



## **Examination Of Procedures Used to Deal with Sexual Violence in Zanzibar**

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### **Abstract**

*The study assessed the procedures used by government institution to deal with sexual violence cases against children in Urban West Region. A total 70 respondents were selected from Government institution of Zanzibar such as Police officers, Public prosecutor, Judges, Magistrates, Doctors and welfare officers. Information was collected from the respondents by using interview and questionnaires. SPSS software was used to perform the analysis of quantitative data. Results revealed that there were many procedure used by government institution to deal with this cases such as handling cases without delay, cases were handling in each station, cases were handling with specialist investigator, arrest the suspect, visit at the scene of crime, cases were listening in camera, using viodire test, leading question, using criminal procedure act, child act and evidence act. The study recommends that Government should provide seminar on how to deal with cases. Government should provide father study internal and external countries so as to gain and exchange experience on handling this cases. Government institutions should work together with private sector to improve the procedure of this cases.*

**Keywords** -Sexual violence, Zanzibar, Government institutions, children. Procedure

### **Introduction**

Sexual violence is the process where by someone force or manipulates another person unwanted sexual activities without their consent. Sexual violence has a profound impact on physical injury which is associated with an increased risk of sexual and reproductive health problem meanwhile its impact on psychological problem such as depression trauma stress stigma which resulted mental disable, suicide or murder. Sexual violence is an offence resulted by the need to fulfil sexual desire, humiliate, physical or psychological harm not motivated by uncontrollable sexual desire. (Lees & Sue 1997). Sexual violence against children is a gross violation of children's rights. It is a global challenge across all countries and all gender male and female. There are deferent form of sexual violence such as rape, sodomy sexual exploitation in prostitution or pornography. It can happen at homes, in institutions, at schools, at

workplaces, in travel and tourism facilities, in developing country. Sexual violence against children increasingly for many factors such as internet and mobile phones.

Sexual violence against children in Zanzibar is a serious phenomenon which requires adequate approaches to fight against it. Several reports of Non-Government organizations fitting with children abuse survey are conducted in Zanzibar this survey was conducted to find out cases of sexual violence against children (VAC,2011) approximately 16 percent of females and 9 percent of male have experienced same form of sexual violence under the age 18. The same study which was conducted out of Zanzibar revealed that children of all ages are at risk of sexual violence at home, school and in communities (UNICEF, 2010).

Prosecutors play a critical role in the criminal justice response to violence against children. While prosecutors face different duties and tasks depending on the legal system, they present the authority of the State in bring a criminal case against the accused perpetrator, ensuring the application of the law during the criminal proceedings.

Prosecuting offence of sexual violence against children are challenging issue, there are a number of evidentiary challenges, due to the private nature of the violence. The police investigation may be substandard. Victims may be uncooperative, and withdraw or recant their complaints. Judges or juries may employ bias or common myths surrounding violence against children when examining the credibility of the victim and the facts of the case.

The goals of prosecution are to protect the victims while holding perpetrators accountable for their actions, and communicate a strong message to the community that violence against children will not be tolerated.. Prosecutors handling these cases have the difficult task of balancing the imperative of victim safety with their traditional goal of presenting the case for the State according to the rule of law and the attendant duty to ensure that a person accused of a crime receives a fair trial (Javdani, Sadeh, & Verona, 2011).

On judiciary system the procedure of handling sexual violence cases against children should not be left to the off-chance that the individual Judges hearing their cases will be combine to the sensitive ties. There should be a formalization and standardization of these norms so that it is incumbent on the Courts to pay particular attention to the treatment of victims in these cases. (Burman, M. 2010).

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## Literature review

There is no doubt that procedure are the God father in a criminal justice weakness in proceeding the is no justice. Researcher classify the procedure to deal with sexual violence against children in a four area judiciary system, prosecution, in a medical and investigation

The judiciary plays a critical role in the criminal justice response to sexual violence against children. It is uniquely placed to ensure that relevant criminal laws, including those relating to sexual violence against children are interpreted through the lens of international standards and norms are effectively enforced to protect children from sexual violence. The judiciary is responsible for ensuring that the defendant's right must consider to the victim and treated with dignity and respect. They are the ones who can take victims seriously and rec-organize the challenges that going through the justice system may entail, including damage to victims' reputations, in a context where their most intimate and violating traumas, their characteristics and behaviors are publicly discussed.

Judges are in a position to manage their courtrooms in a way that addresses biases leading to victim-blaming, disbelief or mistrust in the victim's story and ultimately, putting the victim on trial. As final arbitrators, judges have the power to protect sexual violence against children, punish offenders and send a clear message to the community that such violence is not tolerated. ( Javdani, Sadeh, & Verona,2011).

Juvenile courts handling children cases dependently including adoption and foster care placements, evidence show that caregiver are not able to protect and take care the children Child maltreatment cases are hearing to the family courts. if caregiver seeks action with other and evidence of assault are considered in a family custody Criminal charge are open and handling with court against adults who assault a child.

Procedure used by Police officer on investigations of sexual violence cases against children. In cases of element of sexual assault, great care are taken to ensure that the medical of the victim are not start until the statement has been completed taken from the child or an primary interview has taken place, as it is considered no damaging appear that can effect on the prosecution of the case in the criminal offence, and could potentially influence the child's testimony in a courtroom or statements taken in the investigation interview if the child undergoes medical treatment before the case is investigated it may remove some procedure on investigation.

On investigation police officers must visiting at the scene of crime understand and clarify the circumstances in which the offence happen mode of operando which direct investigators to make decision. Cases typical will be investigated if the victim reports the assault which direct investigator to investigate it. The offence have a ground to proceed with investigation (Vandervort, 2005).

Police officers consider confidentiality and safety when interviewing this cases on interview this cases must separate room with another cases, interview from children with their caregivers, other person were not allowed since they can breach confidentiality example to a non-offending caregiver under the following circumstances where there is a reasonable suspicion that the child may present a danger of violence to others where there is reasonable suspicion that the child may harm him or herself, unless protective measures are taken.

If the cases reported to police or any other service provider procedure are taken such as the intervention given, when the last time had sexual intercourse happen? Last consensual intercourse explain why you need to ask about this Obstetric and gynecological history should be taken from female pubertal survivors also to known pregnant or lactating other prior medical or surgical history any additional information.

Take time while taking history from the child survivor; use play therapy where necessary document the history in the survivor's own words, if the survivor is old enough to talk use neutral no leading language, while remaining empathetic to the client Consider special circumstances, such as disabilities, as you take the history Take age specific history as follows 0 to 4yrs From a non-offending guardian 5 to 9yrs Child survivor supplement with non-offending guardian 10 to 18yrs: Survivor only non-offending guardian may be interviewed separately examples of Open ended questions to use during history taking How are you feeling?. What happened? (Damaris & mnnie, 2018).

Police officer must send the victim hospital to take Medical test. Evidence of psychological problem, physical violence and sexual abuse must be prove that have be taken to make sure that evidence is not destroyed or lost (AAID, 2008)

Medical doctor join all procedures, with checklists and rules on how to handle medical test of children who's the survivor of assault could support for medical health. Cases of sexual assault have been handled at the Children's Hospital, according to detailed procedural rules and checklists it can be simplify identify the cases of sexual assault against children at earlier stages by this means. (AAID, 2008)

The victim get a special treatment where by the facility should be equipped to manage any acute medical conditions or emergencies and to offer a range of laboratory and counselling services. If the health facility does not offer these services there would be ready to access inn and ranging of medical-forensic services that may be required through referral to service providers or reverse referral mechanisms where the service provider is called to provide the service at the health facility.

The child who reporting to the health facility for medical should have a written record of that visit. This record would include a medical and forensic report, picture of any findings, and, if available, photographs. All aspects of the medical would documented including consent forms, the medical forensic history, findings from the physical assessment, evidence collected, any testing or treatment rendered, photographic images obtained during the examination, and any follow-up care and referrals given. If the health care provider is called to testify in any criminal justice proceedings, they may use this report to recall the patient encounter. (Maslen, 2019).

When a child sexual violence victim is presented or presents to a health center, it is important that Safety, privacy and confidentiality remain paramount rule during the course of all processes of management Informed consent or assent is obtained before conducting a full medical test or providing psychosocial support Consideration for obtaining consent assent for the history and test of a child victim may be determined by the age of the child his or her ability of understanding the procedures that are happening when providing care.

Ensure all required medical equipment and tools for documentation are available. Explain the processes and procedures that will take place during the course of management, making reference to the process flow map Establish the age of the Children Sexual Violence survivor, obtain and document consent or assent conserving on the victim age, authority or consent will be taken as follows 0-5 years take information on written consent from the non-offending guardian six to eleven years obtain oral assent from the child and written consent from the non-offending guardian twelve to fourteen years take written authority from victim and written consent from a non-offending guardian or written consent from an emancipated minor fifteen to eighteen years obtain written consent from survivor. (Damaris & mnnie, 2018).

A minor cases of child sexual assault that are approved by child protection agencies can become involved with juvenile courts, family courts, and criminal courts, but no strong policy exists to guide the justice system's response to child sexual assault. (Smith., Berkman& Fraser, 1980)

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## Methodology

Purposive sampling technique and random sampling technique were used to select the respondent from Government institutions. The simple random sampling was used to ensure that each member of the population has an opportunity for the selection or the opportunity of getting a response which can be more than equal opportunity depending on the data analysis justification. Purposive sampling technique was used in this research for both quantitative and qualitative data methodology Sample size determination procedure was used to get optimum and reasonable information. In this study, both probability (simple random sampling) and nonprobability (purposive sampling) methods were used because the nature of the staff of Government institutions are varied.

This research, total 150 questionnaires were distributed in Government institution However, when returned back, out of 150 only 70 respondents. Questionnaires were filled out. When it was further filtrated, only 70 papers were usable. Thereby, this research's total population is 150 while its sample size is 70. However only 70 (Response rate 46.6%). Police officers 26 respondents equal to (37.1 percent), judges and magistrates 19 respondents equal to (27.1), public prosecutors 12 respondents' equal to (17.1 percent), staff of social welfare office 8 respondents equal to (11.4 percent), doctors 5 respondents equal to (7.1 percent).

The total respondent 25 which is equal to (50 percent) were male and 25 which is equal to (50 percent) were female. These respondents were distributed to various age groups such as 17.1% of respondents are 20 to 29 years, 57.7% of respondents were from 30 to 39 years, 27.2% of the respondents were from 40 years and above.

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## **Finding and Discussion**

### **procedure used at police station to deal with sexual violence**

*The children how were reported at police station himself or accompany with his/her parents, care giver or guardian must treated without delays. Give immediate attention do not make a survivor / victim wait. Do not turn a survivor / victim away because of delay in reporting. A late report must receive the same attention and be treated as seriously as any other crime report because, in law, a survivor / victim may change his or her mind and report as and when he or she feels like it, unless like it, unless specifically stated otherwise in the relevant statute. (Liedtke, T. L., Beeman, J. W., & Gee, L. P. 2012).*

*Police officer must provide service to the victims of sexual offence weather the offence happen in their domain or not, the police officer take all procedure then the cases file are send to jurisdiction where offence take place. A case file shall be opened where it is reported. Irrespective where the offence is committed, a case file shall be opened at the police station where it is reported as if it was committed in the locality, the survivor/victim shall be accorded all the necessary assistance including the opening, filling in of station GBV&CA Register medical examinations, counselling and accordance of safety, (Liedtke, T. L., Beeman, J. W., & Gee, L. P. 2012).*

*Sexual violence against children are handling with specialized investigator who were well trained how to deal with this cases, the investigator supposed to treat the victims he or she is innocent. Refer the survivor/victim the gender and children's desk, where the desk is established, or call in the specialized GBV&CA investigator if he/she is immediately available. If not, follow the SOP for initial response to a GBV&CA case. Where possible, only one officer should deal with the survivor/victim in order to build rapport and mutual trust, and to avoid the survivor/victim having to repeat his/her story. Treat the survivor/victim as innocent throughout, (Liedtke, T. L., Beeman, J. W., & Gee, L. P. 2012).*

*All victims are listening at special room which have full facility which provide conducive and friendly environment to the victims, all witness and family are not served as third party. Invite the survivor/victim to a separate room away from the charge room – the common report desk in police stations, in which gender and children's desks have been established, there will be a dedicated interview room. In police stations where the desks have not been established, a separate room must be made available to allow the interview to be conducted in sufficient privacy, remember potential witnesses and potential suspect should not serve as third party, (Liedtke, T. L., Beeman, J. W., & Gee, L. P. 2012).*

*When handling this cases open cases file which contain number of the cases, interview notes, statement of victim, pf3 form and take full address of victims and third party. Any police officer is authorized, under section 32(3) of the police force and auxiliary services act, cape 322 R.E.2002, cap. 322 to record any statement from any person whom he has reason to believe has any knowledge which will assist in any investigation, ( Kilala, B. 2016).*

*Investigator mush visit at the scene of crime to find out there is any material which can uses as supporting evidence for the cases. Anything as to which there are reasonable grounds to for believing*

that it will afford evidence of the commission of any offence, section 39 of criminal procedure, anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing any offence, ( Kilala, B. 2016).

*Immediate after obtaining the information of sexual offence investigator must take measure to arrest the suspect.* A police officer may without a warrant arrest- section 14 (f) of criminal procedure act, any person whom he suspects upon reasonable grounds of having been concerned in any act committed at any place out of Tanzania which, if committed in Tanzania, would have been punishable as an offence, and for which he is, under the extradition Act, or otherwise, liable to be apprehended and detained in Tanzania. (Malangalila, P. 2009).

*Police officer how deal with sexual offence especial children must use interviewing skills to the victims.* Refer the survivor /victim to the Gender and Children's desk, where the desk is established, or call in the specialized GBV &CA investigator if he/she is immediately available. If not, follow the SOP for initial response to a GBV & CA case where possible, only one officer should deal with the survivor/ victim in order to build rapport and mutual trust, and to avoid the survivor/victim having to repeat his/her story. (Liedtke, T. L., Beeman, J. W., & Gee, L. P. 2012).

*When you interviewing thing are not allowed such as asking for just facts, being in a hurry, putting on a touch front in the face of the victim's emotions, present of unauthorized persons during the interview.* The following are some factors which may hinder the effectiveness of the interview with the survivor/victim. Investigators are advised to avoid them. Asking for "just the facts" being in a hurry, presence of unauthorized persons during the interview. (Liedtke, T. L., Beeman, J. W., & Gee, L. P. 2012).

*Police officer must consider the following detail time, date, location of the crime, victim behavior before during and after assault, relationship with suspect, if the suspect unknown take information of suspect physical appearance, clothes, possessions, behavior of suspect, circumstances which led the crime, is there weapon used to threats the victim, is their witness at the scene and others ).* Every statement should, if possible, include the following details (a) witness's account of the incident in question, date, time and place and also clearly what he/she was, did, etc, and who was present, (b)witness's account of what action he/she took as a result of the incident etc, (c) full description of those concerned in the incident, (d) witness' previous knowledge of any of the exhibits and what he/she did with them. (e) Witness's previous knowledge of the accused, if any, (PGO 2006)

*Each police station there is a gender desk which is monitor by inspector who well train to handing the cases of sexual violence against children.* PG&CD shall be located in the premises of the police station. However, if the jurisdictional area of the police station is of a wide coverage, the inspector general of police may authorize the establishment of more PG&CDs in the area so as to serve the target group more effectively ( Ndenje, N. F. (2014).

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### **The procedure used by judiciary to deal with sexual violence.**

*The cases are hearing at the present of weal fare officer, parents or guardians, suspect, judge or magistrate, lay members and victim but victim are asked which person are not want to appear at court rooms before hearing cases.* The court may exclude any person from being present in court if it determines that the present of such person is not in the best interests of the child. (Sloth-Nielsen, J. 2015).

*The cases are hearing in camera which means special room which are not any disturbance or movement of other person who are not authorized in this this cases it means a friendly environment.* Proceeding shall held in camera. Section 43 (1) (c) of children act, proceeding shall be as informal and as friendly to

the child as possible, and made by enquiry without exposing the child to adversarial procedures, in so far as this is compatible with the child and other participant having their right to justice fully safeguarded. (Sloth-Nielsen, J. 2015).

*Children are not necessary to take oath cases are hearing informal and friendly procedure, using language which is understudied by children, legal representation and legal assistance, he or she is not compelled to give evidence.* Children's cases shall be as informal and friendly to the child as possible, and made by enquiry, without exposing the child to adversarial procedures, in so far as this is compatible with the child and other participants having their right to justice fully safeguarded. (Sloth-Nielsen, J. 2015).

*Children are assessed the capability of understanding by voiredire test it means you ask question in order to know the level of understand.* Any child may be admitted to give evidence in criminal proceedings without taking the oath or making an affirmation; provided that such child is able to understand questions in a manner which is intelligible and provide further that such child shall, in lieu of oath or affirmation, be admonished by the presiding officer to speak the truth, the whole truth and nothing but truth. (Sloth-Nielsen, J.(2015).

*The cases of sexual violence against children procedure of hearing direct that these cases are seating at a different time with other cases it may hearing early in the morning or evening time so as to make privacy because this time there is no session of cases so it led privacy and conducive environment.* Wherever practicable the children's court shall sit in a different room or at a different time or on a different day than that ordinarily used for hearing adult cases. (Sloth-Nielsen, J. 2015).

*The dressing are casual which is friendly to the victim police officer are not wearing uniform, magistrate or judge are not wearing mantle.* Court officers, such as magistrate, prosecutor's legal representatives, police and other court personnel shall not wear formal robes, official attire or uniforms. (Sloth-Nielsen, J. 2015).

*This cases are seating time after time in order to complete hearing and provide judgment, if the cases take along time of hearing the victim especial children can loss memory of incident.* These cases should proceed on a timely basis. Prosecutors should be aware of how delays and protracted criminal proceedings impact victims. For instance, delays may increase the risk to the victim of retaliation, especially if the defendant is not held in pretrial detention. Delays can contribute to long-term mental suffering as well as make the victim feel disconnected with the criminal justice system and thus might contribute to their reluctance to continue with the criminal case (Eileen, S. 2014)

*There is check and balance between suspect and victims on handling the case of sexual violence against children.* A fact is said to be proved when– (a) in criminal matters, except where any statute or other law provides otherwise, the court is satisfied by the prosecution beyond reasonable doubt that the fact exists, ( Allen, R. J., Fry, T., Notebaert, J., & VanDam, J. 2013).

*Always the punishment if the suspect is child is not harsh, if the suspect is not a child the punishment is harsh depend to the nature of that offences.* No child shall be subject to corporal punishment as a result of being found guilty of the commission of an offence, and no child shall be subject to the death penalty in respect of any offence for which such penalty may be imposed. (Sloth-Nielsen, J. 2015).

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### **The procedure used by public prosecutor to deal with sexual violence.**

*After collect evidence from both side the evidence analyses by using ingredient of the offences to compare both the evidence collected and ingredient if match I convict if not match against the suspect not convict.* In the case of conviction the judgment shall specify the offence of which, and the section of the

penal code or other law under which, the accused person is convicted and the punishment to which he is sentenced. In the case of an acquittal the judgment shall state the offence of which the accused person is acquitted and shall direct that he be set at liberty, (Malangalila, P. 2009).

The following table illustrates the questionnaire development, implying different procedures of handling cases, method of handling cases, the evidence which receive from witness and victim used by government institutions to deal with the cases of sexual violence against children

**Table 1:** procedures used by government institutions to deal with sexual violence cases against children

Procedure used by government institution to deal with sexual violence cases					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	laboratory test	5	7.1	7.1	7.1
	taking statements from victim, suspect and witness	24	34.3	34.3	41.4
	leading question to the victim	3	4.3	4.3	45.7
	witness taking oath	2	2.9	2.9	48.6
	examination in chief, cross examination and re-examination	1	1.4	1.4	50.0
	using criminal procedure Act and evidence Act	11	15.7	15.7	65.7
	non respondents	24	34.3	34.3	100.0
	Total	70	100.0	100.0	

**Table 1:** Illustrate the procedure used by government institutions to deal with sexual violence cases against such as laboratory test are used to test the victim, statement are taken from victim suspect and witness leading question are asked the victim, witness taking oath, examination in chief, cross examination, criminal procedure act and evidence act are used in this cases.



**Table 2:** method used to collect evidence.

method use to collect evidences					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	visiting to the scene, witnesses testimonies and finding evidence from experts	11	15.7	15.7	15.7
	collection of exhibits and interview witness	2	2.9	2.9	18.6
	visiting to the scene, sending the victim to the hospital and collecting exhibits	6	8.6	8.6	27.1
	visiting to the scene and finding evidence from experts	6	8.6	8.6	35.7
	visiting to the scene	6	8.6	8.6	44.3
	non respondents	39	55.7	55.7	100.0
	Total	70	100.0	100.0	

**Table 2:** Show different method used to collect evidence such as investigator visit at the scene of crime, witnesses testimonies, and evidence from expert, collection of exhibits and interviewing witness.

**Table 3:** handling cases in government institutions

handling cases in government institutions					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	check and balance	20	28.6	28.6	28.6
	analyzing evidence	10	14.3	14.3	42.9
	advocacy and education	10	14.3	14.3	57.1
	non respondents	30	42.9	42.9	100.0
	Total	70	100.0	100.0	

**Table 3:** Illustrate how Government institutions handling cases of sexual violence against children such as there is check and balance between suspect and victim, analyzing evidence which are collected using, advocating and providing education.

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## Summary, Conclusions, and Recommendations

### Summary

The objective of this study was to assess the procedure used by government institution to deal with sexual violence cases against children in urban west region, Zanzibar.

The findings revealed several procedure used by Government institutions to deal with this cases in urban west region of Zanzibar. Police officer follow the procedure such as this cases must handling without delay, the cases were handling at any police station provided that the offence were not happen on this domain, the cases were handling with specialized investigator, the investigator must treat the victim innocent, the cases were listening at special room which have full facility and conducive environment to the victim, the statement were taken in appropriate time also they consider privacy and friendly language, cases file must opened which contained number of the cases interview notes statement of the victim and PF3 form, thing must consider when you take statement the following detail time, date, location of the crime, victim behavior before during and after assault, relationship with suspect, the suspect must arrest as soon as possible.

Judge and magistrate used the procedure where by the cases are hearing with weal fare officer, parents or guardians, suspect, judge or magistrate, lay members and victim, the cases are hearing in camera, Children are not necessary to take oath cases are hearing informal and friendly, Children are assessed the capability of understanding by voidire test, the cases are seating at a different time with other cases, the dressing are casual which is friendly to the victim.

### Conclusions

Presented findings and summary from the current study provide enough evidence to establish the conclusion on an assessment the procedure used by Government institution to deal with sexual violence against children. The finding revealed that there were many procedure used by government institution to deal with this cases such as handling cases without delay, cases were handling in each station, cases were handling with specialist investigator, statement were taken in appropriate time, case file were open once cases reported, all procedure were consider when statement were taken, arrest the suspect, visit at the scene of crime, cases were listening in camera, using voidire test, there were specific time of hearing this cases, sample of victim or suspect were tested in laboratory, asking leading question, using criminal procedure act and evidence act, take evidence from witness, scientific evidence were used in testimony and interviewing witness.

### Recommendations

The study result show different procedures used by government institution to deal with sexual violence cases against children in Urban West Region . Hence, the following recommendations were given:

1. Government should provide seminar to improve the procedure of handing this cases. Government should provide father study internal and external countries so as to gain and exchange experience on handling this cases. Government should work together with other private sector to deal with this cases so as to improve investigation, prosecution, and hearing this cases.
2. Other researcher should research on this area: An assessment the failure of sexual violence cases against children in Zanzibar.  
An assessment the Judiciary systems of sexual violence cases against children in Zanzibar.  
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