



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.

Fantastic Aardvark from Mombasa said:

"Dear malala yousafzai, I really wanted to tell you ma'am that you are a really big inspiration to me and I am so impressed by your bravery and hard work. It is a really big thing that after even being shot and going to coma you still fought for girls right you are truly an inspiration to me and I am really inspired by you that I would also like to serve the world by being an NGO organiser"



Gray Swimmer from Nairobi said:

"Dear Ory Okolloh, I was inspired with how you kept on going with life even when the road was rough. You showed me to never give up with your life and to stand up for what is best. Thank you and may God bless you and your family."



Splendid Spaceship from Kakamega said:

"Dear Ruth Mumbi I congratulate her for the good jobs, she supports the women's living in urban settlement."



Sensible Spaceship from Nairobi said:

"Dear Wangari Mathai I like your hard work in the society of Kenya and the whole world for standing up in the taking care of the environment. You are a great hero to me and the whole world."



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 also 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.





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 aliyenajisiwa 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 unajisiwa kwake anawapa nguvu wengine waliobakwa kujitokeza na vilevile kuripoti visa vyao. Hii inaweza kufanya wadhhalimu/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.

Fantastic Aardvark kutoka Mombasa alisema:

"Kwako Malala Yousafzai, Ningependa kukueleza kuwa umenihamasisha na kunipa motisha na nimetiwa moyo kwa ujasiri na jitihada zako. Ni jambo kubwa haswa baada ya kupigwa risasi and kukosa fahamu bado ulipigania haki za wasichana. Wewe ni kielelezo kwangu na umenishawishi na ningependa kutumikia ulimwengu kwa mratibu wa shirika lisilo la kiserekali."

Gray Swimmer kutoka Nairobi alisema:

"Kwako Ory Okolloh, Nimetiwa motisha kwa kuwa uliendelea kusonga mbele hata wakati maisha yalikuwa magumu. Umenifunza nisiwahi kata tamaa maishani na nitetee haki. Ahsante na Mungu akubariki pamoja familia yako."

Splendid Spaceship kutoka Kakamega alisema:

"Kwako Ruth Mumbi. Ninampongeza kwa kazi yake nzuri, anawasaidia wanawake wanaoishi katika makazi ya mjini."

Sensible Spaceship kutoka Nairobi alisema:

"Kwako Wangari Mathai. Ninapendezwa na bidii yako katika jamii ya Kenya na dunia nzima kwa jumla kwa kusimama na kutunza mazingira. Wewe ni shujaa kwangu na dunia nzima."

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
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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.

