
**‘WHAT WORKS AND WHAT DOES NOT’:
AN INVESTIGATION INTO THE EFFECTIVENESS OF THE MULTI-SECTORAL
APPROACH (MSA) IN THE SPEEDY FINALISATION OF JUVENILE RAPE
CASES:
A CASE STUDY OF THE ZIMBABWE REPUBLIC POLICE (ZRP), MAKONDE
DISTRICT, ZIMBABWE**

By

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**A Dissertation submitted in partial fulfilment of the requirements for a Masters Degree
in Women’s Socio-Legal Studies, Southern and Eastern African Regional Centre for
Women’s Law,
University of Zimbabwe**

2018

Abstract

In Zimbabwe, there is a growing concern that while reported rapes against juveniles are soaring and outstripping those against adults, case finalisation figures against perpetrators of the crime remain low despite the application of the Multi-Sectoral Approach (MSA). This research, therefore, sought to assess the effectiveness of the MSA in the speedy finalisation of juvenile rape cases in Zimbabwe Republic Police (ZRP) Makonde District, Mashonaland West Province, Zimbabwe. The Victim Friendly System (VFS) is interrogated with regard to the existence of any standard procedures guiding the finalisation of reported cases which would have been referred to the courts for further management. Investigation is also made into the protective measures employed by the stakeholders in the criminal justice process. The various actors' roles and responsibilities in relation to the finalisation of juvenile rape cases are also unpacked. In-depth interviews were conducted with respondents drawn from the list of stakeholders in the Protocol (2012) to the MSA and some parents and guardians of rape survivors were also consulted to obtain their perspective on the approach's effectiveness. A comparison of the Zimbabwe system of the MSA was made with reference to other models in Tanzania, South Africa and the United States of America in order to better understand and assess its effectiveness. The research also analysed the effectiveness of the approach, where it performed well and where it can be improved. For example, the advantages of a stand-alone Sexual Offences Courts were investigated. In conclusion, it was established that the approach was effective and needed more state support in the form of funding and ownership of the programme to ensure its continued success and sustainability.

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Declaration

I, Sundirai Grace Ndou, do hereby certify that this dissertation is my original work. It is an honest and true effort of my personal research. I certify that the work has not been presented anywhere before for any other thesis.

Signed.....

Date.....

This dissertation is submitted to the supervision of Professor Julie Stewart, Southern and Eastern African Regional Centre for Women’s Law, University of Zimbabwe, for her examination with my approval.

Signed.....

Date.....

Dedication

To my husband for your unwavering love and support you are the wind beneath my wings and to my parents Mr and Mrs Grey thank you for laying the foundation.

Acknowledgements

My utmost appreciation goes to my supervisor, Professor Julie Stewart for having the patience to guide me throughout this research even when it seemed I did not know what I was doing. You made it seem possible. If not for your encouragement I would not have achieved what I have.

I extend my deepest gratitude to NORAD for sponsoring the Masters Degree in Women's Socio-Legal Studies and opening new horizons in my life.

To all my lecturers and the Southern and Eastern African Regional Centre for Women's Law family I am most indebted, you made the impossible achievable, you were ready at the rescue in times of need. Your unwavering support and dedication goes without saying.

To my house mates Tsitsi Mtukwa and Neiunje Wanjala thank you for the peace and tranquillity and those inspirational moments when the going got tough.

Special thanks go to all my respondents for making this research possible, your time and contributions were invaluable.

My Officer Commanding Police Mashonaland West and the entire hierarchy of the Zimbabwe Republic Police who made it possible for me to take time away from work and enrich my knowledge, for the good of the organisation, I salute you.

To Johannes Ndou my husband you are my rock with whom this degree would not have been achievable, your encouragement gives me the strength to excel, thank you for putting up with my grumpiness.

List of abbreviations and acronyms

CCTV	Closed Circuit Television
CID	Criminal Investigations Department
DPP	District Public Prosecutor
DNA	Deoxyribonucleic Acid
DPSLSW	Department of Public Service Labour and Social Welfare
FACT	Family AIDS Caring Trust
MSA	Multi-Sectoral Approach
NGO	Non-government organisation
NORAD	Royal Norwegian Development Agency
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNODCCP	United Nations Office for Drug Control and Crime Prevention
VFC	Victim Friendly Court
VFS	Victim Friendly System
VFU	Victim Friendly Unit
ZRP	Zimbabwe Republic Police
ZWLA	Zimbabwe Women Lawyers Association

List of definitions of terms

Accused means a person accused of committing a crime as defined in section 2 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] and for the purposes of this study may also be referred to as an offender or perpetrator.

Actor refers to individuals, organisations and institutions that are involved in the prevention and management of sexual abuse cases because of the nature of their duties.

Anatomically Correct Dolls are special dolls with the anatomy of a real person that allow a child to freely express what happened during the justice process.

Holistic Approach in this study refers to an all inclusive and personalized package of welfare and justice quality services that are accessible for survivors when required.

Jus Cogens is a Latin term meaning a “compelling law”, fundamental overriding principles of international customary law from which no derogation is accepted.

Juvenile Rape in this study refers to sexual intercourse, anal intercourse or other sexual conduct with a young person of or under the age of twelve years as referred to in section 64(1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23] or sexual intercourse, anal intercourse or other sexual conduct with a young person above the age of twelve years but of or below the age of fourteen and consent was not given by the victim.

Sexual Abuse refers to the participation of a child in sexual activity with another person (whether known or unknown) which they do not fully understand and to which they are unable to give well versed consent (Protocol, 2012).

Stakeholders in the study refers to parties who have a vested interest in the prevention and management of sexual abuse matters.

Survivor in this study refers to a person who has experienced and survived sexual abuse and is a more user friendly term than victim.

Victim in the study refers to a person who has been violated and is interchangeably used with the term survivor.

Victim Friendly Court in this study refers to a special court that has been promulgated by law to address the circumstances that cause vulnerable witnesses to fear giving evidence in court.

Victim Friendly System refers to a set of measures intended to guarantee the protection and active involvement of survivors in the criminal justice system (Protocol, 2012).

Victim Friendly Unit (VFU) refers to a unit or section of specially trained personnel to handle survivors of sexual abuse and violence.

List of international instruments

African Charter on the Rights and Welfare of the Child (1999)

International Covenant on Civil and Political Rights (1976)

Convention of the Rights of the Child (1990)

Economic and Social Council Resolution 2005/20 on Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime

List of local legislation

Constitution of Zimbabwe Amendment (No.20) Act, 2013

Children's Act [Chapter 5:06]

Criminal Law (Codification and Reform Act) [Chapter 9:23]

Criminal Procedure and Evidence Act [Chapter 9:07]

Termination of Pregnancy Act [Chapter 15:10]

Police regulations

ZRP Inspecting Officer's Guide Volume 2

ZRP Strategic Plan Vision 2020

List of local cases

Mapingure v Minister of Home Affairs & Ors S-22-14

S v Phiri (CRB RCV 61/14) [2015] ZWHHC 195 (22 February 2015)

S v Mpande HB-43-11

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Executive summary

As a law enforcement agent, I have always expected that all Government departments have standards by way of time frames on the service delivery to ensure clients remains satisfied. The police have a laid down standards on docket finalisation which apply both to cases which are referred to the courts for prosecution and those which do not. In either case, both types of dockets have a finalisation deadline which must be observed, failing which disciplinary action is taken.

Makonde District crimes of concern include rape, murder, car theft, theft of car parts and robbery. Of particular interest to this study is the crime of rape. The majority of reported rape cases are being perpetrated against juvenile victims. More juveniles than adults in Makonde District are at risk of being rape victims. In a monthly list of dockets pending before the courts which is compiled by the police and authenticated by the courts there are dockets dating back as far as 2012 which have still not been finalised. I know of a 2009 case which, until recently, was on this list, shuttling back and forth between police station and court. Now the case has been put on hold pending the location of the complainant who can no longer be found. The worrying question is why this matter is taking so long to finalise if all the parties involved were present at the time of occurrence in 2009. Such an occurrence, pertaining not just to this case but many others also, prompted me to want to research the effectiveness of the Multi-Sectoral Approach (MSA) in the speedy finalisation of juvenile rape cases. I wanted to know who are the stakeholders involved in the victim friendly system and what their roles and responsibilities are in sexual abuse cases and how they monitor the finalisation of these cases.

In order to obtain information for my study I needed to utilise a number of methodologies which would allow me to obtain the data I needed to assess the effectiveness of the approach and whether there are any policy documents or laws that could be used to monitor the performance of stakeholders involved in the approach. Methodologies such as the grounded theory, actors and structures, sex and gender analysis and also the women's law approach were of importance to the study to reach out to all stakeholders and obtain first hand information which is not tainted.

During these interactive processes with the key informants, in-depth interviews, focus group discussions, observations and document review were all utilised in the data gathering

exercise. An analysis of police records was also made to obtain an understanding of the court cases which have been finalised in the last six years. I concluded that there were fewer dockets pending in court than I had expected and that the finalisation of cases referred to court was about 80%, an above average achievement.

The general findings of the research are that the MSA is effective in Makonde District with the majority of cases being referred to court being finalised. The approach is more successful in urban than remote areas. In the latter case, service providers are limited to the police and clinics for post-exposure prophylaxis administration before victims are referred to major hospitals in town where more extensive examinations take place. It was my finding that the approach is more helpful in mobilising resources to enable the survivors of sexual abuse to be able to receive treatment, counselling and participate in the criminal justice process.

It is recommended however that Government establishes sexual offences courts whose resources and staff are dedicated only to cases of a sexual nature. Such a set-up would definitely speed up the finalisation of such cases. Currently only about two to three new cases are being finalised each month according to the sources I interviewed. Sentencing of accused persons would also be standardised since specifically trained magistrates would preside over the cases.

It is also suggested that having “One Stop Centres” which are well resourced with specialists like psychiatrists, dentists and doctors, probation officers and the police would be the most ideal situation and victims would not have to travel long distances to seek medical treatment or go to court. The approach however needs to be made more sensitive to the plight of survivors rather than focusing on the collection of evidence; it needs to be conscious of and responsive to what they are going through. For example, victims travel on public transport without taking a shower further violating their rights.

The research was indeed an eye opener for me as it revealed the various improvements that can be made to the current system to ensure the speedy finalisation of juvenile rape cases, a goal which is not only in the interests of the criminal justice system but also those of both rape survivors and perpetrators alike.

CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 What to expect in this chapter

The chapter is an introduction to the research in that it covers, in relation to juveniles, the effectiveness of the MSA in the finalisation of juvenile rape cases; the background of the study, the statement of the problem, the objectives of the study, the research assumptions and questions and the significance and limitation of the study.

1.2 Background of the study

Makonde District is located in Mashonaland West Province, 120 kilometres west of Harare, the capital city of Zimbabwe, along the Kariba highway and the District's major town is Chinhoyi (Figure 1). It is a tourist destination for those visiting the Chinhoyi Caves and Mazvikadei Dam. The Zimbabwe Republic Police (ZRP) Makonde District¹ jurisdiction includes two Administrative Districts, Zvimba and Makonde itself. The District covers a policing area of 6,509 square kilometres and has a population of 616,026 according to the 2012 population census. It is served by ten (10) police stations.

The District is home to two (2) major universities, Chinhoyi University of Technology (CUT) and the Zimbabwe Open University (ZOU). There are 134 primary schools, 51 secondary schools, 8 hospitals and 26 clinics. Makonde is primarily a farming area specialising in tobacco and maize growing and until recently it was the hub of copper mining in the Mhangura and Alaska areas; Mutorashanga is rich in chrome deposits. Since the closure of these mines the community has experienced much economic hardship forcing residents to live in crowded conditions with little regard for the needs and interests of the different sexes and ages of people who are find themselves having to share rooms and job-seeking mothers having to entrust the care of their young children to their neighbours and relatives. As a result of these such conditions, some children fall victim to unscrupulous criminals who engage in the dubious practice of purportedly curing HIV and AIDS by raping minors.

¹ ZRP Makonde District called Makonde District.

Figure 1 above shows the map or area policed by ZRP Makonde District, which is also the area under study in this research. It is the biggest District in the country with ten police stations.

The majority of the District's juvenile rape cases are received from Zvimba and Kutama police stations which fall under Zvimba District Rural Council. It was not the purpose of this study to establish why there are more cases of juvenile rape in Zvimba and Kutama than there are in any other area of Makonde District. This is the area from which the country's former head of State Comrade R.G. Mugabe hailed and he publicly spoke out more than once against this crime.

The study aimed: to analyse the effectiveness of the MSA in finalising juvenile rape cases; to establish how the actors and structures in the MSA ensure juvenile rape cases are timeously concluded; to determine whether there are any standard procedures followed by the MSA in the finalisation of juvenile rape cases; to determine whether there are measures to protect juvenile rape victims in the criminal justice system and whether any legal and non-legal interventions can be used to ensure the timeous finalisation of juvenile rape cases. Previous studies conducted have looked into, among others, the areas of addressing the ill treatment of survivors of rape by law enforcement agents and the causes of low conviction rates. I felt that it was time to look at how a holistic approach of the problem has impacted the issue of case finalisation.

It is against this background that as a police officer I have come to understand some of the reasons why rape cases take a long time to finalise. I wanted to look at other avenues which allow for the speedy finalisation of rape cases so I chose to look at how the MSA is faring in finalising rape cases involving juvenile victims.

Finalisation in the police sense refers to the time taken by an investigating officer from the time of receipt of the report to the time investigations reach their logical conclusion after exhausting all options in the situation, completed or incomplete (ZRP Inspecting Officer's Guide Volume 2). Finalisation is categorised into petty, moderate and serious cases for all cases with accused arrested, accused unknown or where the complainant is yet to be located. The police also have a mandate to finalise 75% of all dockets under investigation within the set standards as provided for each category of case.

Finalisation therefore refers to incomplete cases, those which are undetected, accused not located, prosecution declined for lack of evidence and withdrawn before plea. Or finalisation as referred to in this study refers to clearance in which case dockets have been filed complete, that is, a case is detected and the accused taken to court where they are either convicted, warned and discharged or acquitted, prosecution declined at the instance of the complainant who would have withdrawn the cases and where the case is Withdrawn After Plea.

The urge to investigate juvenile rape cases was further prompted by the fact that I only appreciated this crime perpetrated on children when I became exposed to the monthly figures of children's rape cases and through the daily internal communication I received from the police stations after I was transferred from my previous post as a District Criminal Investigations Officer to the Officer Commanding Police Makonde District which oversees such crimes. More reports of rape against juveniles were being received than of rapes against adults. I was alarmed to say the least.

Rape cases in the Zimbabwe Republic Police are investigated by a specialist section, the Victim Friendly Unit (VFU), which falls under the jurisdiction of the Duty Uniform Branch. The Criminal Investigations Department (CID) is mandated to handle other serious crimes like armed robberies, car theft cases, theft from motor vehicles, store burglaries, fraud and other crimes which may be classified as 'serious' depending on the value involved or the *modus operandi*² of the crime and as outlined in the Police Standing Orders. This approach is adopted in order to optimise the specialisation of case management.

The bar chart in Figure 2 demonstrates that when you talk of rape in Makonde, you talk mainly of juveniles. So you can imagine my surprise and fascination when I learned of the MSA to sexual abuse cases and that it was assisting in bringing juvenile rape cases to finality. I then sought to assess the effectiveness of the approach in the speedy finalisation of juvenile rape cases. I felt there was a need to explore the approach and see who is involved in the system as well as establish how effective the approach was amongst the stakeholders.

² Modus operandi is a Latin term and refers to the way in which a crime is committed.

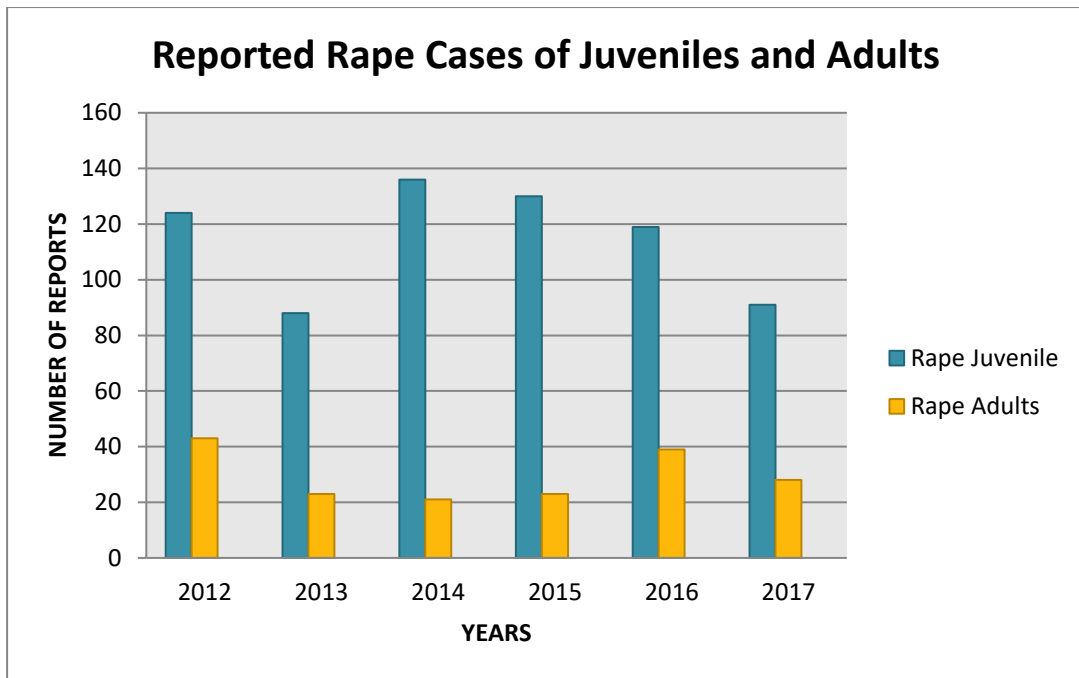


Figure 2: Comparison between Reported Cases of Rapes of Juveniles and Adults in ZRP Makonde District

The MSA seeks to punish sexual offenders and bring to the survivors of sexual abuse much-needed assistance such as the termination of unwanted pregnancies, the treatment of sexually transmitted diseases or HIV and AIDS, trauma counselling and measures to prevent future recurrences of what, for example, happened in the *Mapingure* case in which a rape survivor ended up giving birth to an unwanted child (*Mapingure v Minister of Home Affairs & Ors* S-22-14) based on the purported reasoning that termination of the pregnancy could only be granted upon the court’s finalisation of the case. The case occurred in 2004 a year after the publication of the second edition of the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe in 2003. It is a clear example of a misunderstanding of the law.

The Termination of Pregnancy Act stipulates in section 4(c) that termination can be granted on the grounds of unlawful intercourse which include rape and incest. According to section 5 of the Act, a termination of pregnancy may be performed upon the approval of the superintendent of a designated institution. The prerequisite for that authority is the production of a certificate from a magistrate within the same jurisdiction. The issuance of a magisterial certificate is preceded by the lodging of a complaint supported by relevant documents by those (health) authorities. In this case the victim fell pregnant as a result of unlawful

intercourse (i.e., rape) and made a report to the police immediately after the rape whereupon she requested to be taken to hospital for administration of post exposure prophylaxis which was not given. There was no need for the victim to wait for the trial to be finalised before an order for termination could be granted and in any case the “morning after pill”³ could have been administered to prevent her getting pregnant. This is one instance where the MSA could have been effective in ensuring the victim received the correct treatment from all the stakeholders. A holistic approach would have ensured the hospital administered the post-exposure prophylaxis within the crucial 72 hour period after the rape. The police could also possibly have completed their investigations within two weeks and referred the docket to court where the trial would have been expected to commence within three days. No longer is it a requirement for rape survivors to first make a police report before they can access medical care. Time is of the essence in sexual abuse cases and the police need to realise that for young, traumatised and poorly informed survivors of sexual abuse they are a crucial point of information and access to both the health care and criminal justice systems.

1.3 Significance of the study

The study is an assessment of the effectiveness of the MSA in dealing with the speedy finalisation of juvenile sexual abuse cases in response to court delays and a resource-challenged criminal justice delivery system. The protracted delays in finalising cases may lead to some survivors never getting justice. This causes some female victims of rape to keep the rape a secret, try and forget about it and ‘get on with their lives’ or get married. Rape survivors often feel uncomfortable digging up the past.

The law provides that when the status of a rape victim changes and they no longer want to proceed with the case, prosecution can be declined. It would be expected that a holistic approach with one objective to serve rape survivors effectively and efficiently would have a positive impact on finalisation.

1.4 Objectives of the study

- (1) To assess the effectiveness of the MSA in the speedy finalisation of juvenile rape cases in Makonde District.

³ An emergency contraception to prevent pregnancy which is administered up to 5 days after unprotected sex.

- (2) To establish who are the actors and structures in the MSA who ought to ensure juvenile rape cases are timeously concluded.
- (3) To determine whether there are any standard procedures followed by the MSA in the finalisation of juvenile rape cases.
- (4) To determine if there are measures to protect juvenile rape victims in the criminal justice system.
- (5) To establish if there are other interventions that can be used in the speedy finalisation of juvenile rape cases.
- (6) To propose recommendations based on the findings of the study.

1.5 Statement of the problem

Rape and child sexual abuse are two national crimes of great concern in Zimbabwe. Children are the most vulnerable when it comes to sexual abuse cases in Makonde District. Reports received by the police reflect an upsurge in juvenile cases as opposed to adults. Children have a human right to protection from adversity during the justice process, to receive effective solutions to their cases and to be afforded a free and fair trial (Economic and Social Council Resolution 2005/20). The best interests of children should be considered in the criminal justice system meaning that they should not be required to wait to access justice when they reach adulthood or even suffer memory lapses which may affect their cases.

Kudya (2006) asserts that by having juvenile cases speedily referred to the courts it was hoped that if the child's evidence was presented early, the events would be fresh in their mind and they could give better quality evidence. It is in the children's best interest for them to go through the criminal justice system in the shortest possible time so that they can move on with their lives. The majority of the victims are of school age and frequent visits to the courts or counselling sessions is a disruption to their routines. Constantly being reminded that there is a pending case further traumatises the children hence the need for the speedy finalisation of juvenile rape cases.

According to the ZRP Strategic Plan Vision 2020, since 1996 a long list of untried cases has accumulated in the courts causing backlogs in the criminal justice system. In Makonde District there are outstanding lists of juvenile rape dockets which have not been timeously concluded. Despite the application of the MSA, sexual abuse cases seem to drag on for a long time without reaching their conclusion. Kudya (2006) claims that the reasons why

criminal prosecutions against rapists do not commence or barely get off the ground from the malfunctioning of the victim-friendly court facility to a critical shortage of manpower to deal with such matters. The courts have had to rely on the police to provide them with prosecutors. There is a need to ensure that cases involving children do not involve prolonged prosecution. Children may end up embracing the wrongful acts that happened to them thinking they are correct or that they deserve such treatment. Therefore it is prudent to analyse the effectiveness of the MSA in ensuring children’s best interest are protected.

The bar chart shown in Figure 3 shows the total number of rape reports against juveniles received by the police in Makonde District and makes a comparison of cases finalised and cases still pending at court from 2012 to 2017. The backlog of cases still pending at the courts is not as bad as I had assumed before I began the research. The bar chart shows that there is only a total of thirty (30) cases which have been pending in court over the past six (6) years which does not appear to be too serious. However the year 2015 reflects an increase in pending cases, which was caused by some changes in the judiciary and during which a new magistrate was posted to Chinhoyi all of which affected the courts’ performance. Another contributory factor was the issue of part heard cases which had to wait for the magistrates who had originally heard them to recalled and allowed to hear and complete them.

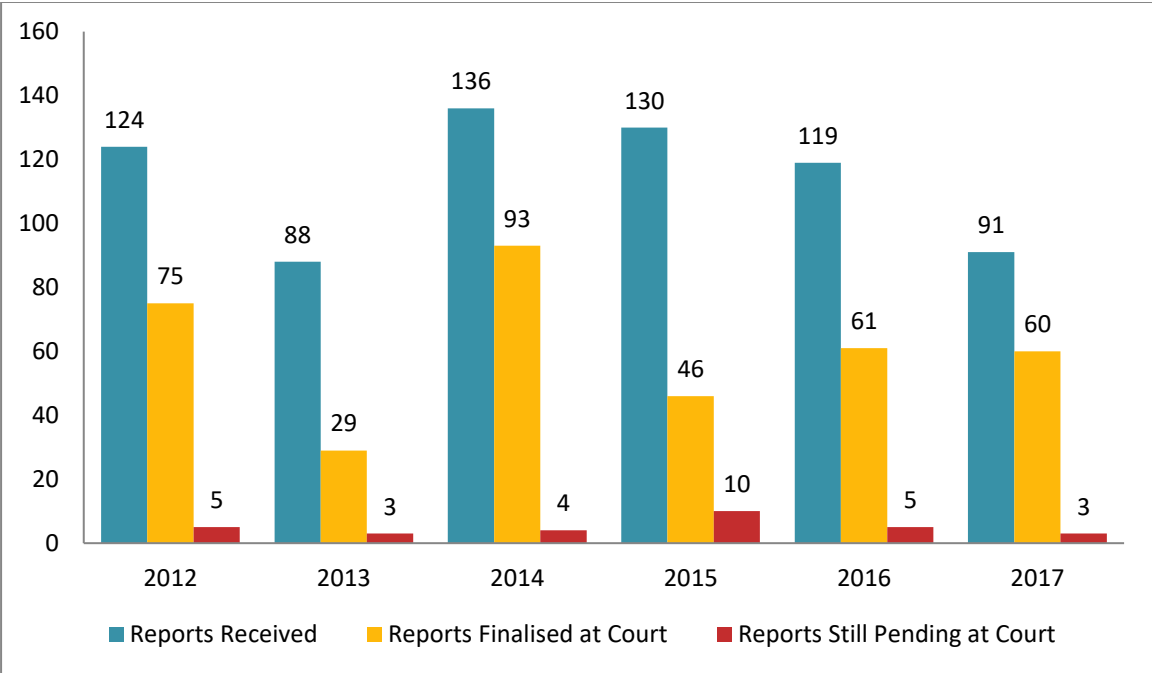


Figure 3: Bar chart showing a comparison between rape cases against juveniles reported to ZRP Makonde District, cases finalised in court and cases still pending in court

In general delays have been caused by the challenges faced in the justice process including the heavy workload and the examination of scientific evidence. A situation where cases go for years without trial is unhealthy as the state learnt the hard way in the case of the former Prosecutor General Johannes Tomana. Charges lapsed against him as he went without trial for fourteen (14) months, a period beyond the prescribed time of indictment (Chronicle, 2018).

1.6 Research Assumptions

This research is based on the following assumptions.

- (1) There is a backlog of juvenile rape cases despite the MSA's application to speed up the finalisation of cases.
- (2) The actors and structures in the MSA ensure juvenile rape cases are timeously concluded.
- (3) There are standard procedures to follow in the MSA to speed up the finalisation of juvenile rape cases.
- (4) There are measures to protect juvenile rape victims in the criminal justice system.
- (5) There are legal and non-legal interventions to ensure the timeous finalisation of juvenile rape cases.

1.7 Research Questions

Based on the above assumptions, this research is based on the following questions.

- (1) Is there a backlog of juvenile rape cases despite the MSA's application to speed up the finalisation of cases?
- (2) Who are the actors and what are the structures in the MSA that ensure juvenile rape cases are timeously concluded?

- (3) What are the standard procedures to follow in the MSA to speed up the finalisation of juvenile rape cases?
- (4) What are the measures that protect juvenile rape victims in the criminal justice system?
- (5) What are the legal and non legal interventions to ensure the timeous finalisation of juvenile rape cases?

1.8 Limitation of the study

I had to confine my study to two administrative districts, which are Makonde and Zvimba, since they constitute the ZRP Makonde District. The study was focused on juveniles below the age of 16 years who were victims of rape and did not include cases with the element of consent. The personal knowledge of people affected the most with rape cases was an added advantage. I however could not interview the victims during the course of the study for fear of traumatising them but managed to interview their legal guardians and stakeholders in the MSA.

The study clashed with a number of national events such as the Biometric Voter Registration exercise, “Operation Restore Legacy” which ushered in a new Government in Zimbabwe and the festive holiday season which meant the closure of some organisations for the holidays whilst I had to strike a balance between the research and an increased police workload. This meant I could not conduct interviews with all my respondents at the time I intended. The end of the research coincided with a large increase in my workload as a result of the 100 Days Quick Win Results for Ministries exercise during which the courts attempted, with the help of all stakeholders, including my employers, the Police, to try and finalise as many cases as possible within the period.

1.9 Summary of the chapter

This chapter focused on the background of the study, significance of the study, objectives of the study, statement of the problem, research assumptions and questions and the limitation of the study. A picture of the area of study was painted by way of the background. The reasons for embarking on this study have been outlined and statistics justifying the research

presented. The next chapter will address the methodological frameworks, research design and data collection methods used in the study.

CHAPTER TWO

2.0 METHODOLOGICAL FRAMEWORK

2.1 Introduction

This Chapter describes the research methodological framework applied to evaluating the effectiveness of the MSA in the finalisation of juvenile rape cases. The chapter outlines how investigations were carried out with reference to methodologies and the data collection methods used. The various approaches used in data collection explain how each was used for specific data collection purposes and how they enabled me to navigate the field of study.

2.2 Discovering the path ways

My past experience in law enforcement has shown me that rape cases have a long history of backlog or finalisation failure. I did not expect it to be any different now just because of the implementation of the Multi-Sectoral Approach (MSA), especially considering that previously researched challenges, such as lack of scientific evidence and heavy court workload, had not changed. Upon learning of the MSA, I wanted to find out how it was impacting the management of juvenile rape cases in the court system. I wanted to find out whether fewer cases were being handled, were they more manageable and whether there was still a backlog, given the holistic approach taken in the management of these cases. I also wanted to establish the roles played by the stakeholders towards the speedy finalisation of cases.

A researcher needs to have an open mind, that is, a state of being aware of their assumptions and the reasons for them (Bentzon et al, 1998). I needed to find out if indeed cases of rape no longer involved backlogs and if they were being finalised with speed and I reckoned what better way than to engage with the key informants involved with the process. Through interfacing with the key respondents I assessed the effectiveness of the MSA in case finalisation. I set out to establish how long it was taking to finalise juvenile rape cases and what efforts were being made and by whom towards the cause. Through this approach I was also able to establish areas where the MSA fell short.

I conducted face to face interviews with the various stakeholders to the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe.⁴ Direct interaction with my respondents, rather than the desk research approach, enabled me to obtain first hand data on realities on the ground. I was able to appreciate the roles played by each stakeholder in the MSA and also detect whether there were any challenges preventing the speedy finalisation of juvenile rape cases.

During the course of interacting with my key informants it struck me that the need for close coordination between the individuals and structures in the system was crucial in order for it to work effectively. It was very clear how one agency relied on the good performance of another in order to contributing towards a desired goal. All the stakeholders seemed to share the same sentiment that the “fight against sexual abuse is not a one ‘man’ band” effort.

2.3 Caught between a rock and a hard place

Since rape is a crime that targets a person’s sexuality I knew I would be dealing mostly with females since they are the most common victims of this crime and for the purposes of this study I was interested in girls. The judiciary host monthly Victim Friendly stakeholders’ meetings. They are a forum in which Government and private actors involved in the fight against sexual abuse and violence come together to share experiences and ideas about challenges, good practices and recommendations for a better service. At one such meeting it was revealed that 95% of sexual abuse cases occur in family settings and that in 99% of the cases, the victims are girls. If this were the case, I wondered how women in these families were responding to this problem, in particular, the need to secure justice for these innocent children.

The approach enabled me to look at how some women were likely to be affected by the delays in finalisation of rape cases and also the implications and impact of such delays on the victim’s development as she transitioned from childhood to womanhood. The ‘working’ woman has to take time off from her job to accompanying the child to court, while the ‘stay at home’ mother has to put in extra time to finish all her chores to accommodate court schedules. Such women have to shelve their own plans and take care of the child’s interests first.

⁴ Called the Protocol (2012).

Women as primary care givers were therefore the most affected when delays in finalisation of rape cases took place. It became clear to me as I interacted with the various actors and structures in the MSA that throughout these processes the juvenile was accompanied by a parent or guardian who in most cases was the girl's mother or grandmother.

2.4 The actors behind the scenes

This approach allowed me to interact with the actors who are the individual persons responsible for carrying out official functions and include, among others, the victim friendly officers, magistrates, the public prosecutors and nurses. The structures, on the other hand, played a more facilitative role and they are the line ministries and institutions such as the non-government organisations (NGOs). This was a useful approach as I was able to show how the actors and structures play out in the finalisation of juvenile rape cases and how they managed to change the legal norms.

I was able to interrogate the roles played by each actor towards case finalisation and gathered data from the various stakeholders in the MSA such as the courts, police, education, NGOs and probation officers. Reviews of previous works reveal that most assessments had tended to focus on the way the police handled rape victims when they reported the abuse or at the final stages of the justice process, the courts. There is no research covering the roles played by all the other actors towards a successful prosecution or what took place prior to the final stage. For instance, Kudya (2006) researched on the operations of the law in respect of prosecution and trials of rape cases; Kabasa (2006) studied the issue of relief for rape victims - making the criminal justice system work for her; Musonda (2008) investigated the role of the police in dealing with victims of sexual assault and rape whilst Mugebe (2016) explored the causes of the low conviction rate in rape cases.

It was also important to look at how the actors could influence the outcomes at the institutions. For instance, when I spoke to Zimbabwe Women Lawyers Association (ZWLA) they mentioned that when things do not move as expected, their organisation "makes an effective noise" which was a good thing in getting a case speedily concluded in court since institutions did not want to be associated with negative publicity.

When looking at roles played by the actors it became clear that their services could not be dispensed with and that survivors would suffer a great deal more in their absence.

Figure 4 shows some of the actors and structures operating in Makonde District who are committed to the fight against sexual abuse.

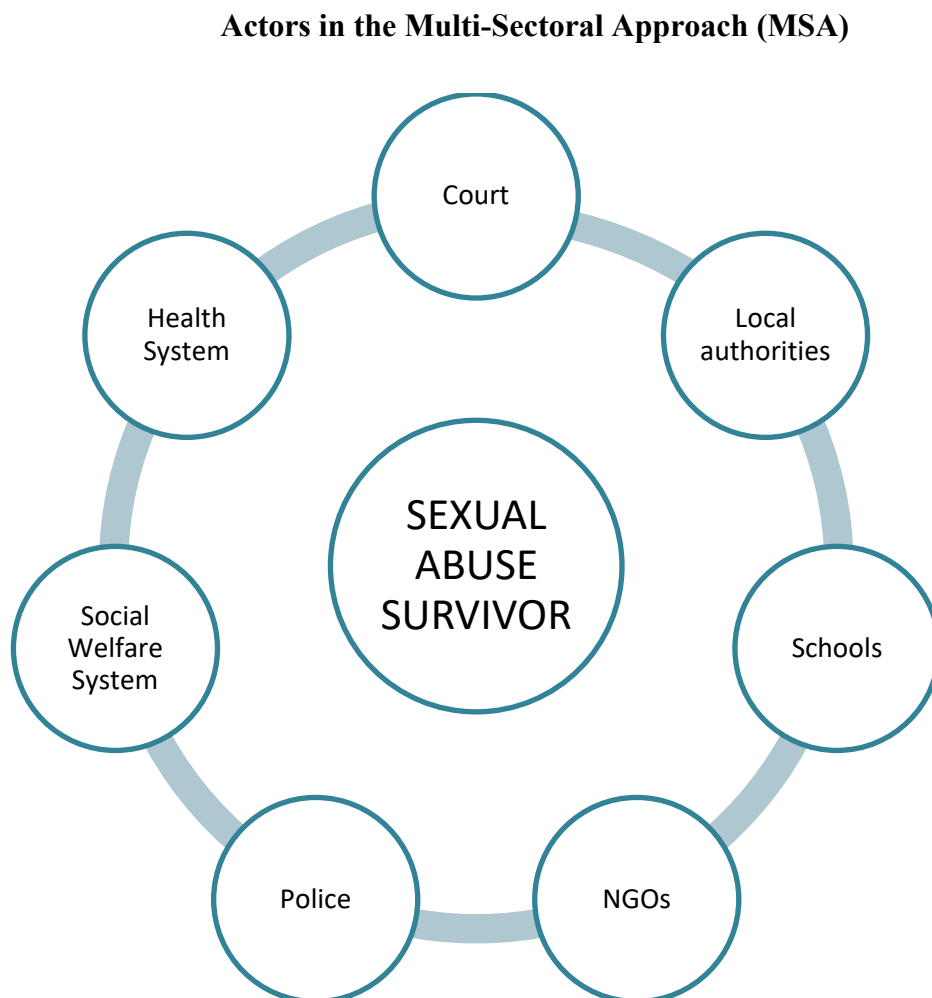


Figure 4: Some of the Actors in the Multi-Sectoral Approach (MSA) for Makonde District

2.5 You cannot talk about rape without talking about the girl child

Society treats women and girls differently to men and boys and expectations about them also differ. In view of the facts that the majority of the sexual abuse cases in Makonde were against girls and that 95% of these occurred in the family set-up, I wondered what the consequences of the delays in finalising these cases meant and how adversely they impacted the life of a girl who ends up abandoning the justice process to get married.

Employing this approach I was able to establish which group of juveniles is affected the most by the scourge of rape and the implications for them as the result of the slow finalisation of

their cases. The gendered aspect of the crime perpetrated on innocent girls can lead to them abandoning the process of seeking justice should there be delays in the finalisation of juvenile rape cases. This is particularly true for girls who attain marriageable age before the case reaches its final conclusion in the justice process. Through the use of the grounded theory data collection method it was discovered that only about 1% of cases dealt with by the courts involved boys as victims. This means that about 99% of rape cases involve survivors who are girls.

The pie chart in figure 5 below illustrates that the girl child is more at risk of being sexually abused than the boy child in Makonde District. Statistics presented are only of cases which have been reported to the police and are in no way the actual reflection of the situation on the ground. I am aware that there are some cases which are not brought to the attention of the authorities.

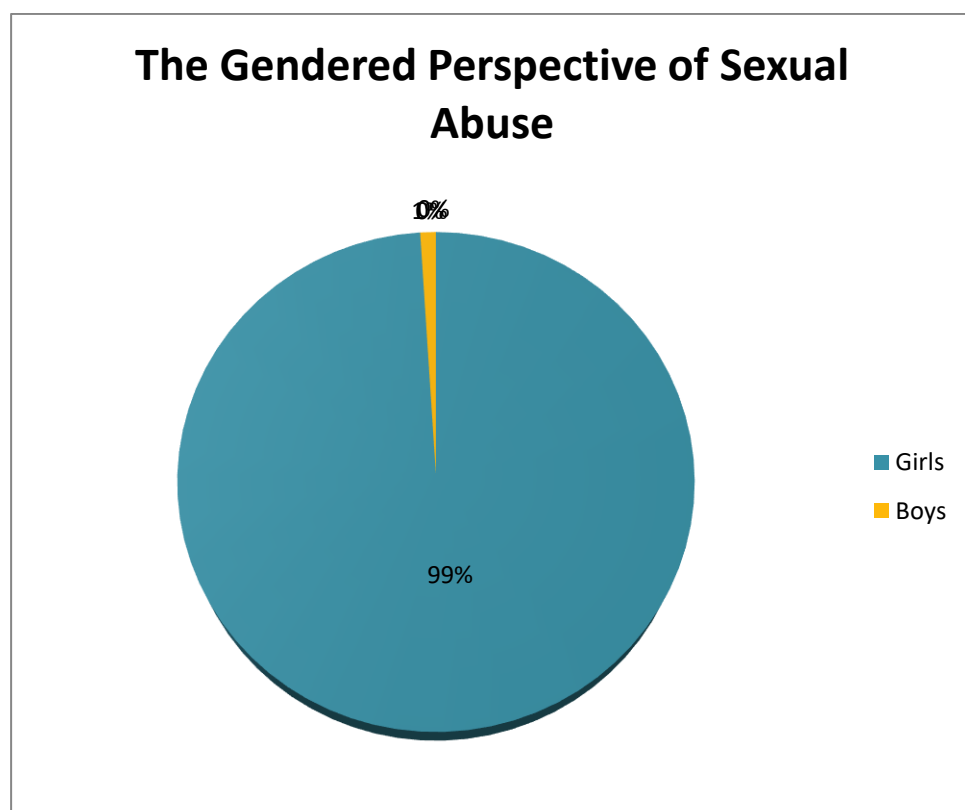


Figure 5: A pie chart showing a Sex and Gender Analysis of Reported Cases of Sexual Abuse

2.6 Human Rights Approach

The human rights approach sought to establish whether the children's right to be protected from hardship during the justice process as espoused in the various international legal instruments was being upheld. Children, like adults, have the right to be respected in their individual capacities. The United Nations Convention on the Right of the Child which Zimbabwe has ratified is one such instrument which deals with the rights of children. During the data collection process I was informed on areas to cover through the Economic and Social Council Resolution 2005/20 Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. It was imperative that I establish whether there are any gaps in the laws with regard to the endorsement and protection of children's rights.

2.7 Research Design

The research design is the cornerstone of the strategy to securing answers to the research questions to be investigated. I used the descriptive research design as it enabled me to look at the phenomena of the moment and then describe precisely what I saw. The design allows for the element of impartiality as sample targets were selected without personal bias or prejudice.

2.7.1 Sampling Approach

My respondents were purposely drawn from an array of key stakeholders to the MSA in Makonde District. A total sample of thirty-seven key informants was consciously and carefully selected because of the key roles they play in the system; it would not have been appropriate to randomly pick respondents for this study. The fact that I was interrogating the effectiveness of a system meant that I had to use the purposive sampling technique. I therefore interviewed my sample which constituted nine males and twenty-eight females who were selected based on the offices they hold.

2.8 Data Collection Methods

In the research a variety of methods were used to collect data such as the interviews, focus group discussions, documentary review and observations I made use of these methods because of their reliability and they allowed me to obtain the data I required for my study.

2.8.1 In-Depth Interviews with Key Informants

The Key Informants are all stakeholders to the "Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe" which is chaired by the Judicial Service

Commission. In order to assess the effectiveness of the MSA there was a need to interview the stakeholders who are the major players. I needed to establish from each player what their roles and responsibility were in securing the speedy finalisation of juvenile rape cases so that I could appreciate as fully as possible their contributions to the approach.

Table 1 below describes the key informants who were interviewed for the study. A total of thirty-three (33) key respondents were interviewed. Four (4) parents and guardians were also interviewed making a total of thirty-seven respondents who were interviewed.

Key Informant	Designation	Male	Female	Total
Ministry of Justice, Legal and Parliamentary Affairs	Regional Magistrate	1	-	1
Zimbabwe Republic Police	Victim Friendly Officers	2	20	22
Ministry of Public Service Labour and Social Welfare (Previously)	Probation Officers	1	1	2
Ministry of Health and Child Care	Victim Friendly Clinic Medical Officers	-	2	2
Ministry of Primary and Secondary Education	District Remedial Tutor	1	-	1
National Prosecuting Authority	District Public Prosecutor	1	-	1
Zimbabwe Women Lawyers Association (ZWLA)	Legal Officer	-	1	1
Family Aids Caring Trust (FACT)	Programme Officer	2	-	2
Pamuhacha	Programme Director	-	1	-
Total Key Informants		8	25	33

Table 1: Key Informants Interviewed

- ❖ The Regional Magistrate was an important respondent, as he chairs the Victim Friendly Stakeholders meeting in Mashonaland West Province. The Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence Cases is being

spearheaded by the Judicial Service Commission hence it would only be natural that the Regional Magistrate would be a vital component of the system.

- ❖ Juvenile rape cases are heard in the Regional Court which handles other cases of a serious nature such as kidnapping, theft of motor vehicles and armed robbery. The Regional Magistrate was quick to state that the fight against sexual abuse was not a one man show (or the effort of only one person) and that for the court to effectively discharge its duty it was dependent on the performance of other stakeholders like the police, health, social welfare and the prosecuting authorities, among others.
- ❖ The Police VFU is very important in contributing towards the speedy finalisation of juvenile rape cases. According to the Regional Magistrate for Makonde the Police VFU performs 90% of the work in sexual abuse cases. They have to ensure they investigate the cases to the highest standard and gather all the vital evidence in each case.
- ❖ Probation Officers were also key informants as all cases involving juveniles have to be brought to their attention. They provide much needed counselling for juvenile rape survivors and conduct the task of case analysis. They also provide transport vouchers to enable survivors to reach service providers like the Victim Friendly Clinics and the courts.
- ❖ The parents and guardians of rape survivors were instrumental to the research as they shared their experiences concerning what they had to go through from the time they reported the sexual abuse cases to the time they reached their final conclusion. They were in a good position to confirm or oppose the sentiments shared by the key informants. Of the four respondents I spoke to, two were quite disappointed with the justice process, while the other two were happy with the way their dependents' cases were handled and finalised. Table 2 shows details of the guardians and parents of the juvenile survivors of sexual abuse who were interviewed to find out about the kind of assistance provided by the actors and structures.

Interviewee	Male	Female	Total
Parents	1	2	3
Guardian	-	1	1
Total	1	3	4

Table 2: Table of parents/ guardians of juvenile rape survivors who were interviewed

2.8.2 Focus Group Discussion

One Focus Group Discussion of female and male Makonde Police Victim Friendly Officers was conducted. I wanted to establish if the officers were aware of the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence Cases and, if they did, if and how effective it was assisting them in the finalisation of juvenile rape cases. During the discussion the Victim Friendly officers freely shared their contributions as could be seen from the ease with which all the group members conversed with each other about the topic.

2.8.3 Stakeholders Meeting

During my research I had the opportunity to attend Victim Friendly Stakeholders Meetings and which all the actors in the MSA also attended. I needed to appreciate their focus on the juvenile justice process. The meeting was chaired by the Regional Magistrate and is conducted monthly. The stakeholders received an explanation of the how the juvenile court system functioned.

2.8.4 Documentary Review

My research was informed by the Makonde Police list of rape dockets pending in court. I then selected cases specific to juvenile survivors of rape below the age of 16. I then went through some completed case files so I could assess how long these cases had taken from the stages of reporting to finalisation. This was necessary to verify the information I received from the key informants. The majority of the dockets perused were finalised between one and three months from the time a case was reported.

2.8.5 Observation

During my stint in the field I made some observations on the working relations of some of the stakeholders. I made a visit to ZRP Kutama and ZRP Zvimba and they both had a block of new offices which had been constructed by Zvimba Rural District Council specifically for the VFU. The two stations had an acute shortage of office accommodation making life difficult

for the Victim Friendly Officers who require privacy when conducting their investigations. This was a true reflection of the concern amongst stakeholders to ensure a Victim Friendly System. I also made an appointment to see one of the probation officers and after some time without success I discovered that she was engaged in other duties at the Grain Marketing Board. They were conducting a Presidential Inputs Distribution exercise. This struck me as an obstacle to the smooth running of the Victim Friendly System which requires stakeholders to perform their duties within set time frames which contributes to the speedy finalisation of juvenile rape cases.

2.9 Conclusion

The methodologies and data collection methods employed in this research enabled me to obtain insight into the way the MSA operates and how effectively it contributes to the finalisation of juvenile rape cases. Methodologies such as interacting with the stakeholders were the best way to get first hand experiences of the respondents, as during the process the interviews sometimes led to sourcing another informant. Learning about the lived realities of women was also relevant to the study. An appreciation of the roles and responsibilities of the actors and structures was conducted as well as a sex and gender analysis so that I could understand as much as possible the predicament of the girl child. Finally the human rights approach alerted me to the international human rights standards which need to be met when evaluating the effectiveness of the MSA in finalising juvenile rape cases. The chapter discussed the interviews of key informants, parents and guardians, focus group discussions, documentary reviews made and observations conducted during the research as data collection methods.

CHAPTER THREE

3.0 THE IDEAL, THE REALITY AND THE GAP

3.1 Introduction

The chapter gives a review on literature on the Multi-Sectoral Approach (MSA), its origin and other countries in which it has been implemented before reviewing the Zimbabwe situation. The chapter also looks at what the law has to offer internationally, regionally and locally in terms of the finalisation of juvenile rape cases. It considers whether there are any set standards in the finalisation of cases in the justice process and whether there are protective measures to ensure that juvenile survivors of rape are not subjected to further traumatic experiences or unjust processes and examines whether there is conformity with the laws in place.

3.2 Literature Review

The MSA is an internationally initiated programme established to ensure a coordinated effort in the fight against sexual abuse and violence. Countries which were experiencing an upsurge in sexual abuse and violence cases needed strategies to prevent the crime and improved ways to manage existing cases and the MSA provided a solution. In Zimbabwe, South Africa and numerous other countries where similar programs have been established, UNICEF and Save the Children Fund play a pivotal role in providing expertise and financial support to MSA. These international institutions work hand in glove with local and other international partners to curb the scourge of sexual abuse.

The multi-faceted nature of violations of human rights in respect of vulnerable persons through sexual abuse and violence created the need for an integrated approach to address the situation. *Vulnerable persons from all walks of life suffer inconsistently from sexual and gender based violence and the MSA assures survivor protection and a coordinated approach to the scourge (UNHCR, 2011)*. Similar sentiments were echoed by Ward and Marsh (2006) who assert that the MSA is premised on the fact that no single organisation can adequately tackle gender based violence and provide all the services required. The traumatic experiences of sexual abuse survivors have a devastating effect and hence the need for an inter-agency approach.

The UNHCR (2011) also assert that the MSA centres its attention mainly in the areas of health, safety, security, legal support and psychosocial support. Comparably in Zimbabwe the Criminal Procedure and Evidence Act has a similar focus towards the protection of sexual abuse and violence victims. The Judicial Service Commission et al. (2012) explain that the Victim Friendly System (VFS) was established in 1997 following amendments which were made to the Criminal Procedure and Evidence Act that aimed at supporting survivors of sexual violence and abuse in pursuance of their right to access specialized health, justice, welfare and other services. These amendments are more prevalent in section 319 of the Act.

The International Rescue Committee (IRC) launched programmes as far back as 1996 in countries like Tanzania, Republic of Congo, Kosovo, East Timor, Liberia and Sierra Leone (Bott et al., 2005). Despite the programmes being launched about twenty-two (22) years ago there has not been much progress by way of a proper evaluation of the effectiveness of the programmes. Bott et al. (2005) similarly claim that there is little or no evidence as to the effectiveness of the approach in middle and low income countries. The programme in Sierra Leone was however rated to be the most outstanding although it was not formally evaluated. It conducted awareness raising of law enforcements agents, skills building for women and teacher training in primary and secondary schools.

3.2.1 The National Management Guidelines Policy of Tanzania

“The aim of the guidelines is to ensure that those who experience gender based violence receive holistic, effective and comprehensive medical and legal services at all levels in the country for both children and adults” (Chuma, 2014). This is a good document meant to ease the pain suffered by victims of sexual abuse and violence. The programme was however not been successful in its aim. In research conducted by Chuma (2014), he states that it was a good policy on paper that served no purpose for the people. Despite the policy’s existence it was not disseminated or made known to the people who should have been implementing it. None of the service providers or the recipients of the services were aware of the policy. For example, victims of sexual abuse and violence still had to stand in the same queue with general hospital patients to be examined by doctors and at times only accessed a doctor after three days. The failure of the programme could only be attributed to a lack of funding to conduct awareness-raising among the stakeholders involved. The desired level of service delivery is only possible if all stakeholders fully understand and perform their roles and responsibilities and receive the funding and resources they require in order to do so.

3.2.2 A South African Perspective on the MSA

“One Stop Centres” were established countrywide in South Africa following a multi-sectoral symposium in May 2009 (Mullick et al., 2010). The centres which had an inter-agency approach comprised police investigators, health care personnel, community volunteers, social workers and public prosecutors. The “One Stop Centres” purposes were to advance service delivery and to ensure the successful prosecution of rape and sexual offences.

Mullick et al. (2010) attests to the fact that the Thuthuzela Care Centres built by the National Prosecuting Authority of South Africa in conjunction with UNICEF are “One Stop Centres” which proved successful in curbing delays for complainants’ cases. They also experienced a higher rate in convictions of cases as compared to other Sexual Offences Courts with a success rate of 83% during the 2006-2007 period. However the following concerns were noted:

- (1) The One Stop Centres are mainly located in urban areas making them inaccessible to everyone.
- (2) The sustainability of the Centres remains a cause for concern since they are dependent on donor funding.
- (3) The Centres are now over-burdened with their workload since other service providers no longer handle sexual abuse matters and instead opt to refer matters to the Centres, resulting in delays in service provision.
- (4) The Centres prioritise the justice process as opposed to survivors accessing medical attention.
- (5) Issues of particular to children were not being appropriately tackled; and
- (6) Inadequate staffing and resources were some of the concerns at the Thuthuzela Care Centres.

3.2.3 The American Feel of the MSA

The Coordinated Community Response Model in Minnesota, USA is perhaps the most celebrated example of the MSA. Bott et al. (2005) assert the model attests to ways to enhance the partnership between the law enforcement agents, health service providers, the education fraternity, social services and religious institutions. It is further stated that considerable improvements were experienced in law enforcement outcomes. The approach was inspirational to the establishment of the Costa Rica and Nicaragua programmes which also

adopted the all inclusive response to survivors by encouraging teamwork between law enforcement and other sectors.

Pence (1995) emphasises some of the notable outcomes in the Coordinated Community Response Model as follows:

- (1) Improvement in number of cases reported;
- (2) Increase in arrest made;
- (3) Increased prosecution and conviction rates.

3.2.4 The Zimbabwean Experience of the MSA

As a signatory to a number of regional and international instruments on the rights and protection of children, the Government of Zimbabwe has had to implement strategies that promote children's rights. One of such strategies was the Victim Friendly System which was established in 1997 following an amendment to section 319 of the Criminal Procedure and Evidence Act [Chapter 9:07]. The section became more survivor-centred, a deliberate effort was made to protect vulnerable witnesses who could now testify *in camera* (i.e., not in an open or public court), witnesses are now entitled to receive witness expenses to cover their transport costs and judicial staff could dress down in order to manage vulnerable witnesses were among the changes made to the Act.

The Protocol on the Multi-Sectoral Management of Child Sexual Abuse in Zimbabwe was then established, with the first edition specifying the roles and responsibilities of stakeholders in health care, support and judicial services. An improved Second Edition was issued in 2003 which focused on the rights of child survivors of sexual abuse and violence.

The latest 2012 edition of the MSA strengthens the Protocol further and is an all-encompassing document covering girls and women as well as boys and men who find themselves in sexually abusive and violent situations. The fact that the various stakeholders collaborated to establish this document is testament to the integrated co-ordination which the MSA emphasises.

The Protocol (2012) and responsive nature of stakeholders is premised on the following guiding principles which must be adhered to:

- (1) Best Interest;

- (2) Age-Sensitivity;
- (3) Gender-Sensitivity;
- (4) Dignity;
- (5) Differently Abled/ Disability;
- (6) Non-Discriminatory;
- (7) Participatory;
- (8) Individualised;
- (9) Quality Services;
- (10) Ensuring Safety;
- (11) Confidentiality.

Although “One Stop Centres” were to be established in Zimbabwe this is yet to materialise. Stakeholders remain guided by the Protocol (2012) on roles and responsibilities with regard prevention and management of sexual abuse and violence reports. The Protocol (2012) brings together key players from Law Enforcement, Health, Social Welfare, Education, Justice, the Law Society of Zimbabwe and Civil Society Organisations in the fight against sexual abuse.

In Makonde District stakeholders have been able to come up with a rapport that allows coordination in service delivery and preventive strategies to curb sexual abuse and violence cases as shall be discussed in the following chapter. Minimum standards and important procedures for compliance by stakeholders in providing survivor-centred services have been set (Protocol, 2012). Steps for reporting complaints have also been spelt out for non-compliant stakeholders.

Statistical information from Makonde District reflects an 81% court case finalisation rate over the past six years. The study reveals an improvement in law enforcement performance in the areas of quality of investigations, accountability of accused persons, number of cases being reported and also prosecution and finalisation of rape cases.

3.3 International and Regional Framework

3.3.1 United Nations Economic and Social Council Resolution 2005/20

The Economic and Social Council Resolution 2005/20 was adopted by the United Nations in 2005 and are for the use of member states and persons working with children. The Resolution provides the most ideal guidelines when working with juvenile victims and witnesses. The Guidelines offer protection and fair treatment to children testifying in a court of law and they

are contained in the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. The Guidelines speak to a number of issues but the study only focused on the following.

Children who have been either directly or indirectly subjected to criminal activities as victims or witnesses need protection from further harm. This speaks to the rights of children not to be subjected to further traumatic experiences in their lives right from the time of making a police report through to the court processes where it is expected that interview rooms are child friendly. Traumatic experiences can also be avoided by ensuring that stakeholders coordinate their activities to avoid numerous visits to the juvenile victims. Cases involving children are to be investigated expeditiously and given priority at the courts and not delayed unless the delay is in the best interest of the child. Throughout these processes of investigations and court the juvenile needs to be well managed and not subjected to different people handling their case all the time.

There is also a need for the use of protective measures during the justice process to ensure a free and fair conducive environment in which the juvenile may testify. The use of separate courtrooms for the perpetrators and the victims is recommended. Times for court need to be arranged in such a way that it is appropriate for the juveniles who should not feel intimidated. The children also need to be informed and taken through the court processes, whilst not compromising the trial, in a bid to avoid springing surprises on the child during trial.

The Guidelines go further and state that when it is detected that the juvenile is under threat or being intimidated by the perpetrator or anyone else, appropriate measures need to be taken. Such measures include the use of restraining orders by the courts, pre-trial detention of the perpetrators, house arrest or placing the juvenile victims in the protective custody of the police or other recommended agencies. It therefore goes without saying that juvenile victims have as much right to be heard and to express their views and concerns on issues pertaining to them in the justice process. The juveniles are to be free to express themselves in any manner they feel comfortable and not made to feel prejudiced or discriminated against.

Whilst concern for the children's safety is a topical issue, the justice process would be incomplete if there were no effective assistance. It is encouraged that both the juvenile victims and families have access to professional assistance. Professional assistance ranges from financial, legal, counselling, health, physical and psychological healing. The assistance

should enable the juvenile victim to get through the justice process without any challenges and should be provided as long as the juvenile still requires the assistance or until they are well integrated back to their community.

The situation in Makonde specifically seems to address some of the issues being emphasised in the Guidelines. Measures to prevent further trauma to juvenile victims are evident in the use of child friendly interview rooms at the police stations, local courts and hospitals. Children give evidence using closed circuit television and a day is set aside before the trial for children to be made aware of the processes they will go through during the justice process. Accused persons are remanded in custody until the trial begins to prevent them from intimidating the witnesses and NGOs and the Social Welfare Department are ready to offer financial assistance to the victims for their transport costs. However cases involving juveniles are still yet to receive the priority they deserve by the courts.

3.3.2 Convention on the Rights of the Child

This international instrument does not specifically address the rights of children involved in the criminal justice system as victims or witnesses but is rather concerned with the general rights of the child as an individual who should be accorded the right to live his own life yet, at the same time, be protected from harmful practices.

The instrument does not totally neglect children involved in the justice process since it is concerned with the best interest of the child as articulated by article 3. It does, however, mean that in any sphere, be it private (family) or public, e.g., within the court system, consideration of the best interests of the child should always be observed. Since what is good for adults may not necessarily be in the best interests of a child, provision is made for the right of children to express themselves. This is what is meant by the right to be heard which is guaranteed by article 12 of the Convention. This article means that a child has the right to communicate their views in the best way possible on any issue which affects them in any court or administrative hearing..

In Zimbabwe children are given the freedom to express themselves ‘in the best way possible’ through various methods, including the use of writing, drawing, sign language or even anatomically correct dolls. Since the experience of recollecting and speaking about sexual abuse is traumatic, especially for children, the provisions of article 39 must be observed during this process as it states that appropriate measures of protection need to be taken to

ensure the physical and psychological recovery of the child from any form of abuse and reintegration into the community.

3.3.3. International Convention on Civil and Political Rights

This Convention speaks of an ideal situation where people freely enjoy all their civil and political rights without fear or favour and what they could achieve given an environment which is conducive to the realisation of their economic, social and cultural rights. Although this instrument is general in nature it may be useful and applicable to juvenile victims and witnesses who are affected by the justice delivery system.

In my line of work as a police officer I have learnt to appreciate that when victims of crime make a police report they are hoping the perpetrators get caught and are brought to book but above all they hope to recover their stolen property. Similarly in cases of sexual abuse against juveniles, the complainants and guardians are hoping for an effective remedy against the perpetrators. Therefore, article 2(3) of the Convention which refers to a victim's right to an effective remedy may be applied to juvenile victims who like any other complainant are entitled to an effective remedy which includes not only the punishment of the perpetrator but also other measures which enable them to obtain closure and assist them in reintegrating successfully back into society.

In order for juveniles in the criminal justice system to enjoy the right to an effective remedy they need to be given a fair hearing in the courts of law. Article 14(1) of the Convention provides that all persons must be equal before the courts. This implies that juvenile victims have a right to appear before the courts and present their case without fear. By doing this juveniles would be exercising their right to participate in the justice process. Therefore the laws must be applied equally to everyone including children and article 26 speaks to the equality of all persons before the law and therefore the right to receive equal protection. Juvenile victims as individuals in their own capacities have the right to be treated equally before the law and to equal protection without any discrimination.

Creating an opportunity for children to appear before the courts of law entails making their environment child friendly and in keeping with that the children's' safety concerns need to be upheld. Article 24(1) speaks to the right to measures of protection as are required by minor status of children. It emphasises the need for family and the state to observe measures to

protect minors by virtue of their status and for them not to be discriminated against for any reason.

3.3.4 African Charter on the Rights and Welfare of the Child

This regional instrument was adopted by the member states of the Organisation for African Unity (now known as the African Union) after it was realised that there was a need to take suitable measures to encourage and protect the rights and welfare of the African Child. This situation was prompted by an appreciation of the unique factors associated with African countries like socio-economic conditions, culture, traditions and armed conflicts.

This instrument, like other international instrument referred to above, fails to address issues specific to the juvenile victims and witnesses. A few of the articles however could be applied to the protection of child victims of sexual abuse. The most important of these is article 4 which emphasises the best interest of the child which means that in the justice process, a juvenile victim of rape should be heard in fulfilment of their right to receive the protection of the law and an effective remedy.

Article 14 is specific to the rights of a child to health and health services. In other words, the state is obliged to ensure that the child enjoys the best possible physical, mental and spiritual health. To make this a possibility the state parties are encouraged to bring other players on board such as NGOs who have the financial capacity and technical knowledge to serve what is in the best interests of the child within the justice delivery process. Children are vulnerable and require those in authority to provide for their security. Article 16(2) on protection against child abuse and torture speaks about measures of employing supervisory agencies who should support children in need of care and those caring for such children. It is further recommended that measures should be put in place to be able to detect any evidence of abuse and refer such matters for investigations and treatment for victims. Such agencies would also be required to follow up on issues of abuse and neglect of a child.

3.4 Zimbabwean Legal Framework

3.4.1 Constitution of Zimbabwe

Section 19 of the Constitution speaks to the National Objective on Children and section 19(1) requires the state to implement measures and policies that uphold the best interest of children in issues involving them. Zimbabwe has complied with this by being a signatory to the

various abovementioned international human rights instruments which uphold the best interests of the child. Section 19(2)(c) requires the state to implement measures to protect children from maltreatment, neglect and any form of abuse. This is however too broad and not particular to juvenile victims in the judicial process and the state is at liberty to provide such protection depending on the availability of its resources. Since today's children are the country's leaders of tomorrow, the state ought to make the protection of their welfare a priority in the investment of its resources.

Section 81 of the Constitution refers to the Rights of Children and section 81(1)(a) provides that a child (who is any person under the age of 18) has a right to equal treatment before the law and to be heard. Section 81(2) provides that the best interests of a child are paramount in every matter concerning the child. Section 81(3) holds that children are entitled to adequate protection by the courts, especially by the High Court as their upper guardian. The best interests of the child are however not explained and no detail is given as to how they are to be protected by the courts.

The definition of a child contradicts other pieces of legislation such as the Criminal Law (Codification and Reform) Act. It provides that a young person is a boy or girl under the age of sixteen (16) years. Section 70 provides for the punishment of persons who engage in sexual activity with children between the ages of 12 and 16 years but omits children who are sixteen (16) years and below eighteen (18) years, thereby creating an opportunity for child abuse. The Children's Act defines a child as a person under the age of sixteen (16) years and includes an infant, whilst a young person is referred to a person who has attained the age of sixteen (16) years but not attained eighteen (18) years.

The definition of child in the Children's Act does not conform to the international and regional standards of a child being a person who has not attained eighteen (18) years. These differences in meaning pose a policing challenge when handling cases involving children, hence the need to harmonize the laws pertaining to children. Children mature at different times and it does not follow that when they attain sixteen years of age they are able to make sound decisions for themselves and the state needs to protect such children from their lack of discretion and understanding.

As may be noted from the above discussion on rights afforded children, very little provision is specifically made on the rights of juvenile victims. Only sections 19 and 81 of the

Constitution relate to the specific protection of juvenile victims. This is despite the fact that the Constitution has at least five sections (sections 48, 49, 50, 69 and 70) dedicated to the protection of the rights of arrested, detained and accused persons. It is notable that the Constitution does not set a standard on the finalization of criminal matters affecting juvenile victims or for that matter any victims of crime. Standards are however set for ensuring that accused persons are taken to court within 48 hours and that they be given at least 72 hours' notice of their appearance in court, among other rights. Ironically, section 69(2) of the Constitution speaks of the right to a fair, speedy hearing within a reasonable time for civil matters, thereby putting an emphasis on the time frame for the hearing of civil matters.

Zimbabwe is a member state of the United Nations and the African Union and is signatory to the international and regional legal instruments discussed earlier in the study. Section 327(6) of the Constitution of Zimbabwe states that *“when interpreting legislation, every court and tribunal must adopt any reasonable interpretation of the legislation that is consistent with any international convention, treaty or agreement which is binding on Zimbabwe, in preference to an alternative interpretation inconsistent with that convention, treaty or agreement.”* It means that though Zimbabwe is not bound by international human rights law unless the law is made part of the country's body of legislation by parliament, this is not an excuse for it to fail to comply with the principles of international human rights law. There are certain rights that are non-derogable and that possess the status of *jus cogens*. These are the right to life, protection from torture, cruel and inhuman treatment. They do not require any act of parliament to be adopted into a country's legislation and any treaty or law conflicting with them becomes null and void.

3.4.2 Children's Act [Chapter 5:06]

This piece of legislation was of little help to this study since there are no sections in the Act addressing issues of juveniles involved in the criminal justice system as victims or witnesses. This is the legislation used for the protection, welfare and supervision of children and juveniles. The Act provides for the establishment of Children's Courts which are founded on the strength of section 3 and states that Magistrates' Courts shall be Children's Courts in their areas of jurisdiction. These courts are however designed to provide an environment conducive for child offenders and handle issues pertaining to children in need of care.

3.4.3 Criminal Procedure and Evidence Act [Chapter 9:07]

Section 197 of this Act provides for the protection of juvenile witness identity during the justice process. This means that their full particulars, schools or places of occupation or any information that is likely to give away the identity of juveniles cannot be released for publication unless authority is granted by the courts or the relevant Minister.

The protection accorded to juveniles by this means is being executed by the non-publication of the names of juveniles in newspaper articles which are juvenile sensitive. So, for example, Zimeye (2018) published a story “Grandpa Rapes Own 12 year Old Grand Daughter” in which a 60 year old man from Njube, Bulawayo raped his neighbour’s daughter. The paper’s editor stated that “the man, who cannot be named for ethical reasons, allegedly raped the juvenile sometime between October and December last year.”

Section 319B of the same Act is specific to the Protection of Vulnerable Witnesses and juveniles fall into this category of witnesses. The section provides various measures of protection which are at the disposal of the court in ensuring that juveniles are able to give evidence freely in a conducive environment. These measures include:

- (1) The use of a separate room so that the accused and witness are not in the same room and which makes use of a closed circuit court or a screen.
- (2) The use of a location which is less intimidating than the courtroom.
- (3) Exclusion of members of the public from the courtroom which means that the juvenile gets to testify before an empty gallery.
- (4) The use of a screen to separate the victim from the accused.

Apart from the above mentioned protective measures, the Chinhoyi local courts have also been employing measures such as the evidence of other witnesses who would have perceived the incident take place. Should everything else fail the courts have had to postpone matters to later dates.

These are the only two of the 389 sections of the Criminal Procedure and Evidence Act which provide for protective measures for the juvenile witnesses. In their absence, the general witness rules and protection would be applied to juvenile witnesses. The Act does not speak to the issues pertaining to the finalisation of court cases; rather its provisions are specific to the procedures which relate to the upholding of rights during the justice process. The Act

therefore does not allow us to measure the effectiveness of the MSA with respect to the speedy finalisation of juvenile rape cases. It only gives some perspective as to the measures that are available to protect juveniles in the justice process.

The Act provides more protection to juvenile victims and witnesses than those contained in the Children's Act which is mandated to provide protection to children and juveniles but is limited to delinquent juveniles and children in need of care. The fact is that the Criminal Procedure and Evidence Act is currently the most responsive to the rights, needs and interests of juvenile victims.

3.4.4 Policy Document on Sexual Abuse and Violence in Zimbabwe

The Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence Cases in Zimbabwe (2012) is a guiding policy which all partners in the fight against sexual abuse are employing. The Protocol outlines the roles of the different stakeholders and also the timelines within which certain services are to be provided. Although the policy is not legally binding it does outline the responsibilities and obligations which the various stakeholders are required to fulfil in order to make the prevention and management process work effectively. This Policy document is about the only instrument which stipulates the time frame for the finalisation of court cases with regard to sexual abuse and violence cases. The guiding principles provided in the Protocol are as follows:

- (1) Administration of post-exposure prophylaxis with 72 hrs.
- (2) Docket compilation by the police within fourteen (14) days.
- (3) Probation Officers' reports to be compiled within three (3) days.
- (4) Trial to be conducted within three (3) days of receipt of the docket.

If the time frames set out by the Protocol are observed it follows that cases that come before a Regional Magistrate could be finalised between seventeen (17) days and one month. This does not always occur, however, as a result of a number of challenges, examples of which shall be covered in the next chapter on the research findings. Matters presented before the court may take more than the intended three day period to be concluded especially when the rights of the accused required to be observed.

Placing a mandate on the courts to finalise rape and sex abuse cases involving juvenile victims within a reasonable and pre-determined period of time would entitle complainants

and their guardians to hold the courts publicly accountable for their failure to do so. Judicial officers would also be required to give written explanations for such delays. It is intended that the enforcement of such measures will encourage the courts to comply with their mandate in order to improve their delivery of justice.

CHAPTER FOUR

4.0 PRESENTATION OF DATA AND FINDINGS

4.1 Introduction

The chapter presents the data which was obtained during the interviews with the respondents and discusses the findings in the study in relation to my assumptions. It reveals what is obtaining on the ground in terms of the effectiveness of the MSA.

4.2. Standard Procedures

The study sought to establish if there were any standard procedures which guided the stakeholders in the MSA in pursuit of the finalisation of juvenile rape cases. It was important to be able to measure the effectiveness of the MSA against an laid down framework. I must admit that as I entered the field of study I was not very optimistic that I would find any sort of standard procedure that assists in the finalisation of court cases given the list of pending court cases held at police stations. The police have standards on the finalisation of dockets but I was not convinced about the other stakeholders. My experiences with them led me to think it was all “doom and gloom”. I looked forward to unearthing operating standard procedures which would help me make follow-up investigations into the pending cases and delayed expert reports which hamper the commencement of trials and case finalisation. Victim Friendly Officers were always complaining that probation officer’s reports were not being timeously compiled thereby resulting in delays in court cases.

I was pleased when I discovered that the Protocol (2012) actually provides a time frame for service provision of which all stakeholders are aware and to which they are bound to adhere. The fact that the Victim Friendly System (VFS) is chaired by the Regional Magistrate, one of the stakeholders, meant that I could voice my concerns if cases were taking an unnecessarily long time to finalise. There are legally binding laid down deadlines for the finalisation of rape cases; there are only those to which stakeholders agree to bind themselves in terms of the minimum package of survivor centred services of sexual abuse and time frame for service provision outlined in the Protocol (2012).

Minimum Package of Survivor Centred Services

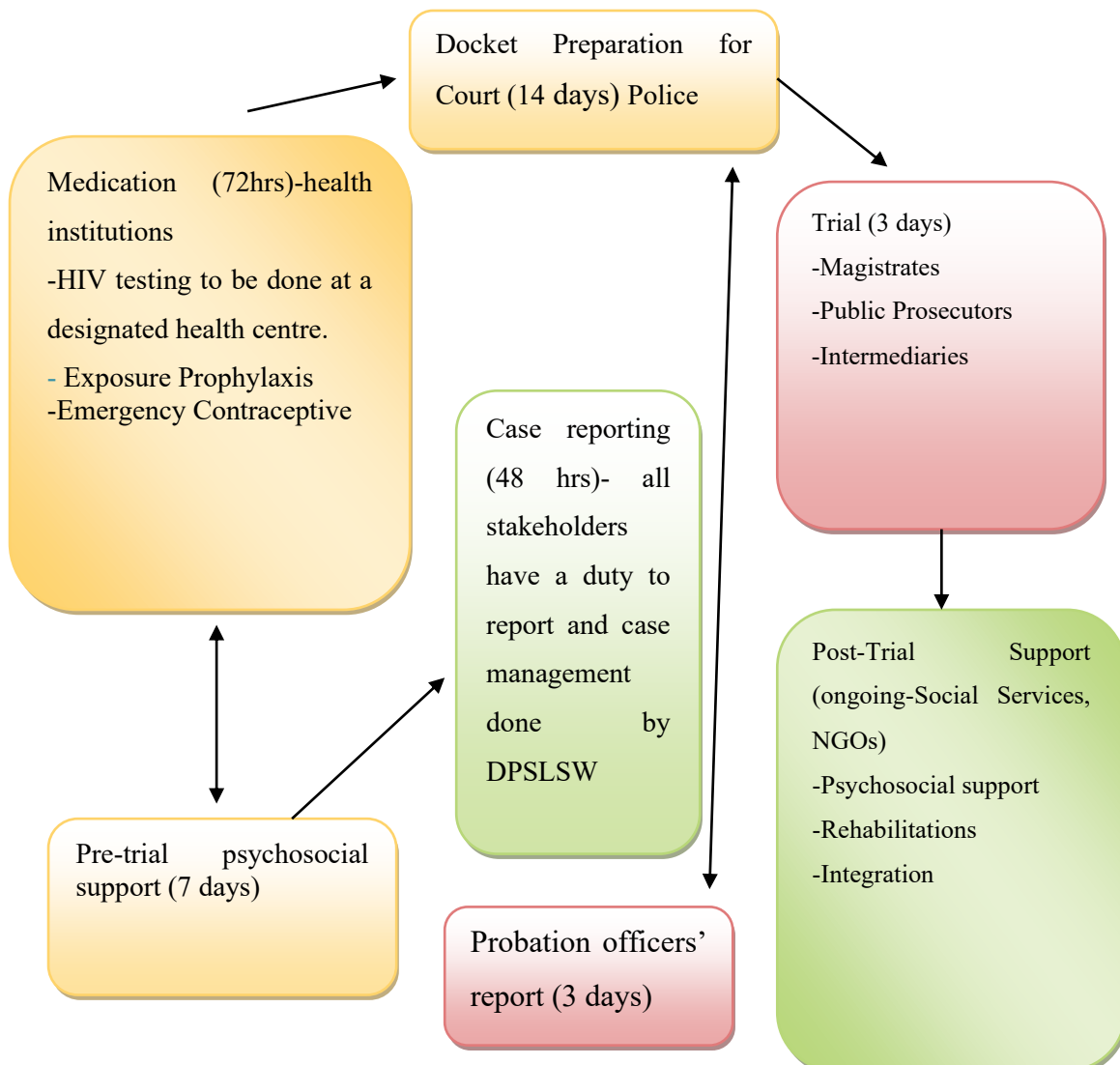


Figure 6: Diagram showing the Protocol’s Minimum Time Frame for Service Provision by stakeholders in the VFS

Figure 6 illustrates the expected time frames for service delivery by all the respective actors in the Victim Friendly System. Therefore there is in that regard standard procedures which guide stakeholders in the finalisation of juvenile rape cases.

The police are expected to have finalised investigations of rape cases within fourteen (14) days of receiving a report and referred the matter to court for trial. It means that the medical affidavit, probation officer’s report and any other expert reports should have been compiled and included in the docket.⁵ The completion of investigations and getting the docket

⁵ A docket is a compilation of documents constituting witness and accused statements and evidence gathered by the police in support of the criminal prosecution of an accused person who is charged with a crime by a court of law.

“perfectly” ready for court is dependent on the efficiency and effectiveness of other stakeholders.

The Magistrate’s Court is expected to have finalised the trial within three (3) days of receiving a well compiled docket. In my findings it was established that this standard may be possible only when the accused pleads guilty to the offence and the matter treated as a “Fast Track” case or the accused is not legally represented thereby eliminating delaying tactics normally employed by defence counsel. There are however other factors which may derail the smooth processing of a criminal prosecution and they include the following:

- (1) Lack of scientific evidence to enable just and fair trials. Currently in Zimbabwe there are no Government Deoxyribonucleic Acid (DNA) testing facilities which negatively impact investigations and hamper effective prosecutions. Where situations have arisen that require this service the police have had to outsource these services and at times the cost is beyond their reach. The distribution of rape kits which would assist in the collection of evidence has had to be put on hold due to the lack of a DNA testing machine for analysis.
- (2) Shortages of magistrates and prosecutors. Rape cases involving juveniles are heard before a Regional Magistrate. The Regional Magistrate who covers Makonde District is also the Regional Magistrate for the whole of Mashonaland West Province and he is the only one. His court has one prosecutor. He has to cover five other Districts besides Makonde and he also presides over other serious cases like armed robbery, theft of motor vehicles, kidnapping and many others. His court time is divided between these other cases and rape cases.
- (3) The difficulty of locating offenders after they are granted bail. When an accused person exercises their Constitutional right to liberty and applies for bail and it is granted, they often abscond from the area in which they were previously living. It therefore often becomes a challenge tracing such a person who may be afraid of facing trial and possibly imprisonment.

The Probation Officers’ reports should be compiled within three (3) days of receiving a report involving juveniles. This is however not always possible because sometimes probation

officers do not have a vehicle to go and conduct their assessments and are dependent on other stakeholders.

Probation Officers are also given multiple tasks and maybe assigned other duties which take them away from their work stations thereby causing delays in conducting their assessments and compiling their reports. For example, Probation Officers as Social Welfare officers are involved in the distribution of drought relief inputs as well as the Presidential Inputs Scheme of maize seed and fertilizers.

I found that given the various stakeholders' roles and responsibilities and that the accused person's rights have to be observed the finalisation of cases at court could be set at anything between twenty one (21) days to within the month of receiving the report and probably longer in situations beyond the court's control such as ill health of either parties to be able to stand trial.

4.3 Protective Measures

I got into the field not quite sure of what to expect although I had ideas of some of the measures used by the police during their investigations. For instance, when a rape case is reported to the police the victim is referred to the Victim Friendly Unit (VFU) and the matter is handled professionally by trained officers. Statements of juveniles are also not recorded in the absence of their legal guardians. I then questioned the fate of victims in remote areas where a report is made at a police post or base which is normally manned by a male constable who simply does the initial paper work and then refers the matter to the main police station for further management. The question is whether the victim's privacy is being respected.

I found that although it is no longer a requirement for victims to make an initial police report before they can access medical care, some medical health personnel are still not aware of the new policy. Some victims continue to be turned away from hospitals and told to first go and make a police report before they can receive medical treatment.

The following measures are implemented by magistrates in ensuring the protection of juveniles:

- (1) Perpetrators of rape are initially remanded in custody awaiting trial or until they apply for bail.

- (2) Juveniles as vulnerable witnesses give evidence from a separate room with the use of CCTV and where they have no direct contact with the accused.
- (3) Juveniles testify before an empty courtroom with only court officials and defence counsel in attendance.
- (4) Use of evidence from other witnesses other than the victim helps in their protection.
- (5) Court officials dress informally so as not to scare the victim.

A visit to the Victim Friendly Court revealed that efforts to create an environment conducive for child survivors of rape/sexual abuse were made through ensuring their waiting area is friendly. Although there is no separate waiting room, the children wait at one end of the corridor where sofas are provided and its walls are painted with “Mickey Mouse” cartoons. When the children enter the room which is separate from the one where their proceedings are conducted, they find that it has cartoons painted on its walls and they are given anatomically correct dolls which they can use to demonstrate what happened to them and they are also given other toys in the room to play with. The court suffers from a shortage of office accommodation. Therefore there is no separate waiting room for adult victims who have to share a single space with and sometimes face the hostility of the accused person’s relatives before entering the court room.

I witnessed demonstrations during a mock trial of how the Victim Friendly Court operates and concluded that it was safe for juveniles. An intermediary was placed in the separate room and the magistrate was in the courtroom. I noted that the rape survivor was at no time at risk of interacting with the accused and would therefore be safe from intimidation. I raised concerns on backup measures in the event of a system failure and the magistrate together with the public prosecutor explained other measures such as the use of other witnesses to prove a case or testifying in an empty court gallery.

It was also my finding that there is so much more literature on rights of accused than there is on vulnerable witnesses. Protective measures for any victims are not expressly provided for in the Constitution even though there are many sections on the rights of arrested, detained and accused persons. The most general protective measures I found were that the best interests of the child have to be observed and all persons (i.e., including children) have the right to the courts’ protection.

4.4 Thinking outside the Box for the Speedy Finalisation of Juvenile Rape Cases

There being no law on the speedy finalisation of juvenile rape cases I had to enquire from my respondents how they ensured matters brought before the courts were speedily finalised. These were some of the strategies used by the stakeholders:

- (1) Engagement of activist groups by the communities concerned to follow up on sensitive cases helped. This method worked effectively where the intention was not diluted by malice or high-jacked to achieve personal vendettas.

One stakeholder shared a scenario where this strategy was successfully used. A 42 year old man was employed as a security guard at one of the schools in Chinhoyi and he was arrested for sexually abusing ten (10) school children whose ages ranged between 9 and 11 years. When he was taken to court he was remanded out of custody because the police were yet to obtain medical reports. Upon the release of the accused there was a public outcry and parents demonstrated at the courts and police stations. This promoted a push on the hospital to quickly avail medical affidavits of the victims and police to locate the accused who had absconded to another town. Within two days the accused was re-arrested and brought to court where the trial commenced and the matter was concluded within three days.

- (2) The influence of high profile people (for example, Members of Parliament or Ministers) may assist in the speedy finalisation of juvenile rape cases. The fact that stakeholders may have to report to a higher authority may encourage them to improve their performance in terms of their mandate under the Protocol (2012). I had the experience of a councillor within my area of policing who brought to my attention a lack of commitment by my officers to take a sexual abuse case to court and upon my intervention the matter was speedily and professionally investigated, although it could not go to court for want of evidence. One would not want to be blamed for underperforming if it is within their power to change the situation.
- (3) Making complainants and guardians conscious of their rights to speedy trials so they can make follow-up investigations themselves. This is an ideal way of empowering the complainants and in these cases the guardians and parents who are making the decisions for juveniles. There was a parent who kept going to the police station to

inquire why her child's case was taking such a long time to finalise in court. Upon being advised to seek audience with the public prosecutor her matter was concluded.

- (4) The insistence by stakeholders that juvenile cases take precedence over adult cases was seen as another intervention which was effective. This was employed by one stakeholder when he was following up on a case involving a learner. He insisted on the juvenile's case being given priority over other criminal cases. The learner's case was prioritised and finalised early.

I found that key informants were keen to have cases finalised early and Victim Friendly officers in particular were in constant liaison with the public prosecutor who was able to give direction on difficult cases and on the evidence needed for a successful prosecution to take place so as to avoid delays in the finalisation of cases due to incomplete investigations.

4.5 “Getting the Job Done”: The Role of the Actors

ZRP Makonde District is working with concerned stakeholders in the fight against sexual abuse. The actors in the MSA work tirelessly towards the conclusion of cases making resources available to survivors and enabling quality investigations to be conducted. The team of dedicated actors in the MSA in Makonde District comprises the following:

- ❖ The Police
- ❖ Ministry of Health
- ❖ Ministry of Education
- ❖ Ministry of Public Service Labour and Social Welfare
- ❖ Ministry of Local Government
- ❖ National Prosecuting Authority
- ❖ Ministry of Justice, Legal and Parliamentary Affairs
- ❖ Non-Governmental Organisations

It was my finding that the police confirmed that the MSA was effective at least to some extent. For instance, the officer for ZRP Chemagamba emphasised that *“in Makonde District if the Probation Officers were not committed to other duties like the Presidential Inputs Distribution they [would] complete reports early for court”*. There was also confirmation by other officers that NGOs like Leonard Cheshire provide survivors with the assistance of

being examined by psychiatric experts at Harare Hospital and they also have access to sign language specialists.

I found the MSA to be more effective in Zvimba when the Victim Friendly Officer for Zvimba shared the good practice in her District. She emphasised that Zvimba Council assists them with transport to attend scenes and to go to court and as a result all stakeholders coordinate their activities. This practice reminded me of an instance when the station had an incident of an accused who was being transported to court in a council vehicle. He jumped off the back of the pickup truck in an attempt to escape but was caught. At the time I saw this communication it made no sense why the council was transporting this accused to court. I just thought they had given the officer a ride only not knowing that it was the MSA in action. But now it dawns on me what they were doing and how helpful the approach is.

It was further emphasised that the police have the task of investigating cases and gathering the requisite evidence to ensure that they produce quality dockets so that when they are presented to the courts, they lead to the successful prosecution and conviction of offenders. The police have fourteen days to compile the dockets including gathering the necessary evidence. I established that the VFU does not have its own transport and was overly reliant on other stakeholders to assist them. ZRP Makonde District has ten (10) police stations but only one motor vehicle making transport to ferry rape victims to and from court and the hospital a huge challenge. This was where some of the other players came in handy by helping to make these necessary trips possible. It was interesting to find that Social Welfare was receiving money for victim assistance but this was never brought to the attention of the police who seemed unaware of this funding and Social Welfare never communicated that fact to them. In Makonde the officers only became aware of this funding arrangement in 2017 during a stakeholders meeting.

A finding that is of great relief to rape victims is that they are no longer required to report to the police before accessing medical attention. They can just go directly to the Victim Friendly Clinic. The Department of Health plays a crucial role in providing counselling, treatment and evidence collection from the rape survivor. The Medical Officers have to compile medical affidavits after examining the rape survivors which make up part of the evidence for the court case and, should it be necessary, they can be called to testify in court.

It was heartening to discover that the Ministry of Primary and Secondary Education is very involved in that they have guidance and counselling teachers at schools. At the District, the Education Remedial Tutor has a vested interest in the welfare of their school learners and follows up on any court cases with an interest in seeing that cases involving the learners are speedily finalised and that court cases disrupt the learners' education as little as possible. According to the Remedial Tutor, when cases are not timeously concluded, learners are affected socially and miss time at school. He however stated that some cases took a long time to finalise for various reasons, including the court's reducing of the charge to a lesser offence upon discovering that the juvenile had consented, poor investigations by the police and the court being over-burdened by a heavy work load.

The Social Welfare Department provides survivors with transport vouchers to enable them to make reports at the Police Stations, go to court and to the hospital for medical examination. The police confirmed this assistance by the department and also stated that the two transport vouchers issued for each victim may not be sufficient given that the victim has to several journeys before the finalisation of their case. The Probation Officer however insisted that transport vouchers were available but those charged with the duty of issuing them fail to communicate when they run out of them.

It emerged very clearly during the research just how instrumental the prosecution department is to the finalisation of juvenile rape cases. They have the duty of ensuring that cases brought to court are well investigated and that the state has a water tight case. The District Public Prosecutor claimed dockets coming to court were well investigated as the result of well trained Victim Friendly Officers assigned to the unit. When the juvenile appears in court they are awarded a Government witness allowance which helps to cover their travel expenses and ensure that they attend court. The Government witness expenses are dependent on the availability of funds.

He was however wary of other challenges in the legal system responsible for delays in the finalisation of cases, such as the need to observe the rights of the accused who, for example, needed adequate time to prepare for trial. The District Public Prosecutor was of the view that this sometimes resulted in the failure of the "Fast Track" system since the efforts of stakeholders to ensure the speedy finalisation of trials were being frustrated. Kudya (2006) emphasises in her dissertation that it was clear that the delays were now at the courts and not

the police station. The efforts by other players, especially the NGOs, needed to be complimented by speedy trials and the conviction of offenders. Stakeholders needed to know that they were getting value for their money.

Some NGOs, like Pamuhacha, also provided financial assistance for juvenile witnesses to attend court and for specialists to conduct examinations, for example, dentists to determine age estimates and psychiatrists, all of which are conducted in Harare. Forensic examinations like DNA testing are done at the Government's expense and are therefore dependent on the availability of funds. All these activities proved to be too great for the VFU which is under-resourced.

4.6 An Effective Strategy or Not

I wondered how well the MSA worked given that the number of pending court dockets were increasing as a result of which even minor matters which should not have taken very long were going for years without finalisation. The system is dependent on other players and is effective in pooling resources to ensure survivors get the needed service delivered, like medical examinations, dental, psychiatric assessments and language experts. The UNODCCP (1999) asserts that the establishment of victim services needs funds which might subsequently not be available for other purposes. The actors complement each other's roles in the prevention and management of sexual abuse cases in the hope that no gaps will be experienced.

NGOs have a crucial role to play in availing resources and ensuring that the juvenile justice process is upheld. They are also recipients of cases they come across when interacting with different communities when they conduct their own programmes and they then refer them to the relevant authorities for further management. They make follow-up investigations on juvenile cases to ensure they are brought to their final conclusion.

They monitor cases between the times they come to light to the time they are finally concluded. As ZWLA says, they make an "effective noise" about cases as a result of which cases are usually dealt with more speedily in order to avoid poor publicity.

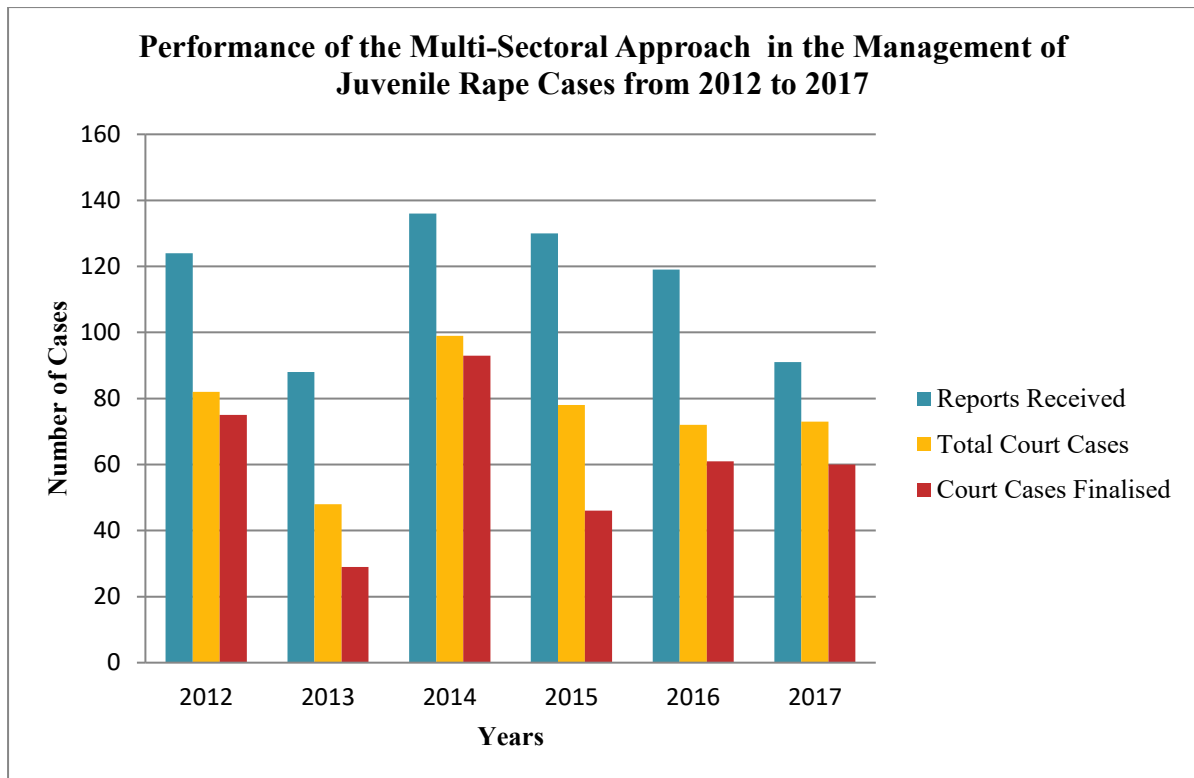


Figure 7: Bar chart assessing the Finalisation of Court Cases involving the Rape of Juveniles (2012-2017)

Figure 7 is a bar chart which illustrates the number of juvenile rape reports received by Makonde District between 2012 and 2017, how many were referred to court and how many were finalised. The chart illustrates that the cases finalised almost equalled those that were referred to court with the exception of the year 2015 when only slightly more than half of them were finalised. In all other instances, almost more than half the cases received were referred to court. In other words, the results of the bar chart reveal a success story except for the relatively poor performance in 2015 which occurred as the result of certain judicial changes including the arrival of a new magistrate who was transferred to Chinhoyi. Also part-heard cases could not continue under the new magistrate and had to wait for the original magistrates to be recalled to finish these hearings. This all created some delay in the finalisation of cases.

Year	No. of Reports	Court Cases	Cases Finalised at Court	% Rate
2012	124	82	75	91
2013	88	48	29	60
2014	136	99	93	94
2015	130	78	46	59
2016	119	72	61	85
2017	91	73	60	82
Total	688	452	364	81

Table 3: Showing Details of the Finalisation Rate of Court Cases for 2012-2017

Table 3 shows that for the period 2012 to 2017, the MSA has proven to be an effective approach to sexual abuse cases with an average finalisation rate of 79% of cases. Note that the cases finalised at court refer to those cleared by way of either conviction, discharged or withdrawal after plea. The Victim Friendly System is performing successfully since its finalisation rate is above the average rate of 50% whilst the finalisation rate for general cases is about 30%. In most years the VFS's finalisation rates are in the 80 and 90 percents.

This kind of achievement testifies to the effective collaboration between stakeholders. In the last six years 81% of cases referred to the court have been finalised giving much needed closure to rape survivors.

I found that there was a well coordinated system in place where all the stakeholders keep each other informed of activities on the ground. It is also a powerful strategy in the prevention of sexual abuse through conducting joint awareness campaigns. One of the stakeholders stated that *“the community is provoked when they see stakeholders gathered in their area.”* It seems that stakeholders seem to achieve more when they conduct their activities together than when they do so alone. An open door policy was observed among the members who were free to walk into each other's offices and consult on issues as and when they arose. Once a case was reported either to the police or any of the other partners everyone was on their toes ready to pitch in and help.

The system works effectively in achieving everyone's goal but more importantly it works well at serving the interests of the survivors who are afforded counselling, treatment and a chance at receiving justice in fulfilment of their right to a speedy remedy for the harm they have suffered (UNODCCP, 1999). For instance, some time in November 2017 Childline received a report from the area of Mhangura to the effect that three girl children aged 6, 9 and 12 years old were being sexually abused by their father with whom they were living after the death of their mother. Childline contacted the Victim Friendly officer and Social Welfare officers and they attended the scene. The father was arrested and his children were placed with foster parents awaiting the outcome of the court case against him.

Similarly the fight against sexual abuse would have been doomed if cases had been handled single-handedly by the police alone because no single institution can adequately cover what all the other institutions are required and/or able to do. Institutions need one another to complement each other's roles and/or weaknesses. The situation on the ground in Makonde District has shown that all the institutions are reliant on one another in order to make the MSA to sexual abuse cases work. For instance the police are dependent on the NGOs who have the resources to access remote areas to conduct campaigns and victims can access services. Probation Officers are immobile and have to rely on other stakeholders for transport assistance. In the words of Zvimba Probation Officer, "coordination is strongly required" for the MSA to be effective.

The District Victim Friendly Officer referred to the fact that "rape means juveniles" in Makonde District and that they enjoyed the rapport they had with their partners who are always ready to come to their aid. Also the public prosecutors are always ready to offer advice on investigations to ensure that cases are not delayed when they go for trial and in instances where witnesses are available and investigations finalised, the "Fast Track" of cases is able to take place. However issues of evidence gathering continues to pose a stumbling block to the work of the Police since, according to them, some medical affidavits are rejected by the courts for lack of detail and they have to be referred back to medical officers for further interpretation or at times Probation Officers delay submitting their reports.

4.6.1 The Impact of Delays in the Finalisation of Cases on Parents and Guardians

I had a mother whose 10 year old daughter was sexually abused say to me "*andichadzokazve kuno, musungwa anomiririrwa nyaya ichingo chovwa shure, murungu wangu anoti zviru nani*

atsvake mumwe mushandi nokuti arikuruza business nokuuya kwangu kuno”, meaning that she would no longer be attending court sessions because the matter kept on being postponed because the accused was represented and also her employer was threatening to terminate her employment citing loss of business.

In another similar situation a woman and guardian of two children, a grand-daughter aged 5 years and a nephew aged 14 years (her late sister’s son), had to make a difficult decision when she discovered that he had sexually abused her granddaughter. After consulting some of her relatives she decided to make a police report which was not welcomed by her other relatives who thought she was being vindictive towards her nephew. She said her nephew’s paternal grandmother called her and said:

“Is that why you took my grandson to feed him to the vultures? Why did you not just return him to me to take care of him?”

It was important in the study for me to understand just what women had to go through as a result of delays in finalising children’s cases and what was provided for by the law. I realised that women go through emotional trauma and are caught between a rock and a hard place when tough decisions concerning the child’s welfare have to be made.

Since the woman’s law approach is interactive I experienced first-hand what the women went through from the time they discovered their child’s violation to the time the case reaches its final conclusion in court. In addition, I found that men as well as women suffer. For instance, Maramwidze is the grandfather of an 11 year old girl who was raped by Munyaradzi Kereke former Member of Parliament for Bikita West. The grandfather had to dispose of his wealth in order to pay the expenses of a six year legal battle to bring the accused to book. In his interview with Manayiti and Langa (2018) of The Standard newspaper, Maramwidze had this to share:

“My transport and electrical hardware business crumbled because I had no time for them anymore as I spent most of it following up on the case”

4.6.2 Knowledge of Developments in the Criminal Justice System

One respondent interviewed emphasised that *“there is need to ensure that the children’s court is child friendly as children were scared to talk freely.”* I got the feeling the stakeholder

was not updated on the current developments in the criminal justice system. The local court has a Victim Friendly Court which by my observation had made attempts to create an environment conducive for children to testify through the use of a separate room. The Children's Act and the Criminal Procedure and Evidence Act actually provide for ways to ensure that children do not feel threatened such as by the use of CCTV and their role is to make sure measures are being implemented. It would be worthwhile investigating just how familiar stakeholders are with enactments which deal with protective provisions for children.

4.6.3 Not All Cases are reported to the Police

There are survivors who visit the Victim Friendly Clinic for treatment and afterwards are supposed to then make a police report but then decide not to do so. Why do they not do so? Do they have valid reasons for not doing so or are they just accessing free treatment? This scenario is attested to by the medical staff and some NGOs who follow up on cases they have received and helped the victims to obtain medical care. The District Victim Friendly Officer during the interview had the following to say:

“Sometimes during workshops with the various stakeholders in the management of sexual abuse cases you can be amazed at the number of reports they would be saying they attended to during a particular period. There would be variances with the figures the police would be presenting for reports they would have received. Police figures would be lower than figures portrayed by the NGOs.”

According to the Medical Officers there is a very vulnerable group of children between 12 and 16 years old who are engaged in consensual relationships and when they come to the Victim Friendly Clinic they are seeking free treatment and abortions. The Regional Magistrate appeared to agree and referred to the most innocent children as being those under 12 years of age, whereas those of 13 and older were in unique positions as issues of consent were now at play.

4.6.4 A Case of Prioritisation

Why is it the case that Government institutions do not believe in the specialisation of work? Members of staff in Government are always multi-tasking. For instance, despite police officers having been trained to prevent, investigate and detect crime, they are assigned prosecution duties; whilst Victim Friendly officers may be tasked with traffic enforcement

duties or patrols. Probation Officers are also always multi-tasking which leaves them with little or no time to fulfil properly and timeously their mandate in terms of the Children's Act.

Recently there has been an upsurge in sexual abuse cases of juveniles attending public social events in Chinhoyi. One of the roles of Probation Officers is to attend such events where children are participating in order to ensure that there is nothing untoward taking place at such functions. As a regulating authority I have had to turn down a young person's talent show because the Probation Officer has not have given their consent because they were not available to attend.

During the "100 Day Quick Win" Ministry directives ushered in by the new administration the courts were not left out. I found that between January and March 2018 the Regional Court cleared more cases of juvenile sexual abuse than it would normally have done. Normally the courts manage to finalise only three (3) cases per month but during the 100 days, sixteen (16) cases were finalised in three months. This goes to show that if prioritisation is put into practice a great deal can be achieved.

4.6.5 Fears of the Existence of the "Dark Figure of Crime"

It was also discovered that there is what the police Victim Friendly Officers termed "*the dark figure of crime*" referring to the fact that not all cases are reported to the police, meaning that not all juveniles have access to the justice process. Apparently not all cases involving influential people are reported, especially when victims feel their case would not stand any chance of reaching court. A good example is that of the Kereke rape case. Munyaradzi Kereke, a former advisor to the then Reserve Bank Governor, Gideon Gono, and a former Member of Parliament for Bikita West was accused of raping his 11 year old niece. A six year long legal battle ensued. "He was eventually prosecuted privately after an order was given to the then Prosecutor General Johannes Tomana to issue a certificate for private prosecution" (Kamhungira, 2018).

4.6.6 An Educative Platform

When I attended a monthly stakeholders meeting, the court requested the police to improve the quality of their investigations which were said to be lacking. This appeared to contradict what the District Public Prosecutor had told me during our interview when he stated that they no longer experienced challenges with the quality of dockets brought to court. Observing this meeting gave me an insight into the kind of issues that are discussed between stakeholders. I

noted how productive the meetings are and to what extent they address issues of juvenile justice. I was happy with what I observed, although I felt more could be done to make it more meaningful and productive. Stakeholders could be given an opportunity to report back on their activities pertaining to sexual abuse and violence during the period under review and they could provide feedback on any challenges and good practices they were experiencing. Feedback could be given on the number of cases received by the District and the numbers of cases finalised and the reasons for poor or good performance by the stakeholders could also be discussed.

CHAPTER FIVE

5.0 WHAT WORKS, WHAT DOES NOT AND THE FUTURE ENVISIONED

5.1 Introduction

The chapter juxtaposes two scenarios, one in which the MSA is most effective against another in which it seems to struggle for relevance. I look at the MSA in an urban set-up and consider whether the programme was of any benefit to victims in the remote area of Kenzamba. It was important to note that although it had no One Stop Centres to deal with sexual abuse cases, some good aspects of the programme did operate. The chapter also looks at ideas obtained from and observed during the course of the research which are intended to enhance the performance of the MSA, especially in areas where the strategy is lacking. It was my aim in this study to establish the extent to which juvenile rape survivors benefit from the MSA's effectiveness in speeding up the finalisation of their cases. The efforts that contributed to the successful prosecutions and high rates of conviction need to be applauded and sustained although it was established that more can be done to address weaknesses and gaps that still exist.

5.2 The successful experience of the Multi-Sectoral Approach (MSA) in Urban Makonde

The MSA seems to work effectively in the urbanised areas of Makonde District, such as Chinhoyi, Banket, Zvimba and Kutama. These areas have easy access to stakeholders who provide essential services to rape survivors. Banket and Chinhoyi survivors can easily access the Victim Friendly Clinic for medical examinations. Access to court in Chinhoyi is easy as it operates every day and the Banket police can either wait for their circuit court which sits every Tuesday or travel to Chinhoyi.

The centres of Zvimba and Kutama are serviced by Father 'O' Hea Hospital which provides medical examinations and produced affidavits for court. Survivors in this instance do not need to travel all the way to the Chinhoyi Victim Friendly Clinic for medical examination, although they are not prevented from doing so. Zvimba as an Administrative District has its own Probation Officer and therefore does not need to rely on an officer to come from Chinhoyi. Once a case is received in Zvimba, stakeholders attend the scene together, i.e., the probation officer, the police, and an education officer.

The Zvimba Rural District Council also provides their vehicle for stakeholders to attend scenes and to ferry victims and offenders to court where none is available. This set up is unique to Zvimba and reflects a willingness by stakeholders to address sexual abuse in their area. Survivors do not need to travel long distances to seek medical treatment.

5.3 The less successful experience of the MSA in the Remote Area of Kanzamba, Makonde

Whereas the MSA fares well in urban areas because service providers were located within the towns, the same cannot be said for its performance in the remote area of Kanzamba of Makonde. Kanzamba is an area 70 kilometres from Chinhoyi town and has bad roads which are inaccessible during the rainy season. In dry weather it takes four (4) hours in a four wheel drive vehicle from Chinhoyi to Kanzamba. The area is serviced by two clinics which are staffed by nurses. There are two buses which alternate plying the route which means that at any given time there is only one bus which comes from Kanzamba.

Now given such a set up if a sexual abuse report is received, the clinic only administers the post exposure prophylaxis drug and refers the victim to Chinhoyi's Victim Clinic for further management. The probation officer is supposed to travel from Chinhoyi to go and carry out the case assessment for the juvenile's report but there are transport challenges. All other stakeholders who can assist are also located in Chinhoyi and have to wait for the survivor to make their way to their offices before they can be of any assistance to them.

Smelling of the sexual assault they have suffered, the survivors are forced to endure the humiliation of having to travel on public transport without having first showered in order for evidence to be taken from them whilst it is still fresh. Members of the public justifiably complain about this arrangement. In this scenario, the MSA is failing to address the interests of these sexual abuse survivors. The fact that survivors have to remain with the assailant's semen lodged in their body until they undergo a medical examination is unacceptable and is a continued violation of their right to bodily integrity and dignity.

If the MSA is to be effective the services need to be easily and readily accessible to the victims whom they are intended to benefit. The victims are further traumatised by having to travel long distances to seek treatment in a dishevelled state.

5.4 Future Pathways for an Enhanced Approach

The approach needs to be weaned off donor funding and put on to Government funding so that it can run its own programmes independently of outside help. The danger of depending on donors for long-term funding and sustainability is real and should be avoided at all costs because they can one day lose interest and decide to channel their funding elsewhere.

5.4.1 A specialised Sexual Offences Court

There is a need for Makonde District to have a stand-alone Sexual Offences Court which is well resourced with its own magistrates and qualified prosecutors. Being centrally positioned in Mashonaland West, a Sexual Offences Court in Makonde would service five other Districts. Statistics have shown that there is enough work in Makonde District, if not the whole Province, to keep the court busy. What the study clearly shows is that the processing of cases tends to slow down due to the lack of a specialised court to deal primarily with sexual offences and a shortage of magistrates and prosecutors. During an interview with the magistrate, he stated:

“The specialisation of courts also assists in sentencing trends whereby a person appearing before a Resident Magistrate for a sexual abuse case can get away with a lighter sentence than the person appearing before a Regional Magistrate who specialises in the cases.”

The inconsistencies between sentences that are handed down are exacerbated by the fact that there are no sentencing guidelines. Coltart (2014) asserts that there is no mandatory minimum sentence for the crime of rape in Zimbabwe, although a maximum sentence of life imprisonment can be imposed. Magistrates rarely pass the maximum sentence and if they felt it were necessary they would be required to refer such matters to the High Court for the purpose. Section 65(2) of the Code⁶ requires that when sentencing convicted offenders the court takes into consideration, among other things, the “degree of the force or violence used in committing the rape and the extent of physical and psychological injury inflicted on the person raped.”

The discrepancies between sentences can be seen in the following cases. In *State v Phiri* HH 195-15 a 54 year old man raped his 14 year old step daughter and faced five (5) counts of rape. He was sentenced to 12 years imprisonment and the review court felt the sentence was too lenient and held the sentence should have been between twenty (20) to twenty-five (25)

⁶ Criminal Law (Codification and Reform) Act [Chapter 9:23].

years at least. In the similar case of *State v Mpande* HH-43-11 a man raped a 3 year old who had been left in his care and he was sentenced to 15 years imprisonment.

5.4.2 Unfreezing of Government Posts

The creation of employment by unfreezing Government posts for public prosecutors, magistrates, the Department of Social Welfare and hospital staff would go a long way in easing the pressure on these actors. Currently the courts have to rely on seconding the police and army officer prosecutors to deal with the shortage of qualified public prosecutors. Advocate Zhuwarara (Newsday, 2015) complained about this situation saying that the *“engagement of police and army officers to prosecute in civilian courts is a misnomer. This practice cannot be condoned, tolerated or excused in a democratic society”*. Besides creating employment, the unfreezing of posts would mean that police officers at the court could return to their area of speciality which is crime prevention, investigation and detection. The practice of making probation officers multi-task to the detriment of the welfare of juveniles should also be addressed.

5.4.3 Need for Continuous Training

The regular specialised training of stakeholders needs to be conducted to enhanced service delivery. In my interview with the magistrate, he stated that *“sometimes there are contradictions on medical reports, doctors just tick on the form and yet there is a need to comment on observations noted.”* I also noticed that in instances when doctors make comments on medical reports such as “penetration possibly effected; suggestive of penetration or difficult to conclude” they are insufficient to convince a magistrate that penetration did in fact take place (Kudya, 2006). Such medical observations lack detailed in-depth analysis and are inconclusive. In order to secure a conviction the medical evidence needs to properly address the essential elements⁷ of the offence.

The same sentiments were attested to by a victim friendly officer who took a victim to the local hospital for examination and during the court proceedings the locally generated medical affidavit was adjudged to lack sufficient detail as to the victim’s capacity to testify in court. Therefore, the victim had to be referred to Harare Hospital for an in-depth medical assessment. The lack of properly completed medical affidavits delays the finalisation of rape cases. Medical affidavits should be stand alone documents used as evidence and should not

⁷ ‘Essential elements’ in this study refers to the essential facts which must be proved in a court of law by the state, represented by a state prosecutor, to prove that a crime has been committed.

require the court to call the deposing doctors to attend court in order to testify in support of them. The failure of medical affidavits to present clear facts results in the court having to summon doctors to court to testify. Delays are often caused because the doctors are always busy either attending to their general hospital duties or private practices.

5.4.4 Dealing with Unnecessary Postponements

The court needs to take a firm stand against unscrupulous and unnecessary applications for discharge, a common tactic used by defence counsel which causes delays in the finalisation of court cases. Magistrates need to exercise caution and make a distinction between upholding genuine applications and dismissing those which are made with the sole purpose of delaying proceedings. One lawyer who is a stakeholder emphasised that, *“an intervention to stop delays could be that cases should not be postponed more than two times as a matter of law or policy.”*

5.4.5 Legalising Standard Procedures

There is a need to enact the time frames set out in the Protocol (2012) for the finalisation of sexual abuse cases since they are currently not law but purely administrative guidelines and therefore cannot be legally enforced. Using the law to hold responsible officers to account for their dereliction of duty would be a better incentive to ensure that the system works effectively and efficiently rather than the current situation in which it is simply hoped that every stakeholder will perform their duty based purely on an agreement they have made between themselves.

The Government’s ownership of the programme is also likely to encourage them to commit to passing laws that ensure the speedy finalisation of cases which also hold officers legally accountable for their non-performance. Such laws would reduce the serious problem of cases dragging on for years without reaching a final conclusion. Victims would not have to spend years wondering what is going to become of their court cases.

5.4.6 Employing Professionals

Employing fully legally qualified prosecutors would be the most ideal solution to ensure a justice process which is swift and fair. Prosecutors equipped with law degrees would be in a better position to see through and successfully challenge untenable legal arguments for postponements made by less than scrupulous defence counsel.

5.4.7 Making resources available

The Government needs to adequately equip the stakeholders in the Victim Friendly System to enable them to discharge their duties efficiently and effectively. A shortage in specialised equipment has resulted in the Ministry of Health being only able to conduct physical vaginal examinations instead of DNA examinations. According to a respondent, *“the state relies on referring samples to South Africa for DNA testing and the exercise has proved expensive to sustain.”*

Government stakeholders are immobile and dependent on private partners for transport to move about and ferry victims to and from court and hospital. Lack of resources also leads to shortages of qualified personnel like psychiatrists, dentists and doctors. Despite Chinhoyi Provincial Hospital being one of the biggest referral hospitals in the country, it has inadequate specialist medical personnel to cater for the community’s needs. The hospital has a psychiatric unit but there is no specialist tending the unit. The dentist at the hospital is apparently not qualified to conduct age estimates. As a result, victims have to be referred to Harare Hospital or Parirenyatwa Hospital for such services.

5.4.8 One Stop Centres

“One Stop Centres” are the recommended solution for dealing with cases of sexual abuse and violence. It is recommended that such Centres be fully equipped and staffed with psychiatrists, dentists, medical personnel, police and probation officers to avoid any inconvenience. According to one probation officer interviewed, *“all stakeholders must be housed at one centre to avoid the hassle of travelling from one location to another in search of services.”*

5.5 Conclusion

The popular adage that there is strength in numbers proves true for the actors and structures involved in the MSA. *“The work of individuals, organisations, Governments and international bodies to restore victims to their rightful place in legal systems and increase the quantity and quality of assistance to victims has not been easy” (UNODCCP,1999).* The important roles and responsibilities of the various stakeholders in the MSA reflect a need for the approach to be sustained. In ZRP Makonde District the MSA is a system that has proved worth preserving and improving even though it is dependent on outside agencies. It needs to be preserved, better supported and resourced as it provides important services where the state is failing.

The study began with an assumption that there were delays in the finalisation of juvenile rape cases in Makonde District prompting the questioning of the effectiveness of the MSA in the finalisation of cases. I took to the field and using the various methodologies and data collection methods, was able to analyse the data I obtained during the study in order to generate the study's findings. As the findings unfolded I was able to make recommendations in order to improve the effectiveness of the holistic approach to the prevention and management of sexual abuse cases.

The MSA has managed to bring together people whose line of work would not normally have allowed them to liaise with each other in the fight against sexual abuse and violence cases. By creating this great teamwork the efforts of managing sexual abuse cases has paid off as reflected in the results of the many cases finalised by the courts. The research has also been able to reveal that the MSA is not a new concept and can be employed even without donor funding provided the Government undertakes to budget for the strategy.

What has clearly emerged from the research is the need for there to be a dedicated Sexual Offences Court with its own staff which is completely separated from the activities of the general court. One specific objective of the specialised court would be to address the causes for some of the delays experienced in the finalisation of rape cases. The Government would also need to invest in resources for the court to ensure that it is fully equipped to perform its work effectively and efficiently. The research also revealed that the Government and relevant stakeholders need to work together to improve the effectiveness and efficiency of the MSA in remote areas of the country (e.g., Kanzemba in Makonde District) where its performance falls far short of its record in urban areas (e.g., Chinhoyi, Banket, Zvimba and Kutama in Makonde District).

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