



### What Is Institutional Betrayal Relating to Defilement?

Institutional betrayal happens when communities and the justice system fail to provide access to justice and reduce the negative impacts of defilement. Institutional betrayal can come in many forms and often results in secondary victimization. Secondary victimization can take place at the hands of community members and family, health care, police and the justice system. This happens in cultures where people avoid talking about defilement, by ignoring the subject and/or refusing to believe survivors. It can be a community culture that fails to believe children when they share their experience of rape. Sometimes, it can be a culture that blames children for what happened to them, or makes them feel that their experience was their own fault. Institutional betrayal can also happen when police fail to properly investigate the crime, or a judge fails to properly apply the law in deciding a defilement case.



### What Are the Effects of Institutional Betrayal on Survivors of Rape?

Institutional betrayal is very hurtful to the survivor. As a result of institutional betrayal, the survivor is retraumatized and is unable to emotionally recover from the violence. Often, it also results in the child no longer trying to seek access to justice for themselves. They might not try to get treatment for themselves, since they need the support of their community to feel the strength to take these steps. This sends the message to other children that if something happened to them, they should not tell anyone. Institutional betrayal from the community and service providers, such as police and judges, also leads to **a culture of silence and impunity for defilement**. When police do not believe the survivor, or are suspicious, accusatory, or insensitive, they also revictimize the child. This creates **systemic barriers** to access to justice, because this type of police behaviour discourages other children from reporting their experience to the police. When the survivor who experienced the defilement is not believed within the justice system, or fails to receive a fair trial, they can feel threatened and live in fear. The perpetrator experiences **legal impunity** - they continue to be free without any consequences. This causes many long-lasting effects on the survivor. These effects can include pain, humiliation, distress, physical harm, emotional harm and psychological harm. Witnesses of defilements can also experience similar effects.



### The Benefits of Accessing Justice

Everyone has the right to access justice. Access to justice provides for the realization of a victim's guaranteed human rights, and empowerment of victims. **When perpetrators of defilement are held accountable for their actions, this prevents them from continuing to harm other children.** Therefore, it is important for children to report defilements so that the perpetrators can be arrested and charged for their crimes – this keeps them away from other children who they might harm. This also sends the message to other potential perpetrators that they will be put in jail if they attempt to assault or rape anyone. When someone reports their own defilement, this might encourage others who have been defiled to come forward with their own stories. This could lead to many more perpetrators being investigated and charged for their crimes.




## What Can Be Done to Minimize Institutional Betrayal?

1. For community members, police and those who work in the justice system, it is important to respond to disclosures of defilement sensitively and kindly. They should not blame the survivor, but rather support them. They must listen to the child's wishes and make sure that the child is given control over what happens next. Research shows that support and validation of the traumatic experience can help with recovery.
2. For community members, it is important for people to be open and accessible so that children can talk about what they have experienced in a safe space.
3. Police must take all reports of defilement seriously and investigate them thoroughly.
4. For institutions, including schools, it is important to regularly review their own practices to make sure they are not promoting institutional betrayal. They must regularly monitor their policies and practices. Staff members at all institutions must be educated about defilement and trained to respond to trauma to prevent secondary victimization.



## COMMUNITY CORNER

*This week we asked the Justice Club leaders to write letters to human rights heroes who inspire them.*




**Powerful Hero from Homabay said:** "Dear Nelson Mandela, I wish i could be like you and fight against all the evils and forms of corruption in our society of today. I am greatly inspired by your bravery to fight against the apartheid government that lasted for 50years in South Africa and your fight against racism which lead to your victory of being the first black president of your country."

**Purple Leaf from Kilifi said:** "Dear Malala Yousafzai, i am impressed with the way you showed other girls in Pakistan the way to follow. You fought for the rights of girls to receive free, safe and quality education. Though the Taliban banned girls from going to school, you defended their rights of going to school. You suffered but because you are a hero, you did it! On top of it, you were the youngest person in Pakistan to receive the Nobel Peace Prize. May God bless you to live many years so as to help other girls in other countries like the way you did in Pakistan."



**Brave Mountain from Kwale said:** "Dear Wangari Maathai, I hope that you are dancing happily with the angels in heaven. You are my hero because you helped conserve the environment by planting trees and you campaigned for the forest. I want to be an environmentalist just like you when I grow up. From your admirer."

**Wonder Duck from Homabay said:** "Dear Edwin, I want to thank you for all that you have taught me that I did not know, you taught me different things like, 1. The importance of supporting a defilement survivor. 2 Difference between good touches and bad touches. I also want to thank Vanessa for encouraging us that we should not be blamed if someone had raped us but we should be supported. Thanks to all the teachers who studied law and those that stood and supported both children whether it was a girl or a boy. You inspired me by both your bravery, hard work and even your intelligence. Continue supporting children and may you live longer. I thank all the teachers who participated in supporting us. May you continue to support us. Bye, i love you all."



## To Report a Defilement

To download the free **160 Girls defilement reporting app**: scan the QR code (right) by pointing your phone's camera at the code. The app's web page will appear with an option to download the app. You can also search "160 Girls app" in your phone's app store or submit a "help request" on [160girls.org](http://160girls.org).



You can also connect with your local rape rescue partners:

### CATAG (Homa Bay)

Tel: 0777 977 87/0723977987

E-mail: [communityaidtag@gmail.com](mailto:communityaidtag@gmail.com)

Address: P.O. Box 419-40300,  
Homabay

### GVRC Hope Centre County Referral (Homa Bay)

Caroline Obonyo

Tel: +254724261869

### ICRH (Mombasa, Kwale, Kilifi)

Tel: 0722208652/0734466466

E-mail: [info@icrhk.org](mailto:info@icrhk.org)

Website: [icrhk.org](http://icrhk.org)

They can offer support, and help you report the defilement to the police. You can also report to the police on your own, or talk to a trusted friend or relative.





### Usaliti wa Unajisi Kiasasi/Kijamii ni nini?

Usaliti wa kiasasi au kijamii hutokea pale jamii na mifumo ya haki inakosa kuwezesha upatikanaji wa haki na hivyo kusababisha athari mbaya za unajisi. Usaliti huu wa kiasasi au kijamii huweza kujitokeza kwa njia mbalimbali na mara nyingi kusababisha maonevu ya pili/mbadala – madhara zaidi ya ubakaji wenyewe. Maonevu mbadala yanaweza kutokea mikononi mwa wanajamii na familia, wahudumu wa afya, au hata polisi na mifumo ya haki. Hii hutokea katika tamaduni ambazo watu hawataki kuzungumzia masuala ya unajisi kwa kutoshughulika na mtendaji unajisi au kitendo chenyewe na vilevile kukataa kuamini yule aliyenajisiwa. Inaweza kuwa kwamba utamaduni wa kijamii unakataa kuwaamini watoto ambao wanasimulia walivyotendewa unajisi. Wakati mwingine, utamaduni huo unaweza kuwalaumu watoto kwa kile walichotendewa au kuwafanya wahisi kana kwamba kitendo hicho kilikuwa makossa yao. Usaliti wa kiasasi au kijamii pia unaweza kutokea pale polisi wanapokosa kuchunguza kosa la unajisi inavyofaa, au jaji/hakimu kukosa kutumia sheria zilizopo kuamua kesi ya unajisi.



### Madhara ya Usaliti wa Kiasasi/Kijamii kwa Waathiriwa wa Ubakaji

Usaliti wa kiasasi au kijamii unamuamiza sana mwathiriwa wa unajisi. Kutokana na usaliti huu, mwathiriwa hupata na kiwewe na huenda akakosa kupata nafuu kisaikolojia au kihisia kutokana na dhulma aliyotendewa. Mara nyingi, humfanya mtoto huyo kusitisha au kutojali tena kuhusu kutafuta haki yake. Huenda wakakoma kujitafuta haki kwani wanahitaji msaada wa jamii kupata ukakamavu au nguvu ya kuchukua hatua za kisheria. Hii huenda ikawafanya watoto wengine kutoeleza mtu yeyote pale kitendo kama hicho kitakapotokea kwao. Usaliti wa kiasasi au kijamii kupitia kwa watoaji huduma kama vile polisi na majaji/mahakimu husababisha kuwepo kwa utamaduni au tabia ya kutotaka kuzungumzia visa vya ubakaji au kutenda ubakaji kwa kutojali. Wakati polisi wanapokosa kumwamini mwathiriwa au wanapomshuku, kumalumu au kumkejeli huwa vilevile wanamdhalimu mtoto huyo. Hii hujenga vizingiti/pingamizi za kimifumo kuhusu upataji haki kwani tabia kama hii ya polisi inawavunja moyo watoto wengine kutotaka kuripoti kile walichotendewa. Iwapo mwathiriwa wa ubakaji hataaminiwa na mifumo ya haki au asiposikilizwa inavyofaa na bila ubaguzi, mwathiriwa huyo atahisi kutishiwa maisha yake na hivyo kuishi kwa uoga. Mtendaji kosa la unajisi naye hupitia kile tunachokiita 'kutojali/ujeuri wa haki' – kwamba ataendelea kuwa huru bila hukumu au adhabu yoyote. Hii humwathiri tabia ya mtoto aliyenaisiwa kwa muda mrefu. Athari zake ni kama vile: uchungu, aibu, kiwewe, maumivu ya kimwili, maumivu ya kisaikolojia/kihisia. Wale walioshuhudia unajisi ukitokea wanaweza kupitia athari hizi vilevile.



### Faida za Kupata Haki

Kila mtu anafaa kupata haki. Kupata haki kunamhakikishia mwathiriwa haki zake za kibinadamu pamoja na kumpa nguvu au uwezo. Wabakaji/Wanajisi wanapohukumiwa na kuwajibika kwa matendo yao hawataweza tena kuendelea kuwadhulumu watoto wengine. Hivyo basi, ni muhimu kwa watoto kuripoti visa vya unajisi ili watekelezaji unyama huo kukamatwa na kuhukumiwa kwa makosa yao ya jinai – hii inaondoa uwezekano wao kuwadhulumu watoto wengine. Vilevile, hii hutumika kama onyo kwa wale waliokuwa wakipanga kuwadhulumu watoto kuwa watafungwa jela ikiwa watajaribu kumdhulumu au kumbaka mtu yeyote. Mtu anaporipoti unajisi kwake anawapa nguvu wengine waliobakwa kujitokeza na vilevile kuripoti visa vyao. Hii inaweza kufanya wadhali/wanajisi zaidi kuchunguzwa na kuhukumiwa kwa makosa yao.



## Kupunguza Usaliti wa Kiasasi/Kijamii

Ni vigumu kujua ni jinsi gani ya kumsaidia mwathiriwa. Haya ni baadhi ya majibu au maswali unayopaswa kukwepa pale mtu anapokweleza kuhusu kunajiswa kwake.

- 1.Kwa wanajamii, polisi na wengine wanaofanya kazi katika mifumo ya haki, ni muhimu kushughulikia visa vya ubakaji kwa dharura na kwa utu. Hawafai kumlaumu mwathiriwa bali wanapaswa kumpa msaada anaohitaji. Ni sharti wasikilize maombi yam toto aliyebakwa na kuhakikisha kwamba mtoto huyo amepewa uwezo kuhusu matukio yatakayofuata. Utafiti unaonyesha kuwa kwa kutoa msaada na kumpa motisha mwathiriwa wa ubakaji, upataji nafuu wake unapatikana kwa haraka zaidi.
- 2.Ni muhimu wanajamii kufikiwa kwa urahisi ili watoto waweze kuwasimulia yale yaliyotendeka kwa njia salama au bila kuogopa.
- 3.Ni sharti polisi kutilia maanani ripoti zote za unajisi na kuzichunguza kikamilifu.
- 4.Taasisi kama vile shule zinafaa kuchunguza shughuli zao kila mara ili kuhakikisha kwamba hazienezi au kuwezesha usaliti wa kiasasi. Ni sharti taasisi hizo kuchunguza sera zao kila mara. Wafanyakazi wote katika taasisi hizi wanafaa kuelimishwa kuhusu unajisi na kupewa mafunzo ya jinsi ya kushughulikia kiwewe hasa kinachotokana na maonevu au athari za kiwango cha pili/mbadala – zinazotokea baada ya kitendo cha unajisi.



## Pembe ya Kijamii

Wiki hii tuliwaambia viongozi wa Justice Club kuwaandikia barua mashujaa wa haki za kibinadamu ambao wanawahamasisha au kuwapa motisha maishani.

**Powerful Hero kutoka Homabay:** "Mpendwa Nelson Mandela, natamani ningekuwa kama wewe na kupigana dhidi ya maovu yote na aina ya ufisadi katika jamii yetu ya leo. Nimehamasishwa sana na ujasiri wako wa kupigana dhidi ya serikali ya ubaguzi wa rangi ambayo ilidumu kwa miaka 50 nchini Afrika Kusini na mapambano yako dhidi ya ubaguzi wa rangi ambayo ilisababisha ushindi wako wa kuwa rais wa kwanza mweusi wa nchi yako."



**Purple Leaf kutoka Kilifi:** "Mpendwa Malala Yousafzai, nimevutiwa na jinsi ulivyowaonyesha wasichana wengine nchini Pakistan njia ya kufuata. Ulipigania haki za wasichana kupata elimu ya bure, salama na bora. Ingawa Taliban ilipiga marufuku wasichana kwenda shule, ulitetea haki zao za kwenda shule. Uliteseka lakini kwa sababu wewe ni shujaa, ulifanya hivyo! Zaidi ya hayo, wewe ni mtu mwenye umri mdogo zaidi nchini Pakistan kupokea Tuzo ya Amani ya Nobel. Mungu akubariki kuishi miaka mingi ili kuwasaidia wasichana wengine katika nchi nyingine kama vile ulivyofanya nchini Pakistan."



**Brave Mountain kutoka Kwale:** "Mpendwa Wangari Maathai, natumahi kwamba unacheza kwa furaha na malaika mbinguni. Wewe ni shujaa wangu kwa sababu ulisaidia kuhifadhi mazingira kwa kupanda miti na ulifanya kampeni kwa ajili ya msitu. Nataka kuwa mwanamazingira kama wewe wakati nitakua mkubwa. Kutoka kwa anayekupenda."



**Wonder Duck kutoka Homabay:** "Mpendwa Edwin, nataka kukushukuru kwa yote uliyonifundisha ambayo sikuyajua. Ulinifundisha mambo tofauti kama, 1. Umuhimu wa kusaidia mtu aliyenusurika. 2 Tofauti kati ya kugusa vizuri na kugusa vibaya. Pia nataka kumshukuru Vanessa kwa kututia moyo kwamba hatupaswi kulaumiwa ikiwa mtu ametubaka lakini tunapaswa kuungwa mkono. Shukrani kwa walimu wote ambao walisoma sheria na wale waliosimama na kuunga mkono watoto wote wawili iwe ni msichana au mvulana. Mliniongoza kwa ujasiri wenu wote, bidii na hata akili yenu. Endelea kuwasaidia watoto na muweze kuishi muda mrefu zaidi. Ninawashukuru walimu wote walioshiriki katika kutuunga mkono. Naomba muendelele kutuunga mkono. Kwaheri, nawapenda nyote."



## Ili Kuripoti Unajisi:

Pakua (Download) app ya 160 Girls inayohusu kuripoti visa vya unajisi (160 Girls defilement reporting app): skana (scan) msimbo wa QR (QR code) - ulio upande wa kulia kwa kuumulika kwa kamera ya simu yako. Wavuti (website) ya app hiyo itafunguka na kuashiria 'Download'. Vilevile unaweza kuitafuta app hiyo kwenye app store yako au kutuma ombi kwa 160girls.org



Unaweza pia kushirikiana na wadau wa unajisi waliokaribu nawe:

### CATAG (Homa Bay)

Tel: 0777 977 87/0723977987

E-mail: communityaidtag@gmail.com

Address: P.O. Box 419-40300, Homabay

### GVRC Hope Centre County Referral (Homa Bay)

Caroline Obonyo

Tel: +254724261869

### ICRH (Mombasa, Kwale, Kilifi)

Tel: 0722208652/0734466466

E-mail: info@icrhk.org

Website: icrhk.org

Hawa wanaweza kukupa msaada pamoja na kukusaidia kuripoti unajisi huo kwa polisi. Vilevile, unaweza kuripoti kwa polisi mwenyewe au kumweleza rafiki au jamaa yako.

