

**THE ROLE OF THE POLICE IN DEALING WITH VICTIMS OF
SEXUAL ASSAULT WITH SPECIFIC FOCUS ON RAPE CASES IN
LUSAKA TOWN IN ZAMBIA: A CRITICAL ANALYSIS OF
STRENGTHS, CONSTRAINTS AND CHALLENGES**

Abstract

**Guided overall by the Women Law's Approach, the writer of this dissertation, a
Zambian police officer, uses a combination of methodologies and data collection
methods to explain how the Zambian Police, who are supposed to protect rape
victims, often do not act in their best interests and actually cause them harm,
leading, sometimes, to their attackers escaping justice. The study focuses on the
'lived realities' of rape victims as they interact with the police, whose conduct, in
turn, is measured against the duties placed upon them by local, regional and
international Human Rights instruments which the Zambian government is
required to uphold. Having revealed factors which militate against successful
prosecutions (especially, severely under-resourced, gender-insensitive police
officers), this Approach also points to possible legal, economic and social reforms in
order to improve the police's protection of rape victims.**

BY

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Dedication

To: My wife Madrine for the care of my daughter Precious and my son Ernest, single handedly during the time of absence from home and for their support and encouragement towards my studies. Also both my late father Mr. Chibuye and mother Mrs. Chisenga for care and showing me the way to education.

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TABLE OF CONTENTS

Dedication.....	1
Acknowledgements.....	2
TABLE OF CONTENTS.....	3
Abbreviations.....	5
National Statutes.....	6
Sub-Regional and Regional Human Right Instruments.....	6
International Human Rights Instruments.....	6
Definition of terms.....	7
CHAPTER 1.....	8
1. INTRODUCTION.....	8
1.1 Introduction/Background.....	8
1.2 Statement of the Problem.....	11
1.3 Objective of the Study.....	12
1.3.1 Overall Aim.....	12
1.3.2 Specific Objectives.....	12
1.4 Assumptions.....	13
1.5 Research Questions.....	13
1.6 Area of Study.....	14
1.7 Research Sample.....	14
1.8 Significance of the Study.....	15
CHAPTER 2.....	17
2. LAW AND LITERATURE REVIEW.....	17
2.1 Zambia’s Legal Framework applicable to Rape.....	17
2.2 Sub-Regional and Regional Conventions Review.....	19
2.3 International Human Rights Law Review.....	21
2.4 Literature Review.....	23
CHAPTER 3.....	29
3. METHODOLOGY AND METHODS.....	29
3.1 METHODOLOGY.....	29
3.1.1 Women’s Law Approach.....	29
3.1.1.1 Rape Victims interviewed.....	32
3.1.1.2 Rape cases dealt with by the Police.....	34
3.1.2 Grounded Theory.....	35
3.1.3 Legal Centralism.....	36
3.1.4 Legal Pluralism.....	37
3.1.5 Semi Autonomous Social Fields (SASF).....	38
3.1.6 Actors and Structures.....	39
3.1.7 Human Rights Approach.....	39

3.2	METHODS	40
3.2.1	Key Informants' Interviews	40
3.2.2	Focus Group Discussions.....	44
3.2.3	Individual Interviews	45
3.2.4	Observations	45
3.2.5	Police Records	45
3.3	Limitation of the Study	46
CHAPTER 4		47
4.	FINDINGS, DISCUSSION AND ANALYSIS.....	47
4.1	The Training of Police Officers	47
4.2	The Police's inadequate Understanding of their Role affects Rape Victims....	53
4.3	Lack of Financial and Material Resources hinders Rape Victim's Protection .	56
4.4	The negative Effects on the Rape Victims caused by the Police	61
4.5	The Value of Understanding the 'Lived Realities' of Rape Victims.....	68
4.6	Prosecutions and the Court Environment	69
CHAPTER 5		71
5.	CONCLUSIONS AND RECOMMENDATIONS	71
5.1	Conclusion	71
5.2	Recommendations.....	73
Bibliography		77

Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
BPA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All forms of Discrimination. Against Women
CO	Commanding Officer
CSO	Central Statistical Office
DEVAW	Declaration on the Elimination of All forms of Violence against Women
DHRD	Director Human Resources Development
DPO	Divisional Prosecutions Officer
DCIO	Divisional Criminal Investigations Officer
FBI	Federal Bureau of Investigations
HIV	Human Immunodeficiency Virus
LRF	Legal Resource Foundation
MSWL	Masters in Women's Law
NORAD	Royal Norwegian Development Agency
NGOs	Non Governmental Organizations
SADC	Southern African Development Community
SARPCCO	Southern Africa Regional Police Chiefs Co-operation Organization
VSU	Victim Support Unit
UDHR	Universal Declaration on Human Rights
WLSA	Women and Law in Southern Africa
YWCA	Young Women Christian Association
ZPS	Zambia Police Service
ZPTC	Zambia Police Training College

National Statutes

Constitution of Zambia (Chapter 1:11, 12, 13, 23 and 28)

Penal Code of Zambia (Chapter 87: 132, 133 and 134)

Sexual Offences Act of Zimbabwe (Chapter 9:21)

Zambia Police Act (Chapter 107)

Sub-Regional and Regional Human Right Instruments

Addendum to SADC Declaration on the Prevention and Eradication of Violence Against Women and Children. (5) b and c

Protocol to the African Charter on Human and People's Rights on the rights of Women in Africa. (1995) Article 3 (1), (2) and (3). Article 4 (2)

International Human Rights Instruments

Beijing Platform for Action. Declarations (1995) C 94, 99, 100 and D 113, 114, 118, 122, 124 and 125.

Convention on the Elimination of All Forms of Discrimination Against Women. (CEDAW) (1992) General Recommendations 6, 7 and Specific Recommendations 19 (24 b and c)

Declaration on the Elimination of All forms of Violence Against Women (DEVAW) (1993) Article 1, 2, 3 (a), (c) and (f), 4(c), (e), (f), (h), (i) and (k)

Universal Declaration on Human Rights. (UDHR) (1948) Article 3, 4 (b), (c), (f), (h) and (i).

Definition of terms

Gender can be defined as a socially constructed set of expectations that give social meaning to the male or female sex. Thus expectations are held as to the likely behaviour, role, characteristics and attitudes that men and women will have about themselves and one another.

Human rights are entitlements every human being has by virtue of his or her belonging to the human race.

Policing is defined as the exercise of power in the formal structure of social control by which internal order is maintained in accordance with the principles of legal competence and individual constitutional rights.

Protocol in international law refers to an additional or supplementary treaty to a main treaty.

Rape “Any person who has unlawful carnal knowledge of a woman or girl without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of the felony termed “rape” (According to the Zambian Penal Code Chapter 87 section 32)

Violence Against Women means any act of gender-violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

CHAPTER 1

1. INTRODUCTION

1.1 Introduction/Background

This study came into being after seeing a number of rape victims coming forward to complain through the media over the police's lack of professionalism in dealing with such cases. Being a police officer who has dealt with rape cases, I became concerned about the role of the police in such cases. I conducted this study in Lusaka district in Zambia where the capital city Lusaka is located. It is the most urbanized and largest city in the entire republic. According to the Central Statistical Office (CSO) 2000 Census of Population and Housing-Population Projection Report for 2007 the city's population stands at 1,289,038, while the population of the country as a whole is 12,298,713.

This study will focus on the role of the police in dealing with rape cases reported to them. The police service is a very important institution in the justice delivery system because it is the first to be approached when anyone is seeking justice in rape cases. The study will bring out strengths, constraints and challenges arising from police's dealing in rape cases. Before I could go deeper into this research it is apt to look at the history of the Zambia Police Service.

The history of the Police in Zambia could be traced as far back as 1899 and from that time to 1910 it was called Barotse Native Police. From 1911 to 1963 it was called the Northern Rhodesia Police and from 1964 to 1994 it was known as the Zambia Police Force. From 1994 to date it has been known as the Zambia Police Service (ZPS). The Zambia Police Service falls under the Ministry of Home Affairs of government. It is part of the Executive, one of the three organs of government; namely the Legislature that enacts laws; the Executive that carries out the law and policy directives; and the Judiciary which is involved in the dispensation of justice.

The Zambia Police Service is created under Article 103 of the Zambian Constitution. Article 103 (1) of the Zambian Constitution states that there shall be a police service to be known as the Zambia Police Service and such other police services as Parliament may by law prescribe.

Article 103 (2) states that subject to other provisions of this Constitution, every police service in Zambia shall be organized and administered in such a manner and shall have such functions as Parliament may by law prescribe.

Article 103 (3) states that the Zambia Police Service shall be nationalistic, patriotic, professional, disciplined, competent and productive; and its members shall be citizens of Zambia and of good character.

Article 104 outlines the functions of the Zambia Police Service to include the following:

- (a) to protect life and property;
- (b) to preserve law and order;
- (c) to detect and prevent crime;
- (d) to co-operate with the civilian authority and other security organs established under this Constitution and with the population generally.

Article 105 states that Parliament shall make laws regulating the Zambia Police Service, and in particular, providing for-

- (a) the organs and structures of the Zambia Police Service;
- (b) the recruitment of persons into the Zambia Police Service from every district of Zambia;
- (c) the terms and conditions of service of members of the Zambia Police Service; and
- (d) the regulation generally of the Zambia Police Service.

The general administration of the Zambia Police Service is vested in the Inspector General of Police who is appointed by the President.

Part II section 3 (1) of the Zambia Police Act Chapter 107 of Laws of Zambia states that the Inspector General shall, subject to the orders and directions of the President, have the command, superintendence, direction and control of the Service.

Section 3(2) of the same Act states that the Inspector General shall, subject to the general instructions of the Minister and to the provisions of this Act and any regulations made hereunder from time to time, make standing orders for general government of police officers in relation to their training, arms and accoutrement, clothing and equipment, places of residence, classification and duties, as well as to their distribution and inspection, and other orders and instructions as he may deem expedient for preventing neglect and for promoting efficiency and discipline of police officers in the discharge of their duties.

The Zambia Police Act Chapter 107 of the Laws of Zambia, General Orders, Service Standing Orders and Service Instructions govern the conditions of service for all police officers.

The Zambia Police Act Chapter 107 section 5 states that the Service shall be employed in and throughout Zambia for preserving the peace, for the prevention and detention of crime, and for the apprehension of offenders against the peace and, for the performance of such duties may carry arms.

The Police Amendment Act 14 of 1999 brought in the issue of Zambia Police Reforms in order to accommodate human rights, be accountable to the law and the community that they serve. Under this Act victims of crime are to be given priority and satisfactory assistance. In 1991 there was change of government from one party to multiparty state and that in itself doubled the efforts for the Zambia Police Reforms. The Zambia Police

realized the deficiency of not adequately protecting and promoting women's rights in general among others. To effectively and efficiently do that, a number of strategies were identified and put in place in 1994. Among them was the creation of the Directorate of the Community Services Unit at the Zambia Police Headquarters and subsequently the coming into birth of the Victim Support Unit (VSU) whose duty among others is to adequately and effectively deal with violence against women and sexual crimes such as rape. In order to protect women from such crimes and deal with it effectively, curative and pro-active policing began to be undertaken with emphasis on community policing. By 1997, all major police stations in Zambia had Victim Support Unit offices. The Zambia Police Mission Statement which is part of the Police Reform Service Program was created and reads as follows:

“We, the Zambia Police Service are committed to providing high quality service, by upholding and applying the law firmly and fairly to all. We will apply proactive methods to prevent crime, arrest those who break the law and take them to court and assist victims of crime through counseling.

We are committed to cultivate rapport and partnership with the community. We pledge to respect individual human rights while recognizing the communities' expectations and obligations.

We are committed to and we will review our roles and be ready to change our approaches to law enforcement where necessary in order to facilitate good governance, while upholding our professional standards and ethics”.

Despite this wonderful move by the Zambia Police to protect and promote women's rights, the role of the police in dealing with rape cases and victims of rape leaves much to be desired, hence, the need to carry out this study and unearth the realities on the ground.

1.2 Statement of the Problem

Rape is a felony in Zambia and it is a crime in which men are overwhelmingly the aggressors and women the victims. This crime affects women victims physically, psychologically and socially. Rape falls in the category of crime in which 'males use their superior social or physical power against women' to promote and maintain their

already culturally and socially privileged position. Cases of rape are traumatic to victims and memories of them do not fade easily. Rape cases in Zambia, particularly in Lusaka district are on the increase. This development usually poses the risk of the victim contracting venereal diseases or the deadly HIV/AIDS which has no cure up to now. In recent times, the victims of rape, sympathizers, Permanent Human Right Commission and NGOs such as WLSA, YWCA, Legal Resources Foundation and CARE Zambia have blamed the Zambia Police Service for the negative effects caused to victims which have resulted from the police's lack of professionalism in their dealing with rape cases. The Zambia Police Service, which is entrusted with role of protecting and promoting women's rights among others, through maintenance of law and order, is not doing much. It is said that instead of the police reducing the physical and psychological trauma of victims, they actually increase it. The role of the police in dealing with victims of rape and handling of rape cases have not lived up to the expectation of members of the public and hence the need for the positive change.

1.3 Objective of the Study

1.3.1 Overall Aim

The overall aim of this study was to investigate how victims of rape are handled by the police in the light of existing laws and policies.

1.3.2 Specific Objectives

The specific objectives were as follows:-

1. To find out the role of the police in dealing with victims of rape.
2. To assess if the police are well trained to handle rape cases.
3. To assess if the police are effectively carrying out their role.

4. To unearth the negative effects on victims emanating from limitations in the way the police carry out their role.
5. To come up with effective and efficient ways of dealing with rape victims.

1.4 Assumptions

The following assumptions guided the study:-

1. Most Police Officers do not adequately understand their role in protecting the rights of victims of rape.
2. The Police lack specialized training in rape cases in order for them to do their policing work effectively.
3. The Police lack financial and material resources in order for them to protect the rights of victims of rape.
4. There are negative effects in the justice delivery system for the victim, arising from the police's failure to handle rape cases effectively.
5. The understanding of the realities on the ground will reveal more effective and efficient ways of dealing with victims of rape.

1.5 Research Questions

From these assumptions, the following questions were formulated:-

1. Do the police adequately understand their role in protecting victims of rape?

2. Do the police have specialized training in rape cases in order for them to do their policing work effectively?
3. Does the lack of financial and material resources by the police prevent them from protecting the rights of victims of rape?
4. Are there any negative effects in justice delivery for the victim arising from the Police's failure to handle rape cases effectively?
5. Does the understanding of the realities on the ground reveal more effective and efficient ways of dealing with the rape victims?

1.6 Area of Study

This study was done in Lusaka district in Zambia. I chose to do my research in Lusaka district because that is the area where most rape cases are reported and a lot of concerns about the way the police deal with such cases are coming from this district which is the most densely populated district in Zambia.

1.7 Research Sample

I drew my research sample from the Governmental Institutions, Non Governmental Organizations and individuals. Most of my sample came from within the Zambia Police Service's established structures and stations in Lusaka district and rape victims. I chose these because of the nature of the topic under investigations which is the role of the police in dealing with rape cases. Other samples were drawn from the Principal Magistrate Court, University Teaching Hospital (UTH), Legal Resource Foundation (LRF), Women and Law in Southern Africa (WLSA), Young Women Christian Association (YWCA) under Gender Based Violence Department (GBV) and few

members of the public picked at random. The following table shows the sample of key informants and respondents.

Table of Key Informants and Respondents

Serial Number	Institution / Department	Key Informants / Respondents Female/ Male	Number of Persons
1	Zambia Police DHRD	Male Key Informant	1
2	Zambia Police CO ZPTC	Male Key Informant	1
3	Zambia Police CO LD	Male Key Informant	1
4	Zambia Police DCIO	Male Key Informant	1
5	Zambia Police DPO	Male Key Informant	1
6	Zambia Police VSU	Female Key Informant	1
7	Principal Magistrate	Male Key Informant	1
8	Rape Victims	Female Key Informants	20
9	Researcher WLSA	Female Key Informant	1
10	Para – Legal LRF	Female Key Informants	2
11	Zambia Police Officers	19 F and 32 M Respondents	51
12	Other randomly picked	5 F and 5 M Respondents	10
	TOTAL	Key informants / Respondents	91

1.8 Significance of the Study

There has been a general outcry from rape victims who are women and the members of the public in general in relation to the role that the police play in dealing with sexual assaults with specific focus on rape cases in Lusaka district. So far I have not seen any study done on the manner in which the police handle rape cases and victims of rape in Zambia. It is therefore important for me to carry out this study in order to bring out the possible reasons why the police fail to carry out their role effectively as observed by many feminists. It has also been found important to highlight the trauma suffered by the victims of rape and to educate the police on the need to positively handle rape victims

and promote their rights. This is done so that solutions to such realities on the ground can be found. My findings will help persuade the police to change their attitudes, perceptions and views on cases of rape and rape victims thereby increase the chances of reducing this crime and contributing to the well being of women and development. The findings will be analyzed and necessary recommendations made to the government, the police service and other authorities concerned with the dispensation of justice.

CHAPTER 2

2. LAW AND LITERATURE REVIEW

2.1 Zambia's Legal Framework applicable to Rape

The Law Review was done in order to check what the Zambian Constitution Chapter 1, provides in relation to violence against women, rape, and the role of the police. I also looked at the Penal Code Chapter 87 of the Zambia, Zambia Police Act Chapter 107, policies and other law books in order to see what they state and say about rape and the conduct of the police in such cases. This Legal Framework applicable to rape was a very important source of data because it contained rape, sentence and the role of the police among others.

The Constitution of Zambia Article 11 of the laws of Zambia outlines the Protection of the Fundamental Rights and Freedoms of the Individual. The Penal Code Chapter 87 of the laws of Zambia in Section 132, 133, 134 outlines the definition of rape, punishment for rape and attempted rape respectively. The Zambia Police Act outlines the role of the police.

Zambia has a dual legal system, and although statutory law takes precedence over customary law, the fact that many people have lived or live in rural and traditional settings has given customary law supremacy in large parts of the country. Local courts have to be guided by the traditions and customs of Zambia's seven main tribes, the Bemba, Kaonde, Tonga, Lozi, Luvale, Lunda and Nyanja but because the practices and procedures remain unwritten and subjective, magistrates often use the central law for their judgment when deciding such cases. The magistrates find it difficult to make decisions because of the societal influences, which are mixed with some tribal customs. It is only in the villages and rural areas where one tribe may dominate those local courts and may adjudicate using local customs. The Zambian constitution guarantees a wide

range of rights including the right to life, liberty dignity, rights to security of the person, right to health and freedom of movement and association. It prohibits discrimination on the basis of sex among other things. The constitution, however, does not address the question of violence against women in particular and that remains a weakness. The guarantee for non discrimination in the constitution is not adhered to by men particularly due to patriarchy which seems to be deep-rooted in society. Patriarchy subordinates women and it is seen as a recipe for violence such as rape perpetrated by men against women.

The Penal Code in Zambia is the only instrument that provides criminal remedies to women who are victims of rape. The Zambian Penal Code chapter 87 does not deal with rape adequately in its current state because it does not mention the minimum sentence for the perpetrators, unlike defilement which has the minimum sentence of 15 years. The law has no special consideration for the vulnerability of women in general. Having looked at the constitution and the penal code it is now important to look at the Zambia Police Act.

The Zambia Police Act, as amended by Act no. 14 of 1999, provides another framework under which victims of rape are supposed to receive care and protection. Section 53 of this Act states that:

- “(1) there shall be a Victim Support Unit at all police stations and posts to be administered by police officers appointed by the Inspector-General;
- (2) The functions of the Victim Support Unit shall be; (a) to provide professional counseling to victims of crime and to offenders; (b) to protect citizens from various forms of abuse;
- (3) Police officers in the Victim Support Unit may coordinate with the civil society and professional bodies in carrying out their duties.”

In its brochure on VSU the Police Service asks all citizens to speak out on, and approach the nearest police station or police post in the community and report the following issues:

- Child abuse;
- Violence against women;
- Property grabbing;
- Victimization of the elderly;
- It also gives a guideline of what one ought to do when raped.

The Zambia Police Victim Support Unit deals with cases of rape but in practice there is a tendency of blaming women for having been caught up in such unlawful sexual encounters.

2.2 Sub-Regional and Regional Conventions Review

The Southern African Regional Chiefs of Police Co-operation Organization (SARPCCO) dates back to 1st August 1995. On this date, Police Chiefs from Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Southern Africa, Swaziland, Zambia and Zimbabwe met in Victoria falls in Zimbabwe to seek practical ways through which regional law enforcement agencies could co-operate with one another with the objects of attaining shared anti-criminal objectives. Today SARPCCO has increased its profile and become increasingly important within the framework of multi-lateral co-operation agreements entered into for the purpose of suppressing crime. It is appropriate to note here that through a ministerial decision SARPCCO has been recognized as an implementing agent for SADC on crime matters including sexual offences. (Weiss: T: 2003: 19).

According to SARPCCO, police officers need to realize how traumatic rape crimes can be. The organization also states that some of the questions asked by the police in cases of rape embarrass the victim and discourage her from giving evidence and others from

reporting such cases and that shows the seriousness of the matter. It says that the victim can end up trivializing the crime resulting in making conviction of the offender more difficult. Understanding the dynamics of power and control behind rape, and understanding the way it affects the victim, can make police officers a more effective part of the chain of investigations and prosecution. (Weiss, T: 2003: 54).

The Addendum to the SADC Declaration on Violence against Women recognizes that violence against women such as rape “reflects the unequal relation of power between men and women, resulting in the domination and discrimination of women by men”. This, therefore, confirms that for any development project that aims at achieving gender equality, eliminating gender-based violence should be an integral part of such an initiative.

The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, article 4, also prohibits all forms of violence against women such as rape and sets out among others that:

1. Every woman shall be entitled to respect for her life, the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.
2. States Parties shall take appropriate and effective measures to:
 - (a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
 - (b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
 - (c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;(e)punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims.

Although Zambia is a state party to these conventions in practice it is not doing much to comply with the above Articles, hence there is a need for change.

2.3 *International Human Rights Law Review*

Most countries in Africa are party to or signatory to international human rights instruments which do not support discriminatory rules, laws and regulations. However, although some countries are party to and are signatory to these rights, some of the instruments are not domesticated up to now, hence, the need to rectify the situation. Since I am looking at the role of the police in dealing with rape cases reported to them, I shall talk about the international human rights instruments in relation to violence against women in which sexual assaults such as rape is included. The UN Declaration on the Elimination of All Forms of Violence Against Women (DEVAW) provides important guidelines in dealing with gender-based violence in its broader sense. Using DEVAW is the key in that violence against women is recognized as a violation of fundamental human rights. Therefore, the state is obliged to protect women from such violation through institutions such as the police.

Article 1 provides a comprehensive definition of violence against women as:

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

Article 2 broadens the definition and article 4 outlines the necessary steps that the state should take and specifically mentions that states in condemning violence should desist from invoking custom, tradition or religious consideration to avoid their obligations to eliminate violence against women. It also provides a comprehensive list of policy measures that the state should take in eliminating violence against women. Although it is just a declaration and, therefore, is not legally binding, it is an important framework to use if the government is truly committed to achieving gender equality and the reduction in violence against women such as rape. There is nothing illegal or otherwise to stop the

Government of Zambia from adapting the provision of the declaration to our situation and use it as guide to develop a multi-faceted approach to dealing with gender-based violence, including legal reform, public education, the role of law enforcement agencies in combating such crimes, (including making it part of the education system), addressing the needs of victims and raising consciousness of the abusers.

According to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) the term “discrimination against women” shall mean:

“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other form.”

Although CEDAW has not mentioned Violence Against Women in its articles, it has recognized this in its General Recommendations 19 - Violence Against Women under Article 24 where it says that in light of these comments, the Committee on the Elimination of Discrimination Against Women recommends:

- (a) State parties should take appropriate and effective measures to overcome all forms of gender – based violence, by public or private act;
- (b) State parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender - based violence give adequate protection to all women, and respect their integrity. Appropriate protective and support services should be provided for victims. Gender – sensitive training for judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention;
- (c) States parties should encourage the compilation of statistics and research on the context, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;
- (d) States parties in their report should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women, and the kinds of violence that result. They should report the measures that they have undertaken to overcome such violence including causes, prevention and the effect of those measures; etc.

According to General Recommendation 19: 24 (b) Violence Against Women such as rape should be fought by all people either operating in public or private life. It is important to adequately protect all women and support services should be given to all victims of such crimes. Gender sensitive training should also be given to law enforcement and judicial officers. Statistics and research on the causes and effects of rape is also very important.

The Beijing Women Platform for Action declares critical area of concern and states that: To this end, government, the international community and civil society, including NGOs and the private sector are called upon to take strategic action in the following critical areas of concern:

- Violence against women
- Lack of respect for and inadequate promotion and protection of the human rights of women

The Universal Declaration of Human rights Article 3 states that everyone has the right to life, liberty and security of a person. Therefore, the Zambian government should come up with policies and law reform in the area of rape aimed at creating an environment for the police to deal with rape cases effectively and efficiently.

2.4 Literature Review

The literature review was carried out in order to compare and analyze data on what other people have done on issues of rape and rape victims and how the police dealt with it. I read a number of books and other literature and this was seen as a very important source of data.

Here is a quotation by the former Secretary General United Nations Kofi Annan:

“Violence against women is perhaps the most shameful human rights violations, and it is perhaps the most pervasive. It knows no boundaries of geography, culture

or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development, and peace.” (SG Kofi Annan).

A quotation by Amnesty International says that:

“Sexual violence against women is a human rights violation that cannot be justified by any political, social, religious, or cultural claim.” (Amnesty International)

Another quotation by Statute of Rome states that:

“Sexual violence can be considered a crime against humanity and in some cases constitute an element of genocide.” (Statute of Rome)

Violence against women has been rife in Zambia, especially in the form of wife battery, rape and defilement. There is little proof of this in the form of statistical evidence, despite the existence of police and hospital records. Some of the reasons for this dearth of evidence is that some women victims do not report rape to the police. (Saturday Post, 8 Sept, 2007).

Rape is traumatic. The attack against the victim occurs physically, psychologically and socially.

- In the first place the victim faces; the immediate danger of being beaten, injured, or even killed and the danger of the possibility of venereal disease or unwanted pregnancies or both. (Saturday Post, 8 Sept, 2007).

- Secondly, there is the psychological stress to which the victim is subjected. Although rape has only recently become the target of psychological investigation, researchers have clearly identified rape as a crisis situation, and in fact have described a Rape Trauma Syndrome applicable to all rape victims. (Burgess and Holstrom: 1974: 981-986)

- Finally there are some social implications that subject the victim not only to her guilt, anxiety and anger, but also to that of her family and friends because rape is

traumatic. This is coupled with the general social stigma applied to rape victims. The stigma applies, if not compliance, a notion of provocation and therefore just rewards—“ She got what she asked for” (Burgess and Holstrom: 1974: 981-986)

In the United States between 1968 and 1977 the Uniform Crime Reports made available by the Federal Bureau of Investigation indicated that rape was the fastest growing violent crime. During that time, the number of reported incidents of rape increased 103 percent (from 31,000 to 63,020). (FBI: Uniform Crime Reports: 1977). When viewed in terms of victim risk (computing the rate only for females), in 1977, 57 out of every 100,000 adults women in the United States were reported victims of rape. When limited to metropolitan areas, the rate increased to 68 per 100,000. Moreover, the FBI notes that forcible rape is one of the most under-reported of all crimes. (FBI: Uniform Crime Reports: 1977:14). Estimates of actual incidences range from 3.5 to 9 times that which is reported. The perpetrator can draw confidence not only from the low odds that his crime will never be reported, but also from the general criminal justice system to respond effectively to reported rapes. In 1977 only half of the reported rapes were cleared by arrest, compared with two-thirds for assault and three-quarters for homicide. Of all adults arrested for forcible rape in 1977, only 65 percent were prosecuted, 40 percent of whom were dismissed or acquitted, and 13 percent of those convicted were found guilty of lesser included offences such as simple assault.

Yet, until recently the crime of forcible rape and the resulting consequences for the victim received little attention. Hospitals were not generally equipped with standard operating procedures to treat victims and lacked special facilities and personnel to care for the victims' mental well-being. Unaware of the evidentiary requirements for prosecution, some medical facilities left important evidence undocumented or allowed evidence to be washed away. Police, at both the patrol and detective level, were often not sensitized to the particular needs of either the victim or the prosecutor. Thus, victims were sometimes treated unsympathetically, and in some cases were not taken or referred to the hospitals unless there were other manifestations of violence in the assault.

Furthermore rape received low priority in police investigation assignments. (Carrow, D.M: 1980: 2)

If a victim was willing to prosecute despite these barriers, and the evidence allowed prosecution, she still faced a number of barriers. Prosecutors, working independently of police and hospitals, required her to repeat the story yet again. If the prosecutors' office were typical, there was no continuity of assignment and therefore the victim was forced to retell the incident with every change of assignment, as well as at the various stages of prosecution (probable cause/ arraignment, grand jury, and trial). Again the priority in bureau assignment was low and cases that went to trial often suffered from limited prosecutorial attention. Furthermore, the laws relative to standards of proof and admissibility of evidence also militated against the victim. Corroborating testimony was also sometimes required, and evidence regarding the victim's lifestyle was usually considered relevant and material. The final ignominy was saved for the jury instructions where, in many states, it was mandatory to inform the jury that "rape is an easy crime to charge, hard to prove and harder to disprove." (Carrow, D.M: 1980: 2).

Lastly, the American Journal of Psychiatry reports that until quite recently many psychiatrists "shared the belief that the victim 'asked for it' " and dismissed rape as a non-psychiatric issue. Rape victims, in this view, were not "true victims" at all, but rather were acting out unconscious fantasies. Therefore, such people were not victims to the extent that same treatment, empathy or understanding that the profession usually reserved for victims in stress or crisis situations. (Notman and Nadelson: 1976).

In the past decade, rape has become a focus of national attention and concern. Partly, this concern no doubt stems from increased attention to crime of violence in general. But mostly this new awareness has been stimulated by the movement for equalization of the status of women. These efforts have not only increased the growing public awareness of the problems of rape, but have also been instrumental in bringing about law reform, improved medical treatment and institutionalized medical, police and prosecutorial

procedures designed to increase the quality and quantity of services and the likelihood of successful prosecution.

Some women experienced sexual assaults that met legal criteria. In other situations the woman did not have a legal case. Given these differences, to what extent did women use the legal system? In the United States of America (USA) 20 percent of the rape incidents reported in the USA and over half of the cases of deviant sexual assault and one third of the attempted rapes were not reported. The reason most cited by these women was that they did not think that the report would do any good. This means that some women still distrust the legal system, and for good reason. In many instances, the police did a good job, but in other cases, they were insensitive and actually harassed the women in the United States of America. (Bart, P. B and O'Brien, H. P: 1985: 20)

Rape in Southern Africa has become so rampant that it no longer has nationality, colour, creed, age or class. Just like HIV/AIDS, rape has simply become one of the region's epidemic social scourges. Almost without exception, newspapers in these countries daily report on cases of rape in which women are the victims. In Zambia rape cases have been on the increase. According to the Zambia Police Support Unit, reported rape cases have grown from 50 cases in 1998, to 260 in 1999, 966 in 2002, and 1, 375 in 2005, an increase rate of over 5 times, with victims of all ages.

Rape has become such a scary social problem that it is no longer limited to its victims. Even women who have never been raped are known to experience anxieties similar to those who have been raped. Thus rape has become part and parcel of a system of male intimidation that keeps all women in constant fear. In this sense all women are victims of rape. In 2001 in Lusaka a 17 year old girl who after been gang raped by 12 street vendors in the streets of Lusaka perpetually had the fear of men. She was later diagnosed and treated for multiple sexually transmitted infections (STIs) of syphilis, gonorrhea, and Bola bola. Her next two years were in and out of Chainama Psychiatry Hospital.

The majority of female rape victims tries to put their experience out of their minds, or is unwilling to participate in what can be a humiliating process of medical examination, police interrogation and courtroom examination. In the case of rape, such evidence requires that the rape victim (usually a female) has been penetrated in her private parts without her consent. Not only is production of such evidence difficult for a woman who might be in court long after the crime occurred, but it is socially embarrassing since her whole private life and integrity are laid open to public scrutiny. Consequently, female victims feel that their past and present sexual life is on trial. It is these and many other considerations that account for low rape conviction rates.

CHAPTER 3

3. METHODOLOGY AND METHODS

3.1 METHODOLOGY

3.1.1 Women's Law Approach

This research is informed by the Women's Law Approach, Liberal feminists, Marxist feminists and Radical feminists and others. Women's Law Approach is a woman centered legal discipline which takes women's actual lived experiences and life situations based on sexuality, birth, care and domestic work as a starting point for the analysis of the position of women in law and society. The existence of biological, social and cultural differences between women and men are not regarded as the main problem in women's lives. Rather, values and the characteristic undervaluation of female activities, values and characteristics are seen as the main source of women's subordination (Dahl 1987: 13). According to feminism, which studies the oppression of women in society, rape is part of male oppression against women. A lot of work needs to be done in order to address the gulf between the state's duty to protect women against male oppression which is legitimized by a male oriented society and the effective enforcement of the legitimate right of violated women to demand justice against their oppressors. Radical feminists see men as being problematic and at the core of women's oppression. This is attributed to patriarchy which favours men over woman and that promotes inequality.

Radical feminists argue that rape fall in the categories of crime in which 'males use their superior social or physical power against women' to promote and maintain their already culturally and socially privileged position. They drive this theory from the fact that rape is a crime in which men are the overwhelmingly the aggressors and women the victims.

Marxist and Socialist feminists argue that women's position is largely determined by capitalism and that the oppression of women originated from the introduction of private property ownership, an institution that militates against gender equality. Rape is seen as

an act of oppression of women by men. The Liberal feminist believes that the status and function of women in all structures must change so that women and men are treated equally. Women and men should strive to get the best out of each other.

Rape is associated with a male's masculinity, power, dominance, and toughness over a female's naturally weaker frame. Rather than being driven by a male's overwhelming sexual desire, it is primarily motivated by the male desire to use his sexual act to demonstrate power and superiority over women. Rape is thus used to belittle, degrade and dehumanize women.

Tove Stang Dahl's article "Towards an Interpretative Theory of Law- The argument of Women's Law" stated that:

"The methodology of women's law is cross- disciplinary and pluralistic and calls for a rather free use of the available material where ever it may be found".

Dahl said that

"We can nevertheless distinguish three different methodological bases as fundamental: the ethical, the empirical, and the legal doctrinal. We discuss moral and political questions. We deal with an empirical material. And we always analyze current law. All these are done from the perspective of one looking upwards from below, which I shall hereafter call the women's law perspective. This term implies that we wish to see both law, reality and, and morality from women's point of view." (Dahl: 1988:10)

In introducing Women's Law, M. Maboreke (1990) wrote –

"The distinguishing feature of Women's Law is its insistence upon factual knowledge of the effect of the reality of women's lives upon their access to formal rights."

Factual knowledge of the effect of the reality of women's lives entails a grassroots approach of going out into the field to find affected women. The majority of African countries, including Zambia, have never been able to sponsor activities on a large scale aimed at either finding out the reality of people's experiences or raising people's and

especially women's awareness of their rights, let alone offering them legal aid, legal advice or creating any kind of legal information centers. Work of this sort has always been done by non-governmental organizations and where government has been involved, donor agencies have in most cases had to provide the financial resources.

I chose the Women's Law Approach because of its advantages. I found that it provides a holistic approach to research. This type of approach was found to be suitable because I was dealing with rape where women are usually the victims. It is a women centered legal discipline which looks into women's actual lived experiences and life's situations based on sexuality, birth, or for the analysis of the position of women in law and society. The women's law approach is associated with the grounded methodology and thus this approach suited my work. I went to the people to interview them and made discussions thereby getting realities directly from them on the ground. This approach cuts across various disciplines thus historical, social, political, cultural and law context. It has also the advantage of dealing with women's problems based on an experiential and empirical starting point and has a more general application. (Bentzon, W.A et al: 1998)

It has the capacity to help understanding the nature of women's problems by using open ended interview which provides access to knowledge about women's values and life experiences. (Hellum, A: 1990). This approach records and analyses female life situations and values and reveals issues and dynamics that are seldom evident in the male dominated legal culture. Its being bottom-up approach makes it more preferable to policy makers who may not be aware of what is happening on the ground and this may result in suggesting effective solutions to women's problems. This approach looks at a woman in all spheres of life and it may be used to help reduce problems faced by women in society such as rape in order to improve the lives of women. However, it has weaknesses: by focusing on the differences between men and women, there is a risk of the difference always being assumed to exist, which in reality may not. (Bentzon, W.A et al: 1998).

I went to women victims of rape and police officers on the ground using the Women's Law approach as an overall or umbrella approach. I applied it in my research because of

its gendered nature and its focus on the interplay between the state law and customary in the management of indigenous people's rights. I did this mainly due to the fact that I was looking at rape, victims of rape and how the police deal with such crimes.

3.1.1.1 Rape Victims interviewed

Rape victims interviewed

sex	age	Standard of education	marital/status	social/economic status	Compound /place
F	22	secondary	unmarried	sales lady	kabwata
F	27	secondary	unmarried	shop keeper	matero
F	19	secondary	unmarried	School girl	kalingalinga
F	30	primary	married	house wife	jack
F	35	primary	unmarried	sales lady	jack
F	25	secondary	unmarried	domestic worker	chaisa
F	23	secondary	unmarried	unemployed	kalingalinga
F	18	secondary	unmarried	school girl	chawama
F	28	college	unmarried	teacher	chibolya
F	32	primary	married	cleaner	mutendele

Rape victims interviewed

sex	age	education	marital/status	social/economic status	Compound /place
F	37	primary	unmarried	divorcee	matero
F	18	certificate	unmarried	college student	College X
F	17	secondary	unmarried	school girl	chelstone
F	28	no formal education	unmarried	cleaner	john leing
F	23	secondary	unmarried	unemployed	matero
F	25	secondary	unmarried	sales lady	kalingalinga
F	30	no formal edu	unmarried	gardener	munali
F	19	secondary	unmarried	unemployed	matero
F	21	secondary	unmarried	unemployed	john haward
F	30	primary	married	divorcee	kabanana

The above statistics shows some of the victims of rape that I interviewed during my research.

They were all women. (By the way and I did not come across any rape case in which a man was raped by a woman.) They were aged between 17 and 37 years of age. The majority of the victims were unmarried with primary or secondary standard of education and had low income jobs, ranging from gardener, sales lady, cleaner, domestic workers, school students and divorcees. They came from shanty compounds. I found no raped woman hailing from the upper classes. The evidence clearly shows that those who are at the highest risk of being raped are from the lower classes. Therefore, the police should work hard to protect the rights of less privileged women in society.

3.1.1.2

Rape cases dealt with by the Police

2007 Month	case	report er	Withdra wn by complai	Arrest made	Releas ed No eviden	Taken to court	convic tion	acquitt al	Pendi ng at court
Jan	18	F	2	4	2	2	2	0	0
Feb	14	F	0	4	0	4	2	2	0
March	11	F	0	3	0	3	2	0	1
April	12	F	1	4	0	3	1	1	0
May	10	F	0	2	0	2	1	0	1
June	8	F	0	2	1	2	0	0	1
July	10	F	1	4	0	3	2	1	0
Aug	13	F	0	3	0	2	1	1	0
Sept	12	F	0	4	0	4	3	1	0
Oct	14	F	0	3	0	3	1	1	1
Nov	19	F	1	6	1	4	2	0	2
Dec	21	F	0	5	0	4	1	1	2
TOTAL	162		5	44	4	36	18	8	8
		Rape	Cases	reported	to	police			

The above statistics show that January, November and December were the worst in terms of increases in rape cases reported to the police while May, June and July recorded the lowest number of reported rape cases. Looking at the above statistics one would obviously conclude that police are not doing much to curb the prevalence of rape cases in Lusaka. This conclusion is made because out of 162 rape cases reported to the police at the time in 2007 only 44 arrests were made. Again out of that number of arrests made only 36 cases were taken to the courts of law which resulted in 18 convictions, 8 acquittals and 8 cases pending at the courts of law. The other 5 cases were withdrawn by the complaints themselves while 4 persons who were arrested were released by the police due to lack of evidence. The 113 cases reported to the police are still pending at the police station. The pending figure just seems too high. The police need to work hard in order to reduce this crime as this crime certainly cannot decrease given this low rate of detection of criminals and the negative attitude given to it. Ultimately, success may, to an extent, be measured by the arrests and prosecution of rapists. This, in turn, will only

occur when women trust the police and perceive them to be the first step in an effective and secure avenue of redress.

3.1.2 Grounded Theory

I also adopted the grounded theory approach in carrying out this study. This theory is an interactive process in which data and theory, lived reality and perceptions about norms and constantly engaged with each other to help the researcher decide what data to collect and how to interpret it, Bentzon, W.A et al (1998). The interaction between developing theories and methodology is constant, as preliminary assumptions direct the data collection and then the collected data, when analyzed, indicates new directions and new sources of data. To achieve this holistic understanding, we explore the use of grounded theory approach. In using grounded theory the aim is to engage empirical knowledge about gender relations and local practices and procedures, in a constant dialogue with theoretical generalization and concept building. Bentzon, W.A et al (1998).

The grounded theory approach is advantageous because when it is used, there is a continuous dialogue and interaction, as the research proceeds between the initial theory and the empirical collected. Mismatches between the initial theoretical assumptions and the empirical data collected are adjusted in the parallel process of data collected and analysis. (Bentzon, W.A et al: 1998).

Using grounded theory I was able to engage the empirical knowledge about rape and the role of the police in dealing with such cases and rape victims. During my research, I started with the inquiry office at the police station where all cases are reported and learnt about the reporting procedures and got other useful information which led me to other police offices such as the Criminal Investigations Office and Victim Support Unit. In these offices I got information among others on how the police receive reports of rape, how they treat victims and how they carry out their investigations.

This approach also highlighted weaknesses in the system, such as the police's failure to deal with rape and rape victims effectively. This useful information led me to the victims of rape who complained of the negative attitudes of the police. I then went to the commanding officer for further clarification on the dealings of the police in rape cases reported to them. I also visited the Director of Human Resources at the Police Headquarters and the Commanding officer at the Police Training College to check on the recruit training, in service training programmes and to see the police syllabus in general.

3.1.3 Legal Centralism

Legal centralism, which remains the dominant tradition among academic lawyers, starts from the standpoint that state law or state recognized and enforced law is the most important normative order and call other norms creating and enforcing social fields, institutions and mechanism are either illegal, insignificant or irrelevant. Inherent to the ideology of this approach, as pointed out by Griffins, is that law is and should be the law of the state, uniform for all persons, exclusive of all other law institutions. (Griffins, 1986:3).

I used this approach to study how the central pieces of legislation, such as the Penal Code Chapter 87 section 32, and the Constitution, Chapter 1, deal with rape. I also looked at how the police deals with rape in relation to these central laws. The duty of the police to promote and protect women's rights was also looked at in relation to the state law.

Despite the central laws concerning rape and its punishment being firmly in place, this crime is far from decreasing in occurrence. This approach informs what the law is and the court decisions made regarding the issues of rape and the protection of victims under the law by the police. A major disadvantage of this approach is that it is top-down and is based on the norms which are applied by the state machinery such as the police and the courts only. It does not show how the victims of rape are affected by the decisions taken by the courts of law and the lived realities of women. Although enforcement of the central law alone cannot solve the problem of rape, but the procedures by which charges

of rape, especially at the police stations and the courts, should be reviewed in order to ensure that these institutions take gender sensitive steps from the beginning to the end of all prosecutions. It is the duty of the police to see to it that the rights of the victims of rape are promoted and protected. I therefore decided to also look at legal pluralism in order to see how the numerous laws affect rape prosecutions and how the police fair in implementing them.

3.1.4 Legal Pluralism

Legal Pluralism is a term that is referred to a situation where many laws are recognized as operating, affecting and controlling peoples' lives. These laws include received laws, customs, customary law, traditional practices, church norms and other semi autonomous social fields that control women's life and living. In Zambia, for example, there is the state law system, customary law system, customs and practices, traditional and religious laws. They originate from different sources but they operate side by side in the same environment. Legal pluralism is also a term used to describe the legal system in colonies and former colonies in which the former legal system acknowledges the existence of customary law systems and recognizes their identified norms as sources with a special field application. (Bentzon, W. A et al: 1997)

Griffiths defines legal pluralism as a state of affairs, for any social fields, in which behavior pursuant to more than one legal order occurs. The legal order of all society is not an exclusive, systematic and unified position depending on the state, but has its sources in the self regulatory activities of the entire multifarious social field present in society. (Griffiths: 1986).

In this study legal pluralism was used because of the nature of the study under investigation which is the role of the police in dealing with rape cases and victims. This is so because at times people use other laws including customary law in dealing with rape cases. Thus, there are challenges faced by victims of rape which are created by the police during their involvement of dealing with such cases. Thus there was a need to look at the

statutory law, customary law and other law institutions which all touch on the crime of rape. They all had to be consulted in order to understand the real situation of the role of the police in dealing with rape cases. For example, looking at all these helped me to understand why some women rape victims fail to report such cases to the police (even if a statutory law is available to protect them) and instead prefers to deal with the matter using cases using traditional methods. It also revealed to me how other victims decided to withdraw charges they had already made and instead deal with the matter within their homes. It also revealed how in reality the statutory law and customary law are not entirely different from each other. However, the limitation of this methodology is that, in order for it to be effective, one has to obtain empirical data to explore the women's experiences with the law in its pluralities.

3.1.5 Semi Autonomous Social Fields (SASF)

Sally Falk Moore's concept of the semi autonomous social fields is a tool that assists in describing and analyzing the rule-generating and rule-upholding process which affect the position of women and gender relations in a situation where a plurality of normative structures informs human interaction. It also allows a researcher to identify those arenas where actions and decisions are taken that, in practice, affect the position of women. (Bentzon, W.A et al: 1998). Examples of social autonomous social fields are: family, church, employers, witch doctors and headmen which are not in the framework of state laws. The SASF help in solving rape issues while others aggravate such problems. Some churches for example, help solve such issues in church environments. They tell people not to report such cases to the police which undermines the formal law. In other words, these SASFs can be called social entities that have a rule upholding or rule generating capacity on human activities taking in place in for example ranging from the family, work place and the church. Taking a woman as a starting point, I used this concept to analyze how different rule generating and rule upholding intuitions outside the formal law influence both men and women's choices and ability to exercise their rights in for example, determining whether the victim of rape would like to pursue it in the formal criminal law remedies or the customary remedies or other ways. This approach helped me

to uncover the role that the family and elderly women in communities play in influencing the victims to pursue such cases through the central law or use the customary remedies to solve the issue.

3.1.6 Actors and Structures

Actors are individual workers who are involved in carrying out official or customary law functions for example, in judicial systems, customary law practices, government and non governmental agencies in granting help to rape victims. While the structures and institutions such as the family, the courts, the church and the NGOs are composed of actors that influence what happens in the structures, actors comprise workers such as magistrates. This approach was useful to my research because it made me appreciate the roles played by the police, lawyers, magistrates, non-governmental organizations in the fight against women violence such as rape. I gathered a lot of data from the above actors and structures since all of them dealt directly with the victims of rape or in one way or the other and proved a very important source of data.

3.1.7 Human Rights Approach

Human Rights are entitlements every human being has by virtue of his or her belonging to the human race. They are held by every person against the state and society and are based on the principle that all people are created equal and are endowed with inalienable rights and is reinforced by the international standards on human rights. Human rights are held independently of duties a person may have to the family, community or society. Today, human rights are categorized into three different generations, first generation (civil and political), second generation (economic, social and cultural), and third generation (solidarity, group or collective rights). In the 1993 Vienna Declaration and Programme of Action, human rights were described as being indivisible, interdependent, interrelated and universal. The international human rights are contained instruments such as UDHR, DEVAW,

CEDAW and Beijing Platform for Action and so on. While regional and sub regional human rights are contained in Women's Protocol and SADC respectively.

I used human rights instruments to see whether the state is concerned and has given much attention to the promotion and protection of women's human rights in general and also to see if the police in particular have effectively promoted and protected the rights of women with a specific focus on rape victims. The aim was to check to see if there was a gap between what the real situation is and what it should be and what possible reforms could be made.

3.2 METHODS

In this study I used the following methods of data collection: key informant interviews, focus group discussions, individual interviews, observation, literature review, law review.

3.2.1 Key Informants' Interviews

The decision to interview key informants came about as a result of the need to interview people, such as the police, who have experience in dealing with rape cases, etc, in order to get their views. It is expected that such people make decisions based on an objective assessment of the real situation and that they are guided by current existing policies.

“Dahl argue that one cannot rule out the subjective nature of the presiding individuals as they are expected to rely more or less on their own discretion.”

Key informants were drawn from a number of government departments and non governmental organizations including the victim of rape as follows, thus:

- Zambia Police Director- Human Resources Development (DHRD) based at Police Headquarters. He is in charge of both training and community services in the Zambia Police Service. His position as Director of training gives him an opportunity to deal with police training programmes and the Directorate of Community Services where the Victim Support Unit is falls. This made him an important source of data as far as the training of the police is concerned.

- The Commanding Officer (CO) - Zambia Police Training College (ZPTC): The officer is in charge of human resources, trainees and training programs at the college. Though the officer does not directly deal with crime prevention and combating. I thought that he was one of the important sources of data under investigations because he plays an important role in training and disciplining of all police officers under going training at the college ranging from recruits and serving officers who go for courses.

- The Commanding Officer –Lusaka Division: The officer is in charge of all police officers, crime prevention, investigations, prosecutions, transport, equipment, disciplining of police officers and all forms of operations in Lusaka district. All crime waves including statistics are reported to him on daily basis. He therefore became an important source of data due to his wide knowledge about all cases (including rape cases) and how the police deal with them in the district. The officer has a wide knowledge on the strength, constraints and challenges in combating rape and dealing with victims of such crimes.

- Divisional Criminal Investigations Officer (DCIO): The officer is in charge of criminal investigations and all detectives in Lusaka Division. All the dockets opened against rapists by victims of rape are taken to his office and it is the duty of this officer to allocate such dockets to detectives for investigations. He also goes through compiled dockets so that he can give advice before taking them to court. If the dockets are lacking evidence, the officer gives directives to gather

more evidence. On the other hand, if the docket has enough evidence then the docket is taken to court for prosecution. This officer gives guidance to all CID officers under his command on issues concerning rape cases and of course other cases. The officer was seen as good source of information concerning investigations of culprits in rape cases.

- **Divisional Victim Support Officer:** Is in charge of VSU department in Lusaka Division. She has interacted with NGOs and other interested groups in the fight against sexual assaults among others. The VSU was specifically established in 1994 to strengthen efforts to deal with violence against women including rape. The officer attends to and distributes cases involving victims of rape and other cases to other officers for investigations. The officer collects rape cases data from stations in the district analyzes and sends the same to the commanding officer for onward transmission to the Inspector General of Police. Due to her experience, she was seen as a good source of data involving the role of the police dealing with rape and rape victims.

- **Divisional Prosecutions Officer (DPO):** The officer is in charge of all prosecutors and he is in charge of all cases under prosecution at the district level. He has knowledge of all cases going to the court of law for prosecution including rape cases. He equally forms an important source of data due to his rich experience in handling how the police deal with cases of rape and how the prosecutions process proceeds on in the courts of law.

- **Principal Resident Magistrate (PRM):** The Principal Resident Magistrate is in charge of all other magistrates at the Magistrate Complex in Lusaka district. He was specifically chosen as one of the key informants because of his wide experience in dealing with the police investigative officers and police public prosecutors and his experience on deciding rape cases. I got rich insights into how the police deal with such crimes and what usually causes prosecution to result in acquittals. He said that, among other things, there was sometimes a lack of

evidence connecting the suspect to the crime or the medical report form from the hospital was usually lacking. He said that corroboration in rape cases is very important which some police officers fail to bring forward.

- X and Y whose real names have been hidden of Kalingalinga and Matero compounds in Lusaka, respectively. They are victims of rape and were chosen as part of the key informants because of the rich or valuable evidence they gave. I call it rich because they told me a number of problems they encountered at the police station where they went to report their rape cases. The issues that emerged, among others, were that the police almost dismissed X saying that she was lying until the officer in charge intervened and caused a medical report form to be issued. Then the case commenced but, until now, the rapist has not been arrested. Y also had some negative experiences at the hands of the police. They failed to arrest the culprit while both he and the police pressurized the victim to withdraw the rape charge so that it could be ‘settled’ out of court.

- A full time Research Associate -Women and Law in Southern Africa (WLSA): she has interacted with police officers and other law enforcement officers particularly members of the Victim Support Unit at police stations, seminars and workshops. She has, with other members of WLSA, carried out some research in sexual assaults and other forms of violence against women. WLSA in conjunction with other NGOs and interested groups have put up some training workshops in place to enlighten police officers on sexual assault cases such as rape and other forms of violence against women as a result of which officers from VSU have greatly benefited. She is very experienced and was therefore seen as an important source of information on how the police deal with rape cases reported to them.

- Para-Legal officers: They were working with a Non Governmental Organization known as Legal Resource Foundation which provides free advice and services to women and other vulnerable people in society on a number of matters, including

how to go about dealing with problems, such as rape, requiring legal advice or redress. They interacted a great deal with women victims of rape who had typically left police stations and gone to these NGOs in an attempt to report the matter to them because the police offices had treated them with such an uncaring attitude. For this reason, these personnel proved to be an important source of data.

3.2.2 Focus Group Discussions

I also decided to conduct four focus group discussions among police officers. In these group discussions I had respondents ranging from 3 to 8 in number on average. I had one at Police College, one at Lusaka police station, one at Matero police station and the other one at Chilenje police station. For example, at Zambia Police Training College I had 4 female and 4 male officers together. I also had some discussions with selected members of the public. I created a free and open atmosphere at the beginning of each discussion and participants were really free to talk about anything without being shy or fearful of anything. However, some people were shy, while others were fearful of the unknown. Again I tried to tell them the aim of the research until all of them started contributing without being shy or fearful. This type of discussion proved a very good method of data collection because participants could bring out issues and discuss freely with other respondents. Participants were bringing out issues and solutions to some of the issues raised on their own and that was good for me as a researcher because I could just write down what they were saying. All the participants were given an opportunity to speak and no one dominated the discussion. Although group discussions were taxing, I tried to keep on directing the discussions all the time so that it kept in line with the subject under investigation. Taking notes while the discussion is on is not easy but I made sure I took notes whilst the discussion was progressing so that I did not forget the details. Although I was taking the notes, I made sure that it did not disrupt the proceedings.

3.2.3 Individual Interviews

I conducted several one-on-one interviews with female and male key informants and respondents aimed at collecting perceptions and expectations of the community on rape, victims of rape and the role of the police in such cases. Women and men were interviewed in various police stations. I interviewed people at WLSA and LRF.I interviewed YWCA counsellors, a Medical Doctor and members of the public in different locations. I also interviewed rape victims themselves. I usually asked about their specific views on topics. Sometimes they strayed from the topic, in which case I would redirect them. I really received good cooperation from most of the respondents. Their views assisted me in identifying the police's strengths, constraints and challenges in the manner in which they deal with rape cases and victims of rape. I also took notes while interviewing my respondents and made sure there were no disruptions.

3.2.4 Observations

This method was used in all forms of interviews and discussions to supplement the data collected and it helped me get information expressed through non-verbal cues or body gestures from key informants and general respondents. Such information included facial expressions of emotional feelings of respondents about the experience in the manner the police deal with rape cases. This was also done in one court session where a rape case was being heard. This was important since it gave me an opportunity to witness what goes on during the prosecution of rape a case. In my observations, I saw that the victims of rape was not really very free to give evidence in the court of law due to the presence of different types of people and that was a visible disadvantage to the victim.

3.2.5 Police Records

I also looked at police records, for example, the Occurrence Book where all occurrences reported to the police are recorded, including the name of reporter, date, time of report,

nature of the report and kind of police action taken. All crimes including rape are recorded in the O B. Other books looked at included the Crime Register where all crimes reported are entered and given crime register numbers and Police annual crime reports were looked at to see the rate at which rape cases were increasing.

3.3 *Limitation of the Study*

I never had an opportunity to observe a rape victim reporting a case of rape at the police station. Also, I only attended one court session to witness what really goes on in court and to see for myself how such cases are prosecuted. This lack of exposure makes it difficult for me to make generalizations about the process and outcome of rape cases.

The process for obtaining permission in order for me to interview some individuals in government agencies and NGOs sometimes took too long and I was often made to wait for a long time before permission was give and in some cases permission was not given. For example, although I am a police officer in the Zambia Police Service, my command did not authorize me to proceed with my research as quickly as I had expected (in fact it took a few weeks) and this delayed my research.

CHAPTER 4

4. FINDINGS, DISCUSSION AND ANALYSIS

In this chapter I shall present my findings, discuss and analyze issues pertaining to the assumptions and research questions. The realities found on the ground in relation to how the police deal with the victims of rape, the law and the international human rights instruments connected to the topic under discussion shall be explored. I shall first of all start with the police training at the police college.

4.1 *The Training of Police Officers*

According to public opinion, the police have not been doing well in the way they dealt with rape cases in Zambia, hence, the need to examine the way they were trained. The assumption is that police officers were not adequately trained to handle rape cases effectively. In addition they were not trained in gender or counseling skills. The lack of proper training was partly to blame for the police's failure to promote and protect the rights of rape victims efficiently. Zambia has three institutions of learning for police officers, namely the Zambia Police Training College based at Lilayi in Lusaka, the Police Para Military Training School also based at Lilayi in Lusaka and the Kanfinsa Police Mobile School based in Kitwe. Kanfinsa and Para Military Schools mainly train police officers in order:

- (a) To provide striking force in distributed areas and border patrols.
- (b) To reinforce police stations during the out break of crime beyond control of normal detachment strength.
- (c) To provide for such training courses as the Inspector General of Police (I.G) may direct.
- (d) To guard and prevent all unauthorised persons from entering government installations and property which is under their control.

The Zambia Police Training College is responsible for:

- (a) Training of police recruits and conduct specialised courses for serving police officers.
- (b) Conducting promotion and refresher courses for police officers.
- (c) Training and provide courses for some security wings in Zambia such as Anti-Corruption, Drug Enforcement and Immigration Department and other courses in the region.
- (d) Conducting other training programmes as may be directed and approved by the I.G.

All the training programmes conducted are approved by the I.G through the Director of Human Resources Development based at police headquarters.

Zambia Police Training College mainly trains police recruits and serving police officers in specialized courses and is responsible for receiving complaints in police stations from members of the public and carrying out investigations in order to arrest offenders. The police service currently recruits about 1500 police officers every two years. The police recruit course takes one year and recruitment is such that 30% is reserved for female candidates and 70% for male applicants. Although 30% recruitment is supposed to be for women, females recruited are normally less than this due to a number of reasons which include lack of grade 12 academic qualifications with at least three credits including English Language and Mathematics. There is also a recruitment of about 40 university degree holders about every four years.

I found that the recruit course which is general in nature for police officers comprises the following subjects, among others: Police Duties with some Human Rights components, Criminal Law, Criminal Procedure and Evidence, Communication Skills, First Aid, Drill,

Weapon Training and Assault Course, Criminal Sociology and Psychology, Sports and at times Practicals towards the end of the course. During practicals, police officers are expected to learn from the serving officers in stations what is expected of them once they graduate from the training college. In Police Duties, Criminal law, Criminal Procedure and Evidence lectures, police officers are taught how to deal with a number of crimes including rape, rape victims and investigations among others. This course is general and police officers do not learn all their work in great detail because if they did it would take more than a year to do so. Therefore, they lack the capacity to handle cases, such as rape, without undergoing a specialized in-house course. For example, according to one police officer who had been with the Police College for more than 18 years, he recalls that Scene of Crime in service courses for police officers was last conducted in the late 1990s. When I asked the commanding officer at Police College, he referred me to the Director Human Resources Development at police headquarters. The Director told me that they did not have money for specialised courses but for the recruit course only. These are the same officers who are supposed to visit all rape scenes in order to gather exhibits and any other evidence related to the commission of the offence. All exhibits are expected to be produced in courts of law as evidence against the accused. Well-trained scene of crime officers should be available in most police stations but they are not. For example, I found only two in Lusaka Central Police Station, which is very big. This situation simply means that the gathering of evidence in rape cases poses a serious challenge. That is why even the few cases that are taken before court end up as acquittals because of lack of proper evidence. I feel it is very important for police officers to be well trained in such areas.

When it comes to the investigation of rape cases, the story is much the same. It has been some years since courses in investigations were last conducted at the Police College which is not healthy in a nation where crime is increasing. When I asked the commanding officer at the Police College the reasons why such courses were not being conducted, he referred me to police headquarters. At police headquarters I saw the director of human resources development who told me that among other reasons lack of funds is one of them. He said that lately, funds for in-house courses were not being provided. The only

funds provided were for recruiting new police officers. But he was quick to mention that the situation is likely to improve this year and more specialised courses are likely to be conducted. The Criminal Investigations Department (CID) is a department entrusted with crime investigations and has a good number of officers who are not qualified in most stations. This prevents police officers from carrying out their role effectively.

Starting in 2003, the International Law Enforcement Academy (ILEA) based in Windhoek in Namibia, has been sponsoring some police officers to attend courses in a lot of fields including how to handle women victims of crime, scenes of crime and investigations but this has not been done every year, hence very few officers have attended these courses. This academy receives qualified instructors from United Kingdom, United States of America, South Africa and other parts of the world. The course takes six weeks. So far about 30 police officers have been trained. I and other two officers from Police College attended one from January to March, 2006.

The size of the police service is also very low. Currently there are only 15000 police officers in the entire republic making it difficult to do community policing work effectively for a population of 12.2 million plus people.

During my research, I further discovered that a lot of victims of rape were concerned with the manner in which the police treated them. According to them, the police have negative attitudes towards rape victims and the victims associated this with their lack of gender sensitive or counseling skills. One victim of rape said:

“The police treated me harshly when I went to Chawama police station to report how I was raped. They asked me to tell them the truth, I told them that I was telling the truth and started asking me questions pertaining to what happened in presence of several other complainants, a thing I did not like. It was like the police were interested in adding some injury and could not even sympathize and counsel me. I just realized they had no capacity to do.”

This is to some greater extent true because officers are not trained in gender or counseling skills, not even during their general recruit course. I am strongly of the view

that gender courses and counseling skills are very important to police officers because they are the ones in most cases who first receive reports of rape and they are supposed to counsel victims in order to relieve them psychologically and mentally before they proceed to hospital and other places.

In some big police stations Victims Support Unit opened up. This is usually the department which deals with rape, defilement and similar cases in order to protect and promote the human rights of women, children and the elderly. Police officers in this department are supposed to be well trained in gender issues and have a good grasp of counselling skills, but in most cases this is not the situation. There is a general tendency of just attaching the officers to the department without their undergoing any form of training in gender or counseling skills. This is hindering the effective performance of the Unit. Only a very few officers are currently trained in these skills, not by the police itself, but by Non Governmental Organisations (NGOs) such as WLSA, YWCA and CARE Zambia. These NGOs conduct workshops and seminars for some police officers. Although this is a good gesture by NGOs, these training programmes are not conducted regularly for all officers and therefore only a few very officers have benefited from them so far. SARPCCO has been holding training workshops in the sub region to raise gender and human rights awareness among police officers, in order to highlight the importance of these to police officers as law enforcement officers. However, SARPCCO is facing an increase in sophisticated crimes and consequently appears not to treat rape cases as seriously as crimes such as the theft of motor vehicles and the like.

In the Addendum to SADC Declaration Article 17, it says that member States should provide to women victims of violent crimes a range of services (e.g., police, prosecutorial, health, social welfare and other) that are accessible, effective and responsive. It also emphasises the importance of establishing specialized units to redress cases of violence against women and children. Although the Victims Support Unit has been established in Zambia it has not solved all the problems that confront women rape victims. Article 21 of SADC declaration refers to education, training and awareness building when it talks of introducing and promoting gender sensitization and training of

all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials. Although Zambia is a member of SADC, it has not done much to introduce and promote gender sensitization or the training of police officers in such fields. Gender programmes have not been introduced in the police syllabus by the government and that prevents police officers from effectively understanding their role when it comes to issues concerning violence against women such as rape.

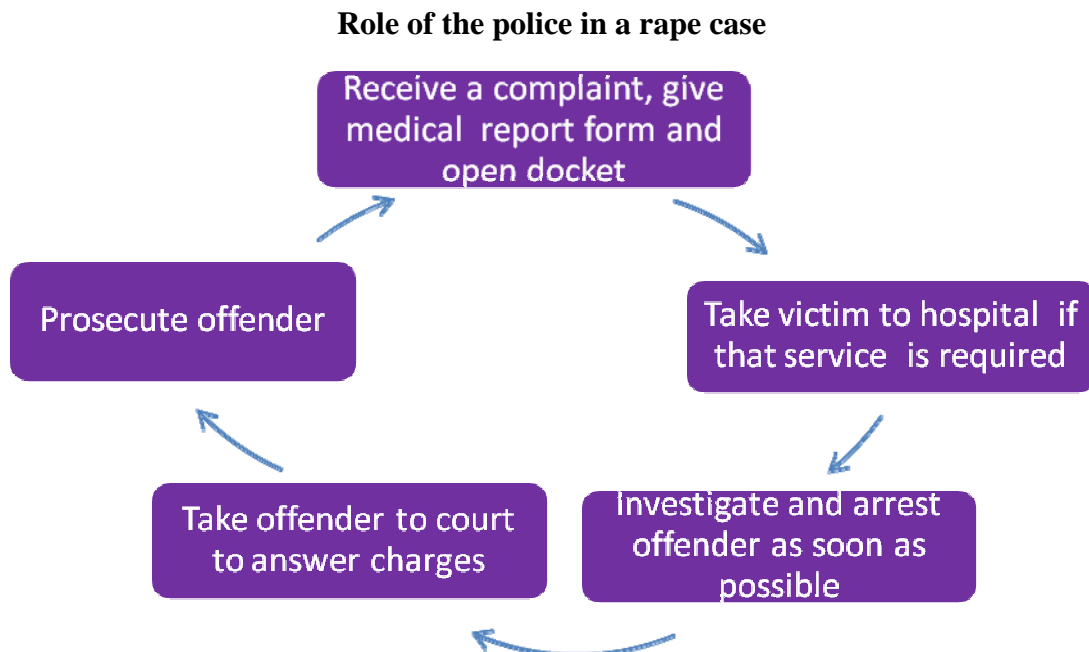
DEVAW Article 4 (i) says that State parties shall take measures that law enforcement officers and public officials (responsible for implementing policies to prevent, investigate and punish violence against women) receive training to sensitize them to the needs of women. DEVAW is concerned with the training of law enforcement bodies, such as the police, in gender and women's rights, for example, in order to prevent such crimes and to investigate cases like rape and others properly. The Zambian government has not done well in the area of training the police in gender, human rights, counseling, etc. Rather, it is content to let NGOs do the work. This negative approach is contributing to the police's growing insensitivity to the plight of women rape victims. The proper training of police officers in the neglected areas of gender rights and counseling is very important. If well-trained police officers were able to properly counsel rape victims as well as carry out effective investigations, many more successful arrests and prosecutions would occur. This, in turn would reduce the growing incidents of rape.

CEDAW General Recommendations 24 (b) says that state parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender – based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender – sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of this Convention. Zambia is a member of CEDAW. However, it is failing to adequately abide by this General Recommendation particularly when it comes to the training of the police in the field of gender.

4.2 *The Police's inadequate Understanding of their Role affects Rape Victims*

I found it necessary to investigate whether police officers adequately understand their role in protecting the rights of victims of rape. I thought of this because the dealings of police officers in such cases raise questions about whether they understand their role or not. First of all I sought to discover what procedures the police ought to follow in rape cases and then compared them with the steps that they actually follow. The differences between the theoretical and actual steps taken not only revealed the weaknesses of the police and but also helped me to identify possible solutions.

The inquiry office at every police station is open 24 hours a day, apart from some police posts which open at 06: 00 hours and closes at 18: 00 hours. During open hours the inquiry office receives all sorts of complaints from members of the public, some of which are referred to local courts and other authorities for possible solutions. The public have free access to the police stations and crimes reported are usually dealt with by the police.



When for example, a rape case has been reported to the police by X to the effect that she has been raped, the normal role of the police is to interview the victim in order to ascertain whether rape has occurred or not. If the officer is satisfied a medical report form is given to the complainant so that she can be treated at the hospital and at the same time the medical report form becomes part of evidence against the offender in the court of law if arrested. If possible a statement can be recorded there and then or it can be recorded at the time of bringing the medical report form back to the police station.

During this time an investigation diary and any other documentary evidence are put together in one file known as a docket. After a docket of rape has been compiled, it is usually taken to the CID for further investigation. If the case is referred to VSU at the initial stage of reporting, they open a docket there and start their investigations. If the victim is sick and has no transport to go to the hospital, it is the duty of the police to take her to the hospital. If she has her own transport then she can go on her own to the hospital for medical attention. The police should make sure the medical report form is signed and brought to the police station. Then investigations should be carried out in order to gather more evidence which may also lead to the arrest of the rapist. When he is apprehended and formerly arrested, he is taken to the courts of law for prosecution. The police should make sure they attend to the victim of rape and launch investigations as quickly as possible as this can help apprehend the suspect timeously.

The situation on the ground is different. The police sometimes fail to accept reports made to them by some victims and sometimes do not even open a docket because of their negative attitude towards rape cases. Even when a docket is opened, the police are sometimes reluctant to follow up rape cases. All this takes place at the inquiry office, the place where the police first receive complaints from members of the public. One of the women victims said this:

“I reported a case of rape to the police and I was given a medical report form and proceeded to the hospital. After medical examinations I brought the said form back to the police but what surprised me was the fact the docket was not opened till I complained to the officer in charge.”

I wanted to find out from the officer who did not open a docket the reasons why he failed to do so. But I could not find him. So, I decided to inquire from the officer in charge of that police station as to why a docket was not opened. The officer in charge told me that officers were not very sure if the crime had occurred so the victim was first referred to the hospital for treatment. The docket should have been opened after the victim had returned from the hospital with the completed medical report. When I asked him whether that neglect amounted to indiscipline, he admitted that it did and told me that he had talked to the officer concerned and warned him.

Another victim of rape whom I interviewed had this to say:

“I reported the matter to the police at our local station, after five days the rapist was picked up and taken to the police station. The man pleaded with the police officer so that the case can be heard and settled at home. The police officer called me on same day he was picked up and started asking me if I could forgive him and withdraw the case since he was my friend and that was ready to compensate me by way of paying me some money. Due to pressure by the police I almost withdrew but first of all I asked them if I could consult my parents who entirely refused and the case went to court. Now, how can the police ask me to withdraw the case of rape which is so serious, when I have gone to them for help and seek protection?”

The above concerns which were expressed by some victims show that the police do not follow their expected role. I decided to follow up the first concern and asked the officer in charge what had happened. The officer in charge agreed and told me that he called the officers and warned them. This situation amounted to gross indiscipline and neglect of duty, for which police officers are supposed to be charged under Chapter 107 (Police Act). In the second matter, I wanted to find out from the officer why he was trying to convince the victim to withdraw the case but I could not find him.

The training of police officers in general is important because it enables them to understand the correct procedures they should follow in order to protect victims of rape effectively. The training of police officers in gender, counseling, human rights, investigations and prosecutions is of great importance to Zambia in as far as promotion

and protection of rape victims are concerned. Unfortunately, there is a lack of political will to invest in this training as the powers that be do not seem to appreciate the importance of such educational programmes. There are some NGOs such as CARE Zambia, WLSA, YWCA and Child Justice Forum which from time to time provide this sort of training, but these courses are given at irregular intervals and only a fraction of officers benefit from them.

4.3 Lack of Financial and Material Resources hinders Rape Victim's Protection

The lack of financial and material resources in police stations was also seen as one of the reasons why police officers do not deal with rape cases adequately. Hence, I needed to find out from police officers themselves if this was the case on the ground.

All the police officers I talked to, including officers in charge, expressed a lack of transport as a problem in most police stations. According to them, they require motor vehicles such as pick-ups, cars, trucks, motor bikes and bicycles in order to be mobile so that their operations can run smoothly. The status of transport at the twenty police stations I visited in Lusaka district was as follows: - Eleven police stations I visited had vehicles running with fuel available. Five police stations had broken down vehicles and no vehicles on stand by in order to follow up on any reported cases. These stations were waiting for spare parts to be bought by the commanding officer of the Lusaka division or police headquarters so that the vehicles could be repaired. Two police stations I visited had their vehicles at the stations and the police there told me that although their vehicles were running, they had no fuel that day for them to be mobile. Two police stations had no vehicles. Out of the twenty police stations I visited, fifteen had some motor bikes up and running. A total of seven motor bikes were broken down. Five stations had no motor bikes. I did not find any police bicycles in any of the police stations that I visited during my research.

Police officers in all the police stations complained of lack of adequate transport to patrol shopping, industrial and residential areas so as to reduce crime. One police officer said:

“Sir, we want to work, but in the absence of transport what can we do? We cannot start following a rape case which has been committed kilometers and kilometres away from the police station. Even when we are told where the suspect is, transport becomes an issue. Sometimes you will find that the same transport is being used for administrative purposes and investigations. We need not less than three motor vehicles per station with fuel readily available for us to operate effectively.”

I also found that officers are really facing their own transport problems and this at times hinders their performance. This prevents the police from effectively protecting rape victims. When victims of rape go to the police stations to report their case, there is usually no transport to take them to the hospital. The complainants are told to look for their own transport to go to the hospital. Also, because of the lack of transport, the scene of crime cannot be visited in time in order to collect pieces of exhibits and evidence which is vital in order to prosecute the rapist. As a result of the police's lack of transport offenders usually escape arrest and go into hiding.

In addition to the police, victims of rape also suffer as a result of lack of transport at police stations. One victim had this to say:

“Early in March, 2007 I reported a rape case to the police and I had a suspect in this case. I told the police who the suspect was but to my surprise the police could not even follow up the case saying they had no transport until the suspect ran away. Two months later, I heard that the suspect was in another area, for the second time I went to the police to inform them about the suspect and his whereabouts but again the story of lack of transport was repeated. Now you can see, are our rights being protected by the police like that?”

The police officers themselves and the victims of rape that I interviewed told me basically the same story about lack of adequate transport in police stations. I proceeded to look for the commanding officer, the most senior police officer in the division, but he was reported to be out of the office. I tried to make an appointment with him so that I could try to find out what he thinks of the problem himself and to find out when this

problem could be investigated by the police service or the government. He was, however, reported to be out of the office again. I then decided to go to police headquarters to talk to the Inspector General of Police but was again unsuccessful. Finally I managed to talk to the Senior Motor Transport Officer who told me that police command had tried to improve transport in police stations but was quick to mention that a lot needs to be done in order to reduce operation difficulties. He said that they were waiting for a fleet of vehicles which the government had bought for the police and was due to arrive in a month's time. I tried to find out how many vehicles they expected but he did not know the number. Towards the end of January, 2008 the government handed over only 20 new vehicles to the police for distribution and use in their day to day operations.

The issue of lack of transport in the police service in Lusaka district is real and it affects the performance of the police. This can also be seen from the information given earlier above concerning motor transport and bikes in police stations. Lusaka Central Police Station had no other transport apart from those at the inquiry office vehicle and a number of motor bikes. Some vehicles were being used by senior officers on administrative issues. Some officers I talked to told me that their transport situation had improved slightly with the arrival of the new Inspector General of Police three years ago, but it had not improved as much as they would have liked. The president in his speech at the Police Senior Officers annual ball in January, 2008 admitted that the police service had a transport problem and promised to look into it. He also emphasized the need for police to be gender sensitive within the police service and in their operations. He further instructed the Police Command to create a department to deal with sexual crimes this year and that it should be operational by the end of 2008.

Apart from lack of transport, the police stations usually do not have adequate stationary for use in their offices. During my research, one police officer told me that at times they are forced to use exercise books or plain sheets of paper as substitutes for official Occurrence Books. They said that according to procedure, the government funds the police and part of those funds are used to buy all sorts of material resources, including

stationary for use in police offices. The Quarter Master (QM) based at police headquarters is given the responsibility of purchasing stationary such as books, registers, other paper work, and pens and so on. He stores it in the Quarter Master Stores. Police stations are required to order their stationary from the said stores. Unfortunately, the Quarter Master does not purchase enough stationary due to inadequate funds he receives from the government.

The Police Commanding Officer (“CO”) for Lusaka province receives a monthly allocation of funds to meet a number of needs, including stationary, and he distributes them to the various stations. Once again, the money received by the CO is not enough to meet all the monthly requirements of the stations he supplies and, as a result, as such there are shortages in most cases. Instead of having original forms and documents, officers usually depend on photocopying the originals and using the photocopies. One victim of rape said:

“Hear this story. I went to the police station to report a rape case. When I reached the inquiry office I told the officers what had happened and started writing in their books. But when it came to the medical report form, I was told to wait as there were no medical reports forms as the officer who had gone to photocopy them delayed in coming back. It is disappointing for the government department to operate like that!”

I also found that only very few police stations had scene of crime kits for officers to use in gathering evidence in rape cases. The situation on the ground is that police officers visit the scenes of crime without proper kits, causing them to fail to collect vital pieces of evidence in order build up good dockets for successful prosecutions in court. The inquiry offices where most of the cases are reported are usually over-crowded. I saw this for myself when I visited the police stations. Although I did not witness any rape victim reporting a case, it goes without saying that the current situation is not conducive for the reporting of such sensitive crimes as these over-crowded areas deprive victims of the privacy they are entitled to receive when making such reports. Even the Victim Support Unit does not enjoy its own private office, but instead shares facilities with the general duties personnel. Victims of rape correctly stated that they require at least some form of

privacy when police officers are interviewing them. Interviewing in presence of other complainants is not only harmful to the victim but also to the integrity of the police's investigations. A suspect may come to learn that he is wanted in connection with a rape as the result of his name being overheard in an inquiry office during the initial reporting of the crime. At times the rape victims are also made to wait in queues before they are attended to by the police. The Addendum to SADC Declaration Article 17 says that states should ensure that rape victims are afforded accessible, effective and responsive police, prosecutorial, health, social welfare and other services. Article 20 provides for the training of service providers such as the police in order to provide adequately the services referred to in Article 17.

Under Article 24, the states are required to allocate the necessary resources to, for instance, the police in order to ensure the implementation and sustainability of the above. The motivation behind these provisions is to encourage states to fund activities that are aimed at eradicating violence against women such as rape. The police's duty to protect the rights of rape victims (in this case, their right to demand that the police perform effectively and efficiently in the prosecution of their alleged offenders) is seriously prejudiced as a result of the police's lack of adequate financial and material resources. Resources that are lacking include proper office facilities (e.g., to accommodate rape victims), stationary, transport, cash for every day expenses, such as fuel, etc. The above problems that the police are facing can only be solved with adequate support from the government in terms of funds, transport and materials.

The Protocol to the African Charter on Human and People's Rights on the rights of Women in Africa. Article 4 (i) provides that states are required to provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women. This Women's Protocol recognizes that programmes to protect women's rights certainly cannot succeed without financial and material support. DEAW 4(h) also demands that member states include in their government budgets adequate resources for their activities related to the elimination of violence against women. The Beijing Declaration 125(n) provides that state parties

should create, improve or develop as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitise such personnel to the nature of gender - based acts and threats of violence so that fair treatment of female victims can be assured. 125(p) provides for the allocation of adequate resources within the government budget and mobilization of community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels.

As has been shown, the government urgently requires to increase police budgets so that they may effectively and efficiently fulfil their duty to protect the rights of rape victims in accordance with these international human rights instruments.

4.4 The negative Effects on the Rape Victims caused by the Police

The fourth assumption the research required me to investigate was: Are there any negative effects in justice delivery for the victim arising from the police's failure to handle rape cases effectively? So, I began by interviewing the rape victims themselves.

All the victims of rape that I interviewed during my research expressed concern about the negative attitude of the police towards rape victims. They said that after surviving the traumatic experience of rape, it was so frustrating for them to be on the receiving end of a negative attitude from the police (their first contact with the justice delivery system) when they first reported the crime. In effect this negative reporting experience is like a second injury that the rape victim is forced to endure. Several rape victims said that the police tend to think that they, the victims of sexual offences, have somehow contributed to the crimes committed against them. That is why the police in most cases think that such cases are not genuine and are only reported after a man has failed to honour an agreement, such as payment of money. One victim had this to say:

“I went to the police to report the case. During interviews the police asked me whether I was telling the truth, I told them that I was telling the truth but still more they had doubts and the response was not so good.”

The police officer told me that some women report that they have been raped when, in fact, they have not and that is why they are always suspicious and ask questions to find out the truth.

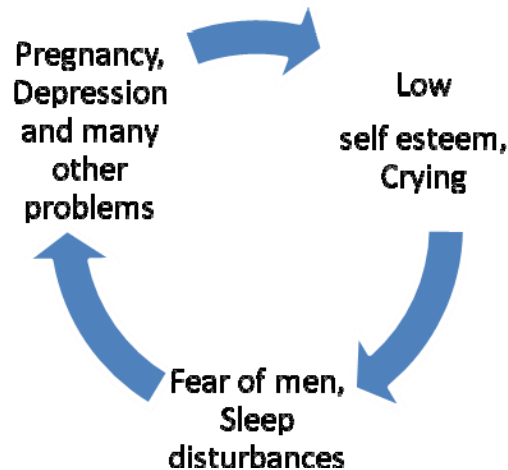
Another victim also was disappointed by the comments of the police when she went to report the matter. In the presence of other complainants, one of the police officers carelessly said:

“Do you think the way you women dress these days men can leave you once they know that you are staying alone?” he asked. “I did not answer, but I knew he was referring to short skirts, tight jeans skin tights and so on. But what has got that to do with rape which occurs at night when someone is asleep?”

Instead of providing counseling services and care to the victim who has been physically, mentally and psychologically attacked and traumatized, the police ask injurious questions, something which needs to be looked into and quickly corrected. Some rapists are often known to their victims; others are easily identified. In these cases arrests may be possible after simple, straightforward initial investigations. What happens most often, however, is that because of the delay between the reporting of a rape and the police’s decision to act upon it, culprits who could quite easily be arrested have time to go into hiding and crime scenes also become contaminated. They say ‘justice delayed is justice denied.’ Sometimes the police even start befriending the suspect and putting pressure on complainants to withdraw the charge and to reconcile with the culprit. In most cases victims of rape are not interested in reconciliation but they are dragged into it by the police and the rapist. It is not the role of the police to ‘settle cases’ at police stations. It is their duty to carry out investigations against alleged rapists with a view to securing their conviction in a court of law. Inadequate training and lack of sensitivity to the special needs of rape victims are factors which contribute to police officers not only failing to

carry out their duties but, worse, becoming involved in travesties of justice. The police often view rape cases as not being very serious, even when they know that there is a risk that the complainant may have contracted the deadly HIV/AIDS virus or other venereal disease. According to them, other crimes such as robbery, burglary, etc., are serious.

The fact is that rape is a very serious crime as far as its victims are concerned. Many respondents I interviewed said that, apart from the terrible harm caused by the attack itself, rape is considered shameful in most Zambia societies. A woman who is raped may be divorced by her husband and unmarried victims of rape often find it difficult to find marriage partners. Victims of rape suffer pain and emotional effects that may include the following:



CASES OF THREE VICTIMS OF RAPE

Here are three cases of rape whose victims I interviewed.

CASE 1

Jen a victim of rape was aged 35 years and was staying in Matero compound in Lusaka. Jen was married to Kenneth for five years and had two children but divorced because of the violence that she experienced during their marriage. On 31st July, 2007, at about 16:00hours the former husband went to Jen's house to see the children. Jen was found in the house and he entered and saw his children. Then Kenneth started asking for sex from

Jen who refused and asked him to leave. The man grabbed Jen by the neck and threatened to cut her throat and forced her down. She was raped and the issue was reported to the police.

When she reached the police station she found two male police officers on duty and other complainants who were reporting other crimes. She told one of the police officers that she had a problem which required his attention. She tried to talk to him outside but the officer refused, so she had no option but to tell her story in the presence of other complainants. They asked her if she was telling the truth. She said she was and directed the police to where the suspect was staying and she was given a medical report. She returned with a signed medical report to the police and went back home.

She stayed at home for three days waiting to hear from the police and decided to go back and inform them that the suspect was at his house. The police asked me “You are very harsh, do you want him to be arrested? I replied, that is why I reported the matter.” He was eventually arrested. The police tried to reconcile us but I refused and the case went to court, he pleaded not guilty saying he was still my husband. I later produced a divorce certificate and he was convicted and sentenced to prison for two and half years.

Looking at the above scenario, in the first place one would wonder why the officer refused to talk to her in private. It is clear that the victim wanted some form of privacy and confidentiality. She should not even have been asked whether he was telling the truth as this clearly revealed the officer’s negative attitude toward her. Reluctance on the part of the police to arrest the culprit was evident from the fact that it took three days to arrest him and they only did so after she went back to ask why he had not already been arrested, when he was in fact not very far from the police station. Under normal circumstances, the suspect is supposed to be arrested within a short period of time. The issue of reconciliation also came up at the police station which is clearly not the role of the police in criminal matters. It is their duty to uphold the law.

CASE 2

Martha, a 17 year old girl from Chelstone compound in Lusaka was staying with her uncle, who was married with three children. One day his wife went to visit a sick relative in another town and promised to come back after one week. In the evening of the second day after his wife's departure, Martha was called by her uncle. She opened the door, her uncle entered and raped her. He threatened to kill if she told anyone what he had done and so she kept quiet. Her aunt came back and Martha remained silent about the incident.

On another occasion her aunt went out again. Her uncle raped her again, maintaining his death threat against her if she told anyone. One day she decided to inform her friend about the issue. The friend advised her to report the matter to the Legal Resource Foundation ("LRF"). She went to the LRF who advised her to report the matter to the Police Victim Support Unit. But she did not go and report the matter to the police and decided to keep quiet. On 23th March, 2007 about 01:00hours, her aunt went out to the village and again she was raped by her uncle. Despite his threatening to kill her, she decided to report the matter to the Victim Support Unit. She was made to wait for a medical report form for a long time as they had none at the time. She was later given one by another officer who had just returned from other duties who told her to go and make a photocopy. She had no money and it became difficult so she could not go. Then the first officer got the medical report form and went to make a photocopy of it. He returned, wrote on the medical report form and gave it to her. She was told that they would have helped her by taking me to the hospital but there was no transport either to take her to the hospital or to go and arrest her uncle. The police officer talked to one person he knew and she was taken to hospital.

While at the hospital she received a call from one of the neighbours to the effect that she needed to go home before taking the medical report to the police. She obeyed and went back to the neighbour's home. When she reached it she found her uncle and another man. They convinced her that taking the case to the police was a bad idea so she never took the medical report form back to the police. The issue ended just like that and the police never followed it up.

The police completed failed to act professionally due to a lack of resources such as transport and stationary. To start off with, they had no medical report forms available to give Martha in time which led to their delay in attending to her. She was told to make a photocopy and she did not have the money to do so. It is not the duty of the complainant to make a photocopy but the duty of the police to provide such forms free of charge. Martha also needed transport to go the hospital which was not available until some Good Samaritan volunteered to help her. Lack of transport in my view lead to the police's failure to arrest the suspect at the time the case was reported to them. Eventually other people came in and the case was tampered with, which prevented her from returning the medical report form to the police. It is important for the police to be equipped with all the necessary resources (such as, official stationary and transport) in order to carry out their role of dealing with rape cases promptly, effectively and efficiently. Even after the case was reported, the police probably could not and, therefore, did not follow it up to find out why the medical report form was not returned.

CASE 3

Given is a 25 year old woman of Chawama compound in Lusaka. On 15th December, 2007, at about 18:00hrs she decided to pay a visit to her friend after knocking off from work. She stayed there for about one hour and half hours. Since it was getting late she decided to book a taxi which had a driver and another man who posed as his relative. She was surprised to note that instead of going to her compound the taxi took a different route. When she asked the driver, his passenger produced a small gun and she was told to shut up. She realized that she was in danger. The same man tied a cloth over her face and there was nothing that she could do. They took her along a road. These men raped her and stole her cell phone and K135, 000=00 (\$ 35.00) which were in her possession. After raping her they drove her close to the road where they left her and quickly drove away. She walked along the road and saw a man and a woman and decided to stop them. She told them that thieves have robbed her of her money. They gave her transport money and waited for a bus which she later caught and then she went to report the matter to the police. She decided to disclose everything at the police station. She was asked whether

she was telling the truth she replied that she was. Although the police did not seem to believe her, they reluctantly started entering details of the crimes into their books. In the process they asked her strange questions which included how she felt. Instead of caring for and comforting her, they started blaming her for moving about at night, etc., and began to associate her conduct with that of a prostitute. She was given a medical report form but it was at night and there was no transport to take her to the hospital as she had no money and buses by that time had stopped operating. One officer communicated with the duty officer at police division headquarters who came and they took her to the hospital. Up to the time of interview the rapists had not been arrested. The police officers who had asked strange questions could be identified but I did not have enough time to follow it up. It is clear from the above illustration that the police lack professionalism in their role of protecting victims of rape. Instead of counseling victims of rape, the police continue to show them a negative attitude. This shows that the police are not gender sensitive and lack counseling skills.

The Addendum to SADC Declaration Article 17 under services says that states should ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services, and should establish specialised units to redress cases of violence against women and children. This is directed at member states to ensure that the police are accessible, effective and responsive to reports of crime. For example, when a case of rape is reported to the police and it is not dealt with adequately, the victim is physically, psychologically and socially traumatised. On the other hand when the victim receives a positive professional response from the police, the risk of the victims suffering these negative effects is reduced. Women's Protocol Article 4 (e) also provides that member states should punish perpetrators of violence against women and implement programmes for the rehabilitation of women victims. When such cases are reported to the police, rape victims expect the police to counsel them, take them to hospital and arrest the offender(s) as soon as possible. Such action by the police also reduces the negative effects suffered by victims of rape. DEVAW 4(f) states that states should develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence,

and ensure that the victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions. The victimization of victims by law enforcement officials, such as the police, clearly leads to the victims suffering from the negative effects (referred to above). It is therefore important that an article such as this one is enforced by the state.

4.5 The Value of Understanding the ‘Lived Realities’ of Rape Victims

When a problem has been detected in our communities, societies or nation, research into it is desirable and important in order to find out its causes and possible solutions. The grounded theory approach is ideal for bringing researchers into touch with the ‘lived realities’ of those who encounter problems, in this case, women who are victims of rape. It is only when you have found causes that you can analyze and make recommendations aimed at solving such issues. Likewise it is only when we find out the reasons why the police officers have negative attitudes towards female victims of rape and why they fail to comply with their duties in relation to them that we can begin to try and find solutions to these problems. In this case some solutions to the problem of the police failing in their duties have been revealed. As has been shown, one of the reasons why the police fail to perform their duties is because they have an inadequate understanding of their role in protecting the rights of women, including victims of rape. Therefore, there is a need to make sure that police officers understand their role in protecting women’s rights during their initial training and later through refresher courses in workshops and seminars. Also, the police’s lack of financial and material resources has been identified as an issue that has negatively affected the smooth performance of their role in as far as dealing with rape victims is concerned. The government needs to equip the police with transport and other resources as well as funds to buy consumables such as books, forms and other papers that they need on daily basis. The police also lack gender training and counseling skills which adversely affects their ability to protect the rights of rape victims.

The Addendum to SADC Declaration Article 21 urges member states to undertake research and share information on the results, and also on the causes, prevalence and consequences of violence against women and children. Article 22 encourages the exchange of national, regional and international best practices for the eradication of violence against women and children. As SADC declarations put it: the best solution is to gather information on the ground in order to discover the causes, prevalence and consequences of such crimes in order to find possible solutions to reducing their incidence. An exchange of knowledge between all branches of law enforcement agencies and researchers is also very important so that the crime is tackled by them as part of a combined effort. Although researchers are coming up with recommendations, the implementation of their findings is proving problematic partly due to the cultural perception that rape is not considered a very serious crime and does not require criminal prosecution.

CEDAW General Recommendation Article 24(c) states that parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence. The bringing out of realities on the ground will help find more effective and efficient ways of dealing with women victims such as rape victims. Zambia, however, is not doing well in the area of implementation. The Beijing Declaration Article 121 states that the absence of adequate gender-disaggregated data and statistics on the incidence of violence makes the elaboration of programmes and monitoring of changes difficult. Lack of or inadequate documentation and research on violence against women, sexual harassment and domestic violence and so on, whether happening in private or public, impedes efforts to design specific intervention strategies in order to effectively deal with such occurrences. Rape is also included in this regard.

4.6 Prosecutions and the Court Environment

When an arrest is made by the Criminal Investigations Department, the General Duties or the Victim Support Unit, the docket of case is then taken to the Divisional Prosecutions

Officer who assigns the docket to a prosecutor who prosecutes the charge. As in other police departments, prosecution departments also have police officers who are not trained, even though they prosecute cases in the courts of law. Most of them have simply passed the recruitment course at the Zambia Police Training College. All prosecutions courses in Zambia are conducted at the National Institute of Public Administration (NIPA). NIPA conducts prosecution courses for three months (basic) and for six months (advanced) for police officers and other interested people. As we have seen from the cases dealt with by the police in 2007, some accused persons were acquitted. Reasons for acquittals include the prosecutors' lack of training and experience in prosecution, as well as a lack of corroborative evidence. Corroboration is independent evidence which implicates a person accused of a crime by connecting him with it, for example, testimony of other witnesses and any circumstantial evidence. Sometimes the victims do not give satisfactory evidence in court. This is often due to the fact that the rape victims find the court environment unfriendly and intimidating. One victim of rape confessed:

“When I was in the court to give evidence against the culprit, it was not easy for me to talk about how I was raped in presence of everyone else because the prosecutor asked me questions like I was the suspect myself in trying to prove the facts.”

CHAPTER 5

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 *Conclusion*

To conclude this study, I would like to mention that although the police are entrusted with the responsibility of promoting and protecting the rights of citizens, when it comes to rape cases and rape victims their role has not been satisfactory. This research has revealed that the police have negative attitudes towards rape cases. The reasons include the fact that police officers come from a society which does not consider rape a very serious criminal offence and which often regards women as instigators of the sexual crimes committed against them. Apart from the fact that the police lack adequate training in how to handle rape cases and rape victims, they also have the added problem of a lack of adequate resources (such as transport and stationary) to carry out their duties properly. There is a need for the police to improve their investigation technique by reforming their structures in a manner which is responsive to improving, promoting and protecting the rights of rape victims. These reforms will, in turn, help to reduce the crime. Rape should be treated as a very serious crime which needs a quick and effective response from the police.

A police station is the first official place a rape victim approaches when she is seeking justice against her attacker. Therefore the police have a every important role to play in dealing with victims of rape who are physically, psychologically and mentally disturbed. The first impression that a rape victim receives of the police station she attends is usually enough to make her decide whether or not she is likely to be properly assisted and, therefore, whether or not she will proceed to report the case there. It is therefore important for the police to have a positive attitude towards such complainants so that they feel at home and ready to be assisted. Every woman is a potential rape victim. On the other hand there is no such thing as a typical rapist. A rapist may be someone the victim

knows as a friend, an acquaintance, a co-worker, an ex-husband, a family member or a neighbour. The prime motive of a rapist is aggression and sex. Rape is an act of power over the physically weaker sex. It is a crime of aggression against women motivated by the need to abuse, hurt, humiliate and degrade them. Rape is committed by men incapable of controlling their anger and frustration. Becoming a victim is not related to a person's provocative manner. Nobody deserves to be forced into sex, no matter how she is dressed.

Most police officers are men and members of society which is not very gender sensitive. Therefore in order for the police to be gender sensitive and able to adequately deal with rape, they need special training in gender issues and counseling. In the absence of such training they are likely to continue with their current negative attitude towards women and sexual crimes, such as rape, committed against them. It is a sad fact that some police officers do not seem to treat the crime of rape very seriously and, as a result, they fail to deal correctly with the crime, its offenders and victims. Any sexual abuse of women is a serious violation of their rights and rape is a crime of the gravest nature which the state has an obligation to prosecute in fulfillment of its duty to protect the security of all its citizens. Since sexual offences are crimes, it is the responsibility of the police to be effective in both the detection and prevention of such crimes. Their response to victims of sexual crimes should be humane and professional at all times.

The General prevention strategies require the police to give advice to women on how to avoid becoming victims of sexual attacks, to provide heightened security in high – risk areas and to carry out effective and legal investigations and surveillance of suspects. For a variety of reasons, mainly cultural and social, the police's responses to victims of sexual attacks have been unsatisfactory in Zambia. The police need treat rape as a very serious crime, just as or even more seriously than other crimes, such as robbery and murder. They should act promptly in response to all reports of rape. Investigations should be launched immediately in order to try to convict a rapist as quickly, efficiently and professionally as possible. The sexist notion held by some officers that rape victims are partly responsible for being raped should come to an end. The fact is that no

individual would voluntarily invite another person to inflict upon him/her the kind of harm a rapist inflicts upon a woman.

The highly specialized investigative and prosecution skills which are necessary: to counsel victims; to interview victims, witnesses and suspects; to gather material and relevant evidence from a rape crime scene; and to be able to trace and prosecute an alleged rapist are all in great demand because they are all currently so badly lacking in the Zambian Police Service. Even before any officer is deployed to any office which deals with rape, he/she should first be properly trained in the special skills demanded by this unique and highly sensitive work. In addition, all officers in the Victim Support Unit which was established to deal with crimes, including rape, should also be trained in the areas of gender and counseling.

Finally, the government should improve its role in the nation's war against rape by supplying the police with all the resources it requires to combat the crime.

5.2 Recommendations

Based on my findings presented in this study I therefore make my recommendations as follows.

- There is a need to have a police recruit training curriculum at the Zambia Police Training College which includes a subject, such as Gender and Counseling Studies, in order for all future policemen to become gender sensitive as they carry out their role of protecting women rape victims. It is also very important for the police to learn counselling and become counselors so that so that they may able to counsel victims of rape. The two courses are of great importance, especially in view of the fact that the police are the first people to come into contact with rape complainants who must be made to feel that they can trust the police not only with their report, but also with the successful prosecution of the offender. Such training is in accordance with CEDAW General Recommendations 19 under 24 (b) where it says that gender – sensitive training of law enforcement officers,

among other things, is essential for the effective implementation of the Convention.

- The Zambia Police Service should not rely on the initial recruitment course alone for purposes of training the police in gender and counseling for rape victims. The initial training should be a general course which must be taken by all recruits. Once police officers are chosen to deal with rape and/or other sex crimes, they should receive additional specialized training. Therefore, the Police Command, perhaps in conjunction with the Police College, should draw up regular in-house courses specializing on, e.g., how to visit rape crime scenes and gather the correct evidence for prosecutions. Courses on investigations for officers in Criminal Investigations Department, Victims Support Unit and the General Duties who normally deal with rape cases are also required.
- The current law on rape is general and it should be amended to allow for the categorization of rape based on common sets of circumstances, for example, gang rape (where a woman is raped by more than one man) and aggravated rape (occurring when, e.g., the offenders use dangerous weapons) and minimum sentences prescribed for these more serious forms of rape. Under the existing law, rape is treated as a general crime and no minimum sentence is set for more serious forms of rape. As a result, rape sentences tend to be on the low side, reflecting once again Zambia's failure to treat this crime as seriously as it should.
- Rape is one of the most serious crimes which can be committed against women. Therefore, there is a need for the police to regard it as a very serious crime, because, apart from the injuries and negative permanent psychological effects which may occur, its victims also risk contracting the deadly HIV/AIDS virus and venereal diseases, such as syphilis.
- There is a need for the police to receive and process rape reports as quickly, professionally, effectively and efficiently as possible. A sympathetic environment

must be created for victims to put them at ease during interviews, while offenders must experience the full force of a professional police force which carries out its investigations, arrests and interviews promptly and in complete accordance with the law. Informal ‘settlements’ of pending rape charges and prosecutions must stop at once.

- Police officers must consciously seek to rid themselves of their negative attitudes towards rape victims. Instead they must learn to work professionally with them in order to secure the conviction of their rapists. Police officers who neglect their duties should be disciplined administratively and/or criminally, depending on the extent of their breach of the law.
- The Government must do everything possible to provide the Zambia Police Service with sufficient resources (e.g., transport, office accommodation, scenes of crime kits, stationary, etc.,) in order to process all rape reports quickly, efficiently and effectively.
- Although the police and the victims of rape did not mention the weaknesses of the current medical report form, a doctor from the University Teaching Hospital mentioned them in passing. Therefore the police and medical staff should unite to redesign a medical report form that eliminates these weaknesses. (The doctor mentioned that the form was insufficiently detailed and it lacked adequate space for descriptions by the medical doctor.)
- The police should formulate a strategy to sensitize members of the community and educate them about the causes of rape and how best to prevent it. These public awareness campaigns may be conducted using the radio, television, newspapers and general public gatherings.
- The government should recruit more specially-trained police officers to deal with rape cases, especially in view of the fact that the crime is on the increase. Swift

and successful prosecutions of rapists will gradually lead to a decrease in the crime.

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