

## CONCERNS PERTAINING TO GENDER VIOLENCE, CHILD ABUSE AND TRAFFICKING OF WOMEN AND CHILDREN

1. The strong influence of patriarchal systems in culture and society mitigate against gender equality.

The patriarchal context of Zambian society undermines the power of many women to make informed choices. This often leads to a passive acceptance of a situation of domestic and sexual violence, as most women feel themselves to be in an inferior position in relation to their husband.

While women are often slow to report cases through formal channels for fear of reprisal, some initiatives have proved effective in helping women to feel free to talk about them.

**Initiatives.** Caritas Zambia has established a paralegal programme in different dioceses. Paralegal officers were trained and now attend to thousands of cases that are presented to them by people in the local area.

In Ndola Diocese, 5372 of 7447 cases presented in 2010 (83%) were brought by women & girls.

CASES ATTENDED -		CARITAS NDOLA PARALEGAL PROGRAMME		
YEAR	Female	Male	TOTAL	% Female
2009	5300	858	6158	86,1%
2010	5813	984	7006	83,0%

These cases spanned a wide range of types, but included *maintenance issues (1120)*, *abuse and domestic disputes(551)*. Some cases are still pending, others were referred to the National Legal Aid Clinic for Women, and various organisations, while others were concluded at the community level.<sup>1</sup>

**Case: Vulnerability enhanced by cultural myths:**

*The story of two sisters in Lushomo. They were sexually abused by their biological father who was instructed by a local witchdoctor to have sexual intercourse with his children in order to get material wealth. The abuse went on for a quite a long time, often in the presence of the witchdoctor. It is not unusual for children to be abused by adults, who want to be prosperous in their businesses or to get cured from sicknesses, especially HIV/Aids. Witchdoctors recommend sexual intercourse with virgins both male and female as a way to achieve the above mentioned goals<sup>2</sup>.*

2. Initiation rites often encourage submission of the woman to her husband. These can also lead to **early marriages** and **early pregnancies**, resulting in higher numbers of girl child school dropouts.

<sup>1</sup> CARITAS Ndola report for the year 2010, p. 18

<sup>2</sup> Case from Lushomo Trust – Livingstone.

53% of rural girls are reported to be in child marriages. Among the poorest 20% of the population, the rate is even higher (63%).<sup>3</sup>

Traditional beliefs and practices surrounding the initiation rites that girl children undergo, especially in rural areas of the country, affect their enrolment and completion of schooling. Pregnancies of school going girls and dropouts due to early marriage and pregnancy have increased over the years 2005 – 2007.

Pregnancies of school going girls

	2005	2006	2007
Urban - Grades 1 - 9	1.405	1.511	1.141
Rural - Grades 1 - 9	7.706	8.892	9.940
<b>TOTAL</b>	<b>9.111</b>	<b>10.403</b>	<b>11.081<sup>4</sup></b>

**Case:** A girls in Twatasha community School, Chongwe.

*A very bright girl stopped coming to school. At first we thought she was sick. Then the school decided to follow her up. We found that the girl had come of age and traditional ceremonies regarding the rites of passage had taken place. When we requested the child to return to school after the rites of passage we noticed that the parents were reluctant to send her back to school. On further investigation, we discovered that the girl's uncle had arranged her marriage and that he had received the lobola (bride price) from a prospective husband. Had we not threatened the parents and her uncle, saying that we would report them to the police Victim Support Unit in Chongwe for marrying off an under-age child against her will, the young girl would not have come back to school.*<sup>5</sup>

**3. The culture of silence makes it difficult to recognize, report and resolve cases related to *child abuse, defilement and incest***

- i. Child sexual abuse takes place in an environment where there is much silence around common practice of sexual relations. Just as sex outside the strict auspices of marriage is said to be taboo and alien to Zambian culture, so is child sexual abuse.
- ii. Research suggests that when abuse occurs within the family, mothers or guardians may either blame or threaten the girl or try to preserve their marriage.
- iii. Cases of incest and abuse are often kept quiet and resolved within the family. In a patriarchal system the abusers are often those in positions of power and seen by the victims of abuse as authorities to be respected. Male relatives enjoy the power and privilege that can effectively silence the voice of the girl victim.
- iv. The incidence of girls being sexually abused by a relative can go unnoticed. It will be discussed at table as a family or with the village elders and the matter ends there. If the person repeats the crime he will be forced to marry the girl.

<sup>3</sup> Zambia Demographic and Health Survey – 2007.

<sup>4</sup> ZAMBIA – Situation Analysis of Children and Women 2008, p. 31

<sup>5</sup> *Social Project and Children's rights in Zambia*, Jesuit Centre for Theological Reflection (JCTR), 2008. Case cited on p. 5

- v. Women go through mental torture when they know that their children are the victims of incest. To protect her marriage and her children a woman often keeps silence

The University Teaching Hospital Public Relations Manager, Pauline Mbangweta, was quoted by Media as having stated that between 11 and 21 cases of defilement were reported at the hospital each week. It is surprising that, in spite of deterrent laws and stiffer penalties handed down to perpetrators, cases of child molestation and sexual abuse still continue.<sup>6</sup>

Even when cases are reported, convictions are rare. Many perpetrators of abuse are acquitted for lack of “hard” evidence.

**Case:** *“I am a girl aged 17 and I live in Shikoswe compound in Kafue. My father died in 1999. When my father died my mother had difficulties taking us to school. An orphanage was established in our compound that promised to take care of our school requirements. We enrolled and we were welcomed in the orphanage. However, the problem started when the owner of the orphanage started sexually harassing us....One time I was not feeling well. He told me to lie in his office as he was arranging to take me to the health centre. After sometime he woke me up and took me to the mini-bus. He told me to lie on the back of the seat. Instead of going to the hospital we went to an isolated spot on Lusaka-Kafue road. He offered me a drink, which I accepted. After the drink I felt dizzy and was unconscious. Whatever happened I did not know, all I remember is that my private parts were bruised and bleeding. When I reached home I warmed water to soothe the pain that I suffered. I was not his only victim. Together with other victims we reported the matter to the police who arrested him. He was charged with defilement. The matter was taken to court. It took more than 2 years before the case could be disposed of and he was acquitted. It pains me that I know the truth and he knows deep down in his heart what he did to me as an innocent orphan. He took advantage of me being an orphan, instead of helping me, he abused me. I told the courts the truth, and yet they refused to believe me”...<sup>7</sup>*

#### 4. Extreme vulnerability of women and girls to abuse (sexual and domestic) and consequently to HIV and AIDS

- Abusers are often men known to the victim and from within the family (fathers, uncles, stepfathers, siblings) or community (e.g. teachers).
- In the 2009 Zambia sexual behaviour Survey
  - a. 26% of female respondents in urban areas and 20% in rural areas reported having being forced to have sex against their will.
  - b. 22% of adolescent girls between 15-19 reporting having been abused by having forced sex
  - c. The % of female respondents reporting forced sex perpetrated by boyfriends and by male relatives have doubled and quadrupled, respectively since 2000.
- In districts where female autonomy is considered risky to cultural and traditional norms, early marriage is often used as a means of securing a child’s future. “Given

<sup>6</sup> State of the Nation – 2010. CARITAS Zambia, p. 9

<sup>7</sup> “The silent Voices – Kafue Tribunal “ JWOP, 2008 p. 11

the current economic problems, it is not uncommon for poor families to endorse the early marriage of their 11 to 15 year old girl children so as to lighten the family's economic burden.<sup>8</sup>

- Children left without adequate supervision during the day are particularly vulnerable to abuse.

**Case:** *Some time ago, an eight - year old girl, who was sexually abused by the grandfather, was admitted to Lushomo Trust. Livingstone. She was found to be HIV/Aids positive. The girl had never been to school because her mother did not want to waste money on a child who was going to die soon. Instead, the girl was left alone for the whole day in an unprotected house which anybody could easily enter. Four years have passed since she came to Lushomo. Her health has improved a lot and at school she is one of the best pupils in her class.*<sup>9</sup>

Sexual and physical abuse is not the only trauma which marks the life of some girls. They also suffer from HIV and AIDS which often comes as a result of the abuse.

There was an increase in gender based violence (particularly defilement cases and spouse battery) during 2010. Gender based violence is recognised as one of the key drivers of the HIV and AIDS pandemic. The table below<sup>10</sup> with figures taken from VSU statistics, illustrates recent trends.

#### Cases Reported

	2006	2007	2008	2009	2010
Defilement	642	696	1224	1676	2419
Rape	124	178	229	244	254
Assault OABH	560	1865	3351	2605	2791
Neglecting to provide necessities	194	169	1556	1811	1715
Child desertion	27	48	100	98	86
Indecent assault on females	34	135	140	188	170

#### CONVICTIONS

	2006	2007	2008	2009	2010
Defilement	133	160	150	277	240
Rape	11	38	31	60	45
Assault OABH	192	107	232	383	192
Neglecting to provide necessities	0	11	4	21	36
Child desertion	0	3	10	6	10
Indecent assault on females	7	40	39	36	23

A particular concern lies in the fact that over the last five years, a progressively smaller number of defilement cases reported have resulted the perpetrator being convicted within a reasonably short time period.

YEAR	2006	2007	2008	2009	2010
% of Defilement Cases where perpetrators were convicted within the same year	20,70%	23,00%	12,30%	16,50%	9,90%

<sup>8</sup> *Social Project and Children's rights in Zambia*, Jesuit Centre for Theological Reflection (JCTR), 2008. Case cited on p. 5

<sup>9</sup> Lushomo Trust – Livingstone.

<sup>10</sup> Gender Based Crime Statistics for the years 2006, 2007, 2008, 2009 & 2010 supplied by the VSU

As has been noted in the addition to the Submission dated 3<sup>rd</sup> May 2011, the **Anti-Gender-Based Violence Act, 2011** criminalises gender-based violence, and aims at providing for the effective protection of victims of gender-based violence including situations pertaining to women in domestic relationships. The legislation aims at strengthening the provisions contained in the Penal Code and further provides for the protection and compensation of the victims/survivors of gender-based violence. The Act also provides for the establishment of shelters in which victims may seek refuge from further violence and for the assistance.

- A related concern is that even where good legislation is in place, implementation is often slow and partial. (e.g. Anti-Trafficking Law, Anti- Domestic Violence Bill). Furthermore, women are not empowered with information relating to their rights.

**Positive Initiatives taken by NGOs and FBOs include:** Mazabuka Family and Children Shelter, Shelter for sexually abused children (Salesian Sisters) The Lushomo Trust in Livingstone (run by diocese), Ndola Shelter for Women (Caritas, Ndola). Many Orphanages and Day Care Centres cater to the needs of vulnerable and abused children.

5. Multiple factors increase vulnerability of women who are HIV positive to abusive experiences in the home.

Research indicates that young positive women and girls are 10 times more likely to experience violence and abuse than their HIV negative counterparts.<sup>11</sup>

- **Case:** *Beatrice, who had tested positive for HIV and was on ART was afraid to tell her spouse because of the anticipated reaction. So she tried to hide the fact that she was taking the medication. This meant that she sometimes missed a dose and took it irregularly. When her husband spotted the medicine one day and learnt the truth about her HIV status he accused her of infidelity and beat her for sleeping around. Meanwhile he himself refused to be tested.*

When women know their HIV status there is often fear of their husband / men abandoning them. They know that this will leave them with problems relating to food provision, coping with their illness, and that of their children. This leads to much suffering and pain in homes.

**Case:**

*Mutinta is a woman from a village in Kalomo who has three children, all girls, aged 11, 9 and 5. Suspecting that she was HIV positive she asked her husband to go with her for HIV testing. He refused to go but she decided to go ahead with the test herself. On returning she told him that she was HIV positive and wanted to start ARV treatment. He was very angry and told her that since she had AIDS, he could no longer have sex with her. To punish her for her “crimes” he then began to have sex with the three girls including the five year old.*

*Because of the culture of silence, she was forced to keep the family secret. She was mentally and physically tortured by his cruelty. In deep desperation she went to the Victim Support Unit in Kalomo. The VSU tried to intervene. However, at the request of the relatives of the husband she was obliged to withdraw the case. The husband paid the police and they withdrew the case. So the situation continued. Seeing Mutinta’s desperation a community member reported the situation to ASAZA(NGO) in Lusaka who followed the case. She had to go into hiding.*

<sup>11</sup> ZARAN News – April – June 2010, p. 10

*Both Mutinta and the children needed counselling. And treatment for STD and vaginal bruises. All three children were also found to be HIV positive. AZASA followed the case up in Lusaka and the children and the woman had to testify in court. Mutinta's husband was given a 7 year sentence in 2010 and is still in jail. Together with her 3 girls. She has rejoined the family in Kalomo. But Mutinta is blamed by the villagers for taking her husband to court. She needs a lot of support to encourage other women to take such cases to court.*

Some women find strength in participation in **Home Based Care Groups**. The social life they experience enables them to tell their stories and provides support. Yet they are sick & looking after the sick. However, in economic terms, the services of women who are HIV positive are often taken for-granted since much informal sector work is not recognized or remunerated. .

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| 6. Inadequate education about gender equality given to young people, both male and female. |
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Although many initiatives have been started by Government and non-government organisation to raise awareness about gender equality issues, there is still a great need for more work in this area.

One interesting example of a creative initiative is the Justice for **Widows and Orphans Project**. **JWOP** is a network made of a number of NGOs and government department. Their aim is to sensitize widows and orphans on their basic human rights, advocate for legal reform and the protection and safeguarding of these same rights. They have adopted Mock tribunals as mechanism for social advocacy and informal legal accountability. They argue that the denial of women's inheritance rights in law and in practice is not only because of culture and the legal system but mainly because socio-cultural traditions have evolved which denied women their autonomy, dignity and basic human rights.

"The Silent Voices – Kafue Tribunal"<sup>12</sup> includes nine individual testimonies "heard" at the tribunal and indicates the actual follow up done.

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| 7. <b>Education of Girls</b> : Particular vulnerability of girls in relation to school fees and grades. |
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- Poverty puts great pressure on families. Cases are reported of girls whose school fees are "sponsored" by a male relative and sexual favours are expected in return.
- Orphans are particularly vulnerable to economic pressures within the family, especially when they are taken in by members of the extended family who are already caring for a number of school-going children.
- Gender related pressures that impact on girls dropping out of school include the threat of sexual abuse by teachers.

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<sup>12</sup> The Silent Voices – Kafue Tribunal, JWOP Project. 2009

- The situation of the girls in rural areas is even worse due to deep poverty and lack of education. Many girls do not attend school because of ignorance of the parents who prefer them to work in the fields or look after the cattle, to get married quickly and to leave the house.

8. Many child headed households exist where work falls on young girls.

Young girls are often under pressure to provide for and look after younger siblings. They often have to drop out of school and work long hours for a pittance. They are particularly vulnerable to abuse and run the danger of being caught up in “survival” prostitution as they try to cope with family responsibilities.

**Case:** *Precious is girl of sixteen who, together with her two young brothers lost their father to AIDS. The mother left the three children with their grandmother in a compound in Lusaka and went to look for work in Northern Province. After a short time, the grandmother disappeared, leaving the children alone. Precious started looking for piece work so as to raise enough money to look after her two small brothers and keep them in school. After struggling for nearly a year she finally traced some relatives in Chipata. Then came the challenge of finding the money to travel with her brothers....*

**Case:** *Martha was forced to get married at the age of 14. She was not ready for marriage, therefore, she decided to run away from her village and look for “a better” life in Livingstone. She was fortunate to find a job as a cleaner in one of the Livingstone houses. She was very badly paid but she was able to pay a fee in the afternoon school. Her dream was to attend the school, to learn writing and reading, geography and science. She was hungry not only for food but also for knowledge. When she lost her job she was not able to continue with her afternoon classes. She was left homeless, exposed to the danger of life on the street until she got to Lushomo.<sup>13</sup>*

9. Child labour: children are often brought from villages to work in slave labour conditions in the towns.

In households that are financially over-stretched, orphaned children are usually the first to be pulled out of school or denied the opportunity. Orphans may be made to work long hours, given less food, be discriminated against or sexually abused. Alternatively, they may be sent to live with distant relatives against promises of education and a ‘better life’, but eventually end up as full time domestic labourers. The corruption of extended family support systems into a source of cheap labour recruitment is perhaps the single largest problem relating to trafficking in Zambia at the moment.<sup>14</sup>

<sup>13</sup> Lushomo Trust - Livingstone

<sup>14</sup> *Support to Zambia for implementing the policy against Trafficking. Joint Programme for implementation of Policy and National Plan of Action against Human Trafficking. ILO*

- Of the 43 children reported to have been trafficked in the ILO/IPEC study of child trafficking in Zambia, 23 (56%) had been exploited through domestic work.<sup>15</sup>
- **Case:** *Laura, a 16 year old double orphan, was adopted by an uncle on the pretext of looking after her and taking her to school. She started school but the uncle stopped paying the fees. Laura's aunt was overworked and physically abused her. She started missing classes due to lack of payment of school fees. The school allowed her to attend classes for free and went to school for a term and a half. Afterwards she stopped school. It was found out that she had been put on a bus to the Copperbelt to a place she didn't know.*<sup>16</sup>
- Children are often subjected to work in ways that are damaging to their health, development and wellbeing. (e.g. working for long hours, carrying heavy loads)

10 **Trafficking of Women and children.** Poverty, orphan status, lack of adequate information, trust in family members make them extra vulnerable to trafficking

➤ **ILO / IPEC Study on Child Trafficking in Zambia**

- a. Due to gender inequality and cultural factors, girls are more at risk of being trafficked than boys. In the 2007 study of **43 cases** of trafficked children in Zambia, 29 involve girls (67%). (*For detailed cases – see final report*<sup>17</sup>)
- b. **Commercial Sexual Exploitation** was the most common reason for internal trafficking of the girl-child. Of the 43 detailed trafficking cases 11 were reported to be of girls involved in sexual exploitation.
- c. Orphanhood, early marriages are also prevalent in Zambia and demonstrate the severe vulnerability of children to internal trafficking for child labour (within Zambia) and to cross-border trafficking (other countries in the Region and beyond).
- d. Accurate statistics are not available. However in one survey covering Livingstone, Chirundu, Kapiri Mposhi and Lusaka the **Anglican Children's Project** (ACP) discovered that from 213 service providers visited that 108 children had been trafficked during the period 2003 and 2004 alone<sup>18</sup>.
- e. Girls feature in many of the suspected cross-border trafficking cases that have been reported in the media.
 

*“Police on the Copperbelt are holding a suspected human trafficker who was found with eleven children at the Kasumbalesa Border Post between Zambia and the Democratic Republic of Congo... The rescued children*

<sup>15</sup> Working Paper on The nature and Extent of Child Trafficking in Zambia. ILO / IPEC, 2007 p. 31

<sup>16</sup> Ibid

<sup>17</sup> ILO /IPEC op cit.

<sup>18</sup> Lusaka Times, 5 October 2004



*include six boys and **five girls**, with the youngest aged two years while the oldest is 13”.*<sup>19</sup>

➤ Initiatives taken

- a. The Government of Zambia's anti-trafficking law enforcement efforts brought some concrete results when the president signed the comprehensive "**Anti-Human Trafficking Act of 2008**" into law on November 19, 2008. Zambia now has one of the strongest laws against human trafficking in Southern Africa. However, there is lack of clear evidence about any cases in which conviction of person(s) accused of human trafficking resulted during the 30 months since its' enactment.
- b. The launch of the Joint UN Anti Trafficking Programme "*Be the Change*" has not been widely felt, although some good initiatives have been undertaken.
- c. Faith based organisations and NGOs are partnering with UN and Government agencies in networking, advocacy and awareness raising about human trafficking.

Submitted

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<sup>19</sup> ZNBC - Wed 17th November 2010