



## **Exploring the extent of Case Conviction in influencing sexual assault perpetration against married women in Zanzibar**

**Nassor O.M. Khalfan and Hossea Rwegoshora**

### **Abstract**

*This paper aims at exploring the extent of case conviction in influencing sexual assault perpetration against married women in Zanzibar. The study was guided by examining the number of sexual assault cases reported per a year at the court, number of cases convicted, number of cases dismissed and acquitted and factors influencing the conviction rate on sexual assault cases. Conviction rates can be explained from two theories, i.e., trial-based theory and report-based theory. The trial based perspective measures the conviction rate in terms of the numbers of cases that go to trial. The later approach focuses on the number of cases reported to the police. The study was conducted in urban west region in Zanzibar. A total of 134 respondents were sampled from 6 human service agencies including Bububu gender desks, Madema gender desk, Zanzibar female lawyers association, Tanzania media women association, department of women affairs and Mnazi Mmoja one stop center. Data was collected from married women, social welfare officers, social workers, police officers and key informants using questionnaire, interview and life history methods. The study found that, the level of case conviction on sexual assault cases was very low. The low level was critically attributed with repeated adjournment of cases, long delays and bureaucracy in cases, lack of sufficient evidences and ineffective procedures and case management. 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:** case conviction, prosecution, sexual assault, violence, Zanzibar,

## **Introduction**

This study was organized by seven parts. The part of abstract and key words, the introduction of the study, literature reviews, methodology of the study, findings and discussion, and finally conclusion and recommendation parts. This article was intended to find out whether case conviction influences the increasing rate of sexual assault perpetration

Sexual assault against women is a widespread and serious violation of human rights that has severe physical, psychological, emotional and social consequences. Gender bias and discrimination fuel myths around such assault which shape the criminal justice response to these crimes (Peter, 2013). Many victims never report their victimization or they have been filtered out of the criminal justice system, resulting in low charge and conviction rates (Michael, 2011). A victim's decision to report sexual assault related perpetration and continue within the criminal justice system is one of the most important factors affecting the prosecution and conviction of cases. The way in which the criminal justice professionals initially respond to victims is critical in determining whether a victim chooses to participate in further legal action, or abandons it because she has experienced secondary victimization on harsh treatment by the criminal justice system.

Convictions of cases play a critical role in the criminal justice response to assault against women. While convictions of those cases face different tasks depending on the State's legal system. They generally represent the authority of the State in bringing a criminal case against the accused perpetrator, and ensuring the application of the law during the criminal proceedings (Zee, 2016). Convicting sexual assault violent crime can be challenging. Often 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 revoke their complaints. Judges or juries may employ gender bias or common myths surrounding violence against women when examining the credibility of the victim and the facts of the case (Zakaria,

2012). The goals of case conviction are to protect the victims while holding perpetrators accountable for their actions, and communicate a strong message to the community that violence against women is not tolerated. Thus, the rule of law is undermined when impunity characterizes the criminal justice response to violence against women (Perera, 2014).

### **Conviction rate and the sexual assault cases**

Conviction rate means the ratio of cases ending in conviction out of the total number of cases decided in a given year (Jenny, 2011). Hence, it is a reasonably good indicator of the efficiency and efficacy of the criminal justice system prevailing in a particular country. Unlike detection rate which measures the success of investigation, conviction rate measures the efficiency of the prosecutor's office and the success of trial (Klugman, 2018). As it measures punishments in crime rate regression. Therefore, an attempt to identify conviction rate is particularly important for the victims of violent crimes to ensure that their attackers are convicted and appropriately punished. Broadly, from the criminal justice perspective, the main objective of the criminal trial is to determine whether an accused person has violated the penal law and if found guilty, to prescribe the appropriate sanction (Sunstein, 2013).

A criminal justice system that consistently fails to secure convictions has little credibility. As a result of which the victims may give up to report the crimes and the communities may instead resort to some extra-legal, vigilante actions (Heise and Kotserdam, 2015). However, the progress and outcome of the cases provide with a ready barometer to evaluate systemic performance which can be indicated by the rate of conviction. Differences in the conviction rates occur due to a number of factors, e.g., the legal framework, the law enforcement infrastructure, the quality and role of the personnel operating within the legal system, etc. (Klugman, 2015). A high conviction rate although is not the primary objective of the criminal justice system, but, it may be indicative of the methodical and painstaking investigations and effective prosecution. By contrast, an excessively low conviction rate definitely indicates unsuccessful and ineffective prosecution.

### **Enforcement and Attrition on sexual assault cases**

Attrition means that reported cases of violence fail to proceed through the justice system. This has been highlighted as a critical issue in a number of European countries, for example, where detailed studies have been undertaken. In virtually all countries where major studies have been published, the number of reported rape

offences has grown over the last two decades, yet the number of prosecutions has failed to increase proportionately, resulting in a falling conviction rates. In England and Wales, the conviction rate of the mid-2010s (24 percent) dropped to 5 per cent in 2014 and 6 per cent in 2016 (RDS – Office for Criminal Justice Reform, 2018). Even after women report, prosecution and conviction rates are low. Among the constraints are delays, lack of responsiveness of prosecutors, and lack of funding for support services. However, implementation problems are also evident in high-income countries (Hutun and Weldon (2012). As noted above, marked attrition increased reporting alongside falling rates of prosecution and conviction is now predominant in Europe across both adversarial and investigative legal systems. Factors characterizing the low conviction rate in countries included failures in investigation to interview victim and/or suspect and high rates of victim withdrawal. Conversely, countries with higher conviction rates had neither of these systems where prosecutors took control of the investigation and made most decisions about whether cases proceeded (Shingo, 2014).

### **Criminal justice response and low conviction rate in the sexual assault cases**

Ameen (2017) mentions that an alarming increase of crime against women over the years indicates that the enforcement of laws that have been made to combat the sexual assault perpetration have not been encouragingly effective in the past years. In many instances of rape, molestation, abduction, and sexual harassment, technicalities and legal loopholes deprive women of justice, especially where the aggressors are in a dominant socio-economic position. Jahan (2011) in other words, observes that women's socio-economic powerlessness and ignorance of legal rights limit the scope of legal protection. In addition, litigation does not always guarantee that the desired judgment will be received. So far, imperfect understanding and inadequate knowledge of this multidimensional problem has produced limited success in this area. In many cases, full enforcement and implementation of existing laws have not been achieved due to various factors, including lack of awareness of women's rights among law enforcement agencies. The scarcity of effective agencies offering supportive intervention and the excessive expenses and time consuming process involved in litigation also prevent many women, especially, the poor and uneducated ones from seeking redress through criminal proceedings. Chowdhury (2016) identifies that although many laws exist in Bangladesh to address violence against women but because of ineffective implementation of these laws by the state and inherent conceptual defects in some of them, such laws fail to punish the perpetrators of violence against women.

Johnson, Ollus and Nevala (2016) *find* that conviction rate in assault cases depends on the legal system, magnitude of the case backlogs which may result in a higher level of the case dismissals at certain point throughout the criminal justice process, societal attitude toward sexual violence which exerts pressure on police and prosecutors to prioritize certain type of cases, the possibilities and mechanisms for cases to be withdrawn during the criminal justice process. *The South African Law Commission Criminal Case Outcome Research Report (2018)* notes that conviction rates are one way of telling us how well the criminal justice system is doing. It is particularly important for victims of violent crime that their attackers are convicted and appropriately punished. A criminal justice system that consistently fails to secure convictions has little credibility and there is a risk that victims may give up reporting crime and communities may instead resort to extra-legal, vigilante action.

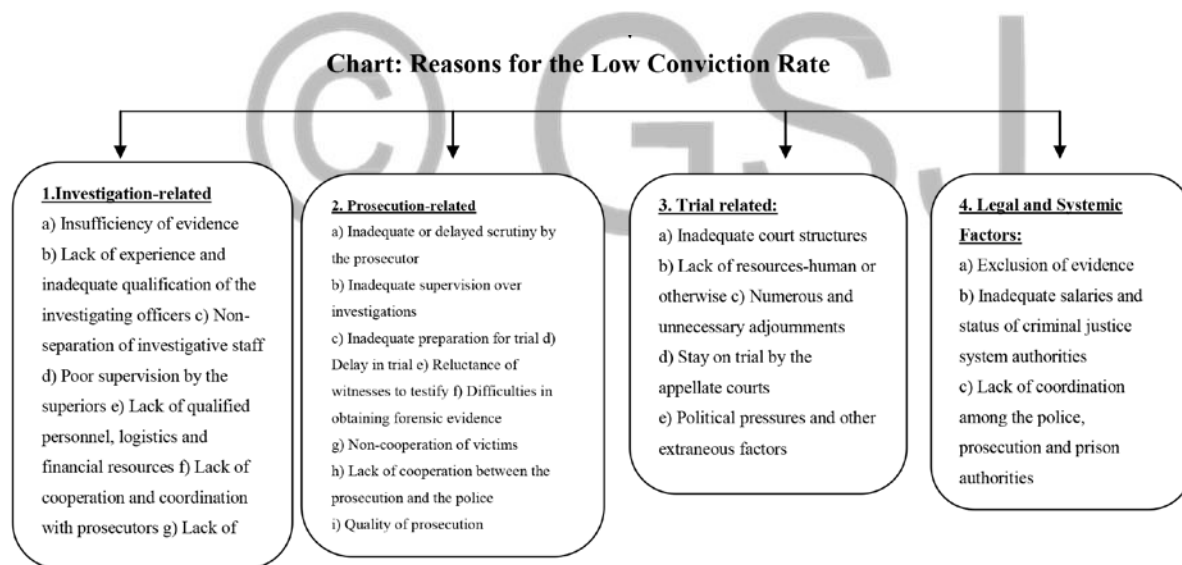
The National Human Rights Commission of Bangladesh in its Baseline Survey on Human Rights in Bangladesh (2017) demonstrates that low conviction rate in the criminal justice system leads to the denial of justice for many victims of crime, especially, women and other marginalized groups. By examining the country studies on Bangladesh, India and Nepal, the Yearbook of the United Nations (2016) provides that the lack of implementation of laws aimed at ending violence against women was reflected in the low conviction rates for perpetrators of violent crimes against women. In addition, Chowdhury (2017) observes that lack of funds for collecting and preserving evidence, lack of adequate protection of the victims and witnesses, improper documentation of testimony, and lack of understanding and sensitivity of violence against women issues among police, judges, doctors, and social workers all contribute to lack of punishment of the perpetrators of violence against women and inadequate redress to the victims of such violence.

### **Case conviction and sexual assault perpetration in Zanzibar**

In Zanzibar, laws relating to sexual assaults are scattered. There is no single specific law dealing with sexual assault incidences (Makungu, 2017). Consequently, law enforcement agencies do not give special considerations when dealing with sexual assault cases. Sexual assaults are treated just like other criminal cases and in some instances are considered to be less serious than other crimes. The extent of conviction in dealing with sexual assault perpetration in Zanzibar is for somehow very low. The low level are attributed by long and cumbersome bureaucracy, lack of transparency and accountability on the part of the law enforcers, repeated adjournment of

cases and lack of awareness in handling sexual assault cases particularly rape (MLYWCD, 2014). As noted by 2017 report, Tanzania media women association (TAMWA) found that courts adjudicate few rape cases due to lack of evidence, repeated adjournment of cases, alleged perpetrators jumping bail, witnesses unwilling to appear in court or unable to pay for transport to court and the legal requirement for a doctor's report. Therefore, an excessively low conviction rate in Zanzibar definitely indicates unsuccessful and ineffective prosecution. Under the four heads, namely, investigation, prosecution, trial, and legal and systemic framework, several other factors have been identified to list the potential reasons for low conviction rate, generally in criminal cases in Zanzibar (Zakaria, 2011).

By analyzing the dynamics and challenges of the assault cases against women in Zanzibar, Bakari (2017) observes that lack of funds for collecting and preserving evidence, protecting the



victims and witnesses, improper documentation of testimony, lack of understanding and sensitivity of assault against women issues among police, judges, doctors, and social workers all contribute to acquittal of the perpetrators of assault cases against women and inadequate redress to the victims of such assault, particularly, poor and disadvantaged women. In many cases, due to harassment and complexities of the court procedure, the victims are often compelled to accept out of court settlement which may contribute to low conviction rate.

## Literature review

Conviction of sexual assault perpetration throughout the world has historically encoded discrimination against women into penal and civil law. In many low and middle-income countries, penal codes do not criminalize certain kinds of physical or sexual assault against women; hence consider them to be a private offense against “family honor” rather than a criminal offense against the personal integrity of a woman; allow perpetrators of rape to evade criminal responsibility by agreeing to marry their victim; involve criminal procedures that make conviction unlikely; and sometimes punish victims of sexual assault by prosecuting them for adultery or abortion (Mehotra, 2015). Even when strong legislation exists, law enforcement institutions often fail to enforce the law, and/or inflict additional trauma on survivors of violence through bias and mistreatment (Zinde, 2014). In many countries, women have limited rights to voluntary marriage, divorce, child custody, and child support, either by law or in practice-legal tools that can allow women to avoid or escape abusive situations and may be essential before they can consider seeking help from law enforcement

## Theoretical framework

Conviction rates can be explained from two perspectives, i.e., *trial-based perspective* and *report-based perspective*. The trial based perspective measures the conviction rate in terms of the numbers of cases that go to trial. The later approach focuses on the number of cases reported to the police. The trial based perspective is criticized for ignoring many reported crimes that do not reach to the trial stage if they were undetected by police or withdrawn from the court before trial.

The study on the Socio-cultural aspects of sexual assault and its impacts on women’s health in South Asia (Sarker, 2016) , claims on the application of case conviction in addressing gender based violence. The study argues that frail and limited conviction on sexual assault cases 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, 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 Sexual Violence (Mohammed, 2017)

identified gaps that are performed by law enforcers while handling the violence cases. The study claims that limited rates of conviction on sexual assault or domestic violence cases, absence of law which provides for minimum age of marriage, limited skills by law enforcers in handling sexual assault, legal illiteracy and lack of formal education perpetuate the increase of sexual assault perpetration 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 resulting to the increase of sexual assault in the community.

The quantitative study of Capacity gap of law enforcement and health care institutions in dealing with cases of sexual assault perpetration (Hussein, 2017) critically indicates that lack of clear law enforcement perpetuate the increase of sexual assault incidences. The study shows the statistics of the level of conviction rates in the court of law in Zanzibar. In 2017 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 of repeated adjournment of cases. 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 submitting the cases to the court, 17 of the suspects ran away. This clearly shows that limited conviction of sexual assault cases may be the contributing factors towards the increase of sexual assault to women in Zanzibar. As noted by Ramadhan (2014), sexual assaults are often resulted by the low rate of conviction attributed by long and cumbersome bureaucracy, lack of transparency and accountability on the part of the law enforcers. According to Megan (2018 pp34), conviction rates are very critical aspects in the process of managing the incidences of sexual assault, however they face different challenges. The challenges were attributed by lack of legal support services to enforce the rights of victims in accessing their justice.



## **Methodology**

The study employed a descriptive research design, which according to Borg and Gall (2011) involves providing careful descriptions of a phenomenon. The study was carried out at urban west region in Zanzibar. The target populations of the study were married women, social welfare officers, police officers and social workers. In this study data was collected through questionnaires, interviews and life history methods. Data was analyzed using quantitative and qualitative research paradigm. In quantitative data, Questionnaires were coded after data collection for the purpose of tracking errors during data entry. Double entry and data cleaning was done to ensure that there were no errors on data entry. Frequency distributions were run from the two parallel data sets. The Microsoft excel was employed to analyze quantitative data. A qualitative research methodology was adopted using an interview and life history methods involving closed and open -ended questions evaluating the extent of case conviction in influencing the increase of sexual assault among married women. Qualitative data were captured through extensive note taking and audio-taping. These data were transcribed, translated and typed. A thematic analytical framework was applied to analyze data in line with inductive approach

## **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 assault cases submitted per a year to the courts in 2018-2019**

The data from the questionnaire implies that the human service centers dealing with the cases of gender based violence usually receive many cases of sexual assault perpetration. The sexual assault 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 shows that 25.5 percent of the respondents agreed that the number of cases reported per a year is very high, hence resulting into many cases being non-convicted in the court. The research finding is supported by the Mdungi study (2016) study which showed the disaggregation of sexual assault cases reported per a year at the law enforcement institutions.

### Sexual assault cases submitted per a year to the courts

: Number of sexual assault cases reported per a year

Research Sites	Number of sexual assault cases (rape and anal penetration) reported in a human service agencies per a year					Total
	Below 100 cases	101-200 cases	201-300 cases	301-400 cases	401-cases and above	
Bububu gender desk	4	3	3	1	1	<b>12</b>
Madema gender desk	5	7	2	7	3	<b>24</b>
Mnazi mmoja one stop center	3	8	5	2	1	<b>19</b>
Zanzibar female lawyers association	2	5	6	1	1	<b>15</b>
<b>TOTAL</b>	14	23	16	11	6	<b>70</b>
<b>Percentage</b>	20.1%	32.8%	22.8%	15.7%	8.5%	<b>100%</b>

Source: Human Service Centers (2019)

Data for the year 2019 indicate that 651 incidences of sexual assault perpetration against women had been reported at human service agencies in urban west region in Zanzibar. Such sexual assaults were related to rape, sodomy/anal penetration, and sexual groping. As shown on the table No. 1 above, the average number of women reported the sexual assault perpetration at the human service center ranges from 339 (10.1%) to 651 (32.2%) during 2011 to 2019 respectively. The above statistical data indicates directly the increasing rate of sexual assault

among women in Zanzibar despite many efforts taken to combat sexual assault including gender and children and desk affairs. Therefore, the researcher came up with an attempt to fill this gap by examining the factors influences the increasing rates of sexual assault in Zanzibar.

The data from the interview implies that sexual assault cases reported per a year are many and increase on the high momentum, and still practiced in many areas of island despite the efforts taken by government to combat such assault. However, the efforts and measures taken by government encounter different challenges in the course of handling such 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 assault 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 by court to judge sexual assault cases

Research Sites	Duration taken by the court to issue judgment of sexual violence cases						Total
	Below 1 month	1-5 months	6- 10 months	11- 1 year	1year and above	51 and above	
Bububu gender desk	2	1	4	6	2		<b>15</b>
Madema gender desk	1	3	2	5	3		<b>14</b>
Mnazi mmoja one stop center	3	4	5	6	4		<b>22</b>
Zanzibar female lawyers association	1	1	5	11	1		<b>19</b>
<b>TOTAL</b>	7	9	16	28	10		<b>70</b>
<b>Percentage</b>	10.1%	12.8%	22.8%	40%	14.2%		<b>100%</b>

Source: Researcher (2019)

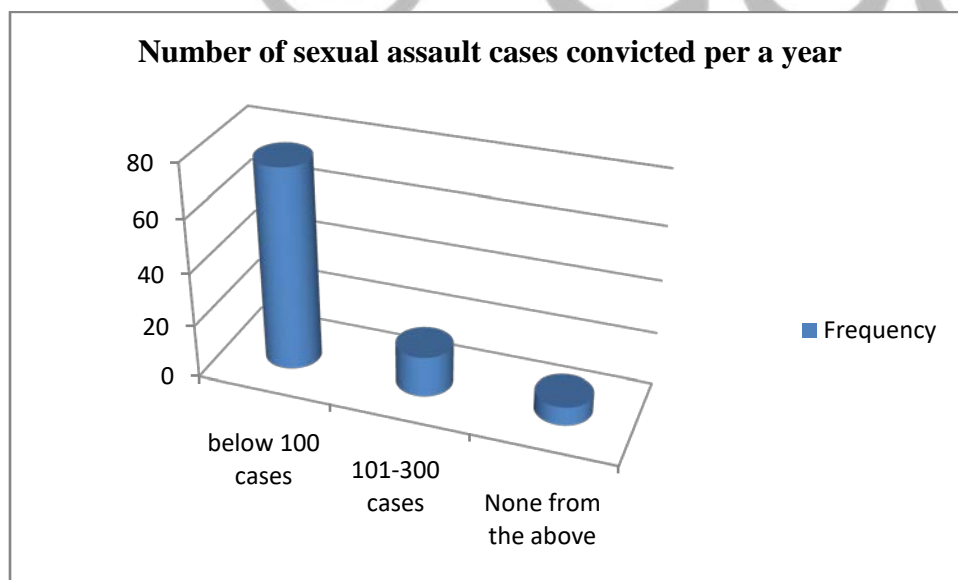
The data from the questionnaire basically implies that the law enforcement institutions especially courts fail to expedite the procedure of rapidly investigating and ruling on cases of sexual

assault. 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 shows that 48.9 percent of the respondents from Bububu gender desks, Madema gender desk, Mnazi mmoja one stop center, and ZAFELA used in this study 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 study (2012) which found that sometime agency takes long time to judge sexual assault cases and this 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 taking much time in prosecuting cases of sexual assault. 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 assault cases convicted per a year in 2018-2019

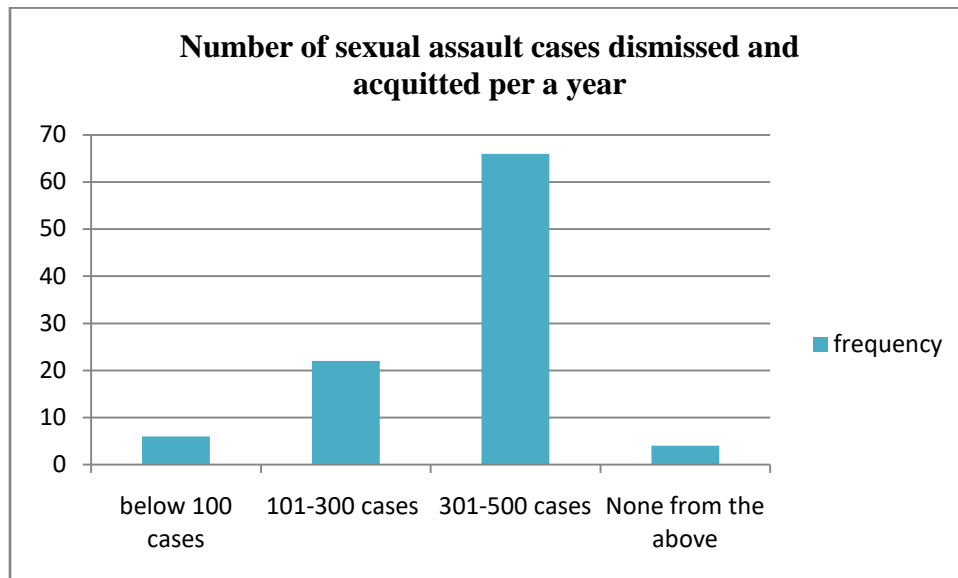


The data from the questionnaire implies that the courts in Zanzibar usually receive many cases of sexual assault per a year. However, the number of cases which are convicted per a year is very low compared to the case reported. The researcher found out that community awareness in reporting assault incidences is currently high but the problem remain to the institutions that enforce laws for limited prosecutions and convictions resulting into many cases being dismissed. Data shows that 77.5 percent of the respondents from Bububu gender desks, Madema gender desk, Mnazi mmoja one stop center, and ZAFELA used in this study agreed that the number of sexual assault cases which were convicted per a year was below 100 cases, compared 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 repeated adjournment of cases resulted from the poor or limited enforcement of the law. This is supported by the 2012 study of Wall Silence which showed that only 16.4 percent of the sexual assault cases reported per year were convicted in a court system. 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 assault are not yet convicted. The key informant 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 assault cases dismissed and acquitted per a year in 2018-2019**



The data from the questionnaire implies that the courts in Zanzibar frequently receive many cases of sexual assault 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 shows that 66.3 percent of the respondents from Bububu gender desks, Madema gender desk, Mnazi mmoja one stop center, and ZAFELA used in this study agreed that the number of sexual assault cases 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 which showed that there are number of cases which are dismissed and acquitted only because of lack of clear evidence. The study further 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 repeated adjournment of 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*

**Factors influences conviction rates on sexual assault cases against married women**

Research Sites	Factors influencing conviction rate on sexual assault against married women							Total
	Bureaucracy in cases	Inadequate working tools	Requirement for the case withdawal	Disappearance of accused person	Low level of cooperation among witnesses	Interference by family members in criminal cases	Lack of sufficient evidence	
Bububu gender desk	6	3	1	1	2	1	2	<b>16</b>
Madema gender desk	7	3	1	4	1	1	6	<b>23</b>
Mnazi mmoja one stop center	7	1	1	5	3	1	1	<b>19</b>
Zanzibar female lawyers association	3	1	1	1	3	1	2	<b>12</b>
<b>TOTAL</b>	<b>23</b>	<b>8</b>	<b>4</b>	<b>11</b>	<b>9</b>	<b>4</b>	<b>11</b>	<b>70</b>
<b>Percentage</b>	<b>32.8</b>	<b>11.4</b>	<b>5.7</b>	<b>15.7</b>	<b>12.8</b>	<b>5.7</b>	<b>15.7</b>	<b>100%</b>

The given research finding implies that the existing law enforcement institutions dealing with the cases of sexual assault particularly courts had not worked effectively, and has limited capacity in preventing and combating women and girls’ sexual assault in Zanzibar. Ineffectiveness of the law enforcement has been contributed by various challenges which include limited conviction on sexual assault cases, long term bureaucracy, and repeated adjournment of cases. Furthermore, provision of opportunity for the family members to request for the case withdrawal and issuing the bail for the perpetrators resulting to the increase of sexual assault. Data shows that 32.8 and 11.4 percent of the respondents from Bububu gender desks, Madema gender desk, Mnazi mmoja one stop center, and ZAFELA used in this study 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 assault cases.

The literature shows that law enforcement institutions are experiencing many challenges in ensuring enforceability of laws pertaining to the cases of sexual assault. 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 repeated adjournment of cases and lack of legal aid and legal representation.

Data from the interview further explained on the environment in which the law enforcement institutions particularly courts fail to manage sexual assault incidences. The social welfare officer 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 which affect the conviction rates on sexual assault cases. It can take one year or two years, you just go and return hearing your cases at the court without any signs of success.”*

## **Conclusion**

In Zanzibar, sexual assault, particularly assault against women is a public concern and one of the critical areas for interventions at both policy and programmatic level. The study indicates that women are the most victims of assault cases and suffer from different forms of assaults including rape, sodomy, anal penetration, groping and other gender specific violence in their lives. The study also reveals that sexual assault is on increase in Zanzibar due to the limited or low conviction rates on sexual assault cases. The study reveals that, there are low convictions of sexual assault cases and simultaneously some of the cases are resolved domestically. 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 sexual assault cases and community deny providing evidence due to various reasons including stigmatization and isolation from the community. The findings also indicate that evidence is major problem in prosecuting cases of sexual assault in Zanzibar. An absence of comprehensive support services for women also impacts on whether women feel safe to report incidences of sexual assault.



## Recommendations

The findings suggested that the improvements of expedient transaction in investigating and ruling on cases are considered important in convicting the perpetrators of sexual assault perpetration. 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. Prosecutions and convictions to sexual assault cases need to be highly considered. This will be achieved by reducing the trends of case dismissal or acquittal on sexual assault perpetrators.

## REFERENCES

- Alice, N&Masabo, S.(2017). Journal on gender and development. Vol 13. Pp 6-7.
- Astbury, D. (2009). Frants and Fanons Diagnosis: Toronto: Toronto star P.D.I
- AU. (2010). African Union Non-Agression and common Defence PACT.Abuja, Nigeria: AU
- Bureau, P (2001). World population. Washington DC, U.S.A: population bureau
- Campbell, kub &Rose J. (2015). Depression in battered women. U.S.A :national library of medicine
- Dobbert (2009). Hulting the sexual predators: preventing Attack, rape and lust. USA: green wood publishing group
- F, M.M. (2011). The school level human factor in education reforms. Tanzania: un published doctoral thesis in education
- Foa, et.al. (2015). Post traumatic stress disorder symptoms. USA: national library of medicine
- Heise, L.L (2016). Violence against women: an ecological framework: London: sage publication
- Kilpatrick, E. & Seymour (2012). Rape and sexual assault. Washington, USA: Bureau of justice statistics
- Komba, M.&Liljedtrom (2013). Sex without consent: young people in developing countries. Zimbabwe” zed books limited
- Mashizha, S. (2013). The prevalence and factors associated with gender based violence among Zimbabweans deported through Bait Bridge District, Zimbabwe: Matabel south province

Mhoja, E. (2011). Child widows silenced and unheard: human right suffers in Tanzania.  
Tanzania: Dar es Salam University press

MLYWCD. (2009). The capacity gap study of law enforcement and health care institutions in dealing with cases of gender based violence in Zanzibar. Zanzibar: Action Aid

MLYWCD. (2016). A multi sectoral strategy and action plan for preventing and responding gender based violence in Zanzibar: Zanzibar: Action Aid

Mullen et.al (2011). Stalkers and their victims. UK: Cambridge university press

Nyerere, J. (1968). Socialism press. Tanzania: Oxford university press

Resnick, et.al (2016). Protecting adolescents form harm. USA: Minnesota university press

Roberts, D. (2014). Incentive in physiology and medicine. Chicago, USA: Chicago university press

Tarrier et.al (2015). Cognitive behavior therapy for post traumatic stress disorder. USA: National library of medicine

UN (2010). UN declaration on the elimination of all forms of discrimination against women.  
Geneva: UN

UNFPA. (2012). Gender violence programme in emergencies. E-learning companion guide. New York, USA: UNFPA

WHO. (2013). Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence. New York, U.SA. WHO