



















## **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)

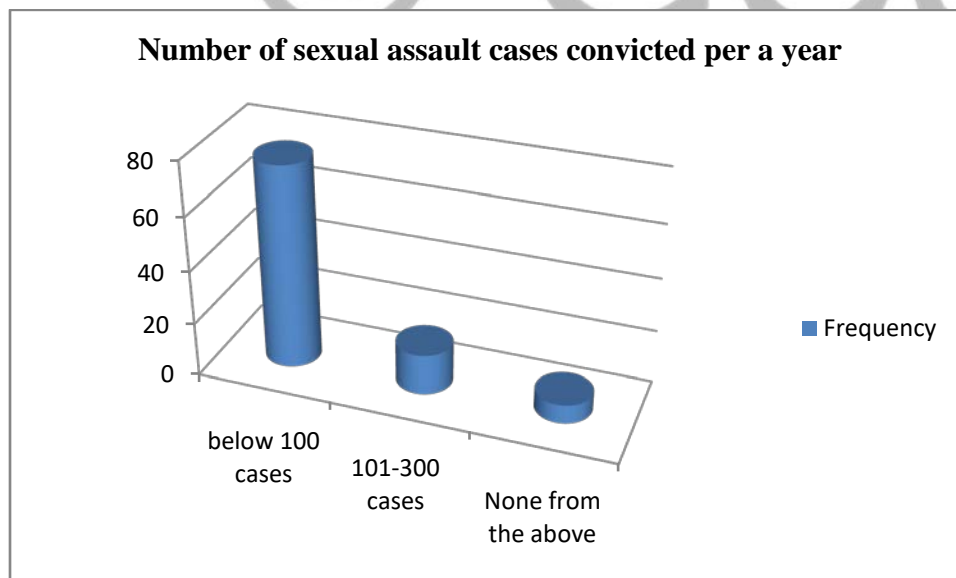
The data from the questionnaire basically implies that the law enforcement institutions especially courts fail to expedite the procedure of rapidly investigating and ruling on cases of sexual

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

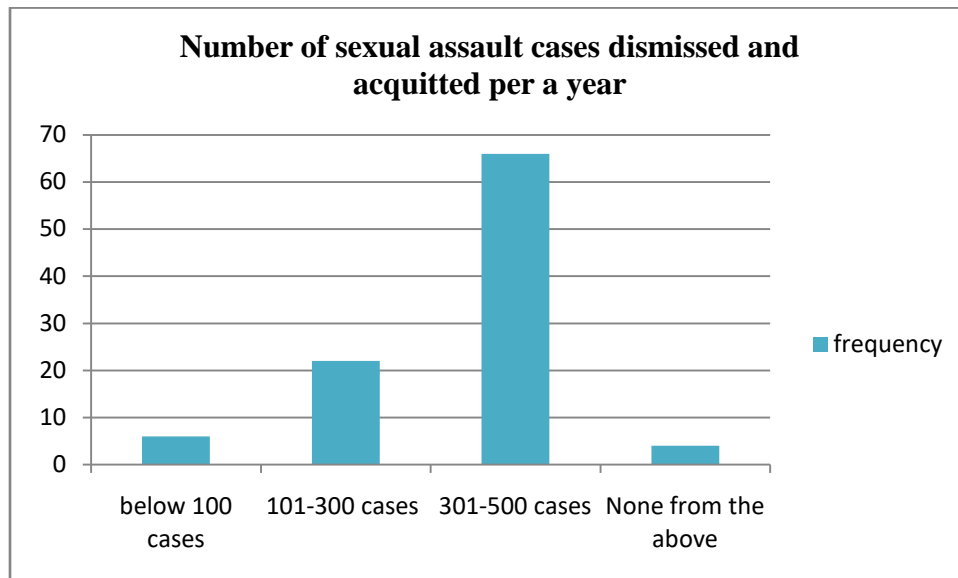


The data from the questionnaire implies that the courts in Zanzibar usually receive many cases of sexual assault per a year. However, the number of cases which are convicted per a year is very low compared to the case reported. The researcher found out that community awareness in reporting assault incidences 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 with rawal	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.

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