Perceptions of and Attitudes towards Rehabilitation of Victims of Defilement in Zambia: Katete District as a case study
BY

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Abstract

This dissertation analyses the provision of rehabilitation services to victims of crime, since the enactment of the Anti-Gender Based Violence Act (Act number 1 of 2011) of the Laws of Zambia. As a career Public Prosecutor, the writer critically analyses the awareness and extent to which the legislative provision for rehabilitation services has been implemented by the Department of Social Welfare (DSW). He analyses the role of all other actors in complementing the statutory duty placed on the DSW and discusses pitfalls recorded in administrative structures. This work is gender neutral as the law on defilement provides that both boys and girls can be victims as such both sex are subject of rehabilitation. He effectively achieves this through the utilisation of his overall research methodology, the Women’s Law Approach (this has been used alongside other methods applicable to his research) and takes it to be the reference point constantly. The use of personal interrogation (as an actor in the Criminal Justice System), the grounded theory approach (which was built at every stage of the research), use of actors and structures (social workers both in Government Departments and Non-Governmental organisations, Journalists, Police Officers, Prosecutors, Magistrates, Educationalists, Administrators, and Politicians), observations(made from interviews conducted and the state of affairs on the ground), interviews, and documentary evidence (from legal documents and literature). Apart from difficulties arising from the fact that the Anti-Gender Based Violence Act is relatively new law, the writer finds that many gaps still exist between the aspirations set by the State in the Act and what is obtaining on the ground. Reliance on international instruments (to which Zambia ratified) is not the primary focus since rehabilitation of victims is created in the AGBV Act. He suggests filling the gaps between legislative provision and implementation by suggesting long term and short term measures.
Declaration

I, Alex Syulikwa, do hereby declare that this paper is an original work presented towards the Masters in Women’s Law, University of Zimbabwe, and that it was not previously presented for any degree or other award at any academic institution.

Signed ___________________________ Date __________________________

This work is approved for submission towards fulfilment of the degree of Masters in Women’s Law by the Supervisor.

Signed ___________________________ Date __________________________

Professor Julie Stewart
SEARCWL,
University of Zimbabwe
DEDICATION

To all victims of defilement in Zambia
Acknowledgements

My thanks go to Jehovah my God for allowing me to study whilst enjoying good health throughout the programme.

I thank the sponsor of the programme for giving me this opportunity to study for master’s degree.

To SEARCWL thank you for your role, without which study would have been rendered ineffectual. Your supervisory skill is awesome and led to my enlightenment.

To my supervisor Professor Julie Stewart, thank you, you made it happen.

I thank my family for the support they gave me during my stay in school. Dad, Mum, my brothers, sisters, nephews, nieces, grand-nieces and grand-nephews, you are great people To my wife Caroline Muchindu Syulikwa, my sons Malundu Mate Syulikwa and Mpande Mate Syulikwa, I say we have done it again. Thank you.

To my employer, thank you for granting me leave at the time that National duty was calling.

May the Good Lord reward you all dearly?
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Abbreviations

ACRWC  African Charter on the Rights and Welfare of the Child
AGBV  Anti-Gender Based Violence Act
AIDS  Acquired Immunodeficiency Syndrome
CDF  Constituency Development Fund
CJ  Chief Justice
CJS  Criminal Justice System
DDCC  District Development Coordinating Committee
DSW  Department of Social Welfare
GBV  Gender Based Violence
GIDD  Gender in Development Division
GRZ  Government Republic of Zambia
HC  High Court
ZR  Zambia Law Reports
HIV  Human Immunodeficiency Virus
MMD  Movement for Multi-Party Democracy
NGP  National Gender Policy
NRLR  Northern Rhodesia Law Report
NWK  North-western Cotton
NZP+  Network of Zambian people living with HIV
<table>
<thead>
<tr>
<th>Abbreviation</th>
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<tbody>
<tr>
<td>PC</td>
<td>Penal Code</td>
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<tr>
<td>PF</td>
<td>Patriotic Front</td>
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<tr>
<td>PWD</td>
<td>Public Works Department</td>
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<tr>
<td>SC</td>
<td>Supreme Court</td>
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<tr>
<td>SEARCWL</td>
<td>Southern and Eastern Africa Research Centre in Women’s Law</td>
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<tr>
<td>UPND</td>
<td>United Party for National Development</td>
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<tr>
<td>UPR</td>
<td>Universal Periodic review</td>
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<tr>
<td>VSU</td>
<td>Victim Support Unit</td>
</tr>
<tr>
<td>YWCA</td>
<td>Young Women Christian Association</td>
</tr>
<tr>
<td>ZANIS</td>
<td>Zambia National Information Services</td>
</tr>
<tr>
<td>ZP</td>
<td>Zambia Police</td>
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Laws and international instruments

Legislation

The Anti-Gender Based Violence Act (Act number 1 of 2011) of the Laws of Zambia

The Constitution of Zambia (Chapter 1) of the Laws of Zambia

The Juveniles (Amendment) Act number 3 of 2011 of the Laws of Zambia

The Juveniles Act (Chapter 53) of the Laws of Zambia

The Penal Code (Chapter 87) of the Laws of Zambia

Cases cited

Hampande v The People (1969) Z.R. 125 (C.A.)

R v Yohani Mporokoso (1939) 2 NRLR 152

International instruments

Convention on the Rights of the Child (CRC)

African Charter on the Welfare and Rights of the Child (ACWRC)
EXECUTIVE SUMMARY

This work is a brief summary on what this research is all about, methodologies and methods that I used and the findings from the field. I carried this study in Katete district, Eastern Province, Zambia. The research focuses on section 30 of the Anti-Gender Based Violence Act (Act number 1 of 2011) of the laws of Zambia, which places a statutory duty on the Minister in charge of the Department of Social Welfare to initiate programmes for rehabilitation of victims of crime. It is further narrowed down to victims of defilement as a case study. The objectives for research were to understand psychosocial challenges that children go through because of defilement, link international human rights instruments to local legislation, assess legislation that underpins defilement in Zambia and assess administrative establishments that deal with children as victims of sexual abuse.

As I carried out this study, I used various methodologies for research but women’s law approach was cross-cutting. Group discussions, actors in structures, human rights approach, observations, self interrogation, interviews and desk research to mention a few were used in the study. I built field research from point to point using a grounded theory approach until data was good enough for analysis.

The research revealed that Zambia has made strides in putting up legislation and Government policies that adhere to international instruments which the State has committed itself to on the best interest of the child principle. Legislation provides for rehabilitation of the child victim of crime e.g. defilement victims. There is also a National policy that aims at enforcement of legislation through administrative engagements. It also came out that despite much paper work; service delivery is not done yet.

The lack of a strategic plan by the Department of Social Welfare to rehabilitate victims of crime brings government efforts to halt. District committees vested with a duty to administer concerns for victims of crime lack coordination on statistics and information sharing which does not help higher levels of governance in planning. Shelter for victims is not built and the blame game in political parties contributes heavily to lack of shelter. The media has offered a platform for delivery of information on shelter and accountability for allocated resources but the situation remains the same.
The Department of Social Welfare has personnel with the expertise that understands the need for rehabilitation of victims of defilement but they are focused to the need for shelter to commence rehabilitation programmes and would not do any programme without a full establishment of operational shelter.

Further, research revealed that social and cultural factors stand as a major contributing factor for increase in the number of victims of defilement. Factors like traditional values of initiating boys and the lack of control of children’s attendance at boys’ nyau initiation ceremonies and the general link of hegemony in masculinity to sexual experience. The situation is exacerbated by conflict in age determination for marriage, tradition considers puberty as adulthood whilst law considers the age of 16 years as age of consent for sexual activities.

Communication between victims and actors in the criminal justice system should be improved in order to minimise trauma that is created out of anxiety during court process. The environment in Courts is not child friendly and increases the need for children to be prepared for the process through rehabilitation. The overarching process for rehabilitation is relevant during the entire process in the Criminal Justice System (CJS).

A victim support system should be seriously looked at and incorporated in the CJS on the ground so that to every investigation made by the Police on a defilement case, a social worker is present to manage trauma. Social workers must be present in Court when a child is testifying.

On education, social workers must visit schools to create a linkage with guidance and counselling teachers and identify cases of trauma that may require boarding a child to a safe house and school authorities should equally share statistics with the DSW on counselling offered to pupils.

In health, social workers are required to work with health institutions in order to assure a child psychologically to understand the situation after sexual abuse. The advent of HIV/AIDS pandemic increases the need for counselling of victims of defilement, in order for a child to manage treatment and trial procedures at the same time as the case might be.
The Government Republic of Zambia (GRZ) should work towards implementing legislation in order to reach the targeted population of children that increasingly get defiled. The task is not for the GRZ alone but the corporate world too through their social corporate responsibility to build rehabilitation centres.
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CHAPTER ONE: Introduction

1.0 Introduction

“According to the case records for now and in the past, sexual offences are topping the criminal case records. There is increasing defilement cases in the province than any other criminal offence despite court minimum mandatory sentence of 15 years given to perpetrators. 15 years minimum mandatory punishment has not deterred men from sexually abusing minors as defilement has continued rising, and we ask ourselves, why?” (The Post: 2016)

This was a statement made by Lusaka High Court Judge Mungeni Mulenga during the official opening of the High Court session in Chipata in February, 2016. In the past ten years, the Zambian Government has made remarkable changes in legislation in order to put in place provisions that are aimed at fighting sexual offences. In 2005, the Penal Code (PC) was amended to include a mandatory minimum sentence for the offence of defilement to fifteen years imprisonment with hard labour. This is aimed at deterrence to offenders and would be offenders.

The amendment to provisions on defilement in the PC included a gender balanced approach in the offence of defilement. Previously only girls could be defiled as the law specified the act as unlawful carnal knowledge of a girl child; currently defilement can be committed against a boy child. The gender balance is aimed at equality before the law for what benefits boys should also benefit girls.

The enactment of the AGBV Act in 2011 brought in new methods of addressing defilement challenges in Zambia. The Act goes further to provide for programmes aimed at rehabilitating victims of defilement. Whilst the state stiffened punishment for perpetrators by limiting the jail term, victims were but pawns for the state’s objectives of punishment. The AGBV Act breaks this bias approach as it gives the Department of Social Welfare (DSW) a clear legislative mandate to initiate rehabilitation programmes for victims of crime and from money allocated by Parliament for that purpose, establish and operate shelters for victims; and ensure an appropriate spread of such shelters throughout Zambia.

The government has also released the National Gender Policy, a document aimed at outlining objectives for the government to fight gender based violence (GBV) and implement
programmes for rehabilitation of victims. The policy was necessitated by developments at National, regional and international best gender practices arising from research findings, increase in gender based violence, health issues including HIV and AIDS which sometimes arise because of defilement.

The Government Republic of Zambia (GRZ) has also made administrative progress in addressing GBV in the Country. On March 8, 2012, the GRZ created the Ministry of Gender and Child Development which is now the Ministry of Gender after the Department of Child Development was transferred to Ministry of youth and sport. This action elevated the Gender and Child Development Division which was a merger of the Gender in Development Division (GIDD) and the Child Development Department and Social welfare. Currently, Government policy and laws on GBV and other gender issues are addressed through committees at all levels of governance. All government departments have gender focal point persons with the aim of taking everyone on board in GBV fight and other gender issues.

1.1 Location of research

The period of conducting this research was from October, 2015 to March, 2016. The location included Katete and Chipata districts of the Eastern Province of the Republic of Zambia. I focused my research on rehabilitation programmes for victims of defilement in Katete district for the purpose of using the district as a case study. Respondents based in Katete were selected to assess service delivery as an end use location whilst those based in Chipata were for the purposes of the coverage of Katete at Provincial level.

Katete is located in the Eastern Province of Zambia where Zambia shares a boarder with Mozambique on the southern part of the district. It shares borders with Petauke, Mambwe, Chipata, Chadiza and the newly created Sinda district. It is located 85 kilometres from Chipata and 488 kilometres from Lusaka along the Great East Road. The district has a population of 243,849 people representing 1.9% of the country’s population according to the 2010 census of population and housing. The figure below shows the location of Katete district on the map of Zambia with an arrow pointing at a shaded area. The shaded area includes the newly created district of Sinda whose boundaries are still not published.
1.2 Research objectives

My overall objective was to examine how the state delivers rehabilitation service to victims of defilement through the DSW. In view of this I conducted this research with four objectives in a broader sense; firstly, to highlight characteristics that manifest in children who are sexually abused. This indicates the relevance of rehabilitation for victims of defilement because consequences include psychological problems. Secondly, to make a link to international human rights instruments with local legislation and policies in order to identify rehabilitation as a human rights issue. Thirdly, to assess legislation that addresses defilement in Zambia. Lastly, my objective was to assess administrative establishments that have been put in place to implement service delivery to victims of defilement at district level.
1.3 Significance of research

Particularly for me, I developed the interest to conduct this research during lessons in the Women and the Criminal Justice System course\(^1\) at University of Zimbabwe. In this class, we had a lecture on victims of crimes of sexual violence in Rwandan Genocide by Refina Madenga\(^2\) which enlightened me on an area which otherwise I found to be neglected in our Criminal Justice System (CJS). From my work as a Public Prosecutor in the Zambia Police Service (ZP), I am aware that defilement statistics are high and ranks highest in sexual offences. I understand the robust efforts that government has put in place in legislation and policy direction on gender based violence (GBV). I also realise that defilement raises serious issues of abuse of human rights and health problems of a child.

My research is necessitated by the need to explore ways of evaluating our legal system. We have laws on rehabilitation of victims of crime in place yet victims do not benefit from legislation. Whilst the Anti Gender Based Violence Act (AGBV) is relatively new law, the clock is ticking and its implementation is slow. The high numbers of defilement cases translates into many victims who are left traumatised. For the state, it is a measure of public statements which are usually made to report progress to the international audience against what is obtaining on the ground. Usually, hollow statements are made by government officials to show that human rights principles are adhered to, but the intended recipient of state obligations knows nothing about the existence of the rehabilitation services.

For the child, I aimed at creating a voice for them in matters of rehabilitation. I came into this research with an informed mind that the CJS has dealt with the GBV challenge on one side that is to raise awareness, investigate defilement occurrences, prosecute perpetrators and punish the guilty for their wrong. We have however not considered a victim’s life during and after the criminal justice process.

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\(^1\) One of the optional courses offered at SEARCWL in the second semester in Masters in Women’s law programme

\(^2\) A Zimbabwean lawyer who after growing up during the liberation struggle in Southern Rhodesia has keenly observed the human rights paradigm at different stages in Zimbabwe which sort of explains the career path she is pursuing in the area of international humanitarian law.
Lastly, for a student of law in a college or university and other actors in the CJS, this research appeals for an open mind approach towards defilement. We all need to carefully examine not only the legal issues surrounding criminal law and its procedures but the causes for people’s attitude towards certain behaviours. This was important for me as I carried out research because evidently, crime statistics are on the increase yet the law is harsh than it was before. A question to all is why is it so? Why can’t people fear punishment? Why are victims not protected by the harsh punishment on defilement? When these questions are dealt with by all lawyers then we can look at neglected legislation and put life to it.

1.4. Assumptions

1. The Department of Social Welfare has a clear legislative mandate to initiate programs for rehabilitation of victims of defilement

2. Despite the enactment of the Anti-Gender Based Violence Act in Zambia the Department of Social Welfare does not provide programs for the rehabilitation of victims of defilement.

3. There is no strategic plan to initiate programs for rehabilitation of victims of defilement

4. There is no infrastructural development and allocation of resources to the Department of Social Welfare to enable the department function according to international standards.

5. The relevance of making a provision for programs for rehabilitation of victims of defilement is not clear to some social workers in the Department of Social Welfare.

6. There are no monitoring or evaluation mechanisms aimed at ensuring efficient service delivery of the Department of Social Welfare by the Ministry of Gender, the Human Rights Commission, and the Victim Support Unit of Police.

1.5 Research questions

1. Does the Department of Social Welfare have a clear legislative mandate to initiate programs for rehabilitation of victims of defilement?
2. Does the Department of Social Welfare provide programs for the rehabilitation of victims of defilement in accordance with the Anti-Gender Based Violence Act?

3. Is there a strategic plan to initiate programmes for rehabilitation of victims of defilement?

4. Is there infrastructural development and allocation of resources to the Department of Social Welfare to enable it function according to international standards?

5. Is the relevance of making a provision for programs for rehabilitation of victims of defilement clear to some social workers in the Department of Social Welfare?

6. Are there monitoring or evaluation mechanisms aimed at ensuring efficient service delivery of the Department of Social Welfare by the Ministry of Gender, the Human Rights Commission, and the Victim Support Unit of Police?

1.6 Conclusion

This Chapter deals with some introductory remarks that are general, the reasons for choosing this topic, objectives for research, research location, assumptions and research questions. All these save as general introduction upon which further discussions in the following five chapters is done on the non-adherence to statutory provision of rehabilitation programmes for victims of defilement.
CHAPTER TWO: The law on defilement and mechanisms for rehabilitation of victims

2.0 Introduction

In this chapter, I make a link of defilement with social factors that trigger its occurrence in Zambia. As statistics indicate there are more defilement cases than cases of rape and any other offence against morality in Zambia. As I examine rehabilitation, it is imperative to examine probable causes of defilement. This is because some crimes follow geographical patterns in occurrence and prevalence. For Zambia, defilement occurrence is on the increase despite harsh sentences imposed by the court and actors on the CJS structures are asking why? The plight of a victim of defilement is vital to have successful investigations of crime by police and the prosecution of a perpetrator in court. Defilement is closely related to the offence of rape on the legal element of penetration but with differences on age, and consent legal elements of crime. The analysis of the difference for the two offences is vital for police officers in arriving at an appropriate charge, prosecutors in making a correct indictment and magistrates in making a correct decision. For this reason, this chapter analyses the two offences as created by law in Zambia. I end the chapter by discussing literature on rehabilitation and the legal provision for initiating rehabilitation programmes in Zambia. The Anti-Gender Based Violence Act (AGBVA) created duties for different persons to compliment efforts aimed at helping a victim of gender based violence (GBV). The aim for creating rights of victims in the AGBVA is to make it easier for a victim to obtain help from the state. A victim has right for shelter to be obtained for her, medical treatment, legal services, counselling or other service that may be required in the circumstances of the sexual offence occasioned.

2.1 Background of Defilement

“...in sub-Saharan Africa, it is believed that social views of masculinity shape sexual practice.” (Barker and Ricardo: 2005: V)

The above excerpt shows that law does not stand in isolation from other factors influencing social behaviour of individuals which is influenced by geographical locations. Law is placed to answer social deviant, that otherwise without additional study of social factors, legal teaching is inadequate for the understanding of social behaviour that triggers law breaking. In
order to examine the crime of defilement, it is important to understand social constructs around sexuality in Zambian societies and patterns of social behaviour of men towards women’s sexuality and women’s response to that behaviour. Sexual practice for men and boys is viewed as an attainment of a new hegemonic level of masculinity in Zambia. It means that boys are identified by sexual practice to occupy a place of recognition among their peers.

During research I found the link of hegemony in masculinity to sexual experience as a belief in Katete, existing. I interviewed the Magistrate for Katete who said that the Nyau\(^3\) tradition contributes to defilement because as men and boys dance at gule\(^4\) in the night, girls sing for them and are left vulnerable to sexual abuse. This resonates well with what a chewa\(^5\) man said on the basis of anonymity because their culture does not allow traditional matters to be disclosed. He said:

\[\text{“During gule we sound drums in the night, girls and women come to sing for us. Parents who don’t allow their children to join nyau or sing for us in the case of girls are rebellious from tradition. Many things happen there including sex. You are a man enough if you have sex as it means growing”}\]

Nyau traditional practice indicates why statistics on defilement over the years have kept rising despite much sensitisation and harsh sentences from the courts. This is because such social beliefs are not only confined to the chewa people but extend across some other parts of the country. The CJS, through punishment of defilers is correcting a mischief of sexual practice that culture has embraced for a long time. The bar chart below demonstrates defilement statistics in Zambia over a considerable period of time.

\(^3\) tradition for the chewa speaking people where men and boys dress in masks for entertainment and cultural practices

\(^4\) Initiation ceremony for chewa people

\(^5\) A tribe found in Zambia, Mozambique and Malawi which practices the Nyau tradition
These statistics show a general rise in defilement cases. Despite interventions in legislation, prevalence of defilement keeps rising. It is for this reason that provision for rehabilitation in the AGBV Act is progressive because there is an increase in the number of children who are traumatised by the experience of defilement. The advantage of the provision for rehabilitation, if implemented, each defiled child will benefit from the state’s duty to rehabilitate, which is not the case with punishment of perpetrators as not all reports end with arrests by police and even for cases taken to court, some are lost by the state on acquittal.

2.2 The Law on defilement in Zambia

According to section 138 (1) of The Penal Code (PC) (Chapter 87) of the Laws of Zambia, any person who unlawfully and carnally knows any child commits a felony. The punishment, upon conviction is a mandatory sentence of not less than fifteen years and may be liable to life sentence. Section 138 of the PC is gender neutral as the offence can be committed against any child regardless of sex. Carnal knowledge in this case connotes having penile penetration into the vagina, inserting other objects or a finger in the vagina is not defilement.

Section 138 (2) of the PC provides that any person who attempts to have carnal knowledge of any child commits a felony and is liable upon conviction to imprisonment for a term of not
less than fourteen years and not exceeding twenty years. Although this provision is created in statute, during my work as prosecutor, I have learnt that prosecutors would prefer to charge an offender with an offence of indecent assault on females under section 137 of the PC rather than charge him with attempted defilement. This is because firstly, all elements of indecent assault are covered under attempted defilement, but for the later, you have to prove that the motive was to have carnal knowledge which is immaterial in the former. The *actus reus* in indecent assault is an assault occasioned by an act of indecency. So it is easier to dispense the legal burden to prove indecent assault than it is required for attempted defilement. Secondly, the offence of attempted defilement is punishable by minimum mandatory sentence of 14 years imprisonment with hard labour whilst indecent assault is punishable with 15 years imprisonment with hard labour. Following the principle in *Hampande v the people* (1969) Z.R. 125 (C.A.) where the court held that Prosecution has a duty to bring most serious charge warranted by facts. In this case facts for both offences warrant indecent assault as the most serious offence because of the minimum sentence that is higher.

Section 138 (3) of the PC provides that:

> ‘any person who prescribes the defilement of a child as cure for an ailment commits a felony and is liable, upon conviction, to imprisonment for a term of not less than fifteen years and may be liable to imprisonment for life.’

During research, I had a focus group discussion with members of the Network of Zambian People living with HIV (NZP+) in Katete. They informed me that one of the reasons why adults defiled children especially virgins was the belief that such sexual intercourse cures Human Immunodeficiency Virus (HIV) which causes the Acquired Immunodeficiency Syndrome (AIDS). Although according to them, this reason is no longer advanced as the cause of some defilement cases, it was common in the recent past. Parliament, when amending the PC in 2005 by the PC Amendment Act Number 15 of 2005, considered this belief which at the time was prevalent in the country. The NZP+ informed me that two of their members became HIV positive because of defilement. Whilst this is a case of medical investigation, it is possible that if not these two members then at least some children become HIV positive because of defilement.

The law targets one who prescribes as it is believed that traditional healers are responsible for this belief and prescription for the cure of HIV.
Section 138 (4) of the PC provides that a child above the age of twelve years, who commits an offence of defilement or attempted defilement is liable, to such community service or counselling as the court may determine, in the best interests of both children. The law places the best interest of the child principle as paramount in matters that concern a child. This is where rehabilitation is paramount for children in conflict with the law. Counselling, as social workers told me, is adequately done when a child is boarded to a rehabilitation centre. Whilst I did not find police statistics on defilement according to age, I know from work experience as Public Prosecutor that there are a high number of juvenile offenders charged with defilement not only in Katete but all stations that I have been assigned to work from. For section 138 (4) of the PC to be effective, rehabilitation centres have to be established as the two legal provisions complement each other. Merely giving ineffective counselling compromises counselling which otherwise can be effective if done for that reason.

2.2.1 The victim’s plight at Pre-trial

According to section 5 of the AGBV Act, a police officer, labour inspector, counsellor, medical practitioner, legal practitioner, nurse, religious leader, traditional leader, and teacher have a duty to inform a victim of his or her rights and advise her on how to obtain shelter, legal support, medical treatment, counselling or other relevant support. This provision places into the CJS more players on intervention mechanisms. The duty to help a victim is not for actors and government structures alone but includes religious leaders and traditional leaders. This is aimed at creating a robust approach towards helping a victim. Regardless of who reports, whether it is a victim or any other person, the police officer is required to respond promptly to the report because a victim maybe in dire need of protection. The inclusion of a duty to assist a victim on how to obtain shelter indicates that shelter must be obtained at the earliest stage after defilement occurs.

Communication is needed among different actors placed with a statutory duty to help a child in section 5 of the AGBV Act. They should be in a position to quickly coordinate and protect the child. For instance, if defilement is reported in the night to a traditional leader, the Police should be informed immediately in order to gather and preserve evidence. The DSW should also be accessible to provide shelter for the child and a medical doctor to be reached for treatment. Each actor’s part complements the other hence the need to coordinate quickly. It is for this reason that in its action plan, Zambia created administrative committees which
unfortunately are not operational as required. I discuss in depth my findings on these administrative committees in chapter four of this paper.

2.2.2 The victim’s plight at trial stage

“Recall is the most complex form of memory requiring that previously observed event is retrieved from storage with few or no prompts. This is the form of retrieval most often required of witnesses, and is strongly age-related”. (Perry and Wrightsman 1991: 111-2)

Available literature on a child as a witness in trial hinges on memory as Perry and Wrightsman write. Memory involves the need to acquire, store, retain and retrieve information. In order to go through trial process, a child has to recall what she acquired during the occurrence of defilement; it includes the identification of the perpetrator and the sequence of events. If that is successfully done, a child has to retrieve stored and retained information through testimony. As correctly observed by Perry and Wrightsman, this process is related to age on how one child would respond in one case is different from the other. The law on corroboration should therefore consider such science in dealing with children.

Section 121 of the Juveniles Act (JA) Chapter 53 of the Laws of Zambia resonates well with the need to create an environment that is favourable to the victim in order for him or her to testify in Court. Section 121 of JA states:

“Where, in any proceedings in relation to any offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a juvenile is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of the juvenile”

This provision, considering the nature of defilement as an offence against decency or morality, requires that during trial, only people who are concerned directly with the matter be present in the court room. In practice, trial magistrates use their discretion to ask a victim which people she is comfortable with and desires to be present in court.

From experience as public prosecutor, I know that much training has been done on capacity building of actors in the CJS in Zambia, to orient us on how best this section can be implemented. The use of one way mirrors, where a child testifies without seeing an accused person but the accused person sees her is prominent as best practice in dealing with victims.
However, Katete and many other court rooms do not have this facility. The impact of this is that victims testify in the presence of an accused person but usually magistrates strive to be as creative as possible for the environment to be friendly. This situation needs a victim to understand it, in order to have successful prosecution. Rehabilitation programmes are vital to achieve this task. The presence of a social worker during trial also is important to trauma to be managed.

2.2.3 Sentencing and the victim plight

The period for uncertainty by a victim in the CJS raises the need for rehabilitation. Uncertainty exists because of the legal requirement for cases of defilement to be committed to the High Court for sentence. Mrs Chali Hambayi from the National Prosecutions Authority rightly mentioned during the Ministry of Gender and Child Development National symposium on Gender Based Violence in 2013 that:

‘Gender based violence cases that are tried in the Subordinate Courts are assaults and sexual offences such as defilement, rape, indecent assault and incest’.

Section 7 of The Criminal Procedure Code (Chapter 88) of the Laws of Zambia limits powers of the Subordinate Courts to sentence as indicated in the figure below:

![Bar chart showing sentencing powers of magistrates according to class](chart.png)

Figure 3: Bar chart showing sentencing powers of magistrates according to class

The effect of limited sentencing powers by the Subordinate Court is that cases of defilement take long to be concluded since the minimum mandatory sentence is fifteen years. During the
period of waiting for the court process a victim is further traumatised by the stigmatisation from the community.

*Stigmatisation refers to the negative connotation associated with the sexual abuse which was communicated to the child during the abuse experiences. These negative connotations become incorporated into the child’s self image and include badness, shame and guilt (Finkelhor and Browne 1985:66)*

The experience of stigmatisation raises anxiety and the situation worsens by lack of rehabilitation programmes. I examined five case records from the High Court and found that a case, on average, takes four months eight days to be concluded in Court as indicated in the figure below:

![Bar chart showing the period that cases take from the date of commencing proceedings in the Subordinate Court to the day that sentence is pronounced by the High Court.](image-url)

**Figure 4**: bar chart showing the period that cases take from the date of commencing proceedings in the Subordinate Court to the day that sentence is pronounced by the High Court.

### 2.2.4 Defilement as opposed to rape

Section 132 of the PC states:
“Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of the felony termed “rape”.

The sentence for rape as is created by The PC (Amendment) Act number 2 of 2011 of the Laws of Zambia is imprisonment for a period of not less than fifteen years and perpetrator may be liable to imprisonment for life.

The PC gives a definition for rape under section 132 as opposed to defilement which is not defined in the Act. One clear difference is on sex of a victim, for defilement it is neutral because either male or female can be a defiled by a perpetrator of the opposite sex. In rape, the offence is only committed against a woman or girl, a man cannot be raped.

Consent creates difference, for rape, ‘the actus reus is that sexual intercourse took place without the consent of the victim’ (Kulusika: 2006-512). In defilement statute does not require proof of consent as it is immaterial, the perpetrator cannot plead innocence on account of the victim’s consent.

The age of a victim creates a difference, for defilement, a victim should be below the age of 16 years, if both children are above 12 years but below 16 years, it is defilement but the remedy is either counselling or community service. This creates a duty for prosecution to prove the age of a child as an element of the crime of defilement. In rape, the victim is not a child but a woman or girl. The PC does not define a woman or girl, but in practice the consideration is made in line with the age of 16 years to differentiate a child from a woman or girl. It is easier to prosecute an offence of defilement than rape because for defilement, the state has no burden to rebut a defence of consent, for this reason, prosecutors endeavour to establish the age of the victim in order to be within the parameter of the legal age of a child.

Sexual intercourse in both offences is established by facts of penetration of the penis into the vagina. The preceding proposition is in conformity with the decision of the court in R v Yohani Mporokoso (1939) 2 NRLR 152, in which Robinson Acting Chief Justice as he was then, said:

“To prove a rape it is necessary to prove penetration or partial penetration”
Failure to prove that penetration occurred, results in an acquittal of the accused person. To establish this fact, medical evidence is required and a medical practitioner is called as a witness to explain the examination done on the victim.

Another similarity is on sentence; both offences attract a minimum of 15 years imprisonment with hard labour and life imprisonment as the maximum. The power to impose sentence is in the discretion of the Court according to the facts available and mitigating factors from the perpetrator. It is common for adult perpetrators of the same age to receive the same punishment for defilement against victims of different age. It is also possible that a perpetrator who is convicted for defilement of a 1 year old child can receive 15 years imprisonment with hard labour whilst a perpetrator of defilement of a 15 years old child can receive life imprisonment.

2.3 Rehabilitation of child victims

A standard but limited definition of rehabilitation is provided by the Oxford Dictionary. According to the dictionary, rehabilitation is “a course of treatment, largely physical therapy, designed to reverse the debilitating effects of injury.” The definition narrows rehabilitation to physical care which is common perspective of looking at it. The second definition looks at helping someone to reintegrate in society after prison or drug use. My focus for research is the former rather than the latter. The injury looked at in this case is defilement whose debilitating effects should be reversed through physical therapy of rehabilitation programmes.

The United Nations International Children’s Emergency Fund (UNICEF) lists possible characteristics of sexually abused children as:

a) Abused children are often suspicious of other people’s motives.

People manage their affairs in both public and private sphere. In the course of business children are involved as they are members of our communities in schools, churches, hospitals and market places. When a person becomes suspicious of everybody else’s motive, a sense of security is lost. The impact of suspicion of other people’s motives leaves a child with no trust

of other people. For a school going child, interaction with a teacher becomes a problem. If a child wants personal attention from the teacher, she/he may not want guidance of the teacher in the absence of other pupils as expectations of abuse are vivid. In church, a child may not trust her friends and pastor on account of fear of their motives and this may be a pattern of behaviour with a medical doctor if the child gets sick. This puts a child to feel estranged from everybody and can affect the public life of a child.

This resonates well with other available literature on the same subjects as propounded below:

“As a result of the betrayal the victim has suffered at the hands an abusive person, and because she has been made to feel helpless by that person, the victim is severely limited in her ability to trust” (Lewis 1999: 100)

The failure to trust may impair a child’s future intimate relationships. She may not trust a spouse in adulthood. Rehabilitation is best placed in this situation to correct an occurrence that might destroy a child’s future as it can minimise trauma.

b) **Abused children usually feel a sense of resentment or hostility towards the opposite sex.**

In my understanding, this characteristic takes two ways: firstly, a victim may develop resentment towards persons of the opposite sex, and secondly to become hostile towards the opposite sex and this may involve a sense for need of revenge.

On resentment, I interviewed one social worker from the department of community development in Katete who disclosed to me that in college she had a friend who developed resentment towards men because of history of sexual abuse. She rejected proposals from men and gave negative contributions during discussions about men, opting to live a life without male sexual partners, or even have them as partners for study in school. Humanity is interdependent with some men loving women as sexual partners. I figure out the woman that the social worker talked about as an example of effects of defilement. In this case, she might have viewed people of the opposite sex as a desired sex for love in her life but circumstances made her to develop resentment towards men. Rehabilitation services in the AGBV Act are better placed to deal with minimising trauma in order to reduce the number of children who may otherwise have their future determined by sexual abuse and not attain full recovery from the traumatic experience of defilement.
c) **Sex can be considered dirty and not a matter to be discussed.**

Sex is part of our society for pleasure and procreation. With the advent of HIV/AIDS and other sexually transmitted infections, there is growing need for children and adults to have information about sex. Parents, guardians, and friends to these children need to discuss sex as it is vital to make a child understand who she/he is. Discussing sex is not and should not be viewed as foreign to Africa in general and Zambia in particular.

Studies on sexualities indicate the need for sexual education as discussed below:

> ‘sexual initiation traditions across the continent that are espoused by erotic cultures, such as the Ssenga among the Banganda of Uganda, the tete among the Shona of Zimbabwe, the alangizi among the yao of Malawi, and the Chewa/Nyanja of Zambia,…all carry empowering messages for young girls…’ (Tamale 2011:618)

Professor Tamale lists these different traditions to illustrate the importance of sex information on empowerment. Our modern society is constantly moving away from beneficial traditions on sexual education because of many different issues. Societal dynamics are placing some beneficial traditions as old-fashioned practices. In the backdrop of such erosion of the rich African solutions to African problems of sex information dissemination sex abuse worsens the already dire need for sex information to young girls when they consider sex as a matter that should not be discussed.

d) **Self blame and isolation due to not telling others their secret because of feelings of shame for themselves and family.**

La Fontaine makes a similar observation on child victims of sexual abuse when she discusses problems of research and says:

> ‘Many victims of sexual abuse are unwilling or unable to talk because of fear, shame, guilt and the quite justifiable feeling that they may not be believed or that, if believed, they will be seen as somehow tainted by the experience’. (La Fontaine: 1990:45).

This was a problem identified through research, though I don’t discuss it to explain any difficulty that I faced in research, it can bring barriers to many issues that are in the best interest of the child. Shame and guilt are linked closely to self blame and this makes a victim to avoid disclosing what happened to her for fear of stigmatisation. It is in the best interest of
the child to seek treatment, if information is not known by parents or guardians, a child may have his/her health deteriorate and die. Self-blame is also influenced by society’s culture that places a girl in a position of sexual purity.

As defined in the Black’s Law dictionary to defile is:


The term defilement contributes to the feeling of being tainted by the experience. A child may fear the community’s stigmatisation and lose the ‘purity’ that society expects.

2.3.1 Framework in legislation

Section 30 of The Anti-Gender Based Violence Act (Act Number 1 of 2011) of the Laws of Zambia creates rehabilitation of a child, it states:

‘The Minister responsible for social welfare shall provide mechanisms and programs for the rehabilitation of victims. (2) Victims may receive financial assistance from the Fund under this Act. (3) The best interest of the child shall be paramount in any assistance given to rescue, rehabilitate or reintegrate the child.’

The law on rehabilitation is aimed at restoring a child to a position that she/he was before becoming a victim by minimising trauma. It is a duty placed on the state in order to protect its citizens. The Ministry of Gender is responsible for gender matters in the country but the section gives the mandate to rehabilitate victims to the Ministry of Social Welfare and Community Development. This is realistic because the Social Welfare Department has offices at almost every district administrative post. In my research location, Katete has this office with social workers under it. The ministry of gender on the other hand has no district offices but a provincial office.

Section 27 of the AGBV Act creates the requirement of shelter for child victims, it states:

“A shelter for child victims- (a) shall secure the physical safety of a child victim; (b) shall provide temporary basis material support for the care of a child victim; (c) shall offer a programme for- (i) the provision of counselling to child victims; and (ii) the provision of rehabilitation services to child victims; and (d) shall, in cooperation with the Ministry responsible for education, offer a programme aimed at the provision of education to child victims.”
It is the desired goal in the law that when rehabilitating a child, a programme should be done in a safe house. A safe house must secure the safety of a child and usually a place not known by the public. When I interviewed a journalist at the Daily Mail office in Chipata, he told me that he was not allowed to visit the safe house under Young Women Christian Association (YWCA) shelter in Chipata for security reasons. I visited YWCA offices and was told the same.

Another criteria followed is on basic material for the support of a child. Beddings, clothes, and food should be available for the child whilst in a safe house. The section creates the cooperation component with the Ministry of Education. Since most victims are in the school going age category, there should be coordination with the school authorities to ensure that the child’s education is not disturbed. It is a duty for the Minister to set norms and standards for a shelter for victims according to section 25 of AGBV Act.

2.3.2 Is rehabilitation of victims a Human Rights issue?

International and human rights instruments that Zambia has signed require that the state protects victims from gender based violence (GBV). Article 4(1) of The African Charter on the Rights and Welfare of the Child (ACRWC) provides that in all actions concerning the child which are undertaken by any person or authority the best interests of the child should be the primary consideration. This is a principal of human rights approach that Zambia followed in the AGBV Act under Article 30 (3) where the best interest of the child should be considered in rehabilitation of the child. This is to say that a child must be part of the arrangement to be rehabilitated; she/he must understand what is happening to her, and why she/he has been relocated from the parents/guardian’s house to a safe house. If the child is in school, the best interest for him/her is to continue with school programme, so the state has to arrange for the attendance of the child in school. If the child contracted a sexually transmitted infection, the state should provide medication. The gist of Article 4 of the ACRWC is for the child to have her/his best interest protected in administrative actions by the state.

Under Article 16 of the ACRWC, Zambia as a state party to the Charter should take specific legislative and administrative measures to protect the child from among other things sexual abuse. The protective measures include effective procedures for the establishment of reporting referral investigations, treatment and follow-up of instances of child abuse. All
procedures involved in dealing with a child victim of defilement are covered under this Article. So Zambia should have a follow-up system of child abuse instances. There should be an administrative measure to protect the child from sexual abuse. Zambia included human rights principles in The AGBV Act, though embracing a dualistic approach towards international treaties and conventions; the inclusion of ACRWC principles goes to show that rehabilitation of child victims is a human rights issue. As a human rights issue it means that it should be monitored and reported as such to the Nation and international organisations.

The Human Rights Commission under section 9(e) of The Human Rights Commission Act (Chapter 48) of the Laws of Zambia has a mandate to investigate human rights violations. As a human rights issue, rehabilitation of victims of defilement is to be monitored by the Human Rights Commission to ensure that Zambia complies with the law. Under section 13(1) of The Human Rights Commission Act, the commission makes a recommendation of the findings of human rights abuses to the parties concerned. Its effect is that in the case of rehabilitation of victims of defilement, a report has to be made to the Department of Social Welfare and make recommendations to the Ministry of Gender.

Article 18 of The Constitution of Zambia (Chapter 1) of the Laws of Zambia guarantees the right to the protection of the law to a person charged with an offence in the Court of law, who should be afforded a fair and impartial hearing. Though this Article aims at protecting the right of an accused person to a fair hearing, fairness can only be attained if it is balanced. Trial involves a victim as much as it involves an accused person. In terms of defilement, it cannot be fair trial when a victim is traumatised. For this, to attain fairness there is an implied requirement in Article 18 for the victim to be protected by the law as well. Article 12 of The Constitution of Zambia provides for the protection of the right to life. Defilement of a child can be life threatening as such all administrative measures should be aimed at implementing the AGBV Act in order to protect and preserve life as a constitutional issue.

2.3.3 Monitoring Mechanisms

Zambia participated in its second human rights review under the Universal Periodic review (UPR) process on 30th October, 2012. The UPR is a process which involves a periodic review of human rights records of 193 UN Member states. In this process, a country under review prepares a report on the situation of human rights. Secondly, the country under review
appears before the UPR working group, then the working group prepares a report, then the Human Rights Council’s report is adopted and lastly follow-up process is made.

Zambia received 125 recommendations during the 2\textsuperscript{nd} UPR in 2012 by 63 States and accepted 70 recommendations among them to further improve women’s rights and full implementation of the AGBV Act.

Full implementation of AGBV Act includes providing programmes and mechanisms for rehabilitation of victims as provided under section 30 of the AGBV Act. In the 2014 recommendations and implementation framework publication which highlight recommendations on Zambia during the 2\textsuperscript{nd} UPR, Zambia received a recommendation from Hungary which states:

“\textit{Take necessary steps to ensure effective implementation of the Anti-Gender Based Violence Act}”

In response to this recommendation Zambia indicated in its report, measures to ensure that this recommendation is fulfilled. The response states:

“\textit{Multi-stakeholder committee established to spearhead the implementation of Anti GBV by Ministry of Gender}”

The effect of this is that Zambia made a commitment to a recommendation made by the United Nations member state. The responsibility to implement the AGBV Act was placed in the hands of the Ministry of Gender through the creation of committees which should look at implementation of the Act. On the ground, these committees at district level include the gender sub-committee and gender based violence committee which I discuss in chapter four of this research.

\textbf{2.4 Conclusion}

Rehabilitation of victims as provided under section 30 of the AGBV Act is not confined to defilement victims but any other victim of crime. I focused this study to defilement because of high statistics in Katete, Eastern Province and Zambia. Legislation on defilement has been amended in the recent passed through The PC Amendment Act to increase sentence by putting 15 years imprisonment with hard labour as the minimum mandatory sentence. The other amendment was to make an offence of defilement enforceable against a female who has
carnal knowledge with a boy under the age of sixteen years. These measures are aimed at deterrence to would be offenders and convicts of defilement. AGBV Act brought in new provisions into the CJS by creating rehabilitation of victims and building of shelter. The aim in legislation is to ensure that victims of crime are reintegrated in the community and minimise trauma. It is also a modern way of dealing with victims to align the CJS with international standards that adhere to best practices of human rights. Defilement shares some common elements with the offence of rape but age of the victim is critical for defilement as it is a crime committed against children.
CHAPTER THREE: Getting set on the marks

3.0 Introduction

In this chapter, I discus methods which I used in research on assumptions 1 and 2 and discuss the findings and the impact of my findings on the first two assumptions. I discuss how I started my research from the time I identified the topic to the first steps in data collection. I came on the programme for the Masters in Women’s Law with some preconceived ideas on what I wanted to write as my dissertation. Because I understood the programme as one that teaches on the attainment of equality between men and women, I wanted to write on the imbalance in the roles of men and women in duties on raising biological children between husband and wife. After I was introduced to lessons in human rights courses, I changed my focus to a study in women in sex work. Without undermining the importance of research in the other two areas that I initially intended to research on, I settled on rehabilitation of victims of defilement which I did not initially think of. Unconsciously and unknown to me, I realised that the field of study on victims of sexual violence is appropriate to me because of the rising number of defilement cases in Zambia. The chapter looks at steps that I used in research topic identification, methods used to plan for research and initial preparatory works for research. It outlines the Department of Social Welfare’s role on victims. This provision in the law is relatively new yet the clock is ticking from the time that legislation was made and no implementation on rehabilitation is done.

3.1 First things first (making self assessment)

This research is deeply informed by my engagement as a police public prosecutor. Working in three different stations of Katete, Petauke and Chipata placed me in a privileged position to observe how the CJS is managed from the investigations and prosecutions point of view. Provisions in the AGBV Act are relatively new in criminal justice in Zambia. My study in women’s law is an awakening call for me to evaluate our legal system and evaluate compliance with legislation. I focused on victims and understood them as key players to my work as Prosecutor. I began to see the gap in between reality and what the law states.

The following figure demonstrates the usual patterns for dealing with victims in the CJS in Zambia.
When a case goes for trial, a victim testifies in the presence of an accused person, the Court is cleared according to the Juvenile Act so that only officers of the Court, accused person and his counsel are present at trial.

A victim is examined by a medical practitioner. Opinion evidence is given and a victim goes back with a signed medical form. Following advice from Police, a medical report is taken back to the police station.

A victim is interviewed, later given a medical report form ZP form 32, suspect detained by police as investigations are done. Victim Support unit officer offers counselling to victim.

A victim with parents returns to the police station to surrender a signed medical report, depending on evidence police arrest or release suspect. Regardless of police decision, a victim goes to family.

A victim is interviewed, later given a medical report form ZP form 32, suspect detained by police as investigations are done. Victim Support unit officer offers counselling to victim.

A victim with parents returns to the police station to surrender a signed medical report, depending on evidence police arrest or release suspect. Regardless of police decision, a victim goes to family.

**Figure 5:** Usual patterns for dealing with a victim of defilement
The procedure begins when defilement occurs in the community or family, a report is made to the Police who carry out investigations. Parents or guardians make a report on behalf of a victim and members of crime neighbourhood assist in this process. At the police station, a medical report form, ZP form 32 is issued. The hospital has a duty to give medical evidence and schools provide documentary evidence for age ascertainment if it appears that the victim’s age may be disputed because of her/his appearance for children between twelve years and fifteen years. When investigations are concluded, the matter is then taken to the prosecutor and finally to the courts of law for court process to commence. In this procedure, rehabilitation is not done at any stage indicated by the arrows in the diagram. When I examined section 30 of the AGBV Act, I thought rehabilitation should be done after trial although that is not what section 30 states but I was inclined to think that rehabilitation programmes should be done at the end of the court process because I did not know of any procedure for rehabilitation at pre-trial, and trial stage in the court process. As a prosecutor, I examined what role legislation or indeed administrative procedures require me to contribute in rehabilitation programmes but at this stage my view was that it was a job for the Department of Social Welfare and that a prosecutor is not involved. I then made my first assumption that: The Department of Social Welfare has a clear legislative mandate to initiate programs for rehabilitation of victims of defilement and my second assumption was that despite the enactment of the Anti-Gender based violence Act in Zambia the Department of Social Welfare does not provide programs for the rehabilitation of victims of defilement.

3.1.1 Setting arrows from paper to the ground (mapping research areas)

My first two assumptions were a guiding tool in coming up with the other four assumptions which I discuss in chapter four and five. As regards my first two assumptions, after listing them, my next task was to choose a research site. I chose Katete district because during the time I worked as a Public Prosecutor in this district statistics on defilement cases were high and highest among all other offences against morality. In order to collect a list of possible respondents, I identified the High Court registry in Chipata as source of names and addresses for victims of defilement. I collected five records from the High Court registry in cases which were no longer before the court. I then identified locations of five victims, their mothers and guardians who were all in Katete.
I also included on my map for data collection, the Department of Social Welfare, the Ministry of Gender, Public Prosecutors, Victim Support Unit and Magistrate’s Court, in order to find out whether rehabilitation programmes for victims of defilement are done. I needed also to collect the different voices from the actors on Government structures which deal with gender based violence issues.

3.1.2 It touches them most (interviews with victims)

These victims and parents were targeted as possible respondents for my second assumption using women’s law approach because it helps in critically analysing legal concepts and theories through the medium of women and men and from that point of reference, interrogates and investigates the law (Bentzon et al, 1998). By interrogating section 30 through victims, their parents/guardians and members of society generally, I wanted to know whether rehabilitation programmes are done. Out of the five case records which I collected from the High Court registry, I located four victims, whom I will name A, B, C and D in the order of visits that I made. Victim A was defiled by her sister’s husband; she was fifteen years old at the time the defilement occurred. Narrating what happened when different actors on government structures dealt with her issue she said that:

‘At the hospital I was given drugs. I was admitted to hospital for two days. I met the police; they asked me whether I had sex. I told them that it started in February, 2014. I don’t know the Social Welfare. No one helped me from social welfare. I went to St. Francis Hospital because of abortion, if it was not for abortion, I would not have gone there.’

The effect of this account is that according to victim A’s experience when she was defiled, she was never met a social worker. She did not go through any programme for rehabilitation as a victim. Section 5 of the AGBVA which creates a duty for a medical practitioner, police officer and nurse to inform a victim of the right to obtain shelter was not followed. If it was followed, victim A would have known the right to seek shelter from the DSW or the Young Women Christian association (YWCA).

Victim B, is a girl with the disease of the mind as such she was unable to talk with me on the duties of different actors. Victim A’s response was similar with the other two victims C and D. They all talked about the role of the Police that aim at evidence gathering and presenting evidence in Court. On the part of the hospital they all said that they were examined by a
medical Doctor but when it comes to the DSW, they all said that they did not meet any social worker and that they did not know anything about rehabilitation of victims.

Since this approach involves women and men also considering that these are children who may not understand all procedures which they went through, I interviewed their parents and guardians. One respondent who is victim B’s mother said:

“We went to St. Francis Hospital where they found that the child was defiled. At the hospital she was given treatment to avoid pregnancy. The police came here with Masiye Banda for him to be identified by the child and she identified him. My uncle and Brenda went to court to give evidence. She is an epileptic patient for twelve years now. She does not go to school because of her illness. Since this case happened, she does not talk much she usually stays alone and keeps quiet. She is twelve years old and she has menstrual cycles. The social welfare department has never come in her case.”

The response is similar in the cases of victim C, D and A when I interviewed the mother, grandmother and the mother respectively. The gist of what they told me confirms that rehabilitation of these victims was not done.

3.1.3 What the community knows (Focus groups)

I targeted another approach of data collection which is making the use of focus groups and sampling individuals. This approach helped me to gather different views from a wide spectrum of residents. I met them at market places where they come for trade. I interviewed a group of women and men at Kapata market to find out whether the rehabilitation programmes for victims of defilement are done by government agents. The group comprises of charcoal sellers from different locations within the township and they said:

“When defilement occurs you have to take the child to the Police first then to the hospital”

(3 people in the group supported this position whilst 2 said you have to start with the hospital then the police station, 4 were not sure).

They also said:

“The other office concerned with these cases is victim support unit at the police and YWCA. For Social Welfare Department, all that we know is that they help orphans. We don’t know about other duties that they have to do for children who are victims of defilement.”

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This response was similar to the views of women small scale stone miners at Gundula village said in Katete. The general picture of their responses was that defilement cases have to be reported to either the police or hospital and they did not know the role of the Social Welfare Department in defilement cases. This helped me to examine my second assumption and I found out that rehabilitation programmes are not done.

3.1.4 They tell it as they see it (actors and structures)

The actors and structures approach interrogates the possibility of any strategic plan of action which is directed towards maintaining, changing structures or to find ways to make use of opportunities within social administrative or legal structures. This focus is on different actors and the structurally imposed possibilities that influence how they can pursue their set goals or resolve their problems. (Bentzon et al: 1998)

Using the actors and structures method, I interviewed officers in Chipata from the Ministry of Gender provincial office and at the Department of Social Welfare, the Young Women Christian Association (YWCA) in Chipata and the World Vision in Katete. I targeted the Ministry of Gender because it is a Government Ministry that has the mandate to supervise all gender related matters on behalf of government. The DSW was targeted to test my first two assumptions on whether they have a clear mandate to conduct rehabilitation programmes and also whether they conduct rehabilitation programmes for victims of defilement. On the first assumption as to whether legislation was clearly giving the DSW do rehabilitation programmes for victims of defilement, a senior officer at the Ministry of Gender provincial office said:

“The Social Welfare Department has a duty to provide for finances, they are the government department empowered with funds for empowerment and rehabilitation programs. Rehabilitation programs include farming, metal work, but for defilement victims, it is counselling”.

This response informed me that DSW has a clear mandate to carryout rehabilitation programmes for victims of defilement. The ministry of gender does a supervisory role in all gender related matters but specific tasks are left in the hands of individual departments.
3.2 Who should be rehabilitated?

“Sexual violence has a profound impact on physical and mental health. As well as causing physical injury, it is associated with a wide range of sexual and reproductive health problems, with both immediate, long term consequences and even fatal consequences, including HIV/AIDS” (Population Council 2008)

To take seriously the need to identify who should be rehabilitated, we need to reflect on the impact of sexual violence, including defilement. As discussed by the population council, problems are associated with health challenges which can lead to a fatality. The need to make a child come to terms with life after sexual violence becomes very important. Any child missed out on rehabilitation might be an addition to statistics on fatalities that could have been avoided arising from psychological challenges.

During research, it was important to understand who a victim is when the Department of Social Welfare considers initiating rehabilitation programmes, for actors in the CJS to know when to engage the DSW. A senior officer in the DSW said:

“A victim is a victim regardless of the court outcome. For us, we consider that a child cannot just make an allegation without substantial facts and the court may acquit on any technicality, so we should rehabilitate all children who are victimised. We consider a child to be telling the truth even when there is no evidence.”

This resonates well with research done on whether children lie about being sexually abused. (Kinnear:1995;5) discusses Cantwell’s research on approximately 290 cases of alleged sexual abuse in Denver, Colorado, where only 9% of the cases were found not to be substantiated.

It is by greater percentage that a child says the truth on allegations of sexual abuse. Whilst judicial procedures consider the perpetrator innocent until proven guilty, the provision for rehabilitation does not depend on laws of evidence. A victim is entitled to rehabilitation immediately after allegation is made. It is not interference of investigations for the social worker to be involved with rehabilitation when police are conducting investigations. Police should work together with DSW during investigations. As police gather and preserve evidence, the DSW should ensure that the child is in a good environment to minimise trauma. Whilst this is the ideal situation, it is not done in Katete district. Rehabilitation should run side by side with the CJS. It places the DSW as part of the court process because the child should be with a person whom she/he trusts to be present during trial.
Laws of evidence, on a child’s testimony raise the need for rehabilitation and the presence of a social worker during trial is needed. It is a requirement under section 122 of The Juveniles (Amendment) Act number 3 of 2011 of the Laws of Zambia that if the evidence is given by a child under the age of fourteen years on behalf of the prosecutions, the accused person cannot be liable for conviction unless that evidence is corroborated by some other material evidence. Because corroboration of a child’s evidence is a creation of The Juveniles Act, it is a requirement as a matter of law. The effect of this is that if no other evidence capable of corroborating a child’s testimony exists, no conviction or judgement can be based on it and if a conviction or judgement is obtained without corroboration of the child’s testimony, it must be set aside on appeal.

Corroboration is defined as:

‘support or confirmation in evidence it is any rule of law or practice which requires that certain kinds of evidence be confirmed or supported by other, independent evidence, in order to be sufficient to sustain a given result, such as conviction in a criminal offence’ [Murphy 2000:495].

This requirement, for a child who is already traumatised can be further trauma if a case is lost on account of no other evidence that confirms or supports the evidence of a child. This legal requirement has to be explained to a victim in order for her to understand that loss of case is not her fault and avoid self blame for the acquittal of a perpetrator if it happens. This task is for social workers during rehabilitation, however for Katete, this does not happen.

3.3 About cooperating partners

Some government programmes in Zambia are supported by Non Governmental Organisations (NGO). In rehabilitation programmes for victims of defilement; Katete is covered by the YWCA which is centrally located in Chipata 85 kilometres from Katete, to provide for the entire Eastern Province of Zambia. YWCA has a safe house to provide shelter for victims of defilement. I interviewed a paralegal officer at YWCA who said:

“We have a safe house and I operate from there. It is located in Chipata. We receive victims from other districts. We had two cases from Katete; one victim was 12 years old and the other was 14 years old. We retrieved them after having information from the traditional chief and these were cases of early marriage.”
This shows how the YWCA compliments on government efforts to rehabilitate defilement victims. The report was made by the traditional leader and no mention of the involvement of either the Police or DSW is made. The action of the traditional leader resonates well with the provision of section 5 of the AGBV Act. Whilst two girls were rehabilitated from Katete, these statistics are not known by Government Departments which are mandated to run rehabilitation programmes in the district and I confirmed this during research from the victim support unit in Katete who are not aware of the chief’s report. The YWCA is not adequate to rehabilitate all cases in the province with only one safe house as such its efforts can only go as far as their capacity can permit.

Katete is also host to the World Vision who are currently running the one stop centre at St. Francis hospital. I interviewed Mr. George Siame the sponsorship facilitator for the one stop centre in Katete. He said that:

“For defilement cases, the people under one stop centre we have one personnel from the police so that if the case relates to crime, the perpetrator is arrested. We have our staff trained in social work and a hospital staff for health related issues but we don’t board victims but keep them for a short period of time on the day that the case is reported.”

The operation of one stop centre is aimed at placing all players in the Anti GBV crusade together in order to ease the burden of accessing services. They don’t however have a rehabilitation programme for victims. Notably the DSW has no staff at the centre. Social workers under the centre are employed by the World Vision. In terms of information sharing it means that the DSW will depend on information to be brought to them and not enjoy first hand information because of their absence from the centre.

3.4 What it ought to be and what it is

Rehabilitation is a human rights issue to a victim of defilement. The right holder must therefore know the right that he/she is entitled to. Victims, parents and guardians that I interviewed are not aware that rehabilitation is provided in legislation in Zambia. This means that they cannot claim the enjoyment of this right from the state. If the citizens are not aware of the legal provisions then leaders relax in implementing what the law provides. The government should not have a partial implementation of the fight against defilement but fulfil the law on rehabilitation too. The DSW is waiting for a shelter to be built for them to start
offering rehabilitation services. Whilst defilement statistics are on the increase, victims are not benefiting from the legal provisions that have been achieved.

Considering my assumptions, I found that section 30 of the Anti-Gender Based Violence Act gives a clear mandate to the DSW for them to initiate rehabilitation programmes for victims of defilement. The law clearly puts this duty in the department’s jurisdiction. The department is run by social workers who are experts in counselling and are better placed to run rehabilitation programmes. I found that on the ground no victim has been rehabilitated despite the law in place.

3.5 Conclusion

A rehabilitated victim should benefit from the law even when the perpetrator is not convicted before the Courts of law. Rehabilitation should be carried out at the earliest possible time when a case is reported. It does not depend on the successful prosecution of the perpetrator. Government complied with international standards which it committed itself by enacting the AGBVA. The Act provides for rehabilitation programmes with a clear mandate for the DSW to conduct these programmes. The DSW is not conducting rehabilitation programmes on account that they cannot do any programme unless they have all that which should be in place for rehabilitation which is a safe house that is established with staff at that shelter. The YWCA in Chipata has shelter for victims of defilement but it caters for the entire province. It is not adequate for this shelter to accommodate the high numbers of defilement cases in the entire province and it shows why Katete has only two children who were rehabilitated at the YWCA shelter. World Vision is responsible for the operations of the one-stop centre at St. Francis hospital in Katete. The centre receives cases of defilement from the community and was established to centralise services that concerns GBV. It lacks in services for rehabilitation because there is no safe house to keep victims. Not all departments that deal with defilement cases are represented at the centre because the DSW has no officer there. The Police have an officer for the criminal part, World Vision provides counselling, the hospital provides medical help but the rehabilitation process does not commence because of the lack of shelter as a victim cannot be boarded.
CHAPTER FOUR: From Paper to the Ground

4.0 Introduction

Chapter four looks at assumptions 3 and 4 on methodology and findings. These assumptions were a build-up from the first assumption. After discussing the methodologies used, I discuss my findings on those assumptions and how these findings made an impact on my findings. I got access to the DSW, politicians, the local authority and the district administration differently. In some cases, I easily interviewed officers whilst in some cases; I was referred to seek authority from higher authorities. Whilst in Chapter three I discussed social workers as actors whom I planned to interview, the chapter does not explain how I got access to them which I endeavour to explain in this chapter. Considering the depth of work in Chapter four, new methods were introduced to triangulate data with issues that were emerging and not anticipated during my planning session for research. I also step forward to find out why rehabilitation programmes are not done.

4.1. Getting access to Actors concerned

My third assumption was that the DSW has no strategic plan to initiate programs for rehabilitation of victims of defilement. This is an internal issue from the DSW which I found out. The department requires that clearance from the departmental director be obtained before any research is done. Since the cost of travelling to Lusaka is high, I got assistance from the Provincial Administration office who gave authority for the DSW to allow my interview. My position as Public Prosecutor in Government was very helpful for other government agencies to entrust me with information for they knew that I know the limits of information sharing to non members of the Zambian Government.

This bureaucratic procedure required at DSW is not uniform in all other government departments and corporations. For instance, I involved the local authority to find out how they plan to put shelter for rehabilitation of children in the district using the constituency development fund. The local authority did not require clearance from the Ministry of Local Government and Housing or any other authority as was the case with DSW. However, I did not endeavour to find out why there was variance in the way procedures were done under the
same government as departments make their own guidelines in certain matters that are specific to them which might not apply to others.

Because of the need to assess political will in developmental issues, it became important for me to engage politicians on how they want to implement the law through political will. This was so in order for me to make a finding on the fourth assumption. I managed to interview four representatives of different political parties which includes the ruling Patriotic Front (PF), the former ruling party, the Movement for Multi-Party Democracy (MMD), the United Party for National Development (UPND) and the Rainbow Party (RP). Access to these political leaders was easier because I know the geographical location of the research site well as I was previously stationed in this district when I worked as Public Prosecutor. Some of them are people whom I have known for some time and so they were willing to be interviewed. They know me and this made it easier for them to discuss matters that concern their parties. 2016 being an election year placed me in a privileged position with politicians because they are eager to share aspirations that their organisations have for electorates.

4.2 Building it as I role it on (grounded theory approach)

My data collection method from one actor to the other and from one respondent to the other was informed by the grounded theory. This process involves connecting testimonies of women’s lived realities and perceptions about norms to constantly engage with each other for the purposes of helping the researcher to decide which data to collect and how to interpret it. (Stewart, et al: 2001).

When I started collecting data, I had not anticipated that I will need to interview the local authority. After knowing that the district receives constituency development fund through two parliamentary constituencies of Mkaika and Milanzi, I decided to interview the Council Secretary because Constituency development Fund is received by the local authority. After interviewing the council secretary, I found need to interview the District Administration, the Gender Committee chairperson and Politicians. At every stage of research, I found a new area of need to follow-up on research. I had planned only to interview the social workers and the officers at the National Assembly office but did not plan to interview the District administration and politicians because I did not anticipate that I would need data from these actors on infrastructural development. The focus was aimed at a small number of respondents
but as I started moving on the ground, the load was building up as a beetle that builds up a dung ball whilst rolling it from place to place.

4.3 Outcome of my long journey

The DSW was central to my third assumption that the department has no strategic plan to initiate rehabilitation programmes for victims of defilement. Rehabilitation programmes involve huge amounts of money for establishment of shelter, human resource engagement and day to day logistical support for the maintenance of rehabilitation centres. Such work needs a systematic and consistent way for implementation which is based on a well coordinated plan. A senior officer in the Department of Social Welfare told me that there is no strategic plan for rehabilitation of defilement victims as a department but that individual officers initiate strategic plans no how to implement this statutory duty. It is in this vein that programmes for rehabilitation of victims of defilement are not done because the department has not planned for its implementation in Katete in the first place.

On infrastructure development, the Provincial Social Welfare officer said:

“When it comes to engaging politicians to build a safe house for rehabilitation, in Katete we have not involved them on Constituency development funds but in Nyimba which is another district in Eastern Province we have done that”.

This response led me to find out from Politicians what their plans are on the issue of building shelter for victims of GBV. The ruling party (Patriotic Front) representative Mr. Mustafa Banda who is Eastern Province Publicity and Information Chairperson said that his Party had not done anything for the establishment of shelter in the district because the Council Chamber’s seats are held by the former ruling party the Movement for Multi-Party Democracy (MMD). For him, if they had majority seats in the council chamber, they would build shelter for victims of defilement but that at the moment they only have one counsellor who cannot sway the chamber with the will of his political party. The MMD representative, Mrs Esnart Siadaala Phiri informed me that her party has the passion and determination to build shelter for victims of defilement adding that it is her party which initiated the AGBV Act whilst in Government but that it is not possible to implement it now because the ruling party does not want to implement developmental programmes which are viewed as benefiting an opposition stronghold. The United Party for National Development and Rainbow Party
had a similar explanation stating that, they were unable to implement section 30 of the AGBV Act because they have no representation in the council and were not in government. They said that when they form government children will be at the centre of their developmental policies and shelter will be built in the district.

On assumption number four, I realised that for my research to be focussed with respondents, I needed to have a separate approach on infrastructure development and a separate data collection points for Funds allocation. I therefore split the forth assumption into two new assumptions. My new fourth assumption now read: There is no infrastructural development to enable the Social Welfare Department function according to international standards and my new fifth assumption read: There is no allocation of resources to the DSW to enable it to initiate rehabilitation programs.

On infrastructural development, I interviewed the district administrative officer for Katete who informed me that a sponsor had come forward with a view to build shelter. The council secretary informed me that no Government department had made a request from the Constituency development Fund (CDF) in the District Development Coordinating Committee (DDCC) and that if such request was made consideration would equally be made towards building of shelter.

I decided to interview the chairperson of the gender subcommittee, who said:

“*We do not have safe houses for rehabilitation of victims of defilement at the moment. We managed to identify a house under community development with the Social Welfare Department but we have a challenge with sources of food, water, wall fence, workers and counsellors*.”

The house identified belongs to the Department of Community Development which is under the same Ministry with the Department of Social Welfare. I visited the Department of Community Development and a social worker there informed me that they have many houses which are available for government to use as shelter for victims of defilement. The district has an advantage of infrastructure already but implementation of rehabilitation programmes is not done owing to lack of human resource, safety at the house identified and funds for incidental expenditure during operations for the centre.
4.4 Lessons on administrative structure

Decisions on infrastructural development and other matters incidental or connected with gender are discussed under various committees at district level. During the 30th October, 2012 UPR, Zambia received a recommendation from Hungary to take the necessary steps to ensure effective implementation of the AGBV Act. In response, Zambia accepted to implement the Act by establishing multi-stakeholder committees to spearhead the implementation of AGBV Act. These multi-stakeholder committees are placed within the authority of the Ministry of Gender for implementation. It is through the gender based violence committee that a safe house can be initiated for building, and find strategies for maintaining activities of rehabilitation centre. In Katete, the structure of these committees is represented through the diagram below:

**Figure 6:** structure of administrative committees for gender issues in Katete district linking with the Province

He stated that each government department has a gender focal point person. All gender focal point persons form the gender committee and choose a chairperson from among themselves. Currently the chairmanship is held by the Public Works Department (PWD). The Gender
committee has a wider mandate to deal with all issues that are gender related. The other committee is the Child Justice Forum. It is a forum for departments which deal with juvenile offenders for instance the Judiciary, Department of Social Welfare, Zambia Police Service, and Correctional Services Department. The role of the Child Justice Forum chaired by the judiciary is to deal with matters that concern the welfare of juvenile offenders. The third committee is the Gender Based Violence Committee. It has membership of government departments that deal with matters concerning victims of GBV for instance assault, rape, and defilement. This is the committee that is involved with matters concerning rehabilitation of victims of defilement.

All the three committees at the district level report to the District Development Coordinating Committee where the District Administrative Officer is the gender focal point person. It is the responsibility of the district gender focal point person to report to the provincial planning unit. This structure is important for initiating programmes for the development of shelter to the government. The council secretary, the gender committee chairperson and the social worker at department of community development all testified that discussions on shelter have been addressed in the DDCC but shelter has not been built yet.

4.4.1 Observations on administrative committees

“Under the observation method, the information is sought by way of investigator’s own direct observation without asking from the respondent. For instance, in a study relating to consumer behaviour, the investigator instead of asking the brand of wrist watch used by the respondent, may himself look at the watch.” (Kothari: 2004;96)

Using my experience working in the CJS, I have attended meetings in the child justice forum and the gender based violence committee. I have never attended the gender subcommittee because I have never been a gender focal point person for the department. The strengths of these three committees differ. The gender based violence committee has representation of departments but its members are not permanent. I found a weakness with the supervision for this committee because meetings are not taken with the seriousness it should attract. Tasks are given to individual departments in meetings but the next meeting yields fresh resolutions and persons who attended the previous meeting are usually not present for a follow-up. Departmental representatives do not give briefs to all members of the department and so
information is not shared to prepare the next representative for the coming meeting. This is
the same situation that is obtaining in the child justice forum.

Though the child justice forum is concerned with juveniles in conflict with the law, it is an
administrative committee. Considering that section 138 (4) of the Penal Code deals with a
child above the age of twelve years who commits defilement, the child justice forum is
central to matters of counselling and rehabilitation for juvenile cases. The handbook on
Juvenile Law in Zambia identifies a juvenile in need of care as one on whom a crime has
been committed on him or her.

Gender based violence committee, if properly managed can propose to the Department of
Social Welfare to produce a strategic plan for the establishment of shelter or make a
committee’s strategic plan for implementation of the AGBV Act. Zambia is on a path to full
decentralisation of government functions. Currently, districts submit plans and expected
expenditure for the National planning and National budget allocation, this means that input
from districts is important for the committees to consider.

The situation as regards representation is different with the gender committee. This
committee has representation from gender focal point persons in all government departments.
Since representation is placed on a gender focal point person, there is consistency in
attendance during meetings. But this committee does not only discuss matters that concern
the victims of gender based violence but all matters that involve gender. The gender based
violence committee is better placed to deal with issues of victims than the gender committee.

4.5 About funds

My assumption was that there is no adequate funding for the DSW to initiate rehabilitation
programmes for victims of defilement. The gender committee chairperson for Katete district
told me that the Social Welfare Department complains of lack of funding to initiate
rehabilitation programmes for victims of defilement. I learnt through this research that CDF
is meant for developmental projects but running and maintaining a rehabilitation centre
should have a separate source of financial support. This task involves tracking the national
budget in order to understand whether Parliament allocated money towards shelter
construction and rehabilitation or not.
The media at BREEZE FM, a community radio station based in Chipata but covering about ninety percent of Eastern Province was helpful to me in the follow-up on budget tracking. The media house representative said:

“We have a program of budget tracking; we go round in the community to check on programmes which government is initiating. We check government allocation on the national budget and see whether that is implemented then we follow the government officer and ask how the allocation was used.”

The budget tracking programme is a tool for accountability among government departments. It is aimed at the public to make further follow-ups with political leaders, so that Government does not misappropriate budgetary allocations. The programme is live on radio on every Tuesday at 07:30 hours. When I interviewed Katete residents who mine stones at Gundula village, they informed me that they are unable to get the BREEZE FM radio signal at the moment but that it was available previously. A group of business persons selling charcoal in Chipata informed me that they are unable to listen to radio at 07:30 hours because that is time for preparation for their business. The effect of this is that the intended purpose for the budget tracking programme is not fully achieved. A repeat of the programme could have been helpful for other listeners but this is not done.

Allocation of funds for the maintenance of shelter was not an immediate concern for most actors whom I interviewed on funding. The concern was on shelter. Social workers anchored rehabilitation to the establishment of a safe house and so would not discuss funds for initiating rehabilitation programmes without infrastructure. There is lack of funding to the DSW in order for the department to initiate rehabilitation programmes. There is need to maintain sanitation at the safe house, workers to maintain the house should be paid and all basic needs required by the child should be given to the child by the state.

4.6 Whose duty is it to build shelter?

The government has a duty to initiate developmental projects to all citizens. Rehabilitation centres are primarily placed in the hands of government to build. Government however works with other cooperating partners in developmental issues. The district administrative officer at Katete said that ‘somebody’ has come up and wants to build shelter for the victims of GBV in Katete. Though he did not mention who that is, Government can receive a donation from a Non-Governmental Organisation as is the case with Chipata district where the YWCA owns
and maintains shelter for child victims of GBV. The other source of funds is through corporate bodies through their corporate social responsibility to the community. Katete has a cotton ginnery for North Western Cotton Company (NWK). It also has many other business persons running lodges and shops. If the business community gets into partnership with government, shelter can be built.

Developmental programmes are initiated by the District Development Coordinating Committee and influenced by politicians. Political will is the driving force for programmes that are initiated by actors in government structures. It is therefore progressive when politicians are involved in building of shelter. The current situation though is that each player waits for the other. Politicians blame each other.

4.7 Who needs rehabilitation in Katete?

My first assumption looks at the lack of infrastructure and funding as the reason why rehabilitation of victims is not done. In the light of failure to initiate rehabilitation programmes for victims of defilement, it is imperative to consider statistical data for victims of defilement in Katete. I found statistics from the Victim support Unit as shown on the table below:

![Figure 7: graph showing defilement cases which were reported in Katete from 2012 to 2015](image_url)
The figure shows reported cases and cases that were taken to Court in the years 2012, 2013, 2014, and 2015. It shows that defilement is on the increase therefore the need for rehabilitation of victims is also on the increase. This means that establishment of shelter is much needed today than yesterday. The graph is representative of reported cases only but some cases are not reported to the Police. I limited myself in the use of these statistics to increase in numbers of reported defilement cases which justify the need for rehabilitation and not necessarily analyse the reason for the increase in defilement occurrence.

I interviewed guidance and counselling teacher at Omelo Mumba basic school in Katete and she informed me that she deals with 200 cases of sexual violence per month at her school which has a population of 2000 pupils. This represents 10 percent of the school population. Some of those children are represented in the Police statistics because victim D is a pupil at this school but 200 pupils also shows that many other children are not helped through the CJS yet they require assessment for rehabilitation.

Police statistics are informative of what administrative actions can bring in the affirmative on the fight against GBV because crime patterns can be monitored against efforts to solve the problem. The numbers of reported cases increased in 2014 owing to the establishment of a one-stop centre at St. Francis hospital. I take it that if people see that they can be helped, they follow services that are available for help. A rehabilitation centre might be another catalyst to affect statistics and reveal more numbers that may inform that defilement is wide spread in the district.

4.8 Conclusion

A strategic plan is the basis for action in the establishment of rehabilitation programmes for victims of defilement. The lack of a strategic plan by the DSW is detrimental to the process of implementation of legislative provisions in the AGBV Act. Building of shelter for victims can be a landmark in AGBV Act implementation by the state. There is need for partnerships in order to maintain the operation of the centre. Human resource is the daily need at a rehabilitation centre which the department does not have. A house is available though shelter was not established because of the lack of logistics and efforts are under way to establish shelter with hope that logistical support will be in place when shelter is built. With all excuses and explanations that limit the state from implementing section 30 of the AGBV Act,
there is an increase in the number of reported cases of defilement. For now, the position of the DSW is to do nothing until all necessary arrangements and establishment for shelter are put in place. This means that the psychological effects associated with defilement will not be attended to until everything is provided to the department according to their theories for rehabilitation in their proficiency.
CHAPTER 5: Does anyone care?

5.0 Introduction

This chapter focuses on the methods which I used to work on the fifth and sixth assumptions and my findings. My main respondents are actors in various sister concerns on rehabilitation; to establish different angles why rehabilitation programmes are not done in Katete. In Chapter four, I dealt with how actors have utilised planning in order to have a strategic plan for rehabilitation and establishment of shelter. Observation of the situation on the ground is one of the methods I use. Basically, I use explanations from social workers and appreciate their input for the need of rehabilitation and then examine whether they know the relevance for rehabilitation by making a comparative approach to available literature on the subject. I focus on media houses as auxiliary establishments to developmental programmes focusing on the establishment of shelter.

5.1 The other way to get it done

I made observations during my research in order to relate my assumptions to the law and what actors in the Department of Social Welfare and other social workers said. I was testing my fifth assumption which is that the relevance of making rehabilitation programmes for victims of defilement is not clear to some social workers. To substantiate this research, I created a new dimension of research from journalists who share a similar training in their field of expertise on psychology. I wanted to weigh both sides and confirm whether the relevance for rehabilitation was clear for some social workers in the DSW. In order for me to examine my fifth assumption before interviewing journalists, I made a new assumption that the media understands their role to influence politicians to build shelter for victims of defilement. This assumption is linked to the need for shelter which social workers told me that rehabilitation can’t be effective unless there is shelter. To understand the role of the media I used the actors and structures approach.

I had my sixth assumption that there is no monitoring or evaluation mechanism aimed at ensuring efficient service delivery of the DSW by the Ministry of Gender, the Human Rights Commission, and Victim Support Unit of Police. On this assumption, I used observations in
the Ministry of Gender, the Human Rights Commission, and victim support on their interaction with the DSW. Mainly, I examined whether these establishments had a platform to share data and make joint follow-ups of victims.

In this task I made use of interviews. I interviewed three social workers, four journalists, six police officers, two court officials, the District Education board secretary at Katete (DEBS) and one guidance and counselling teacher at Omelo Mumba Basic School. These interviews allowed me to get views from other actors on the observations which they had on the relevance of rehabilitation programmes for victims of defilement.

5.2 Responses from experts on relevance of rehabilitation

I interviewed a social worker at YWCA on the relevance of rehabilitation and he said:

“If trauma is not dealt with, it can lead to death and such a situation has no answers. Some survivors begin to isolate themselves from others. It brings bitterness and anger.”

This response is closely related to what the social workers at Department of Community Development and Department of Social Welfare said. The consequences of trauma can lead to a broken society or fatality according to these experts. They also said that other methods of counselling can be employed away from shelter; for example home visits but that placing a child in a shelter is paramount and failure to which counselling was not effective. This was common response from all social workers whom I interviewed.

I interviewed a journalist form the Zambia National Information Services in Katete district to understand the relevance of rehabilitation and she said:

“When one is a victim, there is need for an environment which offers care and counsel but victims are left to stay with the perpetrators. This is why at Court these cases are withdrawn prematurely. Children grow humiliated, demonising every man they see in adulthood. They keep referring to the torture and if not checked in future we may see a generation of law breakers who seek revenge for their past experience. Going by psychology, if an act is done once and not corrected chances of re-occurring are 50%. Children of a perpetrator may become of what they witnessed. This is why incest occurs in families and perpetuates because children of the perpetrator and other family members witness the crime.”
This response was similar in my research when I interviewed other media houses at Mpangwe FM, Breeze FM and the Daily Mail. The characteristics for sexually abused children as listed by the UNICEF share the same information as my respondents stated. I then examined my fifth assumption as to whether the relevance of rehabilitation is not clear to some social workers? I found this assumption challenged because social workers know the relevance of rehabilitation for victims of defilement.

5.2.1 The angle taken by sister concerns.

This research taught me that rehabilitation is not a preserve of the DSW alone but that other departments and organisations have a part to play. I examined whether individual departments and organisations coordinate with the DSW. I had a focus group discussion with three members of the Network of Zambian People living with HIV (NZP+), at their office in Katete. These respondents testified in reference to their work that:

“We have support groups which are coordinated by zone leaders in the communities. When defilement occurs, these refer the case to authorities.”

The NZP+, focus on the impact of HIV in the community. According to them they have some members who acquired HIV because of defilement while some children who are already members of the network are defiled too. The approach used for them is to zone the district and have zone leaders. They monitor sexual abuse occurrences through these community leadership initiatives and report cases to the authorities which include health personnel to prevent HIV infection, and the Police to arrest the perpetrator. The DSW is however not part of this network. They do not use it to follow children who are exposed to HIV for rehabilitation.

I could not interview the medical Superintendent at St. Francis as he could not allow it because of the procedure requires clearance from the University of Zambia. He said:

“The University of Zambia should first issue an ethical approval through the University of Zambia ethical committee and then get permission from the Permanent Secretary at the Ministry of health”

The bureaucracy faced at St. Francis hospital hindered my investigation on the hospital’s coordination with the DSW however, I rely on NZP+ on HIV. My concern with HIV and the health institutions’ response is to assess the coordination and monitoring of the social welfare
programmes by other institutions. I found however that DSW does not exchange notes with NZP+.

On education, the District Education Board Secretary said:

“In schools, we have guidance and counselling teachers to help children who have psychological problems; we assess their condition and help to process transfer for them to join other schools. This depends on request from parents and not imposed on them. If a sexually abused child is not transferred, it is the guidance and counselling teacher who takes charge of reintegrating the child.”

Their primary concern is the welfare of the child in school. They work to ensure that the child receives her education in a good environment and coordinate with parents or guardians on the need for the child’s transfer or not. Although transferring a child must be in the best interest of the child. If this is imposed on the child, then the child is punished instead. One concern from the DEBS is that guidance and counselling teachers are few. Some schools use unqualified teachers in this field to serve as guidance and counselling teachers. She did not talk about the involvement of DSW to rehabilitate victims because this service is not provided in Katete.

5.2.2 Lessons to learn

The impact of defilement on a victim involves many issues. The health of a child might be affected. The advent of HIV and AIDS might complicate health issues. The idea to come up with a one-stop centre draws heavily on the lessons learnt on the need to centralise all efforts that involve a defiled child. It is aimed at creating an environment where a child can receive treatment from the health personnel; receive police duties and psychosocial counselling under the same roof. What lacks however at the one-stop centre in Katete is referral to the rehabilitation centre since the district does not have any? The one-stop centre also has no presence of a social worker from the DSW; as such the department has no involvement at the one stop centre.

The Ministry of Education has fewer guidance and counselling teachers. The expertise to identify and help defiled children might not be effective if this department is understaffed or not existing. The child might trust a teacher for sharing information on the sexual abuse and
not any other person and so the guidance and counselling department creates a good environment for capturing information on abused children who need rehabilitation.

5.3 Who sees what is happening

“The Ministry of Gender and Child Development as the Government Agency responsible for coordinating all Ministries, their statutory bodies and other government agencies on gender matters shall put mechanisms and operational instruments in place to ensure effective co-ordination and successful implementation of the Policy aimed at attaining gender equity and equality”.
(National Gender Policy: 2014)

My sixth assumption examines monitoring mechanisms among departments concerned with rehabilitation. Whilst the relevance of rehabilitation is known by social workers, and whilst it is noted that shelter for rehabilitation of children is not yet built in Katete, I examine how other organisations relate with the DSW. The Ministry of Gender is responsible for gender matters as provided in the national gender policy: The national gender policy is a guiding document for the ministry of gender; on measures aimed at reducing GBV through the increase in institutional facilities for provision of services to GBV survivors. Such institutions include: one-stop centres, safe houses, and shelters.

As an overseer of gender issues, the Ministry of Gender should have communication mechanism with the DSW on rehabilitation of victims of defilement prospects. When I interviewed the chairperson of the gender subcommittee in Katete he told me that the Ministry of Gender visited Katete district to establish gender committees which at the time of visit were already established. These committees do not report to the Ministry of Gender from the district but at the provincial planning unit. The Ministry of Gender therefore has fewer mechanisms to monitor rehabilitation programmes for victims of defilement.

The Human Rights Commission has the mandate to monitor human rights abuses and issues that concern human rights in the Country. Rehabilitation is a human rights issue and therefore a concern for the Human Rights Commission. I visited the commission’s regional office in Chipata and a senior officer said:

“Our role for child victims is to do an oversight role. We don’t have shelter; we work with YWCA and visit and inspect buildings to see conditions. We don’t have YWCA in Katete. We cover the whole province and to my knowledge Katete has no shelter for victims of sexual violence. Usually the commission does not prioritise this area but concentrate more on prison visit.”
YWCA has sister organisations and they can help to locate victims of defilement.”

The Human Rights Commission is the overseer of human rights issues. The officer at Human Rights Commission stated that the commission does not prioritise this area but concentrates on prisons. It means that there is no balance in approach; the rights of perpetrators have been more protected than the rights of victims. This has an impact because if the Human Rights Commission as a watchdog does not monitor a human rights issue, it will not be reported and when it’s not reported then implementation may not occur.

The victim support unit of the Zambia Police Service Department is mandated to investigate defilement and make arrest according to the evidence gathered. The section has its presence in the one-stop centre at St. Francis hospital. It receives information through these platforms on defilement. I wanted to know how this section monitors rehabilitation programmes for victims of defilement. One officer under VSU said that she could not remember when her section last involved the DSW in victims of defilement. Simply it means that there is no involvement of the DSW with victims, the police therefore do not follow how a victim recovers psychologically as there is no exchange of notes with the DSW.

5.3.1 Police and a victim

The police have a mandate to deal with a victim for the purposes of collecting evidence and preserving it for court process through the victim support unit (VSU). The function of rehabilitation is sorely in the hands of the DSW. I interviewed the head of prosecutions in Chipata to understand if in the absence of rehabilitation programmes, the victim support unit fits into the role of the DSW to prepare adequately a victim for court process. He said:

“The victim support unit also lack infrastructure. Victims are usually interviewed in crowded offices where other officers are present. Not each officer has a separate office. Social welfare do counselling of victims, they also represent victims when need arises, this is when the prosecutor alerts them of the need to counsel a victim depending on how a victim comes out towards the case whether she is ready to testify or appears frightened.”

What this means is that currently the victim support unit has no capacity to complement the work of rehabilitation. The failure for the VSU is on infrastructure and expertise. Usually office space does not offer a required environment for a victim. Officers are not social workers with the expertise to determine trauma and give the required rehabilitation. He stated
that a prosecutor alerts the social worker for purposes of the need for rehabilitation. I inquired from him how prosecutors are equipped with the expertise to determine trauma in a child and he said:

“I benefited in the program of training magistrates and public prosecutors in victim management when I was on the copper belt province but unfortunately, this did not benefit all prosecutors in Eastern Province”.

This informs me that not all prosecutors received the basic knowledge to understand the need for rehabilitation of a victim. Whilst I did not assess the rate of failure of cases before the courts of law in defilement cases, he described the court environment as a challenge. I share his view because in my assignment as Public prosecutor, I know that infrastructure in court rooms is not conducive for the child. To counter this environment, there is need for coordination between and among government departments. Every defiled child has to be assessed by a social worker to determine the need for rehabilitation. There is no presence of a social worker at every defilement case reported at the Police station as such nothing is done to adequately assess the child’s trauma.

5.4 Who blows the whistle?

My last assumption is that the media understands their role to influence politicians to build shelter for rehabilitation of victims of defilement. This is a measure of expertise which I relate to relevant literature that is available. I do not set a determining factor for expertise in this research but compare the responses given with literature on the subject. In a democratic society like Zambia, the media is an important tool to create an awakening call in order for authorities to implement legislative provisions. I was motivated by the budget trekking programme at BREEZE FM7 in Chipata and wanted to understand the impact that the media can make in their efforts to expose deficiencies in developmental projects. Zambia has a good environment for the private and public media to compete together. Katete is covered by six local radio stations, several print media houses though all these are National media houses, one local television station and two national television stations.

7 This is a community radio station that broadcasts to the population in Eastern Province with programmes in English and Nyanja
I interviewed the district information officer from Zambia National Information Service (ZANIS) in Katete to find out the relevance of rehabilitation for victims of defilement. She said:

“When one is a victim, there is need for an environment which offers care and counsel but victims are left to stay with the perpetrators. Children grow humiliated, demonising every man they see in adulthood. They keep referring to the torture and if not checked in future we may see a generation of law breakers who seek revenge for their past experience. Going by psychology, if an act is done once and not corrected chances of re-occurring are 50%. Children of a perpetrator may become of what they witnessed.”

Available literature on the subject of is stated as follows:

“...many young men may view violence against women as a socially accepted extension of their male authority. Such internalisation of violence against women and children has led to violent sexual behaviours being defined as normal...” (Muller et al. 2009: 63)

Available literature discusses societal context and sexual violence. A practice that is wrong may gradually be accepted as normal to a particular society because of repeated practice. Rehabilitation is placed to correct the wrong that has been experienced by a child to break the trend. This testimony outlines characteristics of sexual abuse. She was referring to the situation in Katete where victims do not go through rehabilitation programmes owing to the lack of shelter in the district. She notes that a good environment for care and counsel away from the perpetrator is cardinal for a smooth running of the Court process.

The Journalist at ZANIS also talked about victims making a reference point to the torture in life and linked it to the reason for a violent generation. She gets a reference point to psychology that such acts have a chance to reoccur in future. Rehabilitation brings back a victim to a position of understanding what happened and moves on with his/her life.

This is similar to what the station Manager at MPANGWE FM8 in Katete. He equally testified on the effects of the lack of rehabilitation and added that the Chowa9 culture was not favourable for a traumatised child. He linked this to early marriages which are entered into by

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8 This is a community radio station in Katete

9 A dominating tribe in the three chiefdoms of Katete
children at the age of 13 years as puberty is the determining factor whilst statute considers the attainment of the a particular age. He testified that lack of rehabilitation programmes exposes a child to an environment that approves the act especially for children between 12 years and sixteen years.

In my observation as I interviewed media personnel, I found actors who even if they were not directly placed with the responsibility to initiate, organise and supervise programmes for rehabilitation of victims of defilement were vested with the knowledge for the need to have these programmes. A well informed media is central to the implementation of legislative provisions because it understands whose role perpetuates failure of implementation. The social welfare department in this case are waiting to have an establishment of shelter for them to start rehabilitation programmes. The media understands that shelter construction needs political will as such exposing this issue can attract implementation.

5.5 Conclusion

A well informed civil service is reliable for implementation of statutory provisions. It is the case with the DSW that they articulate characteristics associated with sexually abused children. Having the expertise however is but one step towards a state’s desire to deal with rehabilitation of defilement victims. The problem has other factors associated with it. It does not only involve the DSW to deal with victims of defilement. Other government departments and non-government organisations deal with children too. This multifaceted approach towards defilement demands that a common agenda be created. For effectively initiating rehabilitation programmes, there is need to have monitoring mechanisms with sister concerns. This link lacks in the case of Katete. The lack of shelter is a major hindrance for rehabilitation because social workers hinge the reason for lack of rehabilitation to shelter. This calls for development agenda by politicians. The media is instrumental in exposing laxity in political will towards the attainment of shelter for child victims. This can only be done when the media is taken on board to understand the need for rehabilitation.
CHAPTER 6: Conclusions and Recommendations

6.0 Introduction

“We hold our dreams and ideals close to our hearts, where the promises are made to the future generations.” (Rachel: 2011)

This is what the novelist John Rachel writes on the subject of Asian girls who are trafficked into the USA despite domestic and international laws prohibiting such acts in a modern society. I use this quote in the context of my vision for a rehabilitated victim of defilement in Zambia, guided by the country’s ideals in the AGBV Act. Political statements with promises to us that future generations are protected by laws are made, yet there is no implementation. This chapter outlines my conclusions and recommendation. My recommendations are particularly based on the angle that the Zambian Government has taken in GBV fight. The liberal feminism approach is in use by the government through enactment of legislation to deal with defilement. The offence of defilement hinges on gender justice because though the offence is neutral on sex, girls are more victimised in sexual violence than boys. My recommendations are both for the long term and short term aimed at suggesting workable ways that can help to implement rehabilitation of victims as created in the Anti-Gender Based Violence Act.

6.1 Conclusions

The study aimed at carrying out an assessment of perceptions and efficacy of section 30 of the Anti-Gender Based Violence Act of the Laws of Zambia. It provides that the minister responsible for the Department of Social Welfare shall provide mechanisms and programmes for rehabilitation of victims.

Victims of defilement are children below the age of sixteen years because of the legal definition in the Penal Code chapter 87 of the Laws of Zambia. Some victims are not known by the state because their cases might not have been reported anywhere. However, some cases might have been reported but the concerned office might have trivialised the report. Unreported cases accounts for various reasons among which taking the matter as a private issue by the family, is a source of concern for the authorities.
Some victims are known by the institutions dealing with defilement cases and this research focussed on this category. Known cases form the data base that generate statistics for research including this one. Unequivocally, defilement cases have increased in Zambia despite State’s interventions through policy direction and enactment of stiff penalties in legislation. I focussed on rehabilitation because with strict legal interpretations required to secure a conviction, rehabilitation requires not the burden of proof beyond reasonable doubt for it to be given to a victim.

The research examines the role of the DSW, which is shared across every other department in government as it requires a coordinated response to implement rehabilitation. At pre-trial stage, defilement cases are reported either to the Police or the hospital. The introduction of one stop centres brought all concerned establishments under one roof. The police are concerned with investigations and preservation of evidence in order to prepare for court process depending on the available evidence. Health personnel are concerned with the child’s health that might have come as a result of defilement. The DSW is ideally placed by legislation to help a child with management of trauma occasioned by defilement although this does not happen in Katete.

After determining a case for Court process, the prosecutions take over the case for producing evidence in court. The Social Welfare Department should ensure that the child understands the process that she/he has been involved in. The child should come from a friendly environment that assures him/her that safety is guaranteed. This is the purpose for which rehabilitation is provided for in legislation but such preparation is not done in Katete owing to an institutional excuse of the lack of shelter for rehabilitation programmes. During court session, victims are exposed to further trauma as the court room isn’t conducive for trial. This is because they testify in the presence of the perpetrator and Court officials whom the child does not know. The need for rehabilitation is required throughout the criminal justice process.

After trial the state punishes convicted perpetrators but no one informs the victim of the court outcome. When a perpetrator is acquitted, a victim’s family has to take the initiative to find out why he was released as state agents have no duty to inform the victim of the court’s outcome. Rehabilitation is aimed at explaining possible outcomes of the court process among other programmes to be initiated but this is not done by the state.

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The law requiring rehabilitation is on one end of the seesaw whilst the service is not realised at the other side of the seesaw where the victim is as shown on the figure below. This research was initiated to uncover the reasons for the gap between the law and the people it was intended for.

Figure 8: A VICTIM OF DEFILEMENT GAP LAW ON REHABILITATION

6.2 Recommendations

Measures include long term and short term. Long term measures involve huge sums of money to implement whilst short term measures cost less.

6.2.1 Long term measures

Government Republic of Zambia must establish shelter for rehabilitation of victims. Girls are victimised most; as such their shelter should be prioritised. To achieve this government should make a robust political will, through the national budgetary allocation. We need adequate office space for all government actors who deal with children when defilement is reported. This includes: VSU, Guidance and counselling teachers, and Department of Social Welfare. Government can negotiate with corporate establishments to focus corporate social responsibility towards building of shelter for victims.

Zambia must develop sexual education in school curriculum from nursery schools to grade twelve. This will help children to understand terms used for sexual organs and define what exactly happened during defilement. Communicating the cause of a problem is sometimes a
challenge with children when he/she is sexually abused. This is because a child does not understand what has been done on her/him. Communicating clearly can help to initiate rehabilitation programmes promptly. Currently, sexual education is done by Non-Governmental organisations focusing on dangers of early marriages and pregnancies.

There must be training of more guidance and counselling teachers in schools. The need for expertise in handling a victim does not rest only with the DSW but all institutions that deal with children. Schools are a good source of information from children who are defiled, since a child might trust the teacher more than family members.

Training of Victim Support Unit police officers in counselling must be done. Modern policing should not be narrowly looked at. The police must be in a position to deal with all situations that pose challenges to their work. Since duties of the VSU include counselling of victims, there must be a common understanding between the social worker and the police. This understanding is easily achieved when officers are of the same expertise.

Prosecutors must be trained in child management. This helps to identify trauma and make recommendation for rehabilitation to the Department of Social Welfare. Some cases of defilement do not succeed in court on account of a traumatised child witness. Whilst other forms of evidence can guarantee conviction, there should be no effort lost in dealing with matters that can minimise a child’s trauma.

Magistrates play a pivotal role in delivering justice. Expertise in understanding a child is required for fair trial in a defilement case. The attitude of a magistrate towards the perpetrator and a victim should be informed by the understanding of trauma in victims of defilement. This also calls for establishment of specialised Courts in cases where children are victims. It allows a magistrate to develop the required experience with children as victims.

Some challenges to implementation of rehabilitation programmes include lack of monitoring of human rights issues by the Human Rights Commission. Decentralisation of the commission to district level can improve the commission’s mandate to monitor human rights abuses. When these abuses are exposed, the state can make improvements in implementation of rehabilitation programmes for child victims.
The Ministry of Gender as a ministry responsible for coordinating gender matters is better placed to negotiate adequate budgetary allocation for infrastructural development and administration of gender issues. Defilement is a gender issues as a result the Ministry of Gender should closely monitor the implementation of the AGBV Act. The absence at district level makes it difficult for them to adequately supervise committees that deal with children’s affairs. Decentralising this ministry can improve operations of committees that are currently established to deal with gender issues including defilement.

Human resource increase in the DSW should be increased. Currently the department does not conduct rehabilitation programmes on account of lack of staff among other reasons advanced. The training of more social workers can change the current situation.

6.2.2 Short term measures

The Ministry of Gender should carry out a robust programme to monitor the functions of committees at district level by receiving and evaluating minutes of the meetings held. They should ensure that consistency is upheld and that members of the child justice forum and gender based violence committee should be permanent as the case is for the gender sub-committee. Permanent members will bring in an advantage of consistency in implementation of resolutions from meetings. It will also improve the flow of shared challenges and achievements from individual departments.

The Department of Social Welfare needs new innovation to be in touch with victims of defilement. The use of cellular phones has to be recognised by government as official communication. Through cellular phone, victims and their families can be reached to receive and deliver updates on the welfare of the child. Through cellular, DSW can be notified when there is an emergency for the child in social behaviour that requires assessment. Cellular can also be helpful for the Police to share data with the DSW.

The government should allow and create a database for use by the Police, Judiciary, Prisons, Human Rights Commission, Ministry of Gender and the Social Welfare Department. It should indicate the status of perpetrators of defilement in correctional facilities in order for a victim to receive this information at any time. It will bring to an end a situation where victims do not know the sentence given to a perpetrator because nobody explains to them why an
acquittal has happened. Shared data can also make it easier for evaluation of efforts made in justice delivery.

The figure below shows how rehabilitation of victims can be attained through a robust administrative effort at district level. Implementation of rehabilitation programmes can be achieved through strict adherence to statutory duties that each government department is placed with on gender based violence issues. The figure below suggests a robust way of dealing with gender based violence including minimising trauma to victims. The task involves not only the Department of Social Welfare but the police section of victim support, the Human Rights Commission, the Ministry of Gender, the Ministry of Education, the courts, and the prosecutions. Together, these government establishments can share data on challenges and achievements that are faced by individual departments in matters that concern victims of defilement. These issues on GBV can be dealt with in the child justice forum and the gender based violence committee. These committees at district can effectively communicate back to individual departments and report to the provincial planning unit for action from the government.
V.S.U AT POLICE
They should have privacy when dealing with victims, a social worker should be present when a child is interviewed by police.

SWD
They should share data of reports with police for all reported defilement cases and from schools and be present at one-stop centre.

MINISTRY OF GENDER
They should have offices at district level to implement GRZ policy, organise capacity building and coordinate GBV issues.

HUMAN RIGHTS COMMISSION
Should have offices at district level in order to monitor human rights adherence in GBV issues.

MINISTRY OF EDUCATION
Guidance and counselling teachers to attend meetings on GBV issues to share data with sister concerns.

COURT
There should be a child friendly courtroom where a child does not see a perpetrator, presided by a gender issues magistrate.

PROSECUTIONS
Should have victim friendly offices for pre-trial interviews, a social worker must be present during interview and court session.

GENDER SUB-COMMITTEE
All gender focal point persons for form the committees as it is currently, and sit monthly.

GBV COMMITTEE
They should have permanent members from departments that deal with GBV cases and sit monthly to receive reports.

MINISTRY OF EDUCATION
Guidance and counselling teachers to attend meetings on GBV issues to share data with sister concerns.

CHILD JUSTICE FORUM
To have permanent members and give updates on status of perpetrators in prison for updating victims.

HUMAN RIGHTS COMMISSION
Should have offices at district level in order to monitor human rights adherence in GBV issues.

REHABILITATION
Common data sharing can be achieved and rehabilitation centre built and maintained.

GBV COMMITTEE
They should have permanent members from departments that deal with GBV cases and sit monthly to receive reports.

Figure 9: Proposed model of GBV management focusing on defilement victims at district level
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