



Exploring the Capacity Gaps of Law Enforcement Institutions in Dealing with Cases of Gender Based Violence (GBV) in Zanzibar

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Abstract

Law enforcement institutions play a significant role in the fight against all forms of violence against women and children in Zanzibar as well the community at large. However, gender based violence is likely affecting the overall physical, psychological, mental well-being as well as socio-economic development of the victims. This paper aims at exploring the capacity gaps of law enforcement institutions in dealing with cases of gender based violence in Zanzibar through a review of literature. A total of 134 respondents throughout key stakeholder's institutions were sampled and data was collected from them using questionnaire and interview methods. The study found that, the level and capacity of law enforcement institutions in dealing with cases of GBV was very low. The low level was significantly associated and critically attributed with low conviction rates, long delays and bureaucracy in cases, lack of sufficient evidences and ineffective procedures and case management. Furthermore, the findings showed that low level of reporting cases, limited awareness from the community, possible stigma and shame, lack of faith in the justice system, inaccessibility of trained police and preference for an informal resolution and mediation of cases increase violence incidences and reduce the degree of accountability and accessibility of justice throughout law enforcement institutions. Finally, the findings suggested an improvement of expedient transaction in investigating and ruling cases of violence, effective procedures and case management should be put in place and periodic review and monitoring of judicial practices to ensure compliance with substantive and procedural aspects of the law should be carried out.

Keywords: law enforcement, gender based violence, violence, Zanzibar,

Introduction

Gender-based violence (GBV) reflects and reinforces inequities between men and women and compromises the health, dignity, security and autonomy of its victims. It encompasses a wide range of human rights violations, including sexual abuse of children, rape, domestic violence, sexual assault and harassment, trafficking of women and girls and several harmful traditional practices. Gender Based violence (GBV) is one of the most widespread human rights abuses and public health problems in the world today with devastating short and long term consequences for victims' physical and mental health (UNFPA, 2012). The United Nation General Assembly (UN, 2010) combined a several types of violence which are practiced in and found every day in the human life span. These were physical abuse, sexual and psychological violence within the family, child sexual abuse, dowry-related violence, marital rape, female genital mutilation (FGM), rape and sexual abuse, sexual harassment in the workplace areas and educational institutions, trafficking in women and forced prostitution. Violence against women and children are perhaps the most widespread and socially tolerated of human rights violations, cutting across borders, race, class, ethnicity and religion. The World Health Organization (WHO, 2013) estimates show that at least one in every five of the world's female population has been physically or sexually abused at some time (Bureau, 2001).

Gender Based Violence includes acts or threats of such harm or suffering, coercion or arbitrary deprivation of liberty whether occurring in public or private life. It constitutes one of the most widespread human rights abuses and public health problems in the world today. Simultaneously, GBV has deeper and broader social effects including negative social development of children in the households, break-up of the families, disintegration of social fabric of affected communities and the well being of society as a whole. GBV occurs in many places and levels, such as in families, schools, religious institutions, work places and in other aspects of community life. In the study of Determinants of Intimate Partner Violence in Sub-Saharan Africa: A Review of Prevention and Intervention Programs (Laura, 2016) claimed that women easily affected by social factors including increased risks for illnesses, unwanted pregnancy, psychological stress, stigma, discrimination and difficulties at school and home environment. Several causes are attributed to this gender based violence. (Nyerere, 1968), claims that GBV is connected to

patriarchal domination of social norms in gender relations that reflect the subordination of females. The gender gap in terms of perceptions, obligations and expectations starts quite early. Parents and other family networks socialize a pubescent girl to be submissive, to stay at home to help her parents and not to socialize with boys before marriage, while the boys are socialized to be aggressive and dominant (Komba Malekela and Liljedstrom, 2013). Many patriarchal families illustrate how much power men have, for instance wife battering as a way of instilling discipline in a wife, and as a girl grows up she is socialized to accept unequal gender roles through words, songs, and hidden messages which always prejudice women and stereotyped images of women. In Daily life, some taboos always prevent girls from participating equally in public (Mhoja, 2011). Reproduction and production are highly valued in traditional settings and women and girls are raised to respect socially constructed roles and obligations some of which violate their rights and make them susceptible to GBV.

Gender Based Violence sometimes manifests itself on unequal power relationship between women and men created and maintained by culture and other gender stereotypes as the basic underlying causes of most cases of the violence against women. It is believed that the different types of GBV occurring in any locality and in any country also reflect the strength of beliefs in those discriminative values held by men (as well as women) and the decline in cultural and religious morals or blind adherence to bad cultural practices, lack of inter-sectorial collaboration in dealing with GBV, lack of broad social mobilization and systematic coordination and integration of activities aimed at the elimination of the GBV problem (AU, 2010).

The short term and long term consequences and adverse effects of GBV to individuals, and a country as a whole, are many and very alarming. For instance, physical violence can result in injuries and chronic illness that may hamper the ability of victims to engage in socio economic development. Various studies have shown that increased rates of depression or psychological distress are the most frequently documented mental health outcomes of GBV (Astbury D, 2009), (Mullen et al, 2011), (Campbell, Kub & Rose J., 2015)). A study done by (Resnick et al, 2016) and (Roberts, 2014), shows that women who have experienced sexual violence meet diagnostic criteria for anxiety, panic disorders, post traumatic stress disorders and substance abuse disorders. One national study in the USA has shown that rape victims showed 31% post traumatic stress disorder (PTSD) at some point in their lives compared with 5% of non victims

(Kilpatrick, Edmund & Seymour, 2012). Studies have also shown that even with counseling, up to 50% of women continue to experience significant symptoms of stress (Tarrier et al, 2015) (Foa et al, 2015).

There are different forms of gender based violence. According to the Ministry of empowerment, social welfare, youth, women and children (MESWYWC, 2014), gender based violence are categorized into several forms which include domestic violence, sexual violence, physical violence, emotional violence, economic violence and emotional violence. For the purpose of this study, the researcher will consider domestic violence in highlighting the social reality of the problem under investigated which integrates both physical and sexual violence in specific.

Globally, Violence against women and children is a universal crime. According to UN Women Newsletter (MESWYWC, 2014), up to six out of every ten women globally experience physical and, or sexual violence in their life time. In South Africa, a woman is killed every six hours by a partner. Globally, Gender-Based Violence is a global problem that limits the benefits of education, causes poor health and psychological trauma to women and children (Dobbert, 2009). This problem is a common reality in the lives of women and girls in many parts of the world, developing and industrialized countries alike. It has been recognized as a violation of basic human rights of women and of their exercise of fundamental freedom. Gender-Based Violence is an issue that cuts across all cultures, races, religions, and socio-economic levels. Forms of gender-based violence include rape, domestic violence, and sexual assault, trafficking of women and girls, prostitution, female genital mutilation, harassment, and forced marriage.

Violence against women and children has profound and long lasting implications for their health, cognitive development and social well-being; but unfortunately it is often ignored. WHO Report on Violence and Health (MESWYWC, 2014) notes that *“one of the most common forms of violence against women is that performed by a husband or male partner*. This type of violence is frequently invisible since it happens behind closed doors, and effectively, when legal systems, law enforcement and cultural norms do not treat it as a crime, but rather as a “private” family matter or a normal part of life.

In Africa, historically women have been victims of discrimination and exploitation in the community based on various factors. Such factors include religion, traditional customs and

cultural practices. For example, women in most African cultural practices were not allowed to sit with men for a talk irrespective of the agenda under the discussion (Malekela, 2017). Thus, it is difficult for African countries to achieve aspirations of equality, justice and dignity with women living under abject poverty, who are main producers of the farm products, but not beneficiary of the same. Gender-based violence in Africa, as elsewhere in the world, is a complex issue that has its root to the structural inequalities between men and women that result in the persistence of power differentials between the sexes. Women's subordinate status to men in many societies, coupled with a general acceptance of interpersonal violence as means of resolving conflict, renders women disproportionately vulnerable to violence from all levels of society: individual men, within the family and community, and by the state (MLYWCD, 2014). Thus, In Africa women have been victims of discrimination and exploitation in the community based on various factors. Such factors include religion, traditional customs and cultural practices. For example, women in most African cultural practices were not allowed to sit with men for a talk irrespective of) the agenda under the discussion

Gender based violence (IPV) is widespread throughout much of sub-Saharan Africa, with the overall past-year prevalence of 36% exceeding the global average (30%; García-Moreno et al., 2013). More women in Africa are subject to lifetime partner violence (45.6%) and sexual assault (11.9%) than women anywhere in the world, with the notable exception of high-income countries in the case of rape (12.6%; García-Moreno et al., 2013). As previously mentioned, some of the highest global prevalence rates are in Africa (García-Moreno, Jansen, Ellsberg, Heise, & Watts, 2005; United Nations, 2012). Violence against wives and sexual partners is so common in some countries that it is virtually ubiquitous as in Zambia (90%) and Ethiopia (71%; United Nations, 2012 ;). In Uganda, 41% of the women reported at least one episode of IPV directed against them in the past year (Kwagala, Wandera, Ndugga, & Kabagenyi, 2013). Yet, prevalence ranges from a low of 18% in Nigeria (and even 3% in some rural areas) to 49% in South Africa with uniform measurement and sampling approaches (García-Moreno et al., 2011).

In Tanzania mainland, during the last few decades, gender-based violence has gained international recognition as a grave social and human rights concern. In Tanzania mainland, GBV is widespread. In the 2010 TDHS, over 20% of Tanzanian women aged 15-49 years reported having experienced sexual violence in their lifetime and nearly 40% of ever-married

women had experienced physical and/or sexual violence from an intimate partner in their lifetime. Despite this high prevalence of violence, formal support services for survivors are inadequate (Mc Cleary-Sills et al, 2013).

Many Studies conducted in Tanzania Mainland indicate unacceptably high level of GBV ranging from 30-50 percent that lead to physical, sexual and psychological injury and trauma in all age groups, particularly among women and children (MLYWCD, 2014). Thus, based on this concept GBV can have fatal outcomes including suicide, HIV infection and maternal morbidity and mortality as well as non-fatal outcomes, such as acute and chronic physical, sexual and psychological injuries (MLYWCD, 2014).

There were some serious incidences of physical violence reported from different corners of the country within the year 2012; these include brutal killings of wives committed by their husbands, inhuman and degrading cultural practices like Female Genital Mutilation, widow inheritance and cleansing. The findings from the Tanzania Demographic and Health Survey (2010) in Tanzania indicate that violence against children is a serious problem in Tanzania: nearly 3 in 10 females and approximately 1 in 7 males in Tanzania have experienced sexual violence prior to the age of 18. In addition, almost three-quarters of both females and males have experienced physical violence prior to 18 by an adult or intimate partner and one-quarter have experienced emotional violence by an adult during childhood.

In Zanzibar, GBV, and particularly violence against women and children is a public concern and one of the critical areas for interventions at both policy and programmatic levels. The concern with GBV became the public agenda in the past decade in response to increasing sexual and other gender related crimes committed against women and children. Gender Based Violence (GBV) is prevalent in Zanzibar despite various efforts taken to reduce the problem, and new patterns are emerging. Evidence from legal and medical institutions indicate that women and girls are more often subject to physical, sexual, and psychological abuse. The situation is worst among females with disabilities because of their physical or mental vulnerability. In the study of Determinants of Intimate Partner Violence in Sub-Saharan Africa (Laura, 2016) argued that women and children may be in the exposure of violence based on their vulnerable situations they have in their process of accomplishing their daily roles. Studies conducted between 2007 and 2013 indicate that violence against women and girls is a major public concern in Zanzibar. The

2010 TDHS Report indicates that 10% of women aged 15-49 were forced against their will to perform their first sexual intercourse. Apart from that, sexual exploitation and raping of women children becomes common within the Zanzibar society in the recent history. The problem of GBV in Zanzibar is currently rapidly growing. Despite the introduction of different prevention strategies, these measures seem less productive. Majaliwa (2011) claimed that GBV is just like other crimes in the country, especially in Northern Unguja the situation is increasing and numbers of reported cases are alarming. However, there are still several gaps and challenges to be addressed such as an inadequate reporting system, the lack of possibilities for coaching and probation of perpetrators, lack of an integrated system of data collection and analysis, and the acceptance of GBV among many victims.

Law enforcement institutions play the major roles in the fight against GBV in Zanzibar. However functioning of gender based justice system depends upon a clear legal and regulatory framework, fully operational procedures and solid infrastructure including sufficient institutions, buildings, equipment, budgetary allocation and personnel who have the knowledge, capacity and material tools to discharge their responsibilities (UNICEF, 2018).

Law enforcement institutions dealing with the cases of gender based violence in Zanzibar

The key law enforcement institutions dealing with cases of gender based violence in Zanzibar include:

- a) The courts system/the Children's Court
- b) The Police
- c) The Office of the Director of Public Prosecutions (DPP)
- d) The Commission for Human Rights and Good Governance (CHRAGG)

The Courts

The court system in Zanzibar is comprised of a high court, kadhi's court, regional courts and the magistrate courts. The major roles and responsibilities of Zanzibar courts include interpreting diverse laws and execution of administrative decisions, hearing and deciding of cases filed before the courts of law and facilitating the maintenance of peace and order through good

governance and the rule of law. However, most respondents believe that the Zanzibar courts still remain the heaven for rapists in Zanzibar, accusing law enforcers and the judiciary for allowing suspects to go free. Some of the respondents interviewed were much more anxious to know what kind of evidence law enforcers and magistrates need in dealing with GBV cases especially rape. For example, in too many cases brought before the courts, the evidences were solid and obvious. But, to the surprise of the parents concerned, such cases were frequently dismissed.

Current Challenges

- i. The courts system have inadequate basic materials example, storage facilities etc
- ii. Both civil and criminal cases are plagued by delays and ineffective procedures and case management
- iii. There is a shortage of functioning court buildings, adequate chambers in which to hear violence cases
- iv. There has been insufficient training on the gender Act and the majority of magistrates and court personnel lack basic awareness on the Act and other gender related legislation.

The Office of the Director of Public Prosecutions (DPP)

Under the Criminal Procedure Act, no. 7 of 2004 the Director of Public Prosecutions is vested with the right of prosecuting all crimes and offences committed in Zanzibar and may take over any criminal case at any stage of the proceedings and thereafter the case shall be under the control of the director of public prosecutions. The office of the DPP has a significant role to play both in relation to the prosecution of children in conflict with the law and dealing with cases involving GBV in general.

Current Challenges

- i. The office of the DPP has managed to take over prosecution in the High Court, the Regional Magistrate courts and the district courts in the urban district only. The police are still responsible for criminal prosecution in primary courts and in the remaining district courts

- ii. The office of the DPP does not have a specialized gender's unit or staff and there is no pre-service or in-service training for prosecutors on dealing with women violence cases and children in conflict with the law or with child victims and witnesses
- iii. Standard Operating Procedure (SOP) of the DPP for forensic investigation does not comprehensively deal with both GBV cases and children in conflict with the law or adequately cover dealing with child victims or witnesses.

The Police

The role of the police is vital in the fight against all forms of violence against women and children in Zanzibar as well as the community at large. The strength of the police department depends much more on good, solid and consistent cooperation between the police force and the society. According to the findings, most of the people interviewed expressed the view that police officers would normally do almost nothing in dealing with cases of sexual violence against women and children. The Tanzania police force developed guidelines for the establishment of police gender and children's desks in 2012 in order to standardise the operation of these desks and the service and support received by clients.

Current Challenges

- i. Long delays in collection of sufficient evidence
- ii. Lack of expedient transaction in investigating and ruling on cases of violence incidences particularly sexual violence
- iii. Limited knowledge and skills on how to handle cases of GBV victims
- iv. There is no effective collaboration among police, welfare officers, health service providers, court magistrates and prosecutors as required by the law (UNICEF, 2018)

Literature review

The study on the Socio-cultural aspects of gender-based violence and its impacts on women's health in South Asia (Sarker, 2016) claimed on the application of law enforcement in addressing gender based violence. The study argues that frail and lack of law enforcement and prosecution systems is a significant challenge to confronting GBV. According to a nine-country study in the

Asia Pacific region (Including Bangladesh and Sri Lanka) conducted jointly by UNDP, UNFPA (United Nations Population Fund), UN Women and UN in 2013, 72–97% of men who had committed rape were never punished which confirms a serious unaccountability of the human rights law. However in the study of multi-sectoral for preventing and responding to Gender Based Violence (2011) identified gaps that are performed by law enforcers while handling the violence cases. The study claims that lack of clear definition in the books of law on sexual violence or domestic violence, absence of law which provides for minimum age of marriage, limited skills by law enforcers in handling GBV, legal illiteracy and lack of formal education perpetuate the incidence of violence in the community. This argument encourages families to settle rape cases out of court by forcing victims of rape to be married by the rapist hence the increase of violence in the community. This argument was further elaborated by the study of Scope of and magnitude of sexual violence against women and children in Zanzibar (2014), the study analyzed that lack of clear legal clarity on what constitutes matrimonial property, lack of clear legal protection for maintenance of women after divorce during the period of “edda”, low knowledge of the Islamic law by law enforcers, silences on marital rape and lack of enforcement mechanism for compensation of victims of GBV aggravate the violence incidences on the community.

Similarly, on the quantitative study of knowledge gap study of law enforcement and health care institutions in dealing with cases of gender based violence (2012), critically indicates that lack of clear law enforcement perpetuate the increase of violence incidences. The study shows the statistics of the level of conviction in the court of law in Zanzibar. In 2012 the total of the 117 cases reported at Mwera district court, only 32 have obtained conviction, but the punishment did not correspond to the crimes committed. 15 of these cases were still ongoing because it took such a long time for the case to be completed. 40 of these cases did not obtain any conviction at all, although they were duly reported to the police with impeccable evidence. Due to the long delay in bringing the cases to the court, 17 of the suspects ran away. This clearly shows that lack of clear law enforcement may be the contributing factors to the increase of gender bases violence to women and children. The study of Scope of and magnitude of sexual violence against women and children in Zanzibar (2014), further commented on the same concept indicating that the low rate of conviction could be attributed to long and cumbersome bureaucracy, lack of transparency

and accountability on the part of the law enforcers, and parent's lack of awareness in handling sexual violence cases particularly in evidence collection and preservation.

According to the Journal of Police and Criminal Psychology: Protecting the interests of vulnerable populations in the criminal justice system (Megan, 2018 pp55-61) claimed that "law enforcement institutions are very critical aspects in managing the incidences of GBV, however they face different challenges. The challenges were attributed by lack of legal support services and lack of free legal services to enforce the rights of victims in accessing their justice. In addition to that the journal claimed on the lack of monitoring and enforcement mechanism to guarantee the protection of GBV survivors and related human right issues, hence this resulted to the increase of GBV in the community. Similarly the journal of Gender and Development (Alice & Masabo, 2017 pp 6-7) claimed that an alleged low level of reporting cases of GBV due to limited awareness, possible stigma, lack of faith in the justice system and long delays perpetuate the increase of GBV. The journal indicated that lack of or low level of education deprives women from reporting cases to the relevant authority. Women's low literacy or lack of it militates against their ability to report the violence. The journal further emphasized that traditional customs and the patriarchal society that perpetuate gender discrimination act as an indicator of barriers towards the efforts of combating GBV.

The journal of Gender technology and Development (Emilyn &Warrier, 2015 pp 49-53) elaborated that monitoring and evaluation plan is very significant aspects in managing the cases of GBV in the law enforcement institutions. The journal also indicated some of the hindrances that influence the increase of violence incidences and make law enforcement fail to manage the GBV in the community. The hindrances were attributed to the lack of strong criminal laws and correctional systems including criminal law prohibiting sexual acts (such as adultery, sodomy, fornication and commercial sexual encounters). At the same time the journal associated the increase of gender based violence incidences with the existing discriminatory laws and poor protective laws that exploit vulnerable groups including people living with HIV, people with disability and survivors of GBV, as well as lack of proper legislation to provide for the regulation of GBV-related goods, services and information hence this results into limited availability of quality prevention measures and services, adequate GB V prevention and care information. However, the Zanzibar National Multisectoral GBV Monitoring and Evaluation

system (ZAC, 2018-2022 pp 28-32) claimed that the persistence of discriminatory attitudes and practices contribute to the increase of GBV. The journal emphasized that lack of wide and ongoing distribution of creative education; training and media program to change attitudes of discrimination and stigmatization to the survivors of GBV have great impacts towards efforts taken to address such incidences in the society.

Methodology

The study employed a descriptive research design, which according to Borg and Gall (2011) involves providing careful descriptions of a phenomenon. The purpose of any descriptive analysis is to generate accurate description of an event, attitude or behavior. The study was carried out at Mnazi Mmoja One Stop Center in Zanzibar. The choice of the area as a whole was based on the availability of accurate data and wider choice of sampling in the sense that it was the only center that provides specialized and coordinated services for the 24 hours in Zanzibar. Such an approach was seen as the best to provide evidence based policy advice and recommendation to government as the manager of One Stop Centers in Zanzibar. Data and information collection for this study was conducted between December 2018 to February 2019. Before launching the full-scale field research, a pilot study carried out to determine the appropriateness of the questionnaire and 5 respondents across various organizations including one stop center, police gender desks, Tanzania media women association, Zanzibar female lawyers, department of children and women and department of community development were piloted. After the pilot test, some few adjustments were made before the full research was conducted with 98 respondents.

A total of 98 copies of the questionnaire were administered directly to the respondents by the researcher and two assistants. Each copy of the instrument was accompanied with an introductory letter requesting for cooperation. A total of 98 instruments were duly completed and returned. Descriptive statistics were used to organize, analyze and interpret the data. Tables were employed to depict various responses across this study research.

A qualitative research methodology was adopted using an interview method involving both closed and open -ended questions exploring the capacity gaps. According to Kendall (2010), open-ended questionnaire allows participants the freedom to express their views in their own

words and in their own time, in a place of their choosing. With regards to sample size, 134 respondents participated in the study, though responses from 36 were finally used for the analysis. These respondents were targeted because they were survivors who were directly affected by violence incidences.

In terms of the procedures, data collection and recording from open-ended questionnaires were done using a paper-based form which lists all the closed and open-ended questions for respondents and firms to answer and complete them. The significant advantage of this strategy was that it allowed plenty of time for respondents to answer the questions. However, lack of opportunity to observe the physical responses of respondents about the topics and further explanation of the questions are some of the limitations (Kendall and Kendall, 2010). The completed forms were collected three weeks after distribution. Data pertaining to each question were entered into SPSS spreadsheets. A thematic analytical framework was applied to analyse data in line with inductive approach.

An inductive approach is used in qualitative research to supplement understanding of complex data using summary themes or categories from the raw data (Thomas, 2013). The responses from the questions were grouped into three domains to explain the viewpoints of respondents concerning law enforcement in managing gender based violence. In each domain, there were issues describing the detailed aspects of the law enforcement in dealing with cases of GBV. The next step was to identify sub-themes that link the research findings and the research questions through data analysis. Data was complied by gathering them in the themes and categories to understand the meaning of a phenomenon.

Findings and Discussion

The major findings across a number of areas which were investigated are presented in this section and this forms the core of the research. Whilst a number of issues were investigated, the subsection starts with the number of sexual violence cases reported per a year in the law enforcement institutions.

Number of sexual and physical violence cases reported per a year.

The data from the questionnaire implies that the key institutions dealing with the cases of gender based violence usually receive many cases of sexual violence due to the increase of such incidences and failure of the institutions to enforce the law appropriately in the community. The sexual violence cases keep on taking place due to the lack of seriousness of political will and resources at all levels of government, persistence on the dominant social norms and lack of social, legal and economic autonomy for women and girls which increases vulnerability to violence. Data showed that 25.5 percent of the respondents agreed that the number of cases reported per a year is very high between one institution and another hence this resulting into many cases being non-judged in the court. The research finding is supported by the (Mdungi, 2016) study of GBV Incidences and Responses in Zanzibar which showed the disaggregation of sexual violence cases reported per a year at the law enforcement institutions. The study showed that 15.60% of the cases reported in a year 2014 which is equivalent to 596 cases. However, the number of cases reported increased twice in 2015 and reached 23.3% which equals to 1372 cases while the number of cases reported per a year increased again compared to 2015 and reached 1505 cases in 2016 which is equivalent to 25.5%.

GBV Cases reported at the law enforcement insitutionsd 2011 - 2016

	Cases					
Year	Rape	Indecent Act	Defilement/ Sodomy	Beating/ hitting	Total cases reported per year	Average Percentage of the cases reported
2011	110	210	95	423	838	14.23%
2012	102	195	135	440	872	14.81%
2013	138	301	149	114	702	11.92%

2014	140	203	160	93	596	10.12%
2015	194	360	306	512	1372	23.31%
2016	245	411	241	608	1505	25.57%

Records for the year 2016 indicate that 1505 incidents of sexual and physical violence cases had been reported at law enforcement institutions were mainly related to rape and defilement, sodomy, indecent act, and beating. As shown on the table above, the average number of cases reported at the institutions ranges from 838 to 1505 during 2011 to 2016 respectively.

The data from the interview implies that the sexual violence cases which are reported per a year in the agency are many and increase on the high momentum, and still practiced in many areas of island despite the efforts taken by government to combat that violence. However, the efforts and measures taken by government encounter different challenges in the course of handling such violence incidences. The challenges are attributed by limited convictions and prosecutions, lack of political will and resources at all levels of government, dominant social norms and lack of social, legal and economic autonomy for women and girls which increases vulnerability to violence and decreases agency to respond. One among the interviewee said that:

“It is very depressing. The cases of sexual violence reported are many. It can be 500 and above. The cases still persist to take place and the perpetrators are not coward in practicing such filthy and cursed matter like that.”

Duration taken to judge the sexual violence cases after being reported in the agency

Duration taken to judge the sexual violence cases after being reported in the agency

	Frequency	Percent	Valid Percent	Cumulative Percent
below 1 month	3	3.0	3.0	29.1
1-3 months	12	12.2	12.2	38.1
Valid 4-6 months	25	25.5	25.5	56.7
7-9 months	48	48.9	48.9	92.5
10-12 months	10	10.2	10.2	100.0
Total	98	100.0	100.0	

The data from the questionnaire basically implies that the law enforcement institutions dealing with the cases of gender based violence fail to expedite the procedure of rapidly investigating and ruling on cases of sexual violence. This can be partly attributed to a lack of conducting criminal investigation on time and acquire sufficient evidence for ruling on the cases in a particular agency. Data showed that 48.9 percent of the respondents agreed that it takes 7-9 months to judge the cases hence this resulting into the disappearance of the perpetrators or holding informal mediation to the family members of the victims. This is supported by the (Smee, 2012) GBV study of Wall Silence which found that a particular agency takes long time to judge the sexual violence cases immediately is based on the challenges of evidence collection including lack of facilities and resources, lack of awareness around evidence collection, or interference by family members in criminal cases.

The data of the interviews implies that the law enforcement institution including court system are faced with challenges that result them to take much time in prosecuting cases of sexual violence. The challenges can be attributed by lack of confidence in the formal justice system, lack of a complete evidence particularly forensic evidence and lack of commitment to its personnel. As one among the respondent said:

Cases can take three to four years to progress through the court system. And these delays can be attributed to a lack of complete evidence to the victims of violence."

Number of sexual violence cases cleared and convicted per a year

Number of sexual violence cases cleared and convicted per a year				
	Frequency	Percent	Valid Percent	Cumulative Percent
				26.9
Valid below 100 cases	76	77.5	77.5	83.6
101-300 cases	15	15.3	15.3	94.8
non from the above	7	7.1	7.1	100.0
Total	98	100.0	100.0	

The data from the questionnaire implies that the key institutions dealing with the cases of gender based violence particularly law enforcement agency usually receive many cases of sexual violence per a year. However, the number of cases which are convicted per a year is very low compared to the case reported. The researcher found out that community awareness in reporting violence incidences is currently high but the problem remain to the institutions that enforce laws for their failures to increase prosecutions and convictions to the offenders resulting into many cases of sexual violence being un-judged . Data showed that 77.5 percent of the respondents agreed that the number of sexual cases which were convicted per a year was below 100 cases compared significantly to the number of cases reported per a year was very high and reached 901-1001 cases equivalent to 37.7%. This may be caused by a lack of evidence, bureaucracy in cases and lack of diligence in legal institutions resulted from the poor or limited enforcement of the law. This is supported by the 2012 study of Wall Silence: A look at Violence Against Women in Northern Zanzibar which showed that only 16.4 percent of the sexual cases reported per year were cleared and judged in a court system and this was due to many challenges including lack of facilities and resources example DNA which can facilitate the accessibility of evidence, corruption, bureaucracy in cases, shortage of legal representation and solicitor and inadequate expertise from law enforcement and medical personnel.

The data from the interview further explained on the environment in which many cases of sexual violence are not yet cleared and convicted. She cited an example that:

“Not surprisingly given the attitudinal, process and evidence challenges explained by the community, conviction rates for sexual violence cases are extremely very low. This may be caused by limited evidence from the victims and perpetrators, the court process including bureaucracy in cases and others.”

Number of sexual violence cases dismissed and acquitted per a year

Number of sexual violence cases dismissed and acquitted per a year				
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid				
below 100 cases	6	6.1	6.1	31.3
101-300 cases	22	22.4	22.4	47.8
501-700 cases	66	66.3	66.3	97.0
non from the above	4	4.0	4.0	100.0
Total	98	100.0	100.0	

The data from the questionnaire implies that the key law enforcement institutions dealing with the cases of gender based violence frequently receive many cases of sexual violence per a year. However, the number of cases which are convicted per a year is very few compared to the case dismissed and acquitted. The findings implies that number of cases which were dismissed and acquitted were very high and this due to the lack of evidence, low level of cooperation among witnesses or sometime disappearance of accused person. Data showed that 66.3 percent of the respondents agreed that the number of sexual cases which were dismissed and acquitted per a year was high compared significantly to the number of cases convicted per a year. This is supported by the 2012 study of Wall Silence: A look at Violence against Women in Northern Zanzibar which showed that there are number of cases which are dismissed and acquitted only because of lack of clear evidence which result for the inaccessibility to the justice to the survivors of the cases. The study implied that lack of facilities and resources, lack of clear

evidence and lack of cooperation from witnesses increase the rate of cases to be dismissed and acquitted in the sense that there is no continuance for the cases under investigated.

The data from the interview implies that there are many cases which are dismissed and acquitted by the court per a year compared to the cases which are convicted and prosecuted. This is totally attributed by the lack or limited enough evidence, corruption by the police officers, and distortion of the evidence and sometimes the disappearance of the accused. One among the respondent said that:

“Cases which are dismissed by the court are many. It can be three hundreds and above, this is because of the daily postponement of the cases that make the family victims not to attend at the court for hearing. Sometimes the court and judges argue on the issue of enough evidence for the perpetrators, and based on that the cases will be ceased because we community we don’t know where to get such evidence for the perpetrators conviction.”

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Factors influencing the failure of law enforcement in managing sexual violence incidences

Factors influencing the failure of law enforcement in managing the sexual violence incidences

	Frequency	Percent	Valid Percent	Cumulative Percent
bureaucracy	31	31.6	31.6	50.0
inadequate working tools	22	22.4	22.4	66.4
request for the case withdrawal	4	4.0	4.0	69.4
disappearance of accused person	11	11.2	11.2	77.6
low level of cooperation among witnesses	13	13.2	13.2	87.3
interference by family members in criminal cases	4	4.0	4.0	90.3
lack of sufficient evidence	13	13.2	13.2	100.0
Total	98	100.0	100.0	

The given research finding implies that the existing law enforcement institutions dealing with the cases of gender based violence had not worked effectively and has limited capacity to prevent and combat women and girls' sexual violence in Zanzibar. Ineffectiveness of the law enforcement has been contributed by various challenges which include long term bureaucracy, inadequate working tools and provision of autonomy for the family members to interfere criminal cases. Furthermore, provision of opportunity for the family members to request for the case withdraws and issuing the bail for the perpetrators resulting to the disappearance among them. Data showed that 31.6 and 22.4 percent of the respondents agreed that long delays and long term bureaucracy as well as inadequate working tools as contributing factors towards the failure of law enforcement in managing sexual violence cases, which was resulted from the lack of diligence in legal institutions.

The literature shows that law enforcement institutions are experiencing many challenges in ensuring enforceability of laws pertaining to the cases of sexual violence. The challenges are attributed to the evidence collection including lack of facilities and resources like DNA facilities that would assist in gathering forensic evidence in cases relate to rape, illegitimate children and

defilement (MLYWCD, 2016). This is further supported by the study of study of Wall Silence: A look at Violence against Women in Northern Zanzibar (2012) which showed that law enforcement institution fail to enforce laws effectively due to the long delays of the cases and lack of legal aid and legal representation.

Data from the interview further explained on the environment in which the law enforcement fails to manage sexual violence incidences. He cited an example that:

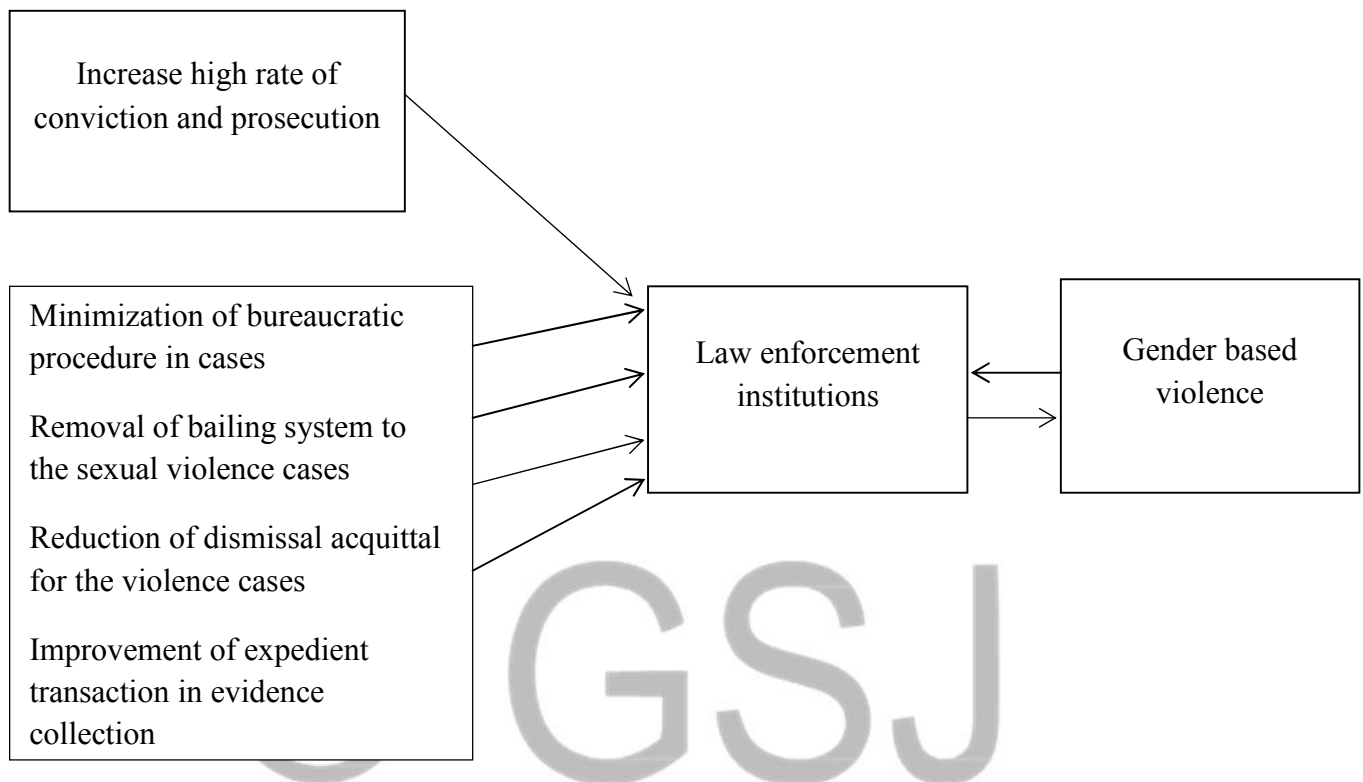
“Frankly speaking, you see, on my view I think there are many factors but the large one is that the authority that enforce and administer law take much time to issue the judgment of the case. It can take one year or two years, you just go and return hearing your cases at the court without any signs of success.”

The Gaps

There is a limited literature explaining the detailed information pertaining to capacity gaps of law enforcement institutions in dealing with cases of gender based violence. Lwoga and Asubisye (2018) focused on monitoring and evaluation system for law enforcers and noted that gender based violence in particular had led into the huge impacts to the community members for making such procedures and systems impacting the operationalization and implementation of strategies devised to fight against GBV. However, the literature is short in explaining how such monitoring and evaluation system has impacted the decrease of gender based violence incidences in the community, decrease negative image among the community and how reduced the severity and frequency of violence incidences in a domestic settings. The second knowledge gap in the existing literature can be well expressed by the question how law enforcement institutions effects the changes on the perpetrator's attitudes toward perpetuating the violence incidences. Filling these gaps is important for practical policies development relevant for adaptation to law enforcement institutions. This paper therefore develops the conceptual framework on the interface between law enforcement and gender based violence. The development adds variables relevant for exploring law enforcement institutions impacts outcome for violence incidences which are not clearly delineated in the existing body of knowledge as far as the capacity gaps of law enforcement institutions in dealing with cases of gender based violence is concerned. The implications for the capacity gaps of law enforcement institutions in dealing with cases of GBV on such variables as number of sexual and physical violence cases reported, conviction rates,

dismissal and acquittal of the cases, duration taken to issue judgment on violence cases are all considered important especially for adaptation strategies development.

The interface between law enforcement and gender based violence.



Conclusion

In Zanzibar, Gender Based Violence, particularly violence against women and children, is a public concern and one of the critical areas for interventions at both policy and programmatic level. The study indicates that women and girls are the most victims of violence and suffering to different forms of violence including domestic, emotional, and sexual violence and other gender specific violence in their lives. The study also reveals that GBV is on increase in Zanzibar due to the low level of law enforcement from legal institutions, low level of monitoring and evaluation system and the perpetuation of culture of silence and impunity and tolerance behavior from among the community.

The study reveals that, there are low conviction rate of GBV cases and some of these cases are resolved domestically. These are due to limited law enforcement from legal institutions and corruption of the law enforcers. The cases also take much time to be convicted and most of the time evidence is destroyed by professionals. Many people do not understand on how to preserve evidence for GBV cases and community deny providing evidence due to various reasons including bureaucracy and these cases take much time to get convicted. The findings also indicate that evidence is major problem in prosecuting cases of GBV in Zanzibar. The study indicates that cases were not reported or court cases form their community failed to due to lack of sufficient evidence. Limited forensic knowledge and absence of policies and procedures, resources and appropriate facilities remains a problem. An absence of comprehensive support services for women also impacts on whether women feel safe to report incidences of GBV. The findings suggested that the improvement of expedient transaction in investigating and ruling cases are considered on a fixed time, forensic services should be available 24 hours per a day and everyday for the collection of physical evidence, particularly in cases of sexual crimes and strengthening the law reform in the court system especially in bailing procedures. The law should clearly define and stipulate that bailing procedures against any sexual violence is detached.

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