



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?*



Sunny Buddy from Homa Bay said:

"Children's rights are not respected because when a child for example wanted to report a defilement case to an police officer Then he might not believe him or her and some officers may decide not to investigate the case and the victim may find it difficult to find justice And for Children's rights to be respected police officers need to help the victims and find away to give the victim justice."



Genuine Mind from Kilifi said:

"Actually, a big No! BECAUSE, almost every day, children rights are abused. ON my case, I think reporting any cases of DEFILEMENT can improve children's rights."



Genuine Piano from Kwale said:

“Respect for children right can be improved by educating the community Also by giving stiff punishment to people who rape children.”

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:

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

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 faragha 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 Sunny Buddy kutoka Homa Bay:

"Haki za watoto hazitiliwi maanani kwasababu iwapo mtoto anataka kuripoti kisa cha ubakaji kwa polisi. polisi huenda akakosa kumwamini na polisi wengine huenda wakakataa kufanya udadisi wa kisa hicho na mwathiriwa huenda akapata shida kupata haki. Ili haki za watoto zizingatiwe, polisi wanafaa kuwasaidia waathiriwa na kupata haki."



Alisema Genuine Mind kutoka Kilifi:

"Kwa kweli, hapana zaidi! maanake, karibu kila siku, haki za watoto huwa zinadhaliwa. Kwa upande wangu, ninaonelea kuwa, kushitaki kesi za unajisi wa watoto itachangia kuimarisha haki za watoto."



Alisema Genuine Piano kutoka Kwale:

"Heshima kwa haki za watoto inaweza kuimarishwa kwa kuelimisha jamii and kupeana adhabu kali kwa watu wanaonajisi watoto."

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:

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Tel: 0777 977 87/0723977987

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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.

