



Police Defilement Investigations

The police and communities need to work together to hold those who commit rape accountable for their violence. Police have the power to deter defilement by ensuring that every defilement complaint reported to them is investigated, and every perpetrator is punished according to the law. This sends a message to the community that defilement is a serious crime with serious consequences. The police must also take action against perpetrators who threaten defilement survivors or their families. Police must always respect the rights of defilement survivors, treat child rape cases seriously and conduct prompt, effect, proper and professional investigations.



Steps of a defilement investigation include:

1. **Record** all complaints in police occurrence book. (No defilement survivor should be turned away).
2. Provide **P3 form** to the survivor, free of charge. (The survivor must take this medical examination form to the hospital and have it filled out by a doctor).
3. Accompany survivor to hospital, if the survivor has not already received medical care.
4. **Interview survivor** about the defilement incident and record the **survivor's statement** in detail. (Note: The survivor's right to privacy should be respected. The statement should be taken in a private room in the police station or wherever the survivor feels most comfortable, not in the reception area where other people can hear what the survivor is saying).
5. Record survivor statement. The **written survivor statement** must include: date and time of alleged defilement; identity of suspect(s) and relationship to claimant; description of suspect; location and description of scene; other witnesses; actual description of incident (e.g. record "insertion of penis" as opposed to "tabia mbaya," which is vague).
6. **Visit the crime scene** and preserve evidence (search for evidence that could be used as proof that the defilement took place, and that the perpetrator is guilty. For example, clothing, bed sheets, pubic hair, etc.)
7. Identify witnesses who may be able to provide further information about the defilement incident. **Interview each witness and record their statements.** (Note: a witness could be anyone who either saw the defilement take place, who heard the survivor scream, or who observed the survivor directly after the defilement took place.)
8. **Identify and interview suspects.** (Record their statements in detail).
9. Compile the police **case file**.
10. Gather, summarize and **evaluate all of the evidence** collected.
11. **Prefer charges** against the perpetrator.
12. **Arrest** the perpetrator.



*Note: A **claimant** is a person who is making a claim about someone else. In this case, the person who has been defiled is the claimant, because they are claiming that the perpetrator defiled them.*



Police Officer Derick Nyaya, Nairobi:

"Since the 160 Girls training, we're interviewing the survivors in a private place and understanding the importance of privacy for them, we're writing down detailed survivor statements, we're getting full statements from the suspect and writing those down, and we're getting convictions! I feel proud of the work that we're doing. The survivors are happy with the results we're getting and are protected now. The community trusts us now and has confidence in us, and they are reporting more and cooperating more. I believe potential perpetrators will hear of how seriously the crime of defilement is being taken and they will fear, and this is good for the community."

COMMUNITY CORNER

This week we asked the Virtual Justice Club leaders: *According to the law, what are the rights that you have as a child living in Kenya? Do you think that children's rights are respected by adults?*



Red Bird from Kakamega said:

"I think children's rights are respected by some adults not all. My rights as a Kenyan child are right to eat, right to shelter, right to proper treatment from adults. The government and the community should make sure my rights are protected always."



Pink Baboon from Mombasa said:

"No I don't think children rights are respected because many children are abused. I think the rights can be improved by arresting men raping small children and they should be taken to jail."

Charming Duck from Nairobi said:

"No, I don't think that children's rights are respected cos most people don't know raping children is very bad and apart from that they rape and still they don't have shame to say sorry. CHILDREN RIGHTS MUST BE RESPECTED."

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.



You can connect with your local rape rescue partners:

KARE (Kakamega)

Tel: 0724721671/0721782381
E-mail: kare.org@gmail.com
Website: karemp.org

GVRC (Nairobi)

Tel: 0713513141/0719638006
E-mail: gvrc@nwch.co.ke
Website: gvrc.or.ke

ICRH (Mombasa)

Tel: 0722208652/0734466466
E-mail: info@icrhk.org
Website: 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.





Uchunguzi wa Polisi Kuhusu Unajisi:

Polisi wanapaswa kushirikiana na jamii kuhakikisha kwamba wale walionajisi wanawajibika kwa dhulma walizotenda. Polisi wana uwezo wa kukomesha unajisi kwa kuhakikisha kuwa kila kesi ya unajisi iliyoripotiwa imechunguzwa na mtenda unajisi huo ameadhibiwa kwa mujibu wa sheria. Hii itadhihirisha kwa jamii kuwa unajisi ni kosa la jinai ambalo lina madhara makubwa. Aidha, ni lazima polisi wawachukulie hatua wanajisi wanaotisha waathiriwa wa unajisi au familia zao. Ni sharti polisi kuheshimu haki za waathiriwa wa unajisi, kuchukulia kesi za kunajisiwa kwa watoto kwa uzito unaofaa na pia kufanya uchunguzi wa haraka, unaofaa na kwa utaalamu unaohitajika kila wakati.



Hatua za uchunguzi wa unajisi ni pamoja na:

1. **Rekodi** malalamiko yote kwenye kitabu cha motokeo (OB). (Hakuna mwathiriwa yeyote wa unajisi asiyepaswa kusikilizwa).
2. Mpe mwathiriwa **Fomu ya P3** bila malipo. (Ni sharti mwathiriwa apeleke fomu hii ya kimatibabu hospitalini ambapo itajazwa na daktari).
3. **Andamana** na mwathiriwa hadi hospitalini ikiwa bado hajapokea huduma za kimatibabu.
4. **Hoji mwathiriwa** kuhusu tukio la unajisi na urekodi taarifa yake kikamilifu. (Kumbuka: Haki za faragha/siri za mwathiriwa zinafaa kuheshimiwa. Mahojiano yanafaa kuendeshwa katika chumba cha faragha au popote pale ambapo mwathiriwa anahisi kuwa panaafaa, na wala sio maeneo ya kupokelea wageni ambapo kila mtu atasikia anachokisema mwathiriwa).
5. Rekodi taarifa ya mwathiriwa. **Taarifa ya mwathiriwa iliyonakiliwa** inafaa kujumuisha: Tarehe na wakati tendo la unajisi lilifanywa; mahala pa tukio; mashahidi; maelezo halisi kuhusu kitendo kilivyotokea (mfano: rekodi kuingizwa uume na wala sio 'tabia mbaya' ambayo maana yake si wazi).



6. **Tembelea mahala pa matokeo** na uhifadhi ushahidi (tafuta ushahidi utakao thibitisha kuwa kweli unajisi ulitokea, na kwamba mshtakiwa ana hatia. Kwa mfano, nguo, malazi, mavazi (nywele za sehemu za siri) na kadhalika).
7. Tambua mashahidi ambao wanaweza kutoa taarifa zaidi kuhusu tukio hilo la unajisi. **Hoji kila shahidi na urekodi taarifa yake.** (Kumbuka: Shahidi anawezakuwa mtu yeyote aliyeona kitendo hicho, aliyesikia kilio cha mwathiriwa, au aliyemwona mwathiriwa moja kwa moja baada ya unajisi kutokea).
8. Tambua na uhoji washukiwa. (Rekodi taarifa zao kikamilifu).
9. Kusanya ripoti nzima kwenye **faili ya polisi.**
10. Kusanya na uandike kwa kifupi pamoja **na kutathmini ushahidi wote** uliopata.
11. **Andika mashtaka rasmi** dhidi ya mtenda unajisi.
12. **Kamata/tia mbaromi** mtenda unajisi.

*Kumbuka: **Mlalamishi** ni mtu anayelalamika kuhusu mtu mwingine. Katika muktadha/tokeo hili, yule aliyenjisiwa ndiye mlalamishi kwa sababu analalamika kuwa mtenda unajisi alimbaka.*



Derick Nyaya (Afisa wa Polisi), Nairobi:

Tangu kupata mafunzo kutoka kwa mradi wa 160 Girls, tumekuwa tukiwahoji waathiriwa wa unajisi faraghani na pia kuelewa umuhimu wa siri/faragha kwao. Aidha, tunanakili taarifa zao kikamilifu, tunapata na kunakili taarifa kamili toka kwa mshukiwa na vilevile hukumu kupatikana! Najivunia kazi tunayoifanya. Waathiriwa wanafurahia matokeo ya uchunguzi wetu na wanahisi kulindwa. Jamii inatuamini sasa, inatoa ripoti zaidi pamoja na kushirikiana nasi kama inavyofaa. Naamini kuwa wale wanaopanga kutenda unajisi wakiskia uzito wa kosa la ubakaji ulivyo wataogopa. Hili ni jambo zuri kwa jamii.”

Maeneo ya Kijamii

Wiki hii tuliwauliza viongozi wa Vikundi vya Haki (Justice Clubs): Je, mtoto anayeishi Kenya ana haki zipi kisheria? Unadhani haki za watoto zinaheshimiwa na watu wazima?



Alisema Red Bird kutoka Kakamega:

“Nadhani kuwa baadhi ya watu wazima wanaheshimu haki za watoto. Haki zangu kama mtoto Mkenya ni: haki ya kula/lishe, haki ya makazi, haki ya kutendewa ifaavyo na watu wazima. Serikali pamoja na jamii inafaa kuhahakisha kuwa haki zangu zimelindwa kila wakati.”



Alisema Pink Baboon kutoka Mombasa:

“La, sidhani haki za watoto zinaheshimiwa kwani watoto wengi wanadhulumiwa. Nadhani haki zitaheshimiwa iwapo tutawakamata na kuwafunga wanaume wanaowabaka watoto wadogo.”

Alisema Charming Dark kutoka Nairobi:

“La, sidhani haki za watoto zinaheshimiwa kwani watu wengi hawajui kuwa kuwabaka watoto ni hatia na kwamba zaidi ya hayo wanawabaka na hawana hata haya kuomba msamaha. LAZIMA HAKI ZA WATOTO ZIHESHIMIWE.”

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:

KARE (Kakamega)

Tel: 0724721671/0721782381

E-mail: kare.org@gmail.com

Website: karemp.org

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E-mail: gvrc@nwch.co.ke

Website: gvrc.or.ke

ICRH (Mombasa)

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.

