Studies; and special gratitude is extended to my supervisor Dr Fay Gadsden, who through her supervisory role, encouraged, corrected, inspired and motivated me to finish this work.

I wish to thank everyone sincerely for providing relevant information to make this study a piece of work to reckon with. I particularly would like to thank the people of Zambia Police-Victim Support Unit (VSU), STOP GBVSS Project, One Stop Centre (Chongwe) and YWCA.

My appreciation also goes to my husband Maxwell Mateyu Syamalimba, my sons Mateyo and Maposa not forgetting my lovely daughters Tendai, Martha, Taphiwa and Musarwisa Tika for understanding my busy schedule at the time you needed me most. Thank you so much for your unmeasured support towards my education; love you all and may Jehovah continue blessing you.

Lastly, I thank my fellow course mates for the teamwork spirit, and research assistants (Manase, YWCA, Lusaka and Shamilimo, STOP GBVSS Project, One Stop Centre, Chongwe) who worked tirelessly in data collection in the field. My appreciation also goes to Mrs Brenda Mukata-UNZA Press for her editorial guidance.

## TABLE OF CONTENTS

	<i>PAGE</i>
Title Page .....	i
Declaration .....	ii
Approval .....	iii
Abstract .....	iv
Dedication .....	v
Acknowledgements .....	vi
Table of Contents .....	vii
List of Figures .....	viii
List of Tables .....	ix
Acronyms .....	x
<b>CHAPTER ONE: INTRODUCTION .....</b>	<b>1</b>
1.0 Background .....	1
1.1 Statement of the Problem .....	3
1.2 Study Objectives .....	3
1.3 Research Questions .....	4
1.4 Rationale of the Study .....	4
1.5 Definitions of Terms .....	5

1.6	Structure of Dissertation .....	7
<b>CHAPTER TWO: LITERATURE REVIEW .....</b>		<b>8</b>
2.0	Introduction .....	8
2.1	The Concept of Child Defilement (Child Sexual Abuse) .....	8
2.2	Prevalence of Defilement .....	9
2.2.1	Prevalence of Defilement/Sodomy in North America .....	10
2.2.2	Prevalence of Defilement/Sodomy in Switzerland .....	11
2.2.3	Prevalence of Defilement/Sodomy in New Zealand .....	11
2.2.4	Prevalence of Defilement/Sodomy in Africa .....	11
2.2.5	Prevalence of Defilement/Sodomy in Zambia.....	12
2.3	Experiences.....	12
2.4	Effects .....	13
2.5	Factors Preventing Effective Reporting .....	15
2.5.1	Challenges Sexually Abused Children Face in Reporting to Parents and/or Guardians .....	15
2.5.2	Why Parents and/or Guardians do not report to Police .....	16
2.6	Challenges Police Face in handling Child Sexual Abuse cases .....	17
2.7	Factors That Affect Successful Prosecution of Defilement Cases.....	18
2.8	Theoretical Approach .....	19



2.8.1	The Four – Factor Trauma Genic Theory (Kemp 1998) .....	21
2.9	Conclusion .....	22
<b>CHAPTER THREE: METHODOLOGY .....</b>		<b>22</b>
3.0	Introduction .....	22
3.1	Research Design .....	22
3.2	Area of Study .....	22
3.3	Study Population .....	23
3.4	Study Sample .....	23
3.5	Sampling Procedure .....	23
3.6	Data Collection Instruments .....	24
	3.6.1 Qualitative Data Collection Instruments .....	24
	3.6.2 Quantitative Data Collection Instruments .....	24
3.7	Data Collection Procedure .....	24
3.8	Data Analysis .....	26
	3.8.1 Qualitative data .....	26
	3.8.2 Quantitative data .....	26
3.9	Limitations .....	27
3.10	Challenges Faced .....	27

3.11	Ethical Considerations .....	27
3.12	Conclusion .....	27
<b>CHAPTER FOUR: PRESENTATIONS OF FINDINGS AND DISCUSSIONS ...</b>		<b>28</b>
4.0	Introduction .....	28
4.1	Background Information of the Respondents .....	29
4.1.1	Age of Victims.....	29
4.1.2	Number of Sexually Abused Children by Sex and by Type .....	30
4.1.3	Education Level of Victims .....	32
4.1.4	Home Background.....	33
4.1.5	Perpetrator of Defilement/Sodomy .....	35
4.2	Experience of defiled/sodomised children .....	38
4.2.1	Psychological Results of Defilement/Sodomy .....	38
4.2.2	Effects of Defilement/Sodomy .....	42
4.3	Factors that Prevent Effective Reporting of Defilement/Sodomy cases .....	45
4.3.1	Challenges that Children Face in Reporting to Parents and/or Guardians ...	45
4.3.2	Challenges that Parents and/or Guardians Face in Reporting to Zambia Police- VSU .....	50
4.4	Challenges that Zambia Police-VSU Face in handling Defilement/Sodomy	

Cases .....	56
4.5 Factors That Affect Successful Prosecution of Defilement Cases .....	61
4.6 Conclusion .....	70
<b>CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>71</b>
5.0 Conclusions .....	71
5.1 Recommendations .....	73
<b>REFERENCES .....</b>	<b>74</b>
<b>APPENDICES .....</b>	<b>79</b>
Appendix I - Letter of Approval .....	80
Appendix II - Introduction letter .....	81
Appendix III - In-depth Interview Guide- Children .....	85
Appendix IV - Focus Group Guide – Parents and/or Guardians .....	88
Appendix V In-depth Interview Guide- Key Informant .....	89

## LIST OF FIGURES

<b>Figure 4.1:</b> Age distribution of victims by sex .....	29
<b>Figure 4.2:</b> Sexually Abused by Sex and Type.....	30
<b>Figure 4.3:</b> Education Level of victims .....	32
<b>Figure 4.4:</b> Staying with Whom .....	33
<b>Figure 4.5:</b> Child's response on who the defilers are .....	36

## LIST OF TABLES

<b>Table 4.1:</b> Trust .....	40
<b>Table 4.2:</b> Effects .....	51
<b>Table 4.3:</b> Factors That Affect Successful Prosecution of Defilement Cases .....	75

## ACRONYMS

<b>AFCODE</b>	-	Action for Development
<b>AIDS</b>	-	Acquired Immune Deficiency Syndrome
<b>ANPPCAN</b>	-	African Network for Prevention and Protection against Child – Abuse and Neglect
<b>FGDs</b>	-	Focus Group Discussions
<b>GBV</b>	-	Gender Based Violence
<b>GIDD</b>	-	Gender in development Division
<b>UN / GRZ JP</b>	-	United Nations /Government of the Republic of Zambia Joint Programme
<b>HIV</b>	-	Human Immunodeficiency Virus
<b>MGCD</b>	-	Ministry of Gender and Child Development
<b>STIs</b>	-	Sexually Transmitted Infections
<b>STOP GBVSS</b>	-	Stop Gender Based Violence Survivor Support
<b>NLACW</b>	-	National Legal Aid Clinic for Women
<b>UN</b>	-	United Nations
<b>UNVAC</b>	-	United Nations Violence against Children
<b>WHO</b>	-	World Health Organisation
<b>WLSA</b>	-	Women and Law in Southern Africa
<b>YWCA</b>	-	Young Women’s Christian Association
<b>ZANEC</b>	-	Zambia National Education Coalition
<b>ZP-VSU</b>	-	Zambia Police-Victim Support Unit

## **CHAPTER ONE**

### **INTRODUCTION**

According to the Penal Code (Amendment Act) of 2005, defilement is having “the carnal knowledge of a child below the age of 16 years old.” Any person who has unlawful carnal knowledge of a child below the age of 16 years commits the offence of defilement. The offence of defilement is no longer restricted only to men having sexual intercourse with girl-children; rather it has been extended to include the abuse of boy-children. Defilement is causing significant anxiety because of its frequency and the way the media reports about it, in both print and electronic media. Hardly a day passes in Zambia without news from the media that a girl has been defiled, a man has been convicted for defilement or a case of defilement has been adjourned to a particular date. Public discussions have dominated the media too raising concerns about defilement. Generally defilement has been discussed in both private and public life. Some defilement cases are reported and some are taken to court, but very few cases are prosecuted.

#### **1.0 Background**

The government of Zambia has appended its signature to a number of international instruments on gender equality and gender based violence which include:

- (a) The Convention on the Elimination of All Forms of Discrimination Against Women and Children, 1979;
- (b) The Beijing Declaration for Action, 1995;
- (c) The Convention on the Rights of the Child, 1990;
- (d) The SADC Declaration on Gender and Development (1997); and its addendum on Prevention and Eradication of Violence against Women and Children;
- (e) The Protocol to the African Charter on the Rights and Welfare of the child, 1999.

Acceptance of these protocols obligates the Zambian government to put in place interventions and programmes to prevent the vice.

The Young Women's Christian Association (YWCA) Co-ordinator Dorothy Njovu told MUVI TV, 'during the campaign of the 2013 Sixteen days of Activism', 25 November 2013:

*Seventy per cent of the Zambian children who are defiled are vulnerable and orphans. Local police report daily cases of sexual abuse against children. Advocates are struggling to break the culture of silence surrounding abuse and are providing increased training and awareness.*

In Zambia, Gender Based Violence (GBV) is rampant and the most common type of GBV for children is child sexual abuse. Some of the types of child sexual abuses in Zambia are defilement, indecent assault, incest and child marriages. The most disturbing type of child abuse in Zambia is defilement. Article 24 of the Zambian Constitution provides for the protection of the child. Statistics on defilement/sodomy collected from Zambia Police-Victim Support Unit (ZP-VSU) reveal that between 2010 and 2014, 2,429 cases of defilement/sodomy cases were reported. Out of the reported defilement cases, 836 were taken to court of which only 305 were prosecuted. The results further show that girls were the most victims. The above statistics are distressing because Zambia like elsewhere has been making efforts to combat gender based violence.

In 1994, the Zambia Police established the Victim Support Unit (VSU) to address the escalating GBV including defilement/sodomy the kinds of sexual violence against children. In addition, the Human Rights Commission was established in 1996 also to focus on human rights as well as gender issues (GIDD, 2011).

International agencies have been very influential in funding programmes aimed at curbing gender based violence such as defilement and sodomy. However, despite all the above efforts, defilement cases have been on the increase. The majority of the defilers are usually familiar relations such as either the child's biological father, uncle, garden boy, adult male or female living in the same residence and/or in close proximity to the girl or boy child. The sexually abused children don't come out in the open to reveal their experience because most of the



defilers are people they know and respect like parents and their guardians. In cases where family members believe what the child says, they often tend to denounce the child for publicising the problem. A sadistic cycle of blame is established and often, the child who may already be feeling guilty bears it all alone. Mothers who become aware of their daughters' defilement by their husbands, are time and again ashamed that they had failed to protect their children or that they failed to see the signs of abuse and could not act appropriately (GIDD, 2011). Often mothers choose to keep quiet when husbands are involved for fear of losing a breadwinner in case those husbands are convicted of this horrible crime. Much more needs to be done to protect children from this vice. More importantly a solution should be found to improve the reporting and prosecution of defilement cases against boys and girls.

### **1.1 Statement of the Problem**

Defilement is a social problem which affects all members of society. Statistics indicate that there is an increase in the number of defilement cases reported but very few defilement cases are prosecuted. While there are a number of sexual offences against children, defilement is the most prominent. Many children are defiled by people they know such as biological fathers, step fathers, relatives, religious leaders and care-givers. Defilement/sodomy cases are many and are reported but not all reported cases are prosecuted.

In 2014, 2,429 cases of defilement were reported to Zambia Police-Victim Support Unit (ZP-VSU) out of which only 836 cases were taken to Court. Of the total number of defilement/sodomy cases taken to court only 305 were prosecuted. This research investigated the problems involved in reporting and prosecuting defilement/sodomy cases.

### **1.2 Objectives of the Study**

The main objective of the study was to critically examine the problems involved in reporting and prosecuting defilement cases among boys and girls in Chongwe and Lusaka districts.

Specifically the objectives of the study were:

- (i) To explore the experiences and effects of defilement on boys and girls;
- (ii) To explore factors that prevented effective reporting of defilement cases among boys and girls;
- (iii) To explore challenges that relevant authorities faced in handling defilement/sodomy cases; and
- (iv) To document factors that affect the prosecution of defilement cases.

### **1.3 Research Questions**

The research formulated and attempted to answer the following questions:

1. What are the experiences and effects of defilement on boys and girls?
2. What factors prevent effective reporting of defilement cases among boys and girls?
3. What challenges do Zambia Police-VSU face in handling defilement/sodomy cases?
4. What are the factors that affect the prosecution of defilement cases?

### **1.4 Rationale of Study**

In many African countries, including Zambia, defilement is widespread but there is a problem of reporting to and prosecuting of the cases by the relevant authorities. The rationale of this study is that, it will contribute to data on the problems involved in reporting and prosecuting the defilement cases among boys and girls; an area where not much literature is available. The findings of this study may help social workers and lawyers to have more cases prosecuted.

## 1.5 Definition of Terms

- Child:** This refers to a person under the age of 16 years.
- Child Abuse:** This is the unlawful taking away of a child's rights which may be in form of denial or excessive demands on a child. Child abuse takes various forms but basically falls in two broad categories; physical which affects the child's body and non-physical which affects the child mentally and emotionally.
- Child Sexual Abuse:** this refer to the involvement of a child in sexual activity that he or she does not fully understand, is powerless to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society.
- Defilement:** this is sexual intercourse with a girl/boy who is under the age of sixteen years with or without his or her consent.
- Gender Violence:** is any act which results in physical, sexual or psychological harm or suffering including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is manifested in physical, sexual, emotional and psychological acts. This includes rape, defilement, battery and traditional practices harmful to girls/boys and women/men.
- Incest:** is the unlawful sexual act that occurs between people who are related to each other by blood.

<b>Psychological Violence:</b>	this is harm done to a person that has been the victim of defilement; the harm is not only deriving from the physical injuries to her or his body; also the psychological trauma the event may provoke is part and parcel of the violence perpetrated.
<b>Prosecution:</b>	is the institution and carrying out of legal proceedings against a person who has committed an offence.
<b>Reporting:</b>	refers to giving an account, or statement describing in detail an event or situation as a result of defilement to the relevant authorities.
<b>Sexual Violence:</b>	refers to the violent behaviour and/or conduct of a sexual nature directed against women, men and children.
<b>Sodomy:</b>	refers to sexual intercourse involving anal penetration with or without consent.
<b>Victim:</b>	this is a person who is harmed or killed.
<b>Violence:</b>	actions using physical force intended to hurt damage or kill.

## **1.6 Structure of Dissertation**

This dissertation is divided into five chapters. The Chapter that follows discusses the literature available concerning issues involved in reporting and prosecution of defilement/sodomy cases. Chapter Three presents the research methodology utilised for the study. Chapter Four provides an analysis and discussion of the findings of the study. The conclusions and recommendations are contained in Chapter Five.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.0 Introduction

This Chapter presents a review of literature on defilement/sodomy. It looks at literature that gives a comprehensive definition of the concept 'child sexual abuse' and the extent and severity of defilement regionally and worldwide. The issues arising from the Zambian and international literature were reviewed. The Chapter also discusses the experience of sexually abused children, the effects of defilement/sodomy, the challenges children face in reporting to their parents and/or guardians, the challenges parents and/or guardians face in reporting to the Police, reasons why all reported cases are not prosecuted and finally it presents a theoretical explanation of child sexual abuse.

#### 2.1 The Concept of Child Defilement (Child Sexual Abuse)

Kemp (1980) gave a comprehensive definition of the concept child sexual abuse, which applies to an environment of modern child sexual abuse examination and analysis. He stated that it is the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, and to which, they are unable to give informed consent or that violate the social taboos of family roles.

According to the World Health Organisation Report (WHO, 1999) "child sexual abuse is defined as the involvement of a child in a sexual activity that he or she does not fully comprehend; is unable to give informed consent to; for which the child is not developmentally prepared; or that which breaches the laws or social taboos of society". It further goes on to say that child sexual abuse is the act between the child and an adult or another child who by age or development is in a relationship of responsibility of trust or power, the activity being intended to gratify or satisfy the sexual needs of the other person. The report further mentions what other conceived acts of child sexual abuse would entail and these include the "inducement or coercion of the child to engage into any unlawful sexual activity, the exploitative use of a child to practice prostitution or

other indecent practices of similar nature, and the exploitative use of the child to practice and enjoy by way of viewing pornographic materials and performances”.

According to Lorraine and Andrew (2005), the definitions of child sexual abuse must be complete to give wide understanding when they address two issues of slimness and broadness of definitions. To them, there are issues such as contact child sexual abuse and non-contact child sexual abuse that need understanding critically. Contact child sexual abuse according to them involves any form of physical sexual contact during the commission of a sexually abusive act, intimate or non-intimate, ranging from non-genital and genital touching to vaginal or anal sexual intercourse, while non-contact child sexual abuses involves sexually abusive acts that may range from exhibitionism to being (a non-contact) agent in the use of children in pornography or prostitution.

This research is concerned with context of defilement as defined by the Zambian Penal Code, Amendment Act of 2005, Chapter 87 of the Laws of Zambia, section 138 as having “the carnal knowledge of a child below the age of 16 years old”. Among the raised issues from the literature reviewed, defilement has no universal definition. Most literature talk about boy or girl child sexual abuse to mean defilement while other scholars use boy or girl child sexual abuse to mean oral sex, pornography, kissing and others. The issue of age is another gap where different data provides different ages for defilement.

## **2.2 Prevalence of Defilement**

Data on the extent and severity of defilement cases among boys and girls indicate that it is happening in all cultures of the world. Prevalence rates of sexual abuse have been difficult to determine for various reasons; estimates have widely varied as a result of different definitions of the term and the sensitive nature of the phenomenon. Shame and stigma experienced by victims are a disincentive to reporting its occurrence (Saewyc et al., 2003).

World Health Organisation (WHO) estimates that about 223 million children (150 million girls and 73 million boys) have experienced forced sexual intercourse or other forms of sexual violence globally (UNVAC, 2006).

Pereda et al. (2009) reported that the global prevalence of child sexual abuse has been estimated at 19.7 per cent for females and 7.9 per cent for male.

Noemi et al. (2011), stated that, “all the studies agree that child sexual abuse is a much more widespread problem than previously estimated and even the lowest prevalence rates include a large number of victims who need to be taken into account. Indeed, research confirms the importance of the problem among both boys and girls in all the countries studied.”

### **2.2.1 Prevalence of Defilement/Sodomy in North America**

Julia Whealin (2007) in her study, "*Child Sexual Abuse*". National Center for Post-Traumatic Stress Disorder, stated that most sexual abuse offenders are acquainted with their victims; approximately 30 per cent are relatives of the child, most often brothers, fathers, uncles or cousins; around 60 per cent are other acquaintances, such as "friends" of the family, baby-sitters, or neighbours; strangers are the offenders approximately at 10 per cent of child sexual abuse cases. Most child sexual abuse is committed by men; studies show that women commit 14 per cent to 40 per cent of offenses reported against boys and 6 per cent of offenses reported against girls.

The Centres for Disease Control and the United States of America Department of Justice (2011) have found that 11 per cent of high school girls and 4 per cent of high school boys report having been forced to have sex at some point. Because of under-reporting and community codes of silence, however, this continues to be a particularly difficult area for researchers seeking conclusive figures.



### **2.2.2. Prevalence of Defilement/Sodomy in Switzerland**

Pereda et al. (2002), reported that sexual abuse in Switzerland ranged from 8 to 31 per cent for girls and 3 to 17 per cent for boys. Nine girls and three boys out of 100 are victims of sexual abuse.

### **2.2.3 Prevalence of Defilement/Sodomy in New Zealand**

Research bulletin No. 5 (2008), *Child Sexual Abuse in New Zealand*, indicated that 23.5 per cent of girls in Auckland and 28.2 per cent in Waikato reported having been sexually abused prior to the age of 15 years. Rates in the rural region were significantly higher than rates reported in the urban region; while 573 reported having experienced child sexual abuse.

### **2.2.4 Prevalence of Defilement/Sodomy in Africa**

Rachel Jewkes (2009), revealed that more than 67,000 cases of rape and sexual assaults against children were reported in South Africa. Some of the victims were as young as six-months-old, a number of whom died from injuries, while others contracted HIV. Many people in South Africa believe that sex with a virgin can heal someone from HIV and AIDS. "The idea that having sex with a virgin cleanses you of AIDS does exist and there have been reported cases of this as a motivating factor for child rape".

According to a National Survey conducted on Violence Against Children (2010) in Kenya, violence against children is a serious problem in Kenya. Statistics from this report revealed that 32 per cent of girls and 18 per cent of boys reported having experienced sexual violence.

### **2.2.5 Prevalence of Defilement/Sodomy in Zambia**

In Zambia, GBV is rampant and the most common type of GBV for children is child sexual abuse. Defilement is a type of child sexual abuse in Zambia.

Chinunda (2013), conducted a study on the *Analysis of the Prevalence of Defilement cases in Zambia*. The study revealed that sexual offences have remained very controversial in all societies. Despite amendments of the Penal code (2005) of the laws of Zambia, reports of defilement cases continue to rank highly in relation to other sexual offences. In 2011 there were 1,339 defilement cases reported with a total of 511 convictions representing less than half of the number of the reported cases. However, in 2012 the number of reported cases of defilement increased to 2,791 with a total of 192 convictions.

An article entitled *Addressing Defilement* which appeared in *The Post Newspaper* dated 3 December 2014, reported that “Mansa district recorded 1,567 defilement cases for a period of one year. All the 1,567 girls who were defiled were under the age of 16 years. It is worrisome when the custodians of community values and morality such as pastors, teachers and parents are actively involved in championing sexual abuse against children”.

## **2.3 Experiences**

There is a growing body of works by scholars that revealed the experiences of sexually abused children.

Radford et al. (2011) in UK, reported that 90 per cent of children who experienced sexual abuse were abused by someone they knew. More than one in three children (34%) who experienced defilement from an adult (father or uncle) did not tell anyone else about it. Four out of five children (82.7%) who experienced the vice from a peer did not tell anyone else about it.

Nansasi Grace, *Assessing the Challenges Faced in the Control of Girl Child Defilement: a study of two NGOs in Kampala District, Uganda* (2010), reported that defilement has been ranked as one of the highest forms of sexual abuse against children in Uganda, with around 80 per cent of the culprits being someone the victim knew and trusted. Some based their reasons on the influence of drugs or insanity. Parents have entrusted their children to people whose motives they are not sure of, for instance, housemaids, neighbours even their own relatives. This has put these children in situations that can easily lead them to being sexually abused.

Delano (1998) compiled a report of studies done in different countries. A study which was carried out in Kenya revealed that 50 per cent of the girls admitted receiving money, ornaments and clothes when they engaged in sex for the first time. Young girls frequently reported that their early sexual experiences were coerced.

A similar study was done by Delano (1996) in Uganda, reported that 22 per cent of primary school girls anticipate receiving gifts or money in exchange for sex.

Delano (1998) conducted another study in South Africa, which revealed that 30 per cent of young girls reported that their early sexual experiences were coerced and forced.

Waithaka Gladys N. et al. in *“Facing Reporting of Child Sexual Abuse in Kibera Slum, Nairobi, Kenya, 2013*, reported that defiled/sodomised girls and boys experienced shock and trauma which undermined their status in society and worse still they ended up largely suffering in silence. Child sexual abuse is a vice that shocks and traumatises the victims and undermines the status of children and women in any society yet it is largely suffered in silence.

## **2.4 Effects**

There is a growing body of literature that examined both the short and long term problems associated with defilement.

Amani Initiative (2013), *Hear Us Out-voices that Speak for Thousands (Voices against Defilement) Report*) revealed that defilement had an adverse impact on the psychological and personal life of the victims and his or her family. It led to higher chances of teenage pregnancy, HIV and AIDs, loss of education, psychological trauma and child marriage which have long term direct impacts on the lives of the victims.

According to *A Situation Analysis of Child Abuse and Neglect in Uganda, 2011*, child abuse is associated with multiple effects both physical, psychosocial, economic and health-related. Some of these effects can occur almost immediately, some show up in the short term while others may occur in the long term with negative implications on the child's social, behavioural, emotional and/psychological life. For instance, depending on the type and rate of abuse, the child may have difficulty developing and sustaining quality relationships with other members in their multiple interactional environments.

Goodyear-Brown, (2012) reported that being sexually abused as a child, especially where that abuse is not discovered, leads to confused ideas about the appropriate relationships and behaviour. It can lead some victims to block out the abuse so that they do not remember parts of their childhood. It can also lead to post traumatic stress symptoms. Where the abuse is not disclosed or discovered or where the children do not receive adequate help and support following a disclosure, the damage and negative effects can be life-long.

Allnock et al. (2009) narrated that consequences of child sexual abuse can include depression, eating disorders, post-traumatic stress and an impaired ability to cope with stress or emotions. Self-blame, self-harm and suicide are commonly mentioned as consequences of sexual abuse. Children who are sexually abused can be manipulated by their abuser to believe that the abuse is their fault. In addition, the feelings of shame and guilt that come from the abuse reduced the likelihood of such a child to disclose their ordeal.

According to YouBridge (2013) a non-profit Organisation in Tanzania, defilement has negative effects on children such as focusing all their time and attention on partners instead of their studies which affects their academic performance. Victims of defilement are stigmatised and normally withdraw from friends as well as school. Abused children get pregnant and drop out of school. This vice makes the victims become disrespectful and arrogant. Worse still they get infected with sexually transmitted infections (STIs) and HIV and AIDS. Girls are left pregnant as well as being infected with HIV and this has led to high mortality rates where future mothers die in most cases and some suffer from fistula ([www.youbridge.org/rape-and-defilement-in-society](http://www.youbridge.org/rape-and-defilement-in-society)).

Bentley et al. (2003), argued that child sexual abuse has a host of negative physical and psychological repercussions on the victim. These include reproductive-health problems, anxiety, disorderly eating behaviours, sexual dysfunction, substance abuse and school problems. Children sexually abused may be more likely to engage in truancy and prostitution later in life, compounding their long-term risk of sexually transmitted diseases and pregnancy involvement.

## **2.5 Factors Preventing Effective Reporting**

There is literature that examined factors that prevent effective reporting of child sexual abuse cases to either parents/guardians as well as parents/guardians reporting to Police.

### **2.5.1 Challenges Sexually Abused Children Face in Reporting to Parents and/or Guardians**

Childline Botswana (2005), states that there is a widespread bias regarding the abuse of male (boys) children. This is due to society's persistent refusal to see boys as sexually abused victims. This has to do with the traditional role of males as protectors and defenders. One of the traditional definitions of the characteristics of the male experience is that men go to war or fight off danger and aggression, either actually or potentially. In spite of the sparseness of the literature on child sexual abuse in general, a challenge still exists on the boy child

sexual abuse which is characterised by a strong consensus on several aspects such as; the boy child sexual abuse victim is greatly underreported.

According to a study conducted by Brakarsh (2002) in Zimbabwe, societal attitudes and gender based expectations tend to strongly discourage disclosure by male victims of child sexual abuse which affects both reported statistics and the long term psychological recovery of male victim. Victims of defilement suffer fear to state exactly what happened. The girls keep it as a secret in order not to spoil chances of getting future suitors.

A study by Nansasi Grace (2010) in Uganda, revealed that defiled children tend to lose confidence in their parents and/or guardians who take advantage of the plight of the poor children to generate some wealth through exorbitant charging of the perpetrator.

### **2.5.2 Why Parents and/or Guardians do not Report to Police:**

Paulo Sérgio Pinheiro (2006) in his study in Switzerland, highlighted some of the challenges parents and/or guardians face in reporting defilement cases such as fear of being blamed by the community. In many cases parents who should protect their children, are silent when the violence is perpetrated by a spouse or other family members, or a more powerful member of society such as an employer, a police officer or community leader. Fear is closely related to the stigma frequently attached to reporting violence.

Childline Botswana (2005), reported that protection of the abuser by the victim's family and others is another reason that prevented effective reporting of defilement cases. Majority of the focus group participants in the Botswana study identified step-fathers and their biological fathers, surrogates as being over-represented among child sexual abusers. One of the participants in Francistown

explained how some parents especially mothers or guardians usually turned a blind eye to sexual abuse of their children, sometimes for mere economic gain.

Nansasi Grace (2010), states that the respondents said that people lost confidence in the police, alleging that the police officers were corrupt and others said the defilement cases took long in the courts of law as a result they lost interest in the cases. The study further revealed that people avoided embarrassing their children (victims of the vice) and relatives in cases in which family members were the perpetrators of the vice. Other reasons were ignorance of the law. The people do not even know where to go to report matters of defilement as well as not even knowing who could help them. Sad to note that, the findings of this study revealed that some parents of the victims saw the vice as an opportunity to get riches from the family of the perpetrator, hence seeing no need to report to the relevant authorities but preferring to deal with the matters themselves.

Asimwe (2001) in Uganda also found out that people did not report defilement cases because they were ignorant and they did not know where to go, they were ignorant of the law.

## **2.6 Challenges Police Face in Handling Child Sexual Abuse Cases**

Baseline survey on the *Experiences of Sexual Violence among Women and Girls in Pallisa and Kisoro Districts of Uganda* (2009), revealed that some parents did not report the cases because they considered it as a chance to get money from the suspected offenders. There was a tendency by parents or guardians of seeing girls as a source of wealth. In case of defilement, some parents saw this as an opportunity of getting money from the suspected defiler. An example was given of how one pupil from a school was impregnated by a teacher from another school. She just disappeared from school and by the time the school got to know about it, the parents had already been paid a fine and the girl was at home and was

just about to deliver. This is a challenge to the police of how to handle such a case after evidence has been destroyed.

Grace Nansasi (2010), indicated the major hindrance in solving of defilement cases was the failure by the victims or their relatives to report to the concerned parties as early as possible. This denied them justice and instead given an opportunity for the perpetrators to continue abusing them. Some of the factors that came out were lack of trust and low confidence between teachers and their pupils in issues related to sexual abuse.

## **2.7 Factors That Affect Successful Prosecution of Defilement Cases**

Kim Thuy Seelinger et al. (2011) in a study of Kenya, reported that one obstacle to the successful prosecution of these cases was the difficulty in presenting sufficient evidence. Apart from lack of police capability to amass and protect physical evidence of the child sexual abuse, additional problems occur due to the requirement that medical evidence of defilement (i.e., examination, report, and in-court testimony) should come from a “police doctor.” This can disguise major challenges particularly since there was only one “police doctor” in Nairobi. The few cases that proceeded to court often risked being dismissed due to the “police doctor’s” failure to appear in the court and to give adequate evidence.

Nansasi Grace (2010), stated that following up of cases of child abuse and subsequent prosecution of offenders was still limited in Uganda. Out of a total 7,690 cases of child abuse investigated by the police in 2011, only 3,836 (49.8%) were taken to court. This discrepancy in most cases was caused by the lack of evidence to present in court, so that the offenders can be prosecuted. This called for a review of existing mechanisms for gathering evidence against offenders in order to change the status quo.



## 2.8 Theoretical Approach

### 2.8.1 The Four-Factor Trauma Genic Theory (Kemp 1998)

This theory on child sexual abuse was developed by Finkelhor and Brown (1988). The theory tries to understand the dynamics involved in the problem. Finkelhor attempts to describe the makeup of men and women who sexually abuse children without relying on simple personality pathological traits. Kemp (1998) argues for the importance of a variety of specific experiences for example being abused oneself in childhood, lack of relationship skills and a lot other factors that contribute to the sexual orientation and socialisation of children.

Finkelhor and Browne identify four factors which they believe are key to understanding the impact of child sexual abuse on the victims:

1. Firstly, traumatic sexualisation - this refers to the sexualisation that occurs in response to sexual abuse. This explains why some children have inappropriate advanced knowledge of sexual matters. And other children might try to avoid sex and sexuality altogether because of the fear and trauma they associate with it. This may lead to inability of the abused children to enjoy sexual relations normally in their adulthood.
2. Secondly, betrayal - this means feelings and beliefs that result when important people betray the faith and trust the child puts in them like fathers. The child is innocent; this act teaches a child never to trust others even those whom she would have been trusting. This leads the girl or boy child to lose trust in both the perpetrator of abuse and other people. The other people who sometimes cause further harm when they turn their backs on the victim, though not believing, blaming the child or focusing on what the child has done like family members and the community.

3. Thirdly, powerlessness - this is when the child's will or ability to choose appropriately is taken away, the child's rights and her personal integrity are violated. The will of the perpetrator is imposed on the child through trickery, coercion or force. Men have power over women and children because of patriarchal system.
4. Fourthly, stigmatisation –when the child begins judging himself or herself and how will others see and think about the act. Even when the child has not disclosed, he or she is likely to evaluate himself or herself for what happened to her and what the social and cultural norms are. The child might decide to keep quiet after being sexually abused due to the sensitivity of the action of sex and the secrecy involved as most cultures demand it. This sometimes leads the child into isolation.

The above theory is useful towards the tackling of issues involved in reporting and prosecuting of defilement cases among boys and girls. It makes it clear that the perpetrator is responsible for child sexual abuse when it occurs. Sexually abused children seek non-blaming, supportive responses from adults. Their perception of the likelihood that this is what they will find decides whether or not they are willing to disclose what has happened to them.

## **2.9 Conclusion**

This Chapter has reviewed literature on the definition of defilement/sodomy, experiences and impacts the victims go through, factors preventing effective reporting, challenges faced in reporting the vice and reasons why all reported cases are not prosecuted.

Most studies consider defilement in general. These studies have mentioned some information similar to this study. For example, Nansasi Grace in Uganda, (2010) did a study on assessing challenges of controlling defilement and another researcher Waithaka Gladys N. (2013) Kenya in her study explored issues involved in reporting defilement cases. The findings of the two mentioned studies above were used as a basis for comparison for the Zambian situation. This research will give an understanding of the issues involved in the reporting and prosecution of the child defilement/sodomy cases. The next Chapter will center on the methodology used in this study.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.0 Introduction**

This Chapter describes the methods of research which were used in collecting data during the study, research design, area of the study, and study population. It also indicates the sampling procedure and selection, sample size, data collection instruments, validity and reliability of research instruments. Lastly it describes data analysis, ethical considerations and limitations of the study.

#### **3.1 Research Design**

The study used an exploratory and descriptive study design. Both qualitative and quantitative research methods were used in the study. The aim was to provide explanations about the challenges in the reporting and prosecution of defilement cases among boys and girls. The qualitative method was of particular importance to this research because of its ability to penetrate into the different expressions and experiences of respondents to the subject matter. This study used qualitative method in order to explore in-depth issues involved in reporting and prosecution of defilement cases among boys and girls. The quantitative method was used to illustrate the magnitude of the problem using statistical data and evidence.

#### **3.2 Area of Study**

The study was done in two districts Lusaka and Chongwe of Lusaka province through the Zambia Police-Victim Support Unit, Chongwe District Hospital - One Stop Centre (STOP GBVSS Project), Judiciary and Young Women's Christian Association (YWCA). These institutions were chosen because they dealt with defilement/sodomy victims within Lusaka province. The organisations were also easily accessed and approached for the study on matters of boy or girl children who have been defiled.

### **3.3 Study Population**

In this study, the target population were the victims of defilement thus boys and girls aged from 5 years to below 16 years old; parents and/or guardians of abused children, and officers and organisations that deal with defilement of the boys or girls.

### **3.4 Study Sample**

The total number of the sampled defiled/sodomised children was 30; 7 boys and 23 girls. For parents and/or guardians they were 32 in total 16 male and 16 female, and 8 officials as key informants from the Zambia Police (Victim Support Unit), Chongwe District Hospital – One Stop Centre (STOP GBVSS Project), Judiciary and YWCA. The key informants were Social workers (Counselors), police officers, prosecutors and magistrates handling issues on children's rights as well as defilement.

### **3.5 Sampling Procedure**

This study first purposefully targeted the abused boys and girls through the Zambia Police-VSU, Chongwe District Hospital – One Stop Centre (STOP GBVSS Project), Judiciary and YWCA. Secondly, it targeted the parents and/or guardians of the abused boys and girls and thirdly the study interviewed the key informants (officials) who were identified by the various institutions dealing with defilement cases.

All the participants in this research were identified through the various institutions mentioned above dealing with the cases of defilement. The 30 cases were reported cases to the various institutions. The researcher wanted 15 girls and 15 boys in the age group 05 -16 years for this research, but the various organisations at the time of the research had only received 7 boys reported cases. Because of the above mentioned, the researcher ended up with 7 boys and 23 girls in total 30 sexually abused children. The researcher was given 23 cases for girls which were recently reported.

### **3.6 Data Collection Instruments**

The following research instruments were used for carrying out the study:

#### **3.6.1 Qualitative Data Collection Instruments**

A number of instruments were used to collect qualitative data as indicated below:

1. **In-depth Interview Guides:** Were used to gather information using face-to-face conversation between the researchers, victims of defilement and key-informants involved in handling defilement cases of both boys and girls.
2. **Focus Group Discussions (FGDs) Guide:** Some questions were prepared to guide the FGDs held with parents.
3. **Observations:** This method was used to discern the behavior of boys/girls, parents and/or guardians and other respondents by watching how victims reacted when asked some of the questions; and also people's attitudes were observed to fill the gap of the data.

#### **3.6.2 Quantitative Data Collection Instruments**

**Administrative records:** Administrative records from Zambia Police-Victim Support Unit (ZP-VSU) of defilement/sodomy were used to collect some quantitative data on the number of cases reported and prosecuted.

### **3.7 Data Collection Procedures**

The data was collected using in-depth interviews with children as well as Key Informants and FGDs for parents and/or guardians.

## **Interview Process**

The researcher started by first introducing herself then stated the purpose of the study. Participants were told of their right to participate in the study freely and that they could withdraw at any time or stage without giving a reason. The aspect of confidentiality was explained and the researcher assured the participants that no names were to be recorded and that this study was purely for academic purposes. The data collection procedure was then explained to the participants. It was explained that the interview would take the approach of written notes. Once the participant agreed to participate, he or she was requested to sign a consent form for those who were literate and for the participants who were illiterate, the researcher read the informed consent form to them for verbal consent. One copy remained with the participant and the other copy remained with the researcher. It was only after these formalities that the interviews commenced (Appendix 1).

The researcher interviewed the victims and key informants using exploratory research questions that had been designed while constantly ensuring favourable atmosphere that allowed ideal involvement of the participant throughout the interview process. At the end of every interview, the researcher thanked the participant for cooperating and participating in the study. It should be mentioned that the interview process did not rigidly follow the interview guide in terms of asking questions. When it was noticed that the answer was not clear, the question was rephrased.

## **Focus Group Discussion Process**

At the start of every FGD, the researcher welcomed parents/guardians and thanked them for accepting to be part of this research. The researcher then introduced herself and the research assistants as well as clarifying the questions under investigation, information being sought and its intended use. Thereafter, the researcher either gave the participants the consent form to read and sign for those who were literate and for the illiterate participants the researcher read the consent form to them for verbal consent.

### **3.8 Data Analysis**

According to Kombo and Tromp (2006) data analysis refers to examining what has been collected in a survey or experiment and making deductions and inferences. It involves uncovering underlying structures, extracting important variables, detecting any anomalies and testing any underlying assumptions. It also involves scrutinising the acquired information and making inferences. The analysis of qualitative data varies from simple descriptive analysis to more elaborate reduction and multivariate associate techniques.

The study used both qualitative and quantitative data, and they were analysed as below:

#### **3.8.1 Qualitative Data**

The first step in analysing the qualitative data collected was to get familiar with the data collected through reading and re-reading the text of the collected data. Key themes and patterns that address the research questions were then identified and organised into coherent categories to help in summarising and bringing meaning to the data collected. The outcome was presented in form of content analysis after comparing and crosschecking of the collected data for accuracy using triangulation and holistic view of the research.

#### **3.8.2 Quantitative Data**

Quantitative data analysis consisted of measuring numerical values. The data was put in order and further divided into two groups' discrete data or continuous data. Discrete data was countable, for example, the number of defilement cases reported in Chongwe and Lusaka in Lusaka province. Continuous data were parameters (variables) that were measurable and expressed on a continuous scale. For example, the sex and age of the victims (Kombo and Tromp, 2014). In this study quantitative data was analysed using tables and graphs.



### **3.9 Limitations**

Firstly, the findings of the study are not widely representative as they are based on a small sample of 30 sexually abused children. Secondly, the conclusions drawn from the study are preliminary because the study was exploratory and descriptive. Thirdly, it was not possible to sample a larger sample; however, with the smaller sample the researcher managed to get some useful information.

### **3.10 Challenges Faced**

Time constraint and lack of funds affected the study since the research was privately sponsored and limited time was given to the student to accomplish.

### **3.11 Ethical Considerations**

The researcher was given a letter of introduction from the University of Zambia, Department of Gender Studies and sought permission to carry out the study which was granted by the Zambia Police-VSU, Chongwe District Hospital-One Stop Centre (STOP GBVSS Project), Judiciary and YWCA. In addition, consent was sought from the parents and/or guardians of the defiled girls and the defiled boys. This study was treated with sensitivity and confidentiality. A research proposal was submitted to the Graduate Studies Committee of the School of Humanities and Social Sciences and was approved.

### **3.12 Conclusion**

This Chapter described the research methods used in this study. A description of sampling method, data collection and analysis was given. Ethical considerations to warrant the protection of participants were also discussed. The following Chapter presents a comprehensive analysis of data using graphs, tables and thematic content analysis.

## **CHAPTER FOUR**

### **PRESENTATION OF FINDINGS AND DISCUSSION**

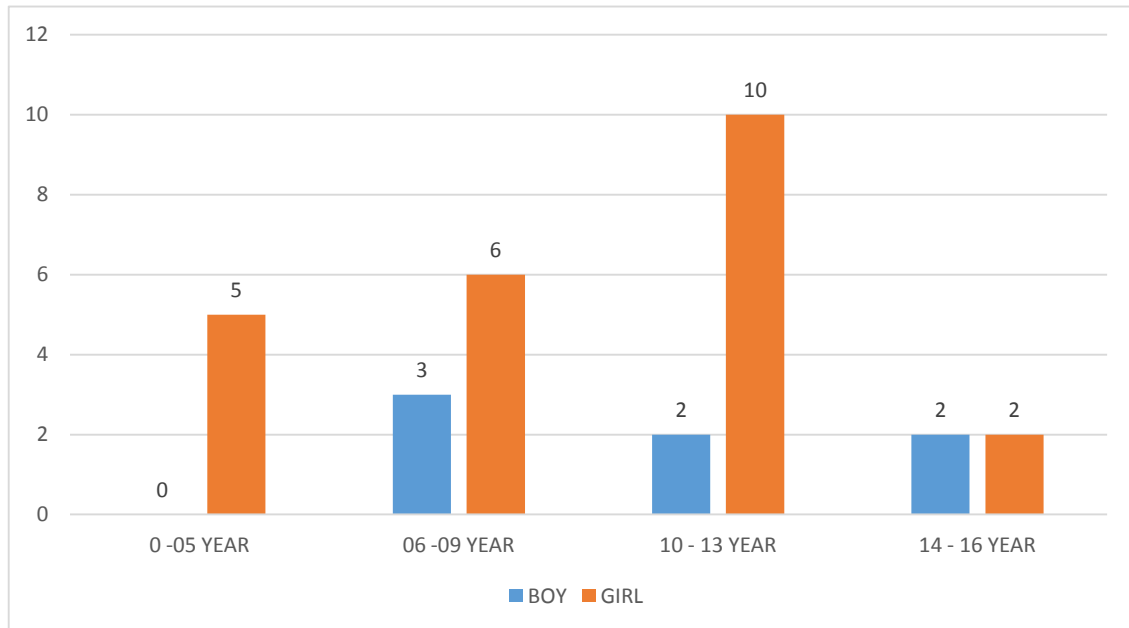
#### **4.0 Introduction**

This Chapter presents the findings of the study. The analysis and discussion of the findings are based on the collected data and reviewed literature. The chapter presents the experiences and impacts of defilement/sodomy, factors that prevent effective reporting of defilement/sodomy cases, challenges that parents and/or guardians face in reporting the defilement/sodomy cases; and finally reasons as to why not all reported cases are prosecuted. The presentation of the findings is based on the objectives of the study.

## 4.1 Background Information on Respondents

### 4.1.1 Age of Victims

**Figure 4.1: Age Distribution of Victims by Sex**

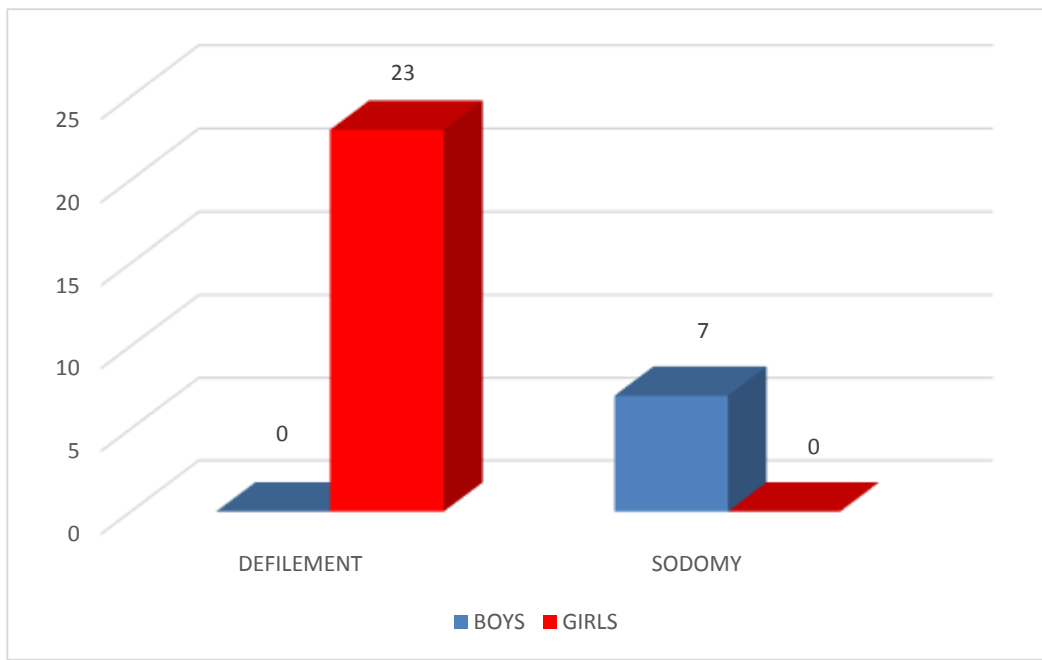


*Source:* Field data 2014

Table 4.1 above shows age groups of defiled children. The findings indicate that the vice of defilement/sodomy does not have any categorical age of which girls or boys are defiled. From the Table above, it is noted the most common age at which the girls are sexually abused is between 10-13 years old accounting for 10, while for boys is 6-9 years old accounting for 3. The lowest for both boys and girls was between the ages of 14-16 years old accounting for 2 respectively. The total sampled number was thirty children out of which twenty-three were girls and seven were boys. The 30 children were purposively sampled, the researcher had difficulties to get the required number for the sodomised boys since they were only 7 reported cases in the entire study population.

#### 4.1.2 Number of Sexually Abused Children by Sex and by Type

**Figure 4.2: Sexual Abuse by Sex and Type**



*Source: Field data 2014*

Figure 4.2 above shows that twenty-three girls in this study were defiled and only seven cases of boys were sodomised. Defilement of the girls is more reported than compared to boys being sodomised. It is possible that parent/guardians and victims are not ready to report the incidence due the nature of the vice which is considered to be a taboo in the Zambian society. During the male FGD it was suggested that, *some perpetrators choose to sodomise boys because they are homosexuals* (Male FGDs).

The above findings are supported by a study conducted in the USA by Paulo Sérgio Pinheiro (2006), who reported that, “girls suffer considerably more sexual violence than boys, and their greater vulnerability to violence in many settings is to a large part a product of the influence of gender-based power relations within society”.

From the findings more girls were defiled compared to boys; parents and/or guardians in this study during the FGDs attributed this to many reasons such as dressing for most children was not appropriate due to modernisation which has great influence on one's dress code. A female parent during the FGD had this to say:

*Girl children expose themselves to risks of being sexually abused because of some type of dressing like muscle vests meant for adults; it is always over size leaving their breasts outside as a result men are being tempted to have carnal knowledge with small girls.*

The majority of parents in this study said the reason why children are defiled is because of the assumption that when you have sex with a child you can be cured of HIV and AIDs and become rich.

Alcohol and Drugs Abuse was another reason that was mentioned by Parents/guardians during the FGDs. One of the male guardian narrated that:

*Perpetrators who abuse alcohol and narcotic drugs end up abusing children. When one is drunk cease to be master of his mind as a result end up defiling or sodomising the poor children; this mostly happens in overcrowded families with limited accommodation space.*

Among other reasons mentioned in the male FGD was Sex Boosters, Sexual stimulants such as “mutototo”, “seven hours” “pwanyani” and “tangawizi” are readily available on the streets of Lusaka and Chongwe. These once taken they arouse the men who are “left with no option but to pounce on the nearest victim”, (Chongwe, Male FGDs).

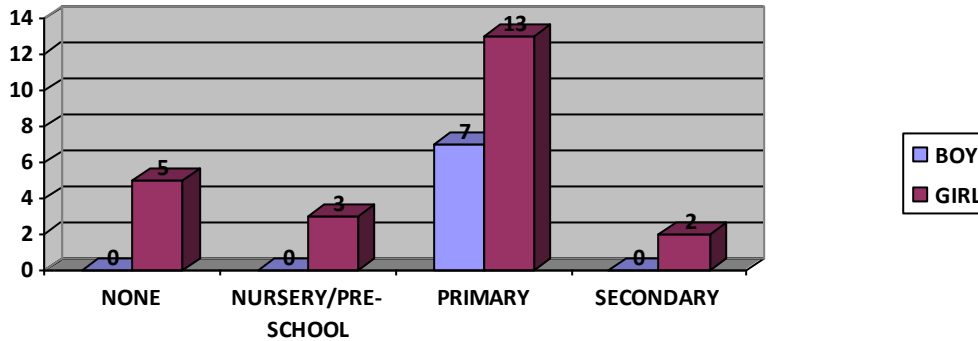
Parents/guardians during the male FGDs also revealed that denial of conjugal rights by some wives are a contributing factor to the cases of defilement/sodomy in homes. This is because they deny their husbands sex, leaving them with “no options but to go and abuse the children as their nearest solution”, (YWCA, Lusaka).

Technology was suggested as another reason as to why children are being defiled or sodomised. In most compounds of Lusaka and Chongwe some men are operating businesses; they pretend to be filming cartoons for children when in actual fact pornography is what is being shown. In addition, the social media networking in which obscene materials are shared on social sites like WhatsApp and Facebook, (Male FGDs).

The findings in this study do not support the above that children watched pornography and gave consent to defilement/sodomy.

### 4.1.3 Education Level

**Figure 4.3: Education Level for the Victims**

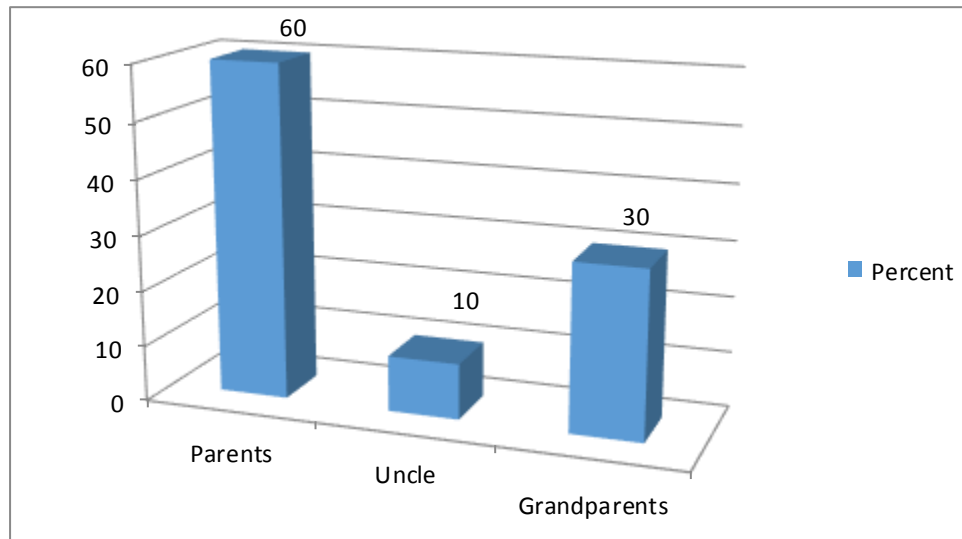


*Source:* Field data 2014

Most of the children in this study were school-going children and only five children at the time of the study were not school-going and no one was a drop out. All the seven boys in this study were in primary section shown above in Figure 4.3.

#### 4.1.4 Home Background

**Figure 4.4: Staying with Whom**



*Source:* Field data 2014

The children in this study were asked whom they stayed with and the responses are illustrated in Figure 4.4 above. Sixty per cent (60 %) of the children in this study stayed with their parents, thirty per cent (30 %) stayed with their grandparents and 10 per cent (10 %) stayed with their uncles.

Although most of the abused children in this study lived with their parents, they did not receive sufficient protection from their parents/guardians. In particular, mothers did not have enough time to talk to their children about the human body development and sexual education. Talking to their children about Sexual Reproduction rights as well as the human body development would make the children know their rights and also make them become more careful though it is difficult for a vulnerable child to say no to abuse (Male FGD, Lusaka).

This is supported by the findings of this study where a 10 year old girl victim in Chongwe had this to say:

*My mother sell vegetables every day at the market. When she goes in the morning she comes back in the night when we are already sleeping. Sometimes we stay for two days without seeing her.*

Table 4.1 below shows that out of the 30 children sampled in this study, 13 trusted their mothers, 6 did not trust anyone, 4 trusted their father, and 3 trusted their grandmothers; for those who trusted either their female cousin or sister accounted for one respectively.

**Table 4.1 Trust**

<b>Person to trust</b>	<b>Frequency</b>
Mother	13
No one	6
Father	4
Grand mother	3
Aunty	2
Female Cousin	1
Sister	1
<b>Total N</b>	<b>30</b>

*Source:* Field data 2014

Children were asked whether their parents/guardians were fulfilling their role of talking to them about sexual issues. Seventy percent of the responses from the abused children confirm that parents/guardians are failing to fulfill their role of talking to them about sexual issues.



During the FGDs parents/guardians were asked the same question as to whether they were fulfilling their role of talking to their children about sexual issues. One of the common response was busy schedules for parents/guardians in trying to put food on the table for the family. A 23 year old female parent narrated that *lack of empowerment cannot allow us to be found home with children all the time otherwise they will die of hunger*, (Female FGDs).

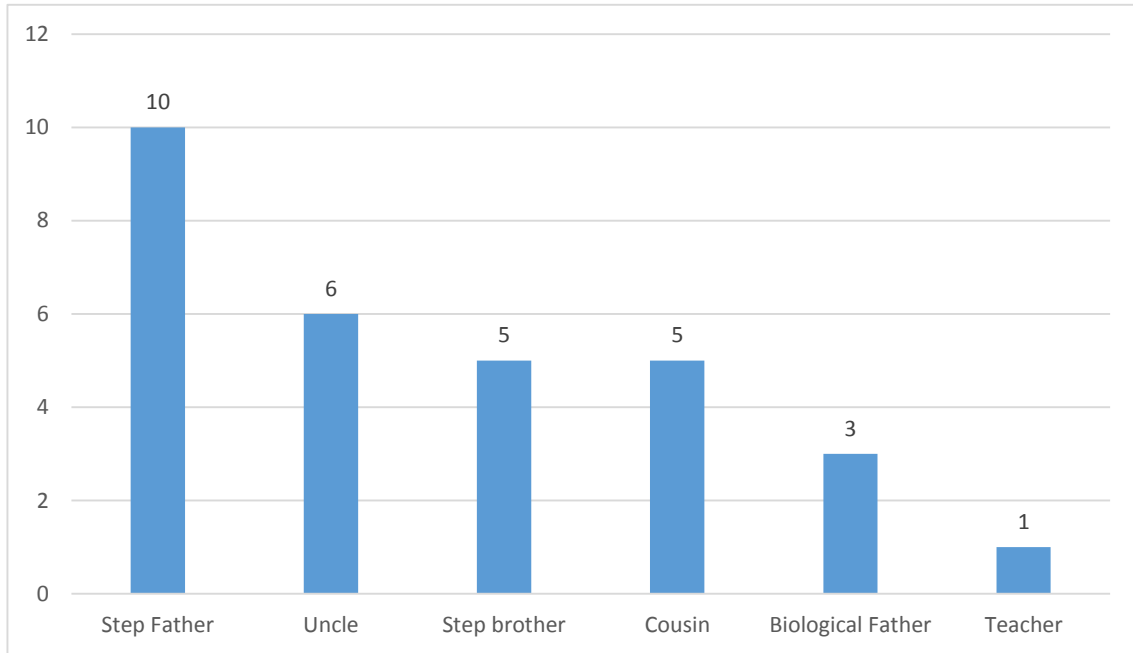
Furthermore, parents and/or guardians were asked as to whether it was their role to talk about sexual issues with their children. The response that came out during the FGDs from male parent refuted this fact. The thirty-nine year old father had this to say:

*Traditionally it's a taboo to talk about sexual issues with your biological children or close relations. Aunties, uncles and grandparents have this responsibility but they are not anywhere near because of the economic hardships* (YWCA, Male FGDs 2014).

#### **4.1.5 Perpetrator of Defilement/Sodomy**

Victims, key informants, parents and guardians interviewed in this study reviewed that defilement/sodomy is something bad and devastating. It is a common vice that occurs primarily within home having fathers, uncles, step fathers, step brothers and teachers being perpetrators.

**Figure 4.5: Boy or Girl child Response on Who the Defilers Are**



Source: Field data 2014

Figure 4.5 above indicated that 10 perpetrators in this study were stepfathers, followed by 6 uncles, cousin and step brother was 5 respectively and 3 was for biological father and one teacher.

The above findings are supported by a study conducted in the USA by Paulo Sérgio Pinheiro (2006), which reported that, “in most societies, sexual abuse of girls and boys is most common within the home or is committed by a person known to the family”.

A study by Blumenthal (1994) reviewed that “girl children are sexually abused if not by the parent then they are abused by custodians such as foster parents, baby sitter, relative or friend. And these individuals/ abusers are drawn from all sections of society”.

Most of the children in the sample were defiled/sodomised by people who are supposed to protect them such as step-fathers. These step-fathers take advantage of their wives who depend on them for sustenance. Some of the experiences shared by the victims is evidence enough to support the above:

*He never used to give me any gifts but just threatening me that if I told anyone about this he would stop supporting us at home. The other thing he told me was that if I told even my mother she would report him to the police whom then would arrest him. When he is arrested my mother, my brothers and I will have nowhere to go. But because I trust my mother so much and just the pain in anus was too much I could not even manage to sit properly I ended up telling my mother who did not even report him anywhere. She told me it would just bring more problems like nowhere to go whilst he would be serving a sentence in prison (9-year-old Victim, Lusaka).*

Similarly, a 14 year old female victim in Lusaka recounted:

*My step-father would wait for my mother to go to the market where she sells vegetables. He would call me in his bedroom; start kissing and sucking my breasts whilst forcing me to touch his penis also. He pushed his penis with force in my vagina screamed but still he could not stop defiling me. I feel sad because I ended up being pregnant and it was at this point my mother discovered that I was four months pregnant. She asked me who was responsible I said it was my step-father who later refused. I was chased from home for speaking the truth and that's how I ended up at this place of safety. My future is doomed and now I have a child whom I can't even afford to take care of myself because I am also a child and with no capacity to support financially (14-year-old Victim, Lusaka).*

Perpetrators are close family members or teachers which makes it difficult for abused children to report the vice.

## 4.2 Experience of defiled/sodomised children

### 4.2.1 Psychological Results of Defilement/Sodomy

The study revealed that defiled/sodomised children experienced, trauma, fear, self-blame, shame and stigma. Ten children in this study experienced trauma, 7 experienced fear, for those who experienced self-blame were 7 while for shame and stigma were 3 respectively. Below are some of the extracts from the experiences that defiled girls and sodomised boys shared:

#### *Trauma*

Sexually abused children re-experience the sexual trauma through frequent nightmares or intrusive thoughts which commonly occur as a symptom of anxiety. Most children in this study experienced trauma after being defiled/sodomised, as a result some children experienced debilitating symptoms that interfere with everyday needs such as going to school.

Out of 30 children in this study 10 revealed having been traumatised, one female participant in Chongwe, revealed how it happened and how she felt:

*My cousin found me sleeping alone in the house. He did not give me any gift instead just came where I was sleeping with a knife pointing at me that if you refuse what I want to do to you I am going to kill you. He removed my pant, tied my mouth with his vest and defiled me. I cried because of pain and up to now I still dream about it and am scared I don't want to see him. I only love my mother because she doesn't do bad manners to me (6-year-old Victim, Chongwe).*

In addition, a 15 year-old victim narrated:

*He used to invite me to his house on weekends to help him sweep his house. He invited me to his bedroom undressed me, started playing with my vagina and sucking my breasts. I started crying then he told me that what he would do to make is what is going to make me wise and pass my grade seven. I screamed at first when he pushed his penis into my vagina, he left me in the bedroom and came back with a drink (Fanta) which I was asked to drink. Thereafter I don't know what happened because I slept. When I woke up around 17:00 hours I found myself fully naked with some fluid in my private parts and thighs. Up to now I sometimes scream while sleeping dreaming he is doing it on me. I don't want to get married in future because men are bad people, (15-year-old Victim, Chongwe).*

### *Fear*

Anxiety from the ordeal can induce strange or inappropriate behaviors in children such as fear. This is likely because the child is uncertain of how to express her or his feelings associated with the sexual abuse that has happened. A 13 year old girl narrated how a teacher took advantage of her vulnerability by giving her money, chocolates and food. She had this to say:

*My teacher used to give me money, chocolates and a lot of food. He told me not to tell anyone not even my parents, because he would stop buying me things he used to give me and also the police would arrest him and there would be no one to give me those things. He has made me become scared of any male teacher and when I am in class, I feel uncomfortable to be taught by a male teacher. I no longer trust any male, (13-year-old female Victim, Lusaka).*

### *Self-blame*

Defilement/sodomy make victims blame themselves and believe that the world is not safe anymore. A 13 year old girl in this study explained her ordeal for not going to stay with the grandmother in the village:

*When my mother died I remained with my father who also died. The young sister to my late dad got me to stay with her. The husband would come in my bedroom to defile me and telling me that am an orphan with no home. I told my aunt of what was happening but she would not believe me. I wish I had accepted to go to the village to stay with my grand mother . . . , (Female victim, Lusaka).*

### *Shame*

Sodomised children experience shame as a result they withdraw from playing with their friends. Below is the recount of a 6 year old boy who withdrew from playing with friends as well as stopping going to school:

*I have no friends now because they all make fun of me so I have withdrawn from playing. I feel ashamed because of what teacher did to me, instead I just sit in the house without even going to school (6-year-old Victim, Lusaka).*

In a similar circumstance another participant in this research said this:

*My step father sodomised me four times from our home. He would wait for my mother to go to the market where she sells vegetables and then abuse me. He would first ask me to suck his penis and then push his penis in my anus with force. He never use to give me any gifts but just threatening me that if I told anyone about this he would stop supporting*

*us at home. I feel bad because of what my father was doing to me. It has given me problems like at first I was scared of going to the toilet to excrete (feaces) because of pain in the anus. I can't play football with my friends anymore because they laugh at me and I feel ashamed (9-year-old Victim, Lusaka).*

### *Stigma*

When a child is defiled or sodomised, he or she begins judging himself or herself and how will others see and think about the act. The child might decide to keep quiet after being sexually abused due to the sensitivity of the action of sex, threats issued prior to the incident as well as the secrecy involved for most perpetrators are close relatives. This sometimes leads the child to be in isolation. Out of the 30 sampled children in this study, 3 children revealed having experienced stigma.

A 10 year old boy narrated this:

*I feel sad because I don't know what my friends think of me now. When it just happened some of my classmates gave me a nickname "yakumbu" because they heard that my teacher sodomised me. I don't want to go there anyone better staying at home with my mother who loves me, (Male victim, Lusaka).*

Another female victim in Chongwe shared how she has suffered stigma as a result of defilement:

*That late man who defiled me and my 4 young sisters was HIV positive and on ARVs. Everyone in our village knew he was sick and when they heard of what had happened, they started saying that we should not play with others in our village. When I go to the borehole to fetch water they laugh at me and sometimes am told be the last one because am*

*sick of HIV. I no longer feel free to walk around not even going to fetch water instead my old grandmother would struggle to do so, (15 year old victim, Chongwe)*

The findings above are in harmony with the Four Factor Traumagenic Theory (Finkelhor and Brown, 1988). Some children might try to avoid sex and sexuality altogether because of the fear and trauma they associate it with; for example a girl child aged fourteen years in this study said *I would never get married*. It further stated that a child begins judging herself or himself and they will be perceived by others in relation to the incident. As a result a child might decide to keep quiet due to some social and culture norms. This sometimes leads the sexually abused child into social isolation.

Waithaka Gladys N. et al (2013) conducted a study in Kenya which supports the findings that “defiled/sodomised girls and boys experience shock and trauma which undermines their status in society and worse still they end up largely suffering in silence”.

#### **4.2.2 Effects of Defilement/Sodomy**

Table 4.2 below shows the effects of defilement/sodomy on boys and girls. The victims interviewed in this study reviewed the negative effects of defilement/sodomy on them such as being chased from home for speaking the truth, dropping out of school, teen pregnancy and losing friends. Thirteen out of the 30 children in this study mentioned how they were negatively affected by being chased from home, followed by 8 children who dropped out of school while for those who got pregnant were 8 and only one child lost friends. Below are some of the narratives from the defiled/sodomised children in this study:



**Table 4.2: Effects**

<b>Impacts</b>	<b>Frequency</b>
Chased from home	13
Dropping off from school	8
Teen Pregnancy	8
Losing friends	1
<b>Total N</b>	<b>30</b>

*Source:* Field data 2014

Out of the 30 sampled defiled/sodomised children in this study 13 ended up being chased from their respective homes:

*I was chased from home for speaking the truth and that's how I ended up at this place of safety. My future is doomed and now I have a child whom I can't even afford to take care and support financially (15-year-old Victim, Lusaka). My mother chased me from home for telling my grandmother what my step father was doing to me each time she goes out. I was told by my mother not to tell anyone because my father would be jailed, (13-year-old victim, Chongwe).*

Out of the 30 children, 8 defiled/sodomised children ended up dropping out from school or suffered poor academic performance.

A 14 year old boy in Chongwe narrated:

*I cannot go to school anymore because my teacher and my classmates have turned me in a laughing stock. Others have nicknamed me fun names so am better off remaining at home.*

The children in this study also spoke of how they were not concentrating at school because of their experience. A fifteen year old girl in Lusaka narrated:

*I used to do well at school before I was defiled, I always used to get over 80 per cent in all subjects. But due to lack of concentration I now get between 30 and 40 per cent showing that my grades have gone down.*

A 15 year old girl in Chongwe spoke of how she has been negatively affected by the teen pregnancy:

*I passed to grade eight got 830 marks but sadly got pregnant and that teacher ran away up to now no one knows his whereabouts. I am still pregnant giving birth in April 2015.*

One child in this study ended up losing friends:

*I have no friends now because they all make fun of me so I have withdrawn I just sit in the house without even going to school, (6-year-old victim, Lusaka).*

HIV and AIDs is one of the negative effects of defilement or sodomy. This is supported by the narration of a thirteen year old female victim in Chongwe:

*I am always thinking and feeling bad because that man was HIV positive and on ARVs so maybe he has infected me with this disease meaning I will die fast.*

Grace Manyonga, in *The Post* Newspaper of 18 January 2013, in an article entitled “Sexual Violence Causing Girls to Drop out of School, ZANEC”, stated defilement as a recognised problem in Zambia that needed to be dealt with. Much as both girls and boys were affected the girls were more vulnerable. The children’s rights to education and

meaningful employment in future are violated because of this devastating vice. The vice hinders the attainment of gender equality and the realisation of social and economic goals of its victims.

The above findings are supported by a research carried out by Human Rights Watch (2001) in Uganda which discovered that sexual abuse has profoundly destabilising effects on the education of the sexually abused children especially the girl children. Victims interviewed in this study reported that they were facing difficulties in concentrating on their school work after the incidence. Some lost interest in school while others either transferred or dropped out of school completely.

Furthermore, Amani Initiative (2013) in Uganda, *Hear Us Out-voices that Speak for Thousands (Voices against Defilement) Report* revealed that defilement has an adverse impact on the psychological and personal life of the victims and his or her family. It leads to higher chances of teenage pregnancy, HIV and AIDs and loss of education which have long term direct impacts on the lives of the victims.

### **4.3 Factors that Prevent Effective Reporting of Defilement Cases**

The study found out that there are a number of factors that prevent effective reporting of defilement/sodomy cases by both victims and parents and/or guardians.

#### **4.3.1 Challenges Sexually Abused Children Face in Reporting to their Parents and Guardians**

The reasons identified by the victims were psychological effects like trauma, threats of being killed or their mothers being divorced, dependence on gifts, fear of losing support from the perpetrator, fear of being blamed, embarrassment, culture, families and traditions.

Twenty two out of 30 children in this study mentioned trauma as the most prominent factor that prevented effective reporting.

*I would get worried each night because of what happened to me. I am always dreaming about the bad things he used to do to me. I was told by him not to tell anyone but because of the screaming whilst sleeping my mother got concerned and it was at that time that I reported the incident. I cried because of pain and up to now I still dream about it and am scared I don't want to see him. I only love my mother because she doesn't do bad manners to me (14-year-old Victim, Chongwe).*

Some 4 children out of the 30 sampled were threatened to be killed by the perpetrators as a result they feared to report to their parents and/or guardians immediately. Some of the victims in this study narrated:

*My step father came home drunk at night when my mother was working in the night shift because she is a nurse. He came to my bedroom where I was sleeping with my young sisters who are his biological daughters, jumped on my bed and defiled me. He threatened to kill me if I told my mother or anyone else, (14-year-old victim, Lusaka).*

*My cousin found me sleeping alone in the house. He did not give me any gift instead just came where I was sleeping with a knife pointing at me that if you refuse what I want to do to you I am going to kill you, (6-year-old Victim, Chongwe).*

*My teacher before sodomising me threatened to kill me with a screw driver if I reported or tell anyone..., (9-year-old victim, Lusaka).*

An article in the *New Vision* newspaper of 24 April 2015, entitled “*Step Father Defiles Daughter, Commits Suicide*” reported a similar case. In this article a twelve-year old girl revealed that her step-father had been sleeping with her for close to two years now. She was not able to tell anyone immediately because of being threatened to be killed if she informed anyone.

Eleven children in this study were threatened by their perpetrators that they would withdraw support if they reported to anyone.

A 9 year old boy in Lusaka narrated how he was threatened by his step father:

*I could not report immediately to my mother because my step father threatened to divorce my mother and even stop supporting us if I told anyone about what he did to me.*

A 15 year old girl in Chongwe narrated how she was threatened:

*If you tell anyone I will stop paying for your school fees and buying you lotion, that is why it took long for my grandmother to know what our neighbour was doing to me and my sisters.*

The Four-Factor Trauma Generic Theory (Kemp 1998), Finkelhor and Brown (1988) explains why children don't open up to report the incidence. One of the factors attributed to threats is “powerlessness” which means a child's ability or will to choose appropriately is taken away. The child's rights and his or her personal integrity are violated. Most societies are patriarchal, hence men have power and influence over women and children.

Children delay to report the defilement/sodomy cases because of wanting to continue receiving gifts from the perpetrators. Victims in this study revealed that some perpetrators gave different gifts to children before defiling/sodomising them. People take advantage of the poverty levels as a result a child ends up thinking the perpetrator is doing him or her a big favour by giving them those gifts. This was supported by the following examples:

A 14 year old female victim said in Chongwe:

*He used to give me money, buy me lotions and pants. He also used to buy me things for school like socks, pens and biscuits.*

A 7 year old male victim recalled how he was given gifts by his teacher before being sodomised:

*My teacher sexually abused me once from his office. He called me to his office where I was given a K5, sweets and a drink.*

Similarly, a 10 year old female victim in Chongwe said this:

*He would call me to his house and give me Jiggies, sweets and Havana drinks.*

A study carried out in Kenya by Delano (1998) revealed that 50 per cent of the girls admitted receiving money, ornaments and clothes when they engaged in sex for the first time and continued to depend on gifts.

Out of 30 children in this study 5 revealed that they did not report because of fear of being blamed by their parents and/or guardians and other relatives. A boy in this study thought the mother would not report because it was her husband abusing her biological son:

*My step father sodomised me four times from our home. It took me time for my mother to know till a time when she noticed I could not sit properly due to pain in my anus. I was failing to tell her because I knew she would not believe me instead she will shout and blame me. (9-year-old male Victim, Lusaka).*

Afcode (2009), a study in Uganda supports the above findings. One of the response that was brought out during the focus group discussion was that, “sometimes girls fear to say what has happened. The girls keep it as secret so they avoid being blamed”.

A study conducted in Kenya by Waithaka G. N. et al. (2013), supports the above reason of fear of being blamed. It indicated that children who did not report sexual abuse were bound by fear of not being believed (46%), fear of being blamed and fear of abandonment or rejection that could lead to family disintegration. This is because when the perpetrator is blamed for the interfamily abuse, the result is often marital disruption.

Some victims in this study mentioned embarrassment as one of the reasons for failing to report the incidence to anyone. One of the female victims in Chongwe revealed that:

*After I was defiled by my father’s best friend, I was in great pain but because of the closeness that existed between the defiler and my father, I felt embarrassed to tell anyone till when my mother noticed my pregnancy (15-year-old female Victim).*

The findings above are supported by a study conducted by Nansasi (2005) in Uganda, which revealed that embarrassment paves way for self-blame which has got a long term effect on the victim.

Davo et al (1994: 405), revealed that defiled/sodomised children are closely related to the perpetrator and that this may be the reason why children may not report sexual assault.

The above challenges show that defiled/sodomised children do face a lot of difficulties to report to their parents/guardians about the incidence. Most of the children spoke of how psychologically affected they were, others mentioned of having received gifts, being threatened that their mothers would be divorced, that economic support would be withdrawn and being threatened to be killed by the perpetrators who happened to be someone close to them.

#### **4.3.2 Challenges Parents and/or Guardians Face in Reporting**

The culture of silence on sexual issues in Zambia is still a problem despite the sensitisation going on in communities. People cannot talk about sexual issues openly. It is perceived as a taboo, an embarrassment, curse to discuss sexual issues with male police officers who are strangers, (Interview with National Coordinator-VSU, 2015).

Other factors were long distances from their homes to the police stations, negative comments, corruption, unnecessary delay and uncondusive environment.

1. *Long Distance* - This study revealed that some police posts or stations are situated far from respective homes. For example, a counselor in Chongwe narrated:

*Chongwe rural there are no nearby police posts to rush to as a result the cases are not reported.*



A 40 year old female guardian in Chongwe recounted how difficult it is for them to find money for transport to the Police station:

*This is a village almost everyone is not in employment making it tough for us to have some money. Bus fares are high in Chongwe we cannot afford transport costs for long distances, better buy cabbage for the children to eat and even resolve the issue among ourselves, (FGD in Chongwe).*

During the FGDs, parents and/or guardians mentioned some difficulties they encountered in reporting defilement/sodomy cases. The findings of this study revealed that police officers intimidated them as they went to report especially female parents and/or guardians.

Mweemba (2011), in his research on an Examination of Factors that Prevent Sexual Abuse from being Effectively Prosecuted in Zambia, revealed that geographical factors such as long distances between relevant institutions was a challenge. Most parents and/or guardians of the abused children opted to use informal mechanisms in order to save them the trouble of walking long distances.

The research conducted by Women and Law in Southern Africa (WLSA), cited long distance as an obstacle to accessing the justice system to people living in rural areas and making the victims of this vice to go on suffering in silence.

2. *Intimidation* - Female parents and/or guardians complained of being intimidated by the police officers who are supposed to support and help them.

A 32 year old female guardian had this to say:

*Police officer will say women are not supposed to discuss sexual matters in public with male folks. Just go back and discuss as families, (Female FGDs, Lusaka).*

Under these circumstances women sometimes elect, or are pressured by their families or communities, not to report sexual violence to authorities.

Similarly, one of the key informants in a study by Nansasi (2005) had this to say “Socialisation, culture which is male dominated patriarchy society; most of the police officers, chairpersons are men so they have to defend their fellow men” (Layer FIDA).

3. *Negative Comments* - Police officers find it easy to intimidate female parents and/or guardians of the victims to withdraw the case by issuing negative comments. A woman is left with no option but to discontinue the case after having reported.

A 29 year old female parent narrated one of the police officers’ negative comment:

*I don’t think will manage to find the perpetrator, so just withdraw the case. If you want you can discuss this matter with his relatives to pay you for defiling your child, (Female FGD, YWCA, Lusaka).*

Similarly, a female Counselor narrated how some Police Officers issue some negative remarks to parents and/or guardians of the sexually abused children:

*Issues of defilement/sodomy are difficult to prove are you sure you will win the case in court? Better you sit down to discuss otherwise you will be wasting time ... , (Counselor, Lusaka).*

A study conducted by Afcode in Uganda (2009), reviewed that key informants during the focus group discussions brought out different reasons for not reporting sexualised violence; they cited the negative response at police as the main reason as a result people get discouraged.

4. *Corruption* was accepted by the majority of male parents/guardians as one of the reasons for not reporting cases. Sometimes, some defilers are not arrested because of the bribes that police officers receive. Also instead of being helped, the problem is worsened in that police officers ask for some money first in the name of using it for transport to go to the scene and hospital, when infact they may not have adequate vehicles. (Male FGD, Chongwe).

Parents and/or guardians were disappointed and discouraged with the issue of corruption. A 32 year old guardian explained how he felt:

*I felt very discouraging at the same time disappointed because these Police Officers are supposed to be in the fore front to encourage more people to come through and report cases. But with what is currently prevailing most parents resort to not reporting the cases of defilement/sodomy,* (Male Guardian, Lusaka).

A Sexual and Gender Based Violence baseline conducted in Pallisa Uganda, quoted a key informant:

*People get discouraged to report the cases of defilement/sodomy because of corruption. Corruption is said to play a big role in frustrating people to report such cases, whoever can afford to bribe more is the one who is considered to be right",* (Male FGD, Pallisa, Uganda).

5. *Delays* - Parents and/or guardians in this study complained of some police officers not being very helpful; they actually make it worse by delaying the cases with unnecessary excuses. One of the male parents in this study narrated this:

*When I reported the matter at one of the police station in Lusaka, my daughter was only attended to after two days because I was told there was not enough manpower and also did not have the medical form. I was not told that the girl was not supposed to bath before the medical examination. When she was taken for medical examination that's where I was told that we did the opposite, (39 year male parent, Lusaka).*

Out of 64 parents/guardians in this study 32 supported this finding of unnecessary delays as a challenge to effective reporting. For example, a 36 year old father in the FGD recalled how his case was handled when he went to report:

*Every time I went to the police station was told that the person in-charge was not available and that I should go back the next day, I was told this on more than two occasions.*

Muller K. (2002), in his study argues that “delays may delay the healing process of the victim, destroy the evidence, prolong trauma and anxiety with court appearance and may erode the memory of the victim and other significant witnesses”.

The above experience of the 39 year old male parent is not supported by the information the researcher received during the Gender Based Violence (2015) training of Police Officers in Lusaka district who are manning the Victim Support Units.

One of the participant had this to say:

*It is not true that Police Officers delay the cases unnecessarily so as to tamper with evidence. What usually happens in some instances is that genuinely there could be a shortage of manpower as a result you cannot leave the office locked. In most cases they delay the cases themselves in that they would first discuss it among themselves but when they fail to agree that's when they decide to come to the police to report meanwhile evidence would have been destroyed, (46 –year-old, Male Constable, Lusaka).*

6. *Lack of time to talk to children-* Parents/guardians were asked as to whether they had time to talk about sexual issues with their children. During the FGDs most of the male parents/guardians responded that they did not have time to talk about sexual issues with their children they were busy looking for means of survival since the economy is what dictates how and on where to spend most of the time.

The thirty nine year old father had this to say:

*We are leaving in difficulty times and the economic cannot allow you to be home instead the economy dictates on how and how to spend your time. Another thing to consider is that traditionally it's a taboo to talk about sexual issues with your biological children or close relations. Aunties, uncles and grandparents have this responsibility but they are not anywhere near because of the economic hardships, (YWCA, Male FGDs 2014).*

7. *Environment* – The environment at the police stations is not very conducive for interviewing children; because of this victims end up not opening up. As a result parents/guardians don't want to bring their children back again leading to cases dying a natural death. *“A child is being interviewed whilst other people are watching and listening, it is even better to go and sort it out at*

*home without involving the police” (Parents and/or Guardians, FGDs, Chongwe).*

A 28 year old female parent had this to say:

*I didn't like the way my son was being interviewed right at the reception where everyone else was and I could see how others got interested in the interview which resulted in my son not responding to any question at the same time making him uncomfortable, (Female FGD, Lusaka).*

The findings of this study reveal that people in Chongwe and Lusaka are knowledgeable on where to report the defilement/sodomy cases. But some parents and/or guardians face some difficulties in reporting the cases of defilement/sodomy immediately the incident happens. Key informants in this study revealed that some parents and/or guardians made efforts of reporting the incidence to the police station but under very difficult situations due to factors mentioned above.

#### **4.4 Challenges that Zambia Police-VSU Face**

The Zambia Police-Victim Support Unit handles reports of defilement/sodomy and also promotes public awareness on defilement and sodomy cases. The VSU was created by the government to fight GBV including defilement/sodomy; therefore the unit strives to prevent GBV of all forms including defilement/sodomy. The National Coordinator, ZP-VSU interviewed in this study revealed that this important institution faced some challenges in handling cases of defilement/sodomy such as lack of forensic equipment, inadequate transport, limited office accommodation, few doctors to examine the victims, inadequate shelters for victims of defilement/sodomy, inadequate resources, long distances between hospitals and police stations and concealment of the defilement/sodomy cases involving family members.

1. *Lack of Necessary Equipment for Operations (Forensic Equipment)*

The VSU did not operate effectively because of lack of the necessary equipment; and this had a negative impact on the operations of the institution “*Collection of evidence was inadequate due to lack of forensic equipment*” (National Coordinator, ZP-VSU).

The above challenge was confirmed by what is currently happening. With the help of the American government, Zambia is in the process of establishing the first ever forensic laboratory (National Coordinator, ZP-VSU).

2. *Transport*

Transport was one of the major challenges why many defilement/sodomy cases remained unprosecuted. This has made the public to complain against ZP-VSU’s performance. Usually the police officers in this unit ended up using their own personal money to take victims to the hospital (Interview with the National Coordinator, VSU, 2015). This study quotes the exact response of the National Coordinator - VSU:

*Inadequate transport by VSU entails that scene visits of places of commission of defilement/sodomy may not be done in the shortest possible time which leads to loss of necessary evidence in the matter. In some cases scene visits are not be done due to long distances officers may have to cover, (National Coordinator, VSU, 2015).*

The Counselor for Chongwe confirmed that perpetrators ended up running away because police officers were not able to rush to the incidence scene due to lack of transport (Counselor, Chongwe).

3. *Distances Between Hospitals and Police Stations*

The challenge of the distances between the hospitals and police stations delays Police Officers to investigate reported defilement/sodomy cases. People especially in the remote parts had to walk long distances to access these facilities. Furthermore, this

was compounded by inadequate transport at the police station to take the victims to the hospital or the nearest health clinic. As a result police officers failed to investigate reports of defilement/sodomy on time:

*In some cases scene visits will not be done due to long distances officers may have to cover” (National Coordinator, VSU, 2015).*

#### *4. Limited office accommodation*

The VSU faced another challenge that of office accommodation. One of the functions of the VSU is to offer counseling to the victims of defilement/sodomy, parents and/or guardians and the perpetrators of the vice(s). Lack of office space has deprived the victims of their right to privacy and confidentiality they deserve when being counseled. People reporting other cases of GBV to VSU are able to hear the counseling sessions going on, (Interview with the National Coordinator –VSU, 2015).

Parents/guardians in this study complained about this problem. One of the female parents narrated what happened when she took her son:

*My son was asked to give a statement of what happened in the presence of other people. That made my son uncomfortable for sodomy is sensitive and also embarrassing in some way, he ended up not talking. I tried to caution the police officer who was handling the case to find a private place where my son could be free and comfortable to talk but that proved futile due to limited office accommodation, (YWCA, Female FGD, Lusaka).*

Principal Public Prosecutor in an interview also mentioned that victims decide to remain mute at the police station due to limited office accommodation:

*Some victims of defilement/sodomy decide to remain mute at the police station, due to limited office accommodation hence, difficult for the police to get a statement from the abused child.*



5. *Few Doctors to Examine Victims*

The National Coordinator-VSU (2015), mentioned that the problem of not having enough doctors to examine the victims was an obstacle which resulted in long processes to complete cases. Sometimes doctors were not readily available on the day the incident happened leading to evidence such as blood stains, semen and bruises on the victim's private parts being destroyed and chances are slim for the victim to come back.

A 28 year old female parent narrated how her daughter's case was handled:

*My daughter was defiled by an uncle in January 2014, I reported the matter to Zambia Police –VSU. She was referred to the hospital for examination only to be told wait or come back tomorrow because the medical doctor is not around. We waited the whole day nothing happened then went back the following day but it proved futile and after I complained a trainee doctor is the one who ended up examining her. I am not sure as to whether the trainee doctor did the right thing because up to now the matter is still before court, (Female FGDs, Lusaka).*

This is in agreement with Nansasi Grace (2010) who stated in her findings that the police force raised the issue of few doctors to examine the victims, resulting in the processes taking a long to be completed. If the doctor was not available on that particular day when the incident happened, evidence such as blood stains, bruises or cuts on the private parts is likely to be destroyed. Sometimes victims go away for good without returning back to see the doctor the following day.

6. *Inadequate Shelters for Victims of Defilement and Sodomy*

Defilement/sodomy has adverse effects on the victims. Defilement/sodomy victims may have to be isolated from the perpetrators and the environment which exposes them to the vice. The VSU countrywide lacks shelters to accommodate victims for counseling and monitoring of progress after the ordeal and for protection. As a result

of this challenge, some victims find themselves returning to the same place where the incident happened but they don't feel safe at all.

A 26 year old female guardian explained what happened to her niece:

*The child was referred to YWCA for safety but when we arrived, the person who received us mentioned that accommodation was a challenge as a result you will have to go back home with the defiled girl but you will be required to be bringing her here for counselling, (Female FGD, Lusaka).*

A Counselor at YWCA confirmed during the interview revealed that:

*Shelters are not enough to accommodate everyone sometimes we ask victims go back with their parents and/or guardians but put on counselling sessions whilst coming from their respective homes.*

Csette et al (2006), in his research in Zambia, reviewed that Police Stations lacked child friendly resources that aim to address the needs of the abused girls. At the moment, they just remove the defiled girl or sodomised boy from the family but there are few safe places to send her or him to.

#### *7. Lack of Resources*

The ZP-VSU National Coordinator, interviewed in revealed that some resources were not sufficient to cater for some activities such as sensitisation and awareness campaigns for Police Officers. The availability of funds would have helped to double the efforts of the VSU in fighting the vice by educating other officers on defilement/sodomy instead of leaving such matters exclusively to officers from VSU. The funds would also have helped the unit to run awareness programmes continuously on defilement/sodomy issues thereby giving members of society an

opportunity to learn about defilement/sodomy and what they expected to do when faced with the vice.

In addition during the interview, the VSU National Coordinator, mentioned that:

*With the limited resources that the unit receives, it goes towards bridging the gap between the Police and the public through awareness campaigns to encourage the reporting of defilement/sodomy cases regardless of who the perpetrator is.*

#### **4.5 Factors That Affect Successful Prosecution of Defilement Cases**

Statistics on defilement/sodomy collected from Zambia Police-Victim Support Unit revealed that between 2010 and 2014, 2,429 cases of defilement/sodomy were reported in the country. Out of the reported defilement cases, 836 were taken to court of which only 305 were prosecuted (National Coordinator, ZP-VSU, Lusaka, 2015).

Key informants, parents and guardians in this study were asked the factors that affect successful prosecution of defilement cases and their responses are shown in Table 4.3 below. Nine participants mentioned the age of the victim which called for the evidence adduced to be corroborated as a reason for not all reported cases being successfully prosecuted. Parents and/or guardians sometimes are unwilling to continue with the court case due to cases being bargained outside court with 8 responses, followed by destroyed evidence due to late reporting with 7. Some 7 respondents said evidence is destroyed due to late reporting of the case. Seven respondents said corruption by the police, prosecutors and magistrates, logistics constraints and delayed prosecution with 4 responses respectively. The issue of perpetrators being defended by victims because of being related, infrastructure, inadequate storage facilities and conspiracy based on financial gain accounted for 2 responses respectively. Among the reasons revealed were lack of video link prosecution, problem of using technical language, pointing at a wrong person as a perpetrator and lack of Court Rules accounted for 1 response respectively.

**Table 4.3: Factors that affect successful prosecution of defilement cases**

<b>Reasons</b>	<b>Frequency</b>
Age of Victim- Corroboration	9
Parents and/or guardians unwilling to continue with the case	8
Cases are bargained outside court	8
Destroyed evidence due to late reporting	7
Corruption of the police/ prosecutor/ magistrate	7
Delayed prosecution	4
Lack of training in Forensic Evidence	2
Perpetrators are defended by victims	2
Infrastructure	2
Inadequate Storage Facilities	2
Conspiracy based on Financial gain	2
Lack of Video Link Prosecution	1
Technical Language	1
Pointing at a wrong person as a Perpetrator	1
Lack of Court Rules	1

*Source:* Field data 2014

Female Principal Magistrate (Juveniles Court, Subordinates Courts Complex, Lusaka), mentioned some legal challenges as a contributing factor as to why all reported cases are not prosecuted. The following were the reasons given:

#### *Corroboration*

All the 9 key informants mentioned the issue of Corroboration on the adduced evidence as the major hindrance to successful prosecution. In support of the above Honourable Newa narrated:

*The Criminal Procedure Code, Chapter 88 of the laws of Zambia, requires that a testimony of a child or indeed that any sexual offence, victim has to be corroborated to be admissible as evidence. This is because sometimes victims are motivated by malice, or impulsive emotional responses. An accusation concerning sexual offence is easily made but difficult to defend.*

During the FGDs for both male and female parents/guardians mentioned corroboration as a major reason for not all reported cases of defilement/sodomy are not successfully prosecuted. A child who is less than 10 years is not able to understand this legal requirement including all of us as parents/guardians. It is not fair and this provision is what is making most perpetrators to walk scotch free.

A 40 year old male guardian explained:

*My niece is 7 years old and she asked to testify in court. To start with she didn't even understand the procedure in the end she couldn't answer but rather cry. The magistrate could not force her to talk and that's how the matter was adjourned to a known date in September 2015, (Male FGDs, Chongwe).*

In contrast, a study done by Mweemba (2011), reported that the “rule in the Criminal Procedure Code, Chapter 88 of the laws of Zambia has not helped in the prosecution of sexual offences because it is difficult to obtain evidence from a victim who is a child (minor). This usually requires evidence of blood, semen, bruises in the private parts but this is usually unavailable as victims are minors and may not be aware of the need for corroboration. Victims usually take baths and therefore destroying evidence before going to court”.

S.E. Kulusika, in his article which appeared in the *Times of Zambia* of 27 August 2012, entitled “*Will Amending Law on Defilement Serve Victims?*” opposed to this legal requirement of corroboration because it makes the burden of the prosecution to prove beyond reasonable doubt higher; and this has contributed to lower convictions in defilement/sodomy cases.

Mandy Manda in her article entitled “*Problematic Enforcement of the Anti-Gender Based Violence Act, No.1, 2011*”, argued that the requirement to corroborate the evidence of young children is very challenging especially in cases of defilement because the victims are usually young and sometimes, the evidence of “something more” is difficult to prove. This is a drawback in the fight against defilement.

#### *Parents/Guardians Withdraw*

Female parents and/or guardians in this study reported that the role of going to court with the victim is mostly left to them. Often they are not able to continue walking to court covering long distances instead they end up not going (Female FGDs, YWCA, Lusaka).

#### *Cases are Bargained Outside Court*

Honourable Magistrate further stated that:

*Some matters brought to court are bargained by the perpetrator and victim outside court making it difficult for the court to proceed with the matter. Cases bargained outside court after being brought to court resulted in non-appearance of the witness in court. In some instances, victims disappeared or relocated to other places because of fear of the perpetrator being jailed especially for those related.*

### *Destroyed Evidence Due to Late Reporting*

Among the participants for this study there was a Principal Public Prosecutor (Subordinates Courts Complex, Lusaka). In an interview Mr. Nundwe mentioned some of the challenges prosecutors face to prosecute a defilement/sodomy case without best evidence due to late reporting:

*Evidence shakes because of late reporting as a result a Medical Doctor will have difficulties to find the best evidence to warrant Prosecution.*

The above findings are supported by an article written in *The Post* newspaper of 24 April 2015, with the heading “***Fichite Pleads Not Guilty to Defilement***”. The particulars of the article are that “on an unknown date but in December 2014, Fichite had carnal knowledge of a girl under the age of 16 years contrary to the Laws of Zambia, who was on holiday at his residence whilst in a drunken state. According to the statement issued in the said *The Post* newspaper, the matter was only reported three months later (26 March 2015) this year following the girl’s diagnosis of a sexually transmitted infection at the hospital.

### *Corruption*

During the focus group discussion with the male parents/guardians Corruption was mentioned as one of the factors hindering prosecution of reported cases.

A 40 year old male parent described:

*Perpetrators pay the prosecutors and the Magistrates so that the case can either be closed or be in favour of the perpetrator.*

### *Delayed Prosecution*

Prosecution of defilement/sodomy cases are sometimes delay depending on the number of witnesses. If the witnesses are many, the case may take the whole day and even more days. Most of the parents and/or guardians together with their abused children go for good before the case is disposed of making it difficult for the court to continue with the case due to long distance as well as time. The court is left with no other choice but to close the matter and the perpetrator is released.

### *Lack of Training in Forensic Evidence*

In an interview with Female Magistrate (2015), lack of training in forensic evidence for doctors was cited as a challenge. This has paved way for the medical evidence not to follow certain guidelines and formalities and end up bringing about acquittals for the perpetrators of defilement/sodomy.

She further revealed the need for medical doctors to have specific training for the purpose of conducting medical examination bearing in mind that the medical report will be used as documentary evidence at court. There should also be a statutory provision to compel the accused to undergo DNA test unlike the current situation where the accused may opt not to be subjected to DNA test and the police does not have any means of compelling such perpetrators to undergo a DNA test.

### *Perpetrators Are Defended By Victims*

Some key informants in Chongwe mentioned that it was very difficult because some of the people who sexually abuse the children are defended by the relatives to the victims even the victims themselves.

A 42 year old male key informant in Chongwe recounted one of the cases he handled:

*A 38 year old perpetrator was defended by the victim because he was her step father. The mother to the victim*



*was actually in the fore front saying he is our breadwinner, if he is convicted will suffer more.*

According to Nansasi (2005), in her study conducted in Uganda, victims often defended the suspects, hence obtaining the legal facts that warrant prosecution was impossible.

#### *Infrastructure*

In addition, the entire infrastructure needs urgent improvement since there are no specific toilets for children. The court rooms are not conducive for juveniles as a result the abused children are intimidated ending up not appearing in court the next time, (Principal Magistrate, Juveniles Court, Lusaka).

#### *Inadequate Storage Facilities*

Inadequate storage facilities were cited as another challenge. Hon. Newa further stated that storage of evidence was difficult in that there was lack of safe places resulting in some evidence being destroyed by fire or rain. When this happens it becomes difficult for the court officer to prosecute a matter without evidence.

#### *Conspiracy Based On Financial Gain*

The Principal Public Prosecutor further mentioned conspiracy based on financial gain as an obstacle in prosecution:

*Sometimes, parents and/or guardians may not want to press charges and will attempt to withdrawal cases which have already been reported. The reasons for withdrawing is conspiracy based on the financial gain, thus the perpetrator would promise the parents/guardian to the abused child to pay them some money. Because of the Conspiracy the victim may decide to remain silent making it difficult for the court to proceed with the matter.*

Similarly, the National Coordinator-VSU narrated:

*In certain situations though cases are reported, some reports are falsely made by the victim or parents and/or guardians for financial gain. Parents/guardians plan it in such a manner that a victim is told to say things that will not strengthen the case or worse still the victim decides to remain silent. In such a situation, the police can close the file due to lack of evidence.*

In support of the above narration, a 29 year old female guardian during the FGD recalled:

*My sister and her husband attempted to withdraw the case because of conspiracy based on the financial gain. They agreed with the perpetrator who has promised to pay them as compensation, and in the mean time they told the abused girl to go and testify in court that it was not true that she was defiled.*

Similarly, findings from a baseline study on Sexual and Gender Based Violence in Uganda, confirmed that some parents decided not to report or withdrew the cases because they considered that as a chance to get money. Girls are seen as a source of wealth. “A girl was impregnated by a teacher, she just disappeared from school. By the time the school got to know about it, the parents had already been paid a fine and the victim is at home about to deliver. The teacher could not marry the girl because was already married” (Interview-Teacher, Pallisa, Uganda).

#### *Lack of Video Link Prosecution*

The Magistrate cited lack of video link prosecution as one of the legal challenges:

*In Zambia, we lack video link prosecution, as a result some abused children upon seeing the perpetrator are reminded of the bad incidence that happened to them, ending up crying and refusing to give an answer to any question”.*

#### *Technical Language*

Technical language is also a contributing factor for not prosecuting all reported cases. A police officer when recording a statement will not write verbatim statement instead will make some translation which will be slightly sometimes totally different from the victim. For example, a girl victim will say in Nyanja that “*bana chita vaupuba nachidoyo chabo*”, the police officer will translate the statement by changing the meaning of the main key words like *vaupuba* meaning “useless” to penetration and *chidoyo* meaning “insect” to penis”.

#### *Pointing at a Wrong Person*

During the interview, Honourable Sharon Newa recalled instances in which the victim would point at a wrong person:

*Some defilement/sodomy victims end up pointing at a wrong person for fear of being harassed by their immediate family members and even the community as a whole.*

Finally, Female Magistrate stated, *lack of court rules to state the time frame for defilement/sodomy cases* was another major challenge, as a result these cases are handled at the discretion of the Magistrate.

## 4.6 Conclusion

This Chapter presented the findings of the twenty-three girls and seven boys who were defiled/sodomised. The findings were presented and discussed based on the objectives of the study. The findings give a clear picture that sexually abused children suffer devastating experiences as well as effects. In addition, the Chapter discussed factors that prevented effective reporting for both children and parents and/or guardians, challenges that the relevant authorities faced in handling defilement/sodomy cases and finally the reasons why all reported cases were not prosecuted.

Findings of this study revealed the distinction between defiled girls and sodomised boys. Defiled girls get pregnant as a result the victim stops going to school while a boy who is sodomised will continue going to school. Furthermore, once the unwanted pregnancy was evident, the girl was embarrassed, stigmatised resulting in her academic performance declining as well as loss of self-esteem, unlike a boy whose signs or effects would be hidden.

A defiled girl is prone to HIV and AIDs infection because of the biological make-up and this chronic illness affected a girl's education causing her to miss school when not feeling well due to some opportunistic infections such as coughing and sneezing. The general public was aware of defilement as an evil vice and the effects with which it was associated with. Much as a host of institutions have arisen to counter this issue, it was still uncontrollably on the rise. Reports from police reports, NGOs handling children, print media, radio, courts and television all show that defilement was on the rise.

The next Chapter presents the conclusions and recommendations in detail.

## CHAPTER FIVE

### CONCLUSIONS AND RECOMMENDATIONS

#### 5.0 Conclusions

It is clear from the findings that sexually abused children suffer some experiences as a result of being defiled in case of a girl or sodomised in case of a boy. The vice has negative impacts on the defiled/sodomised girls and boys. They experience trauma, shame, stigma, self-blame and low self-esteem. Worse still they suffer negative impacts such as teen pregnancy for girls, failing to excrete faeces for boys, depression, contracting HIV and AIDS and Sexually Transmitted Infections (STIs). The negative gender issues between boys and girls is that girls end up getting pregnant while boys end up with difficulties with excreting faeces due to the damage caused in the anus. This vice impacts negatively on boys' and girls' education though from the findings of this study girls are more disadvantaged because they dropped out of school due to pregnancies and also academic performance declined.

This research has shown information that explicitly focuses on the factors that prevent effective reporting of defilement/sodomy either by the victims or parents and guardians. The victims in this study revealed how they were threatened by the perpetrators, how they depended on the gifts they were being given by the perpetrators. Both male and female focus groups discussions held with parents and/or guardians cited lack of time to be with the children as one of the factor preventing effective reporting of this vice. The findings further revealed that sexually abused children suffer in silence because the perpetrators are people close to them. The victim will not tell or report immediately to anyone for fear of being blamed or to bring embarrassment to the family.

Parents and/or guardians in this study revealed some difficulties they encountered in reporting defilement/sodomy cases. The parents and/or guardians mentioned that police officers intimidated them as they went to report especially female parents/guardians,

subjected to negative comments by the police, long distances, corruption unnecessary delays and uncondusive environment.

Findings in this study evidently show that relevant institutions like ZP-VSU and Judiciary, do face some challenges in handling defilement/sodomy cases. Some of the challenges cited in the study were lack of transport, few doctors to examine the victims, lack of forensic laboratory, lack of sufficient evidence, need for corroboration and unwillingness to continue with the cases in court by parents and/or guardians. Much as the motor vehicles were procured and distributed across the country to ZP-VSUs by the UN/GRZ Joint Programme, there is still a challenge of transport.

The statistics from ZP-VSU confirmed defilement/sodomy cases were reported. At the time of the study there were 2,429 cases reported out of which 836 were taken to court and of these only 305 cases were prosecuted due to some legal challenges such as lack of corroborative evidence, lack of video link prosecution, lack of training in forensic evidence, technical language, lack of court rules and long prosecution time. Some parents and/or guardians opted to stop attending courts sessions, due to their perception that going to court was less important because going to court took most of their time when they were supposed to be involved in income generating activities. Sometimes medical doctors were not available before the court to testify on the medical report and finally lack of fast-track courts is a challenge. The government of the republic of Zambia is piloting fast track courts to ensure that cases of gender based violence are disposed of quickly. So far the pilot fast track courts are only in urban areas. This has a negative impact on the defiled girls and sodomised boys on their education in that they would be going to court at the expense of school.

## 5.1 Recommendations

The recommendations are that:

1. A research on issues involved in reporting and prosecution of defilement/sodomy cases among boys and girls on a larger sample should be done, so that policymakers and practitioners can plan interventions necessary to address the size, nature and complexity of the problem.
2. Ministry of Gender and Child Development (MGCD) in collaboration with ZP-VSU should extend sensitization and awareness programmes throughout the country including rural areas on the importance of reporting and prosecution of defilement/sodomy cases.
3. Government of the Republic of Zambia through the Ministry of Transport, Works, Supply and Communication should build more police posts especially in rural areas to encourage more reporting.
4. Adequate funding for relevant authorities like Zambia Police –VSU is needed to enable them carryout Counselling and Awareness programmes comprehensively throughout the country.
5. Ministry of Health should train Medical doctors in forensic evidence to ensure certain guidelines and formalities are strictly followed. This in turn will lead to an increase on the number of reported cases being prosecuted.
6. American government should speed up the construction of the upcoming first ever forensic laboratory in Zambia to ensure the quality of evidence presented is up to the required standard.
7. GRZ/UN JOINT Programme should procure more motor vehicles for Zambia Police-Victim Support Unit to ensure smooth and efficient operations.
8. Ministry of Justice should speed up the rolling up of fast-track courts throughout the country in order that the cases are disposed of quickly as people will not have to travel long distances to access the justice service delivery.

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### **Interviews Conducted**

Mr Tresphord Kasale, National Coordinator, Zambia Police-VSU, on the 6 February 2015.

Mr Christopher Nundwe, Public Prosecutor, Department of Public Prosecution, 17 February 2015.

Mrs Sharon Newa, Principal Resident Magistrate Court, Judiciary -Subordinate Court 5 March 2015.

Gender Based Violence training of Police Officers in Lusaka district @ Cresta Golf View. 2015.

### **Statutes**

Anti-Gender Based Violence Act, No. 1 of 2011

Penal Code, Cap.87 of the Laws of Zambia

Constitution of Zambia, Cap.1 of the Laws of Zambia

Criminal Procedure Code, Cap.88 of the Laws of Zambia

### **Newspapers and Television**

*Times of Zambia* Newspaper, “Will amending law on defilement serve victims?” 27 August 2012.

*The Post* Newspaper, “Sexual Violence Causing Girls to Drop out of School-ZANEC” 18 January 2013.

*MUVI TV*, *During the 16 Days of Activism*, 26 November 2013.

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## **APPENDICES**

## Appendix I – Approval of Research Proposal



### THE UNIVERSITY OF ZAMBIA SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

Telephone:: 292884 /291777  
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P.O. Box 32379  
Lusaka Zambia

Your Ref:

5<sup>th</sup> January, 2015

Emma Phiri Syamalimba (513805355),  
Department of Gender Studies,  
University of Zambia,  
P.O. Box 32379,  
LUSAKA.

#### RE: APPROVAL OF RESEARCH PROPOSAL

On behalf of the Graduate Studies Committee of the School of Humanities and Social Sciences I have approved your research titled **Defilement of Children in Lusaka: A study of the issues involved in reporting and prosecution of child defilement cases** and your supervisor is Dr Fay Gadsden.

You are required to contact your Head of Department or Supervisor to guide you as to the next course of action.

Congratulations.

S. Ngalande (PhD)  
**ASSISTANT DEAN (POSTGRADUATE), HSS**

cc: Director, DRGS  
Dean, HSS  
Head, Department of Gender Studies  
Dr Fay Gadsden, Academic Supervisor

## Appendix II - Introduction letter



UNIVERSITY OF ZAMBIA  
SCHOOL OF HUMANITIES AND SOCIAL SCIENCES  
DEPARTMENT OF GENDER STUDIES

Tel: +260-295216

P.O. Box 32379

LUSAKA

29 October, 2014

**TO WHOM IT MAY CONCERN**

I write to confirm that **Emma Phiri Syamalimba**, Computer Number **513805355**, is a Master of Arts Student in the Department of Gender Studies at the University of Zambia for the academic year 2013. One of the requirements for this programme is to conduct research entitled **"Defilement of children in Lusaka: a study of the issues involved in reporting and prosecution of child defilement cases."** She is seeking to collect information, conduct interviews and focus group discussions from individuals in your institution.

The department would appreciate any assistance rendered to her in this regard.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A.N. Phiri'.

DR. A.N. PHIRI  
ACTING HEAD – GENDER STUDIES DEPARTMENT

## **Appendix III - Informed Consent Form**

### **Topic: Defilement of Children in Chongwe and Lusaka: A Study of the Issues Involved in Reporting and Prosecution of Child Defilement Cases**

Dear Participant,

My name is **Emma Phiri**, a postgraduate student in the department of Gender Studies at the University of Zambia in the School of Humanities and Social Sciences conducting a study on the above topic.

You have been purposively selected to take part in the study by way of providing information through interviews and Focus group discussions. Your participation is purely voluntary and you reserve the right to withdraw any time without any explanations. Even when you agree to participate, you are free to refuse to answer certain questions you are not comfortable with.

#### **Purpose of the Study**

The purpose of the study is to explore issues involved in reporting and prosecution of defilement cases, the experiences and impact of defilement on boys and girls, factors that prevent effective reporting of defilement cases among boys and girls, challenges parents and/or guardians of the victims go through in reporting defilement cases and to investigate why not all reported cases of defilement are prosecuted. This is in order to provide research driven recommendations that will help social workers and lawyers bring more cases for prosecution.

#### **Procedures**

You will be asked questions on the experiences and impact of defilement on boys and girls, factors that prevent effective reporting of defilement cases among boys and girls, challenges parents and/or guardians of the victims go through in reporting defilement cases and to investigate why not all reported cases of defilement are prosecuted. The information provided will be kept confidential. Should you agree to participate in this study, you will be requested to sign the informant consent form below. The responses you provide will be recorded in writing



and you are assured that identification will not be possible since your name will not be recorded anywhere at all.

### **Possible Benefit to Participants**

Although there are no direct benefits to you as a person, you will have an opportunity to explain the experiences as well as the impact that defilement has on boys and girls. Factors that prevent effective reporting of the defilement cases, challenges parents and/or guardians face when reporting the case to police or any relevant authorities and why all reported cases are not prosecuted. Your voluntary involvement will acquiesce findings that will be used to help counsellors, police officers and lawyers bring more cases for prosecution so that it deters others to continue committing this vice of defilement.

### **Risks and/or Discomforts**

While you may find some questions to be sensitive, there is no risk to you as a participant. If you are uncomfortable with some of the questions asked you are free to refuse to answer and your refusal to respond to any questions carries no risk at all.

### **Reasons Why You May Withdraw from the Project**

Involvement in this study is purely voluntary and can be withdrawn any time without any explanation

### **Costs to you**

No financial or material costs will incur for participating in this study.

### **Confidentiality**

The information obtained from you is confidential and will be treated as such to the extent permitted by law. If you have understood the nature of this study please put your initials or thumb print where indicated.

If you have any concerns regarding this study, please contact UNZA Research Ethics Committee P.O. BOX 32379, Lusaka. For any questions, you may call Dr Annie Phiri at Cell: 0976669166, Dr Fay Gadsden at cell 0977841643.

I..... having fully understood the nature and implications of the study, agree to participate.

Participant's Signature or Thumbprint:.....

Date:.....

Researcher's Signature: .....

Date: .....

**Appendix IV - In-depth interview guide- Children**

Hello, my name is **Emma Phiri**. I am a Postgraduate student pursuing a Master of Arts in Gender Studies at the University of Zambia in the School of Humanities and Social Sciences. As a partial fulfillment of the requirements of the degree of Master of Arts, I have to carry out a research on any issue relating to gender. I am conducting a research on “Defilement of Children in Chongwe and Lusaka: a study of the issues involved in reporting and prosecution of child defilement cases”. I would appreciate if you could share your experiences of the issues involved in the reporting and prosecuting the defilement cases of the defiled children. This is a problem that many others are facing, you are not alone and it is not your fault. I hope my findings will help you and other children. Your involvement is purely voluntary and you reserve the right to withdraw anytime with no explanations.

**Parents and/or Guardians’ Permission**

Would it be alright for me to ask the girl or boy some questions about the experiences, impact of defilement challenges faced by the victims in reporting defilement cases? The goal of this survey is to formulate empirical evidence that will help the policy makers and implementers come up with strategies that will help improve the reporting and prosecution of defilement cases among girls and boys in Lusaka Urban.

*NOTE WHETHER THE PARENT/GUARDIAN AGREES TO ALLOW YOU TO SPEAK WITH THE RESPONDENT:*

**DOES NOT AGREE TO ALLOW YOU TO SPEAK TO THE RESPONDENT**

**AGREES TO ALLOW YOU TO SPEAK WITH THE RESPONDENT**

**NAME OF INTERVIEWER OBTAINING AGREEMENT TO PROVIDE ADDITIONAL INFORMATION:** ..... **Signature:** .....

**Date and Time:** .....

**SECTION A**

**BACKGROUND INFORMATION**

1. Age
2. Sex (a) male ( ) (b) Female ( )
3. Level of Education (a) Nursery/Pre-School (b) Primary level ( ) (c) Secondary ( )
4. Whom do you stay with? Parents/guardians/sisters/brothers
5. How many people are living in your house?
6. Do you have brothers and sisters? How many?
7. Whom do you trust in your house?

**SECTION B**

**EXPERIENCES AND IMPLICATIONS OF DEFILEMENT**

8. At what age were you defiled?
9. How many times did this happen to you?
10. Where did the act take place?
11. Who defiled you and what happened to the person who defiled you?
12. Were you offered gifts? If yes, which gifts were you offered?
  - (a) Money ( )
  - (b) Sweets ( )
  - (c) Food/drink ( )
  - (d) Clothes/ Shoes ( )
  - (e) School fees ( )
  - (f) Other Specify .....
13. Were you threatened to keep you quiet and if so how or were you persuaded not to talk by? Mother or sister
14. Did you think anyone could help you? Explain answer

15. Did you report to anyone about what had happened to you? Who or more than one Why?
16. Did you get any help after reporting? If yes, what help did you receive? If no help why not
17. What was the response of mother or father
18. How did you feel after the perpetrator did that to you?
19. What problems did you experience after you were defiled? Where were you? At school/sleeping e.t.c? Any chance you can talk to teachers/other family members

***The End***

***Thank you so much for your time and responses.***

## **Appendix V - Interview Guide for Focus Group Discussion- Parents/Guardians**

Hello, my name is **Emma Phiri**. I am a Postgraduate student pursuing a Master of Arts in Gender Studies at the University of Zambia in the School of Humanities and Social Sciences. As a partial fulfillment of the requirements of the degree of Master of Arts, I have to carry out a research on any issue relating to gender.

I am conducting a research on “Defilement of Children in Chongwe and Lusaka: a study of the issues involved in reporting and prosecuting of child defilement cases”. I would appreciate if you could share your experiences of the issues involved in the reporting and prosecuting the defilement cases of the defiled children. Your involvement is purely voluntary and you reserve the right to withdraw anytime with no explanations. Even when you consent to take part, you are free to decline to respond to certain questions you are not happy with. This study is purely academic and is absolutely confidential. Do not give out your name.

Date and Time: .....

### **QUESTIONS FOR FOCUS GROUP DISCUSSION**

1. What do you understand by the term defilement?
2. Are there any factors or reasons that prevent effective reporting of defilement cases among boys and girls?
3. Are there any challenges that parents/guardians of the victims of defilement face in reporting the cases? Yes ( ) No ( )
4. Did you face any challenges with the Police when reporting the case?
5. If *Yes* to Q.3, state the challenges or experiences you faced?
6. What are the reasons as to why all reported cases of defilement are not prosecuted?

*The End*

*Thank you so much for your time and responses.*

**Appendix VI - In-Depth Interview Guide- Key Informants**

Hello, my name is **Emma Phiri**. I am a Postgraduate student pursuing a Master of Arts in Gender Studies at the University of Zambia in the School of Humanities and Social Sciences. As a partial fulfillment of the requirements of the degree of Master of Arts, I have to carry out a research on any issue relating to gender.

I am conducting a research on “Defilement of Children in Chongwe and Lusaka: a study of the issues involved in reporting and prosecuting of child defilement cases”. I would appreciate if you could share your experiences of the issues involved in the reporting and prosecuting the defilement cases of the defiled children. Your involvement is purely voluntary and you reserve the right to withdraw anytime with no explanations. Even when you consent to take part, you are free to decline to respond to certain questions you are not happy with. This study is purely academic and is absolutely confidential. Do not give out your name.

**Date and Time:** .....

**SECTION A**

**BACKGROUND INFORMATION**

- 1. Age
- 2. Sex (a) male ( ) (b) Female ( )
- 3. Marital Status (a) Single ( ) (b) Married ( ) (c) Divorced ( ) (d) Widowed ( )
- 4. Level of Education (a) Primary level ( ) (b) Secondary ( ) (c) Tertiary (d) Other Specify.....
- 5. Main Occupation (a) Social worker ( ) (b) Administrator ( ) (c) Police Officer ( )  
(d) Counselor ( ) (e) Other Specify.....

## SECTION C

### FACTORS THAT PREVENT EFFECTIVE REPORTING OF DEFILEMENT CASES

6. Do you receive any cases of defilement?
7. Where do the defilement cases mostly occur? (Probe for places)
8. Do you think all cases are reported? If *not*, what are the reasons why they are not reported? If *Yes* to whom (probe for knowledge on where to report these cases)
9. Are the cases reported immediately after the offence has happened or *not*? If not, what do you think causes the delay in reporting?
10. Are all the offenders of defilement who are reported to the Police station charged?
11. Why are some cases that are reported dropped and never charged?
12. What happens to the survivors and the offenders in such cases?

## SECTION D

### CHALLENGES THAT PARENTS/GUARDIANS OF THE VICTIMS FACE

13. How easy is it for the parents/guardians of the defiled children to report the case to the relevant authorities?
14. Are there any challenges faced in reporting the defilement cases as parents and/or guardians? (Probe for reasons why the challenges persist) of the defiled boy or girl? If *Yes*, state them.
15. In your opinion do you think there are some ways in which defilement cases can be eliminated from the community?



## **SECTION E**

### **FACTORS THAT AFFECT SUCCESSFUL PROSECUTION OF DEFILEMENT CASES**

16. Are all defilement cases reported prosecuted? If *No*, what are the factors that affect successful prosecution of defilement cases?
17. Do you know any of the leading causes of having some perpetrators of defilement going scotch free?
18. What can be done to improve the prosecution of defilement cases?

*The End*

*Thank you so much for your time and responses.*