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REPUBLIC OF RWANDA
NATIONAL COMMISSION FOR HUMAN RIGHTS

SURVEY ON GENDER BASED VIOLENCE WITH FOCUS ON
DEFILEMENT



*Empowered lives.
Resilient nations.*

Conducted by SSCOPCO Ltd

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ACKNOWLEDGEMENT

Defilement, a serious violation of child's rights and whose consequences may also results in violation of other rights such as rights to health, rights to education, rights to justice, etc., is continuously reported among top crimes that Rwanda is experiencing today.

Given this high prevalence of defilement and its associated consequences, the National Commission for Human Rights, Rwanda's institutional body having responsibilities of promoting and protecting human rights, has conducted "Survey on gender based violence with focus on defilement" to gather much information in order to analyze in deep the context to which defilement is affecting Rwanda.

This survey would not be a success if there had not substantial contributions of different public institutions, NGOs and individuals whom we express sincere thanks and gratitude in this regard.

First and foremost thanks goes to all people who patiently dedicated their valuable time to respond all questions they were asked during data collection.

We would like to express our special thanks to authorities for the audience to reach respondents.

We would like to express the deepest acknowledgement to UNDP for the financial assistance that enabled the implementation of this survey.

We present our sincere gratitude to the consultant team of SSCOPCO Ltd and NCHR staff for their technical assistance that contributed to the success of the survey.

NIRERE Madeleine
Chairperson of National Commission for Human Rights

EXECUTIVE SUMMARY

This survey on gender based violence with focus on defilement was conducted by National Commission for Human Rights to gather rich information on defilement and help the establishment of evidence-based preventive actions and programs for such abuses and offering effective protection services to victims.

The findings of this survey are based on both qualitative and quantitative data. In addition to desk research that provided much data on the prevalence of defilement and data on the existing socio-cultural and legal framework of protection of defilement victims, 200 respondents comprised of defilement victims, defilement perpetrators, family members of victims and general public were contacted and were asked on defilement related questions in order to investigate the causes, consequences of defilement, protection of victims and other related topics.

The findings showed that defilement is a challenge experienced by both girls and boys with predominance to girls, 97.5% female victims and 2.5% male victims. In contrast, perpetrators are largely dominated by male; the findings showed that 97% of perpetrators are male, whereas only 3% are female.

The survey ranked minors' care taker/or teacher, the top perpetrators of defilement crimes with 33.5% of total perpetrators. Persons who have different familial relationship share almost the left proportion of defilement perpetrators. As investigated in this survey, 4.5% of perpetrators are parents, 8% are sisters and brothers, cousins share 15%.

The alarming situation is that the rate of reporting defilement cases is low due to the fear of shame to the family given that many of perpetrators were identified to have familial relationship with victims.

Amicable negotiation and fear of stigma were also found causes of not reporting defilement.

The main causes of defilement were identified as alcohol and drugs, 20.3% and cohabitation, 14.5%. The survey also demonstrated that defilement is generally committed by the people aged between 18 and 30 years, 77.3 % and people aged between 31 and above years, 22.7%.

Considering the high prevalence of defilement in Rwanda; considering categories of perpetrators and the identified causes and consequences, it is recommended to all human rights defenders and gender machinery to actively intervene accordingly.

PART I: GENERAL INTRODUCTION

1.1. Background

The National Commission for Human Rights is provided for by the Constitution of the Republic of Rwanda of 4th June 2003 revised in 2015. Particularly, the Law n° 19/2013 of 25/03/2013 determines the mission, organization and functioning of the National Commission for Human Rights.

The overall mission of the Commission as stipulated in Article 3 of the above mentioned Law is to promote and protect Human Right. The Article 7 (8°) of the law gives the commission the responsibility to carry out research on thematic issues and publishes findings with the purpose of promoting human rights. The article 6 (4°) also gives the special mission “to particularly monitor respect for the right of child, women, person with disabilities, people living with HIV/AIDS, refugees, migrant workers and members of their families and elderly”¹.

It is against this background and into consideration of high prevalence of defilement crimes that the Commission has conducted a survey on gender based violence with focus on defilement.

1.2. Problem statement

The convention on the rights of child of 1989 to which Rwanda is a state party explains the need for much emphasis on minors. In its preamble, it is provided that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well after births”. The article 34 stipulates that states parties undertake to protect the child from all form of sexual exploitation and sexual abuse².

¹ Law n° 19/2013 of 25/03/2013 determining mission, organization and functioning of the National Commission for Human Rights

² Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

Therefore, the Rwanda's considerable proportion of minor population (47.7% of the total resident population) emphasizes its huge task in promotion protection and monitoring of the enjoyment of child's rights.

In efforts to promote child's rights, Rwanda has made possible legal guarantees to promote and protect child's rights. The Article 19 of the constitution stresses the protection of child's rights. In addition to ratified treaties regarding child rights, the penal code strictly addresses and punishes anyone who commits a crime against a child. Particularly, the Article 190 of the Penal Code of Rwanda addresses and elaborates sentences reserved for any person who commit child defilement.

Rwanda's inconsiderable achievements in child's rights can be also observed through much reduction of mortality, high school enrollment rates (pre-primary, primary and secondary schools), and increase in nutritional status.

However, despite well performing human rights indicators for the minor population, they are facing a crucial challenge of defilement. Regardless of legal guarantees that establish serious punishments to any person who commit defilement, a high number of defilement cases continue to increase.

According to RNP the incidences are very high and fall among top crimes manifested in Rwanda, in 2014 the identified cases of defilement were 2,324³; and it has been identified that 90% of victims are female⁴.

Defilement is a serious violation of human rights and it is presumed to yield violation of other rights (rights to health, rights to education, rights to justice, ect.).

The National Commission for Human of Rwanda as an institution particularly assigned to promote and protect human rights of citizens, considered this issue of defilement on the territory of Rwanda and committed to prevent and fight against this violence.

³ RNP (2014), Annual report

⁴www.nppa.gov.rw/fileadmin/templates/images/For_news/GMO_PRESENTATION.pdf

This survey on gender-based violence with focus on defilement was conducted to gather more detailed information in order to design realistic actions and programs against defilement and the recommendations provided by this study will be used other human rights defenders and Gender machinery in improving actions and programs of Promotion, Protection and Monitoring of child's rights.

1.3. Objectives

The overall objective of the survey was to highlight the causes and consequences of defilement and analyze how defilement cases are handled.

The survey specifically aimed to:

- Assess the prevalence of defilement in Rwanda;
- Investigate the negative impact of defilement vis-à-vis the respect for human rights in Rwandan society;
- Identify socio-cultural and existing legal protection of victims of defilement;
- Suggest recommendations based on findings in order to prevent, fight against defilement.

PART II: METHODOLOGY

The researcher used both quantitative and qualitative approaches in assessment of survey objectives. Quantitative data based on precise measurements were collected to identify statistical measures and qualitative data such as open-ended responses and group discussions were used to collect explanatory information on survey themes.

2.1. Sampling frame, sampling design and sample size

The survey interested on persons whom were considered as key information holders on defilement to provide primary data. Defilement victims, perpetrators, parents of victims and general public from all four Provinces and the City of Kigali were included in the sample. Five (5) prisons were chosen from all Provinces and the City of Kigali. Other persons considered as key informants on defilement such as local leaders, parents of victims and neighbors of victims were also contacted.

Table 1: Survey geographical coverage

Nº	Districts (Sectors)	Respondents	Number of respondents
1	Rwamagana (Muyumbu and Kigabiro)	Victims, parents or guardians	10
		General public	5
2	Nyagatare (Nyagatare and Rwempasha)	Victims, parents or guardians	10
		General public	5
3	Muhanga (Nyamabuye and Shyogwe)	Victims, parents or guardians	10
		General public	5
4	Ruhango (Ruhango)	Victims, parents or guardians	10
		General public	5
5	Rubavu (Gisenyi and Nyundo)	Perpetrators	10
		Victims, parents or guardians	5
6	Nyabihu (Mukamira and Jenda)	Victims, parents or guardians	10
		General public	5
7	Gicumbi (Byumba and Miyove)	Victims, parents or guardians	10
		General public	5
8	Musanze (Muhoza and Cyuve)	Victims, parents or guardians	10
		General public	5
9	Gasabo (Bumbogo, Ndera and Remera)	General public	10
		Perpetrators	5
10	Nyarugenge (Nyamirambo and Kimisagara)	Victims, parents or guardians	10
		General public	5
Prisons			
11	Rwamagana Prison	Perpetrators	10
12	Muhanga Prison	Perpetrators	10
12	Rubavu Prison	Perpetrators	10
13	Gicumbi Prison	Perpetrators	10
14	Nyarugenge Prison	Perpetrators	10

Purposive selection of respondent was used because respondents were selected with expectation to hold much knowledge on defilement. This sampling was very useful for during the selection of elements for group discussion.

The sample elements were selected while ensuring that every category of persons considered key holders of information on defilement is represented. The target population was first separated into segments of victims, perpetrators, parents of victims and general public and then samples were selected from each segment. The samples selected from these various segments were then combined into a single sample.

A probabilistic sample size of 200 persons made of victims, perpetrators, parents of victims and the general public was reached by employing the formulas below⁵:

Initial Sample Size: The preliminary estimate of sample size was obtained by:

$$n_1 = \frac{z^2 p(1-p)}{e^2}$$

Where:

n_1 : the basic sample size;

P: probability that the sample held the desired characteristics;

Z: Score dependent on level of confidence C;

C: Level of confidence;

e: margin error; which is the maximum expected difference between sample estimate and the true population parameter. The assumptions of this survey were: The probability that the sample held desired characteristics was considered 50% (0.5). The confidence level is 95%; which means that in 100 samples you can carry on the study, 95 will give same results.

The margin error (e) of the survey is 10%

⁵ Statistics Canada, (2010): Survey Methods and Practices

$$\text{Thus, } n_1 = \frac{z^2 p(1-p)}{e^2} = \frac{1.96^2 * 0.5(1-0.5)}{0.1^2} = 96$$

The preliminary sample size was then adjusted to account for the population size:

$$n_2 = n_1 \frac{N}{n_1 + N}$$

n_2 : Final sample size

N: Population size

From previous knowledge of the research, N =2324⁶;

$$\text{Thus, } n_2 = 96 \frac{2324}{96 + 2324} \approx 200$$

2.2. Data collection techniques

The survey combined diverse data collection techniques to ensure enough inputs for analysis were collected.

Questionnaire

The questionnaire facilitated to get views and information from victims, guardians of minors defiled, perpetrators and general public. During questionnaire administration, 50 respondents were selected from five prisons (ten in each selected prison), 50 people from general public fulfilled questionnaire (5 people in each selected District) and 100 respondents were selected from victims, parents of victims, relatives of victims and or their guardians.

Guided interview

This technique consisted of conducting interviews on the existing situation through direct interviews, meetings, discussions with stakeholders from state institutions, civil society organizations, private sector and general public including NCHR,

⁶http://nppa.gov.rw/fileadmin/templates/images/For_news/GMO_PRESENTATION.pdf

MIGEPROF, National Women's council, National Commission for children, MINIJUST, One stop center, Gahini hospital, Kabgayi hospital, Kacyiru police hospital, RNP, Courts, Pro-femmes Twese Hamwe, volunteers from different sectors and Women for Women.

Desk research

The documentary sources served to present the literature review of previous studies and references has been made from their findings. A part from NCHR, several documents of various human rights stakeholders namely MIGEPROF, NCC, National Women's council, MINIJUST, Courts, RNP, RWAMREC, AJPRODHO Jijukirwa, Haguruka, Pro-femmes Twese Hamwe, women for women, UNFEM and other key institutions dealing with GBV were consulted to gather many of survey inputs.

2.3. Data Quality Assurance

Considering the importance of this work, some measures have been set to insure the quality of the work. For this reason, the following measures have been taken to further enforce the quality and integrity of the data collection process. Data collectors were 50% male and 50% female to enable freedom of both male and female respondents during the interviews and questionnaire administration:

- Using participatory approach in developing research tools;
- The validation of the inception report before data collection;
- The data collectors were trained to use the research tools before starting the work;
- The questionnaire and interviews were administered anonymously to influence freedom and to create the openness for the respondents;
- The data entry was cross-checked by different people;
- The cooperation between enumerators, supervisors, consultants and the service beneficiaries were enhanced;

- Piloting the questionnaire: The pilot checked people's ability to answer the questions, highlighted areas of confusion and look for any routing errors, as well as providing an estimate of the average time each questionnaire taken to complete. Any amendment highlighted by the pilot was made to the questionnaire before issuing a final version.

2.3. Ethical considerations

Defilement stays physical and psychological hurts to persons whom experienced it. Researcher's search for knowledge on defilement can therefore go against ethical principles including no harm to research subject. To ensure no harm to research subject, data collectors were much trained how to introduce to victims of defilement and other respondents as well.

In addition, personal details were protected not to be disclosed to others, except for research purposes. Questionnaires were securely stored and processed in order to ensure no disclosure of identifiable element outside of research interests and the analysis was made in a way that it is not sensitive to any person.

PART III: LEGAL AND CONCEPTUAL DESCRIPTION OF DEFILEMENT

This part includes definition of key concepts used in this survey and describes the legal framework of defilement.

3.1. Definition of key concept

The key defined concepts are: Defilement; Rape; Minors; Reparation; Gender based violence; Sexual abuse; Perpetrator and other necessary terms used during this survey.

3.1.1. Defilement

Defilement has many definitions but all are centered to any form of sexual contact through kissing, sexual touch, oral, anal and vaginal intercourse where the victim is minor.

In some laws; statutory rape is sexual activity in which at least one person is below the age required to legally consent to the behavior⁷. Although it usually refers to adults engaging in sex with minors under the age of consent⁸, it is a generic term, and very few jurisdictions use the actual term statutory rape in the language of statutes.

Different jurisdictions use different statutory terms for the crime, such as sexual assault; defilement; corruption of a minor; unlawful sex with a minor⁹; carnal

⁷ U.S. Department of Justice - Office of Juvenile Justice and Delinquency Prevention, "Statutory Rape Known to Law Enforcement"

⁸ U.S Department of Justice - Office for Victims of Crime, <http://ojp.gov/ovc/publications/infores/statutoryrape/handbook/statrape.pdf>

⁹ Cieply, Michael (2009). "In Polanski Case, '70s Culture Collides With Today", New York Times

knowledge of a minor, unlawful carnal knowledge, sexual battery or simply carnal knowledge¹⁰.

Defilement is defined by other authors as any form of sexual contact either through sexual touch, kissing, oral, anal and vaginal intercourse where the perpetrator uses physical force to the victim in order to achieve sexual gratification and the defiled must be below the age of 18 years. In statutory rape, overt force or threat is usually not present. Statutory rape laws presume coercion, because a minor or mentally handicapped adult is legally incapable of giving consent to the act.

The term statutory rape generally refers to sex between an adult and a sexually mature minor past the age of puberty. Sexual relations with a prepubescent child generically called child sexual abuse or molestation is typically treated as a more serious crime.

Based on Rwanda's and international laws, having sex with minor is defilement considered rape regardless the contentment and agreement with defiled person. This is also called defilement or forced sexual intercourse with persons aged below 18 years. In Rwanda, this crime is punishable with zero tolerance in order to eradicate this bad character and behavior committed by adult people.

3.1.2. Reparation

The reparation is a principle of international law that the breach of an engagement involves an obligation to make reparation in an adequate form¹¹. Reparation is a principle of law that has existed for centuries, referring to the obligation of a wrongdoing party to redress the damage caused to the injured party. Under international law, "reparation must, as far as possible, wipe out all the

¹⁰http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0794/Sections/0794.011.html

¹¹ Permanent Court of Arbitration, Chorzow Factory Case (Ger. V. Pol.), (1928) & all

consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed¹².

The right to reparation is a well-established principle of international law. The International Law Commission affirmed this principle in its 53rd Session when it adopted the draft articles on responsibility of States for internationally wrongful acts¹³. The right is also firmly embodied in international human rights treaties and declarative instruments¹⁴ and has been further refined by the jurisprudence of a large number of international and regional courts, as well as other treaty bodies and complaints mechanisms¹⁵.

3.1.3. Minors

In Rwanda, a minor in terms of age refer to people under the age of 18 as not being able to do the same things that a person over the age of 18 could do. This category of people is considered as immature people who cannot take a decision on some issues including marriage and having sex with mature people. That is why Rwanda's laws are serious in terms of protecting them against any abuse.

3.1.4. Rape

The legal definition of rape varies from country to country. Rwanda's organic law n° 01/2012/ol of 02/05/2012 instituting the penal code defined rape as causing another person to engage in a non-consensual sexual intercourse by using force, threat or trickery.

In many societies it is defined as sexual intercourse with another person without their consent. Rape is committed when the victim's resistance is overcome by force or fear or under other coercive conditions.

¹² Idem

¹³ International Law Commission (2001), Annual Report

¹⁴ Universal Declaration of Human Rights (Art. 8) & all

¹⁵ Ruling of the Inter-American Court of Human Rights in the Velásquez Rodríguez Case, Serial C, No 4 (1989), and Papamichalopoulos vs. Greece (Art. 50) E.C.H.R. Serial A, No 330-B (1995)

In certain countries "statutory rape" exists as an offense. This is sexual intercourse with someone under a specified age, which is deemed to be unlawful. The victim is presumed by law to be unable to give consent by reason of his or her tender age. However, many forms of sexual violence do not fall under the strict definition of rape, such as insertion of objects into genital openings, oral and anal coitus, attempted rape and the infliction of other sexually abusive acts¹⁶.

3.1.5. Sexual violence

There are various forms of sexual violence, rape being the one most commonly referred to. Sexual violence can also involve the use or threat of force in order to have sexual acts performed by third persons. The term "sexual violence" is used in these Guidelines to cover all forms of sexual threat, assault, interference and exploitation, including "statutory rape" and molestation without physical harm or penetration. Perpetrators of sexual violence are often motivated by a desire for power and domination¹⁷.

3.1.6. Gender based violence

Gender-based violence has different meanings but all are centered to violence and inequalities based on sex (gender). Violence against women and girls is one of the most prevalent human rights violations in the world. It has no social, economic or national boundaries as worldwide; an estimated one in three women will experience physical or sexual abuse in her lifetime. Victims of violence can suffer sexual and reproductive health consequences, including forced and unwanted pregnancies, unsafe abortions, traumatic fistula, sexually transmitted infections including HIV, and even death¹⁸.

¹⁶ UNHCR (1995), Guidelines on Prevention and Response to Sexual Violence Against Refugees, Geneva

¹⁷ UNHCR (1995), Guidelines on Prevention and Response to Sexual Violence Against Refugees, Geneva

¹⁸ www.unfpa.org/gender-based-violence

3.1.7. Perpetrator

A perpetrator is someone who has committed a crime or at least done something pretty bad. The word perpetrator is so often associated with crime that police officers and other criminal justice types sometimes suspect until it has been proven that he or she carried out the offense. The word usually describes someone who's committed a crime, but any wrongdoing will do¹⁹.

3.2. Legal Framework of Defilement

Defilement is a challenge to Rwanda, that is why it has been for great importance to start by legal framework and prevalence of gender based violence in Rwanda especially defilement. In addition to the Rwandan constitution, the enacted laws and policies on gender based violence available in Rwanda, a number of instruments (conventions and treaties) enabling the prevention and fighting against behaviors that threatens the humanity in all senses including gender based violence in general and defilement of minors.

The African charter on the rights and welfare of child article 27 says that, state parties shall undertake to protect the child from all forms of sexual abuse and exploitation shall in particular undertake measures to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity where Rwanda is one of the countries that ratified this convention.

The convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in its article 19, States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child while article 34 confirms that all countries including Rwanda

¹⁹ <https://www.vocabulary.com/dictionary/perpetrator>

shall undertake to protect the child from all forms of sexual exploitation and sexual abuse.

The inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials are all punished and prohibited by the law²⁰. This means that Rwanda is committed in preventing and fighting against defilement.

From the ratified conventions, policies and laws, it is clear that the government of Rwanda has been committed to establish supportive measures to eradicate gender based violence in general and defilement in particular are obvious.

This is concretized by the seriousness in handling the related criminal cases and seriousness in punishment of perpetrators. Article: 191, 192, 193, 194 and 195 of Rwanda Organic Law instituting the penal code N° 01/2012/OL of 02/05/2012 reserve serious sentences for any person who is found guilty of defilement.

Minors are also protected by laws including law n°54/2011 of 14/12/2011 relating to the rights and the protection of the child. The law n° 59/2008 of 10/9/2008 on prevention and punishment of Gender based violence has also been a driving force in preventing the crimes²¹.

²⁰ Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990

²¹ Law No. 59/2008 of 10/9/2008 on prevention and punishment of Gender based violence

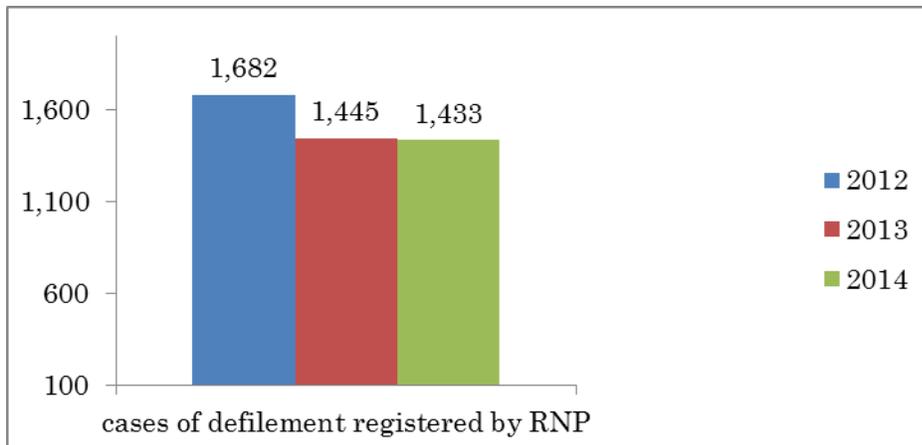
PART IV: FINDINGS

This chapter presents the findings of the study as gathered through desk research and field survey.

4.1. Prevalence of defilement in Rwanda

The latest statistics from Rwanda National Police show that 1682, 1445 and 1433 defilement cases were reported in 2012, 2013 and 2014 respectively.

Figure 1: Defilement registered by RNP 2012-2014

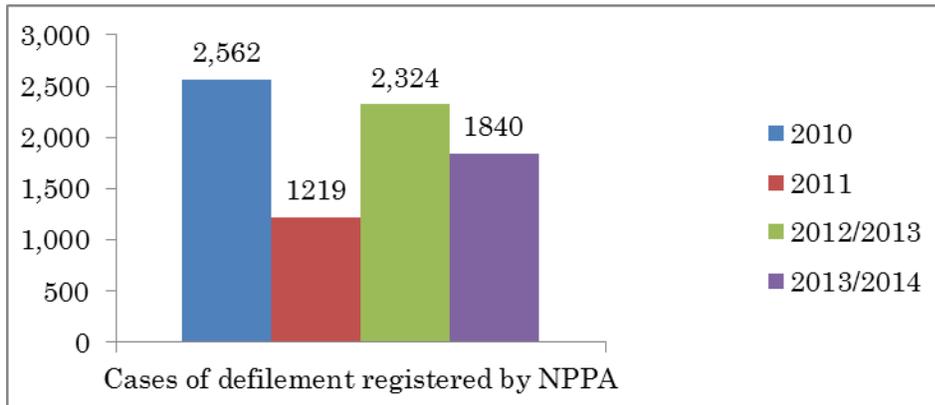


Source: National Police Annual report (2013, 2013 and 2014)

The above statistics from RNP presented on figure1 indicates that defilement has been continuously a severe crime in Rwandan community.

Despite efforts claimed by NPPA in fighting against defilement such as putting in place GBV special units, different trainings in relation to defilement for Investigators and Prosecutors, Radio and TV talk shows all over the country sensitizing on the law relating to gender based violence crimes, a DVD on child rights used in sensitization of secondary and primary schools, etc., however, its Gender-Based violence statistics confirm that the crime is still rampant.

Figure 2: Cases of defilement registered by NPPA 2010-2014

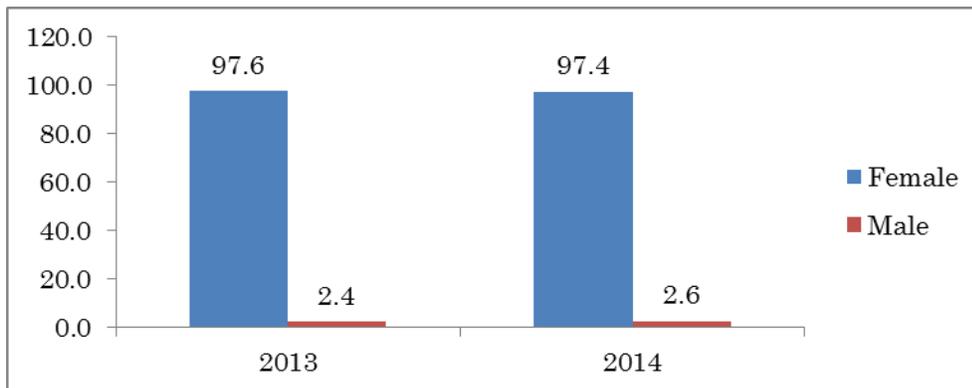


Source:

nppa.gov.rw/fileadmin/templates/images/For_news/GMO_PRESENTATION.pdf

Statistics registered by NPPA as presented in the figure 2 shows that defilement has remained rampant in Rwanda.

Figure 2: Percentages of defilement victims by sex



Source: Rwanda National Police annual reports (2013 and 2014)

Female minors were found more victims of defilement than male. Statistics from Rwanda National Police, department of gender based violence Isange one stop center and police stations show that in 2013 and 2014, female cases were registered at lion's share with 1,410 and 1,396 compared to 35 and 37 male respectively.

4.2. Sex of respondents

Table 2: Sex of the respondents

Sex	Number	Percentage
Male	115	57.5%
Female	85	42.5%
Total	200	100%

Source: Primary data (2015)

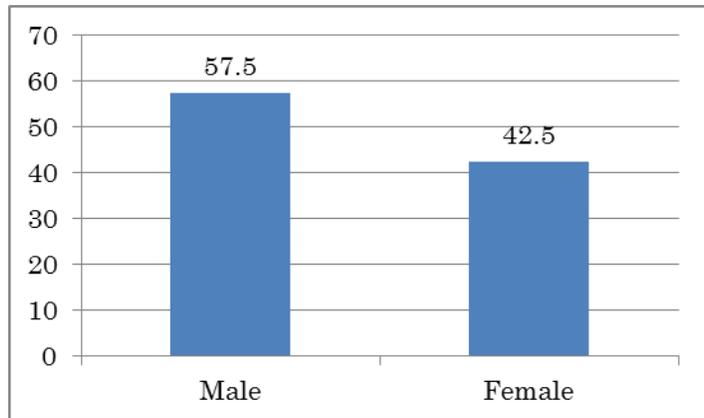


Figure 3: Percentage of respondent by sex

Source: Primary data (2015)

Considering the nature of the work that collects information on gender issues, equal considerations were given to both women and men. During questionnaire administration, gender aspect was considered with target of reaching around same percentage of both sexes. The table and chart above show that 42.5% of respondents are females and 57.5% are men.

4.3. Background characteristics of victims and Perpetrators

4.3.1. Sex of victim

Considering that this survey is in the field of human rights on basis of gender issues especially defilement, sex of the victims has been of great importance.

Table 3: Sex of victims

Sex	Number	Percentage
Male	5	2.5%
Female	195	97.5%
Total	200	100%

Source: Primary data (2015)

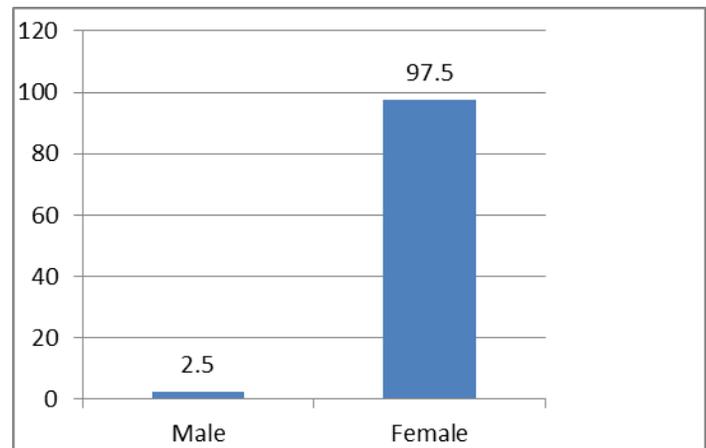


Figure 4: Percentage of victims by sex

Source: Primary data (2015)

The above table shows that both male and female are victims of the defilement but female being more attacked (97.5%) compared to male, 2.5%. The high percentage of female victims of defilement is an alarming situation that girls need special protection in particular.

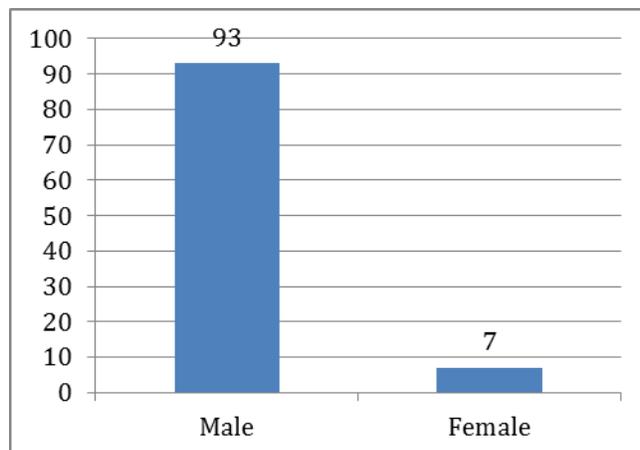
4.3.2. Sex of perpetrators

Table 4: Sex of perpetrators

Sex of perpetrators	Frequency	Percent
Male	187	93%
Female	13	7%
Total	200	100%

Source: Primary data (2015)

Figure 5: Percentage of Perpetrators by sex



Source: Primary data (2015)

The survey shows that the majority of perpetrators are predominantly men. Based on the data from the field, it is clearly shown that the perpetrators are male at a very high rate; 93% of the perpetrators are male, only 7% female perpetrators were identified.

This means that men need special sensitization on child protection and the badness of defilement in particular.

4.3.3. Age of victims

This survey segmented minors into age groups to analyze how they experience defilement by age.

Table 5: Sex of victims

Age of the victim	Frequency	Percentage
Below 5 years	10	5%
6-10 years	31	15.5%
11-14 years	70	35%
15-18 years	89	44.5%
Total	200	100%

Source: Primary data (2015)

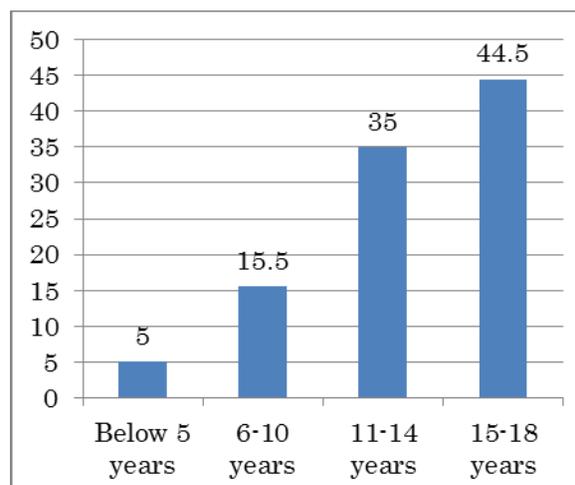


Figure 6: Percentage of victims by age

Source: Primary data (2015)

The findings demonstrated that perpetrators of defilement are not exonerating any age group of minors, 5% of defilement victims are below 5 years, 15.5% of the victims have 6-10 years, and 35% belong in the category of 11-14 years while 44.5% are in the category 15-18 years.

This is supported by many studies including the Country Assessment on Violence against Women conducted by UN and MIGEPROF in Rwanda that demonstrated that defilement is the most critical form of sexual violence visible, with the female children under 5 years and female adolescents being the majority of the victims²².

4.3.4. Age of the perpetrator

The crime of defilement may depend on the age of perpetrators that is why it was important to know the age group of perpetrators in this study.

²² MIGEPROF (2008), Country Assessment on Violence against Women, Kigali

Table 6: Age of the perpetrator

Age	Frequency	Percentage
18-30 years old	132	77.3%
31-40 years old	48	22.7%
41 and above	0	0%
Total	180	100%

Source: Primary data (2015)

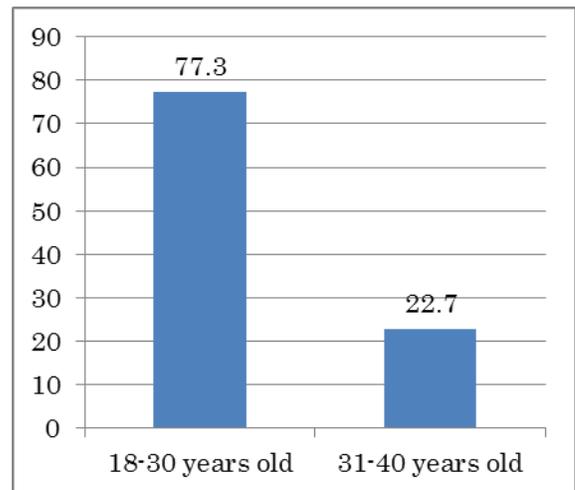


Figure 7: Age groups of perpetrators

Source: Primary data (2015)

As presented in the above table and figure, defilement is generally committed by age group of perpetrators ranging from 18 to 30 years at 77.3 % of the total perpetrators. The category of 31-and above years comes second with 22.7%, though investigations need to be conducted to find out whether the youth age group outlays the other groups of perpetrators.

4.4. Defilement incidences: Place of occurrences, causes and consequences

4.4.1. Place where defilement occurs

A place can influence defilement; that is why it has been for a great interest to know the location/place where the defilement occurred.

Table 7: Place where defilement occurs

Place where defilement occurs	Frequency	Percentage
At home	118	59%
At school	40	20%
On the way	29	14.5%
Others	13	6.5%
Total	200	100%

Source: Primary data (2015)

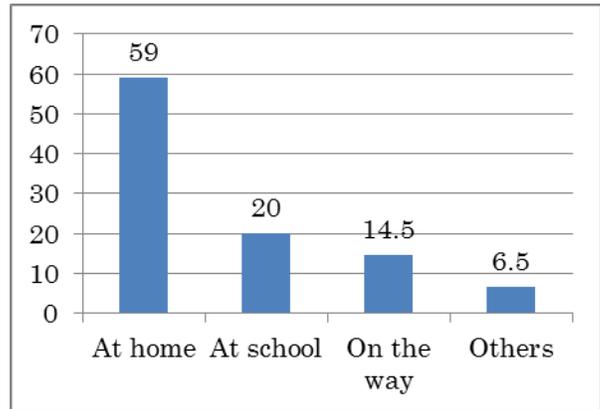


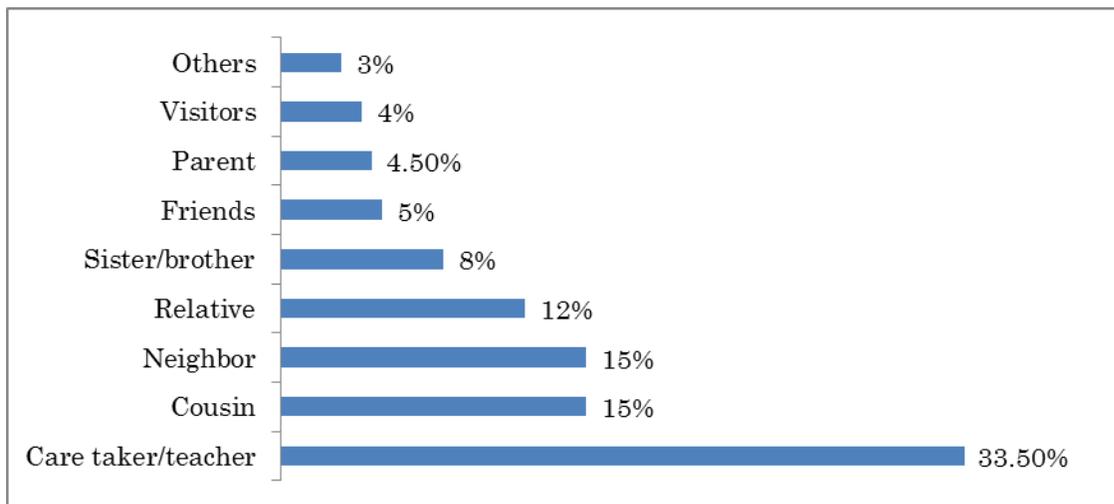
Figure 8: Place where defilement occurs

Source: Primary data (2015)

The results from the survey indicate that defilement incidences occur in many places where 59% occur at home, 20% are committed at school and that 14.5% of defilement incidences are committed on the way. Other identified places are at hotels, in the cars especially for lift, in bars, in the praying places and other unknown places.

4.4.2. Victim’s relationship with perpetrators

Figure 9: Victims' relationship with perpetrators



Source: Primary data (2015)

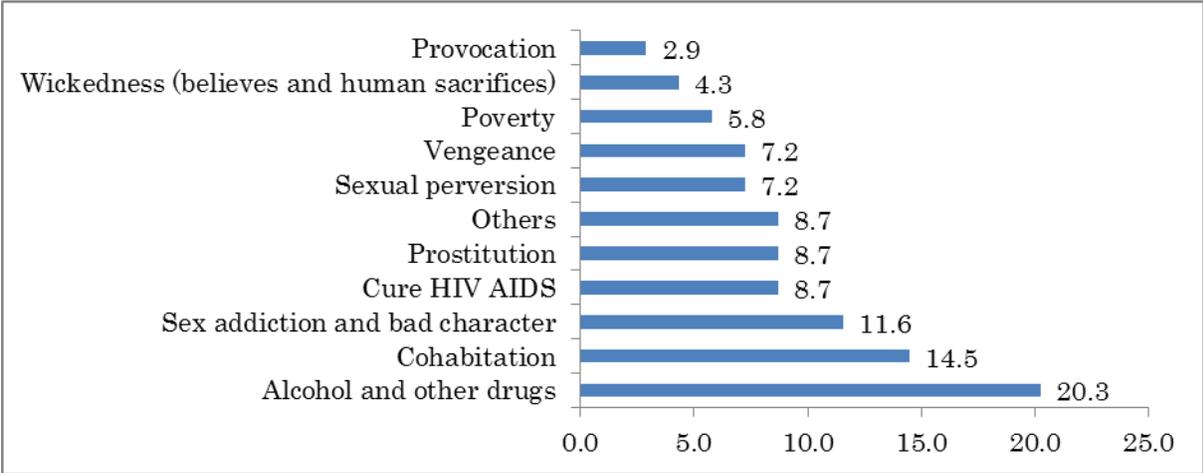
It is surprising to notice that perpetrators of defilement are persons who have close relationship to the child and even their parents are included among perpetrators. As realized, 4.5% of perpetrators are parents; 8% of them are sisters and brothers; 15% is for cousins; 12% of the perpetrators are neighbors; relatives are represented by 12% and friends share 4.5% while visitors are rated to 4%. Home caretakers and teachers are principally the key categories take a lead in defiling minors as confirmed by field findings they share 33.5% of total perpetrators. Neighbors and cousins come second and third in defiling the innocent juvenile with 15% and 12% respectively.

As witnessed these cases defilement committed by relatives are not reported especially when the victim is pregnant instead they are handled secretly by the family members to keep peace and harmony among the family members. This raises a need for urgent civic and parental education against the move of defiling their minor offspring.

4.4.3. Causes of defilement

During this assessment, the identified causes of defilement are indicated in the figure below.

Figure 10: Causes of defilement



Source: Primary data (2015)

Major causes of defilement were identified as alcoholism (20%), prostitution and cohabitation equivalent to 14.2% and 11.4% respectively while 8.5% engage in such acts with a presumption of getting cured from HIV AIDS and the same number practice such illegal act because they are addicted. Prostitution due defilement occurs at 11.4%, provocation, sexual perversion are rated to 2.8%, poverty has 5.7%, vengeance is rated to 7.1%, wickedness (believes and human sacrifices) have 4.2% while other factors count 8.5%.

4.4.4. Victim's relationship with perpetrators and causes of defilement

In a bid to know the associated causes of defilement among perpetrators by relationship to victims, a cross tabulation of Perpetrator's relationship to victims and causes of defilement was produced.

Table 8: Perpetrators 'relationship to victims and causes of defilement

	Parent	Sister/brother	Cousin	Care taker/teacher
Alcohol and other drugs	9 (100.0%)	5 (31.3%)	0 (0.0%)	0 (0.0%)
Cure HIV AIDS	0 (0.0%)	6 (37.5%)	0 (0.0%)	0 (0.0%)
Sex addiction and bad character	0 (0.0%)	5 (31.3%)	3 (10.0%)	0 (0.0%)
Cohabitation	0 (0.0%)	0 (0.0%)	10 (33.3%)	0 (0.0%)
Prostitution	0 (0.0%)	0 (0.0%)	6 (20.0%)	0 (0.0%)
Provocation	0 (0.0%)	0 (0.0%)	2 (6.7%)	0 (0.0%)
Sexual perversion	0 (0.0%)	0 (0.0%)	5 (16.7%)	0 (0.0%)
Poverty	0 (0.0%)	0 (0.0%)	4 (13.3%)	0 (0.0%)
Vengeance	0 (0.0%)	0 (0.0%)	0 (0.0%)	5 (35.7%)
Wickedness (believes and human sacrifices)	0 (0.0%)	0 (0.0%)	0 (0.0%)	3 (21.4%)
Others	0 (0.0%)	0 (0.0%)	0 (0.0%)	6 (42.9%)
Total	9 (100.0%)	16 (100.0%)	30 (100.0%)	14 (100.0%)

Source: Primary data (2015)

From the above table 8, the findings show that parents defile their children due to alcohol and other drugs. Care takers and teacher commit this crime as reason of vengeance and wickedness. It is not good to let children bed with their cousins because 33% of defilement crimes committed by cousins funded to cohabitation.

4.4.5. Effects of defilement

Table 9: Effects of defilement

Response	Frequency	Percentage
Emotional	68	38.8%
Integration in the society	40	22.8%
Health	20	11.4%
Others	17	9.7%
Physical	14	8%
Education	9	5.3%
Sexual wellbeing	7	4%
Total	175	100%

Source: Primary data (2015)

The effects of defilement are many; people are mainly suffered by emotional effects at 38.8%. Emotional effects that include psychological trauma terror, loss of self-esteem, guilt, depression, shame and lose of consideration in the community and it is a mental distress suffered by victims of defilement are experienced at 22.8%. Victims also present higher levels of anxiety, depression and psychosomatic complaints.

The health effects are represented by 11.4% where victims of defilement may often suffer from unwanted pregnancy; unsafe abortion; infection with sexually transmitted diseases including HIV/AIDS, sexual dysfunction,

Victims also suffer physical effects at 8%; they are affected in their studies at 5.3%; integration in the society is affected by 22.8% and effects on sexual wellbeing are affected at 4%. Other negative effects of defilement include pregnancies at early age with its consequences (complicated delivery, fostering for kids, fistula, etc.), early marriage, loose of virginity which can affect competitiveness at marriage.

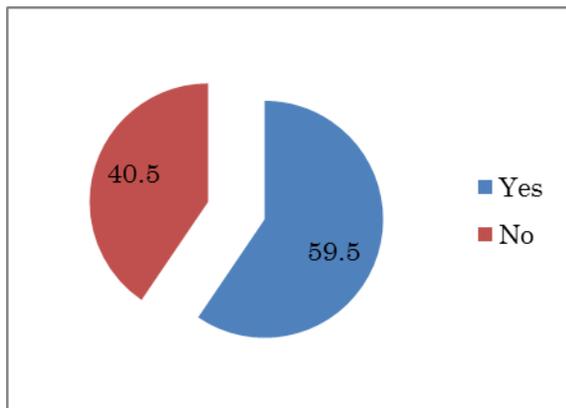
4.5. Awareness of people on defilement

The Government of Rwanda has increased efforts in creating awareness on issues related to GBV and particularly defilement GBV. These efforts are mirrored in the enacted GBV laws and policies are planned in the development programmes like EDPRS I and II. The existence of gender and family promotion policy, establishment of NCC, establishment of anti-GBV and child protection committees from grassroots level to National level and free protection services of victims were all enabled to ensure a drastic reduction of GBV ,

In this regard, different public, private and civil society institutions including the RNP, MIGEPROF, GMO, MINALOC, NWC, NCC and Pro-femme Twese Hamwe, Women for women, RWAMREC and Rwanda Civil society platform have raised the awareness.

During this survey, the level of people's awareness on defilement was investigated through indicators: Knowledge of assistant in case of defilement and knowledge of laws that address defilement.

Figure 11: Do you know specific services available for victims of GBV specifically defilement?



Source: Primary data (2015)

Results show, it is not much of the majority of Rwandans that is aware of defilement and know where to address their issues related to gender based violence in general, only 59.5% of respondents know the available services for a defiled person.

Table 10: Do you know any laws that address defilement?

Response	Frequency	Percentage
Yes	75	50%
No	75	50%
Total	150	100%

Source: Primary data (2015)

Based on results displayed in table 10, it is shown that only the half of respondents agreed that they know the laws that address defilement. This Poor awareness on defilement and less knowledge of laws that address defilement suggest the need for reinforcement of sensitization practices

Gender and family promotion policy strategized for reaching GBV prevention and response, raise awareness of the GBV law and other relevant policies as well as the legal process, mobilize government institutions, CSOs and the Private Sector to support dissemination of the GBV policies and other laws that promote gender equality and preventing any category of violence should be Government priority and ensure a nationwide coverage.

4.6. Protection of defilement victims

4.6.1. Defilement reporting

The protection of defilement victims and the fight against defilement include right to justice to ensure that perpetrators are punished and victims are repaired. Therefore, people should provide their contribution particularly reporting defilement incidences.

In this regard, the level of reporting defilement was assessed by this survey to judge the right to justice with regard to defilement.

Table 11: Defilement cases reporting

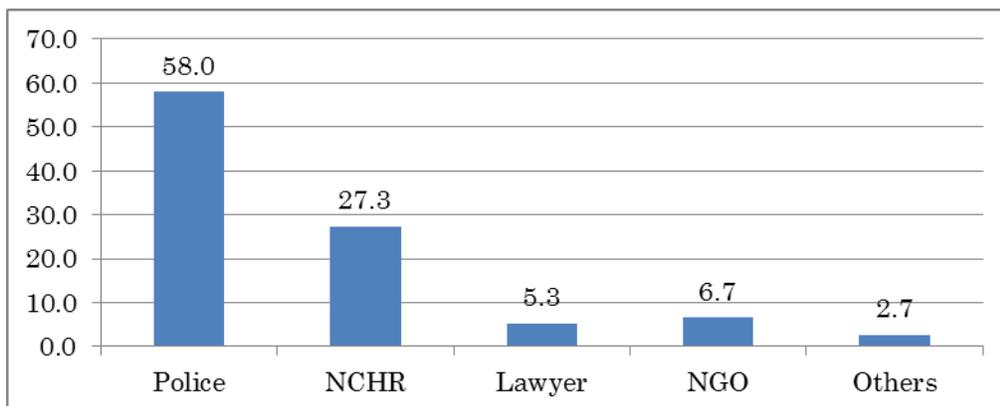
Have you reported the defilement case	Frequency	Percentage
Yes	100	76.9%
No	30	23.1%
Total	130	100%

Source: Primary data (2015)

The rate of reporting defilement cases is 76.9% of defilement cases are reported and 23.1% of the cases are not reported.

The investigated reasons of not reporting defilement cases are fear of stigmatization, relationship with perpetrators, lack of financial facilities to make a follow up, legal procedure and required evidences, amicable settlement, etc.

Figure 12: Places where defilement cases are reported



Source: Primary data (2015)

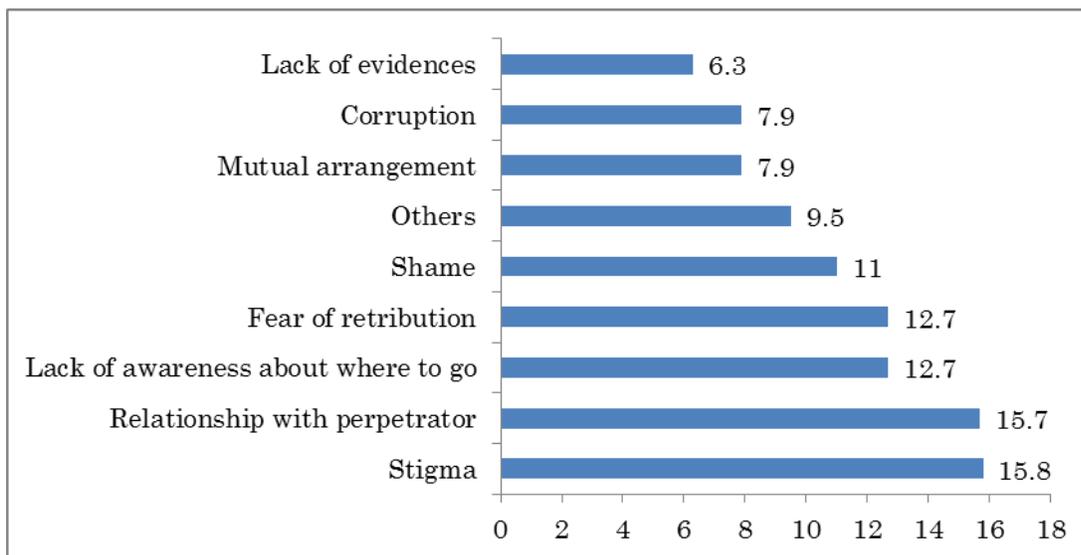
The survey found that most of defilement cases were usually reported and received by Police, NCHR, Lawyer and NGO. Other places include prosecution and local authorities. This evidence that those who report know the competent institutions to follow up defilement cases however the sensitization of the public to report to the right authorities to avoid delays that may culminate the disappearance of evidences needs to be reinforced. Community needs also to be trained in how to keep evidences for defiled person,

4.6.2. Barriers in reporting defilement cases

Reporting defilement's cases is the best way to facilitate combating that crime, it is against that background that it was for the great importance to know the reason of unreported crimes.

As found in the previous findings, the rate of unreported defilement cases is significant, 23.1%. Later, the survey highlighted the due barriers in the table below

Figure 13: Barriers in reporting defilement cases



Source: Primary data (2015)

The figure 14 above shows that lack of awareness on where to take the cases is represented by 12.7%, fear of retribution is represented by 12.7%, stigma by 15.8%, mutual arrangement is represented by 7.9%, shame to express what happened represents 11%, relationship of victim with perpetrator has 15.7% of the respondents, the cases of corruption have 7.9% while lack of evidence is represented by 6.3% of the respondents.

Based on views from the victims and their relatives, the issues affecting reporting and justice of defilement cases are many and need to be addressed by the Government of Rwanda. Denunciation of this crime has negative impact for the victim as they confirm that they fear stigma, traumatization, shame, depression, etc.

Some victims or their families said that they were not free to report due the shame and fear of being rejected by their respective community. The needed evidences are also difficult to found by a victim of defilement as in most cases, it is not easy to get eyewitness testimonies or physical proofs.

Aside of that, in some families, defilement is discussed and arranged within families of perpetrator and victim. This is a very big challenge eradicating defilement in Rwanda. Investigations noticed that among the negotiated decisions are to marry off the girl victim to the perpetrator or material compensation to the family of the victim.

Table 12: Whether the victims were assisted

Have you been assisted?	Frequency	Percentage
Yes	99	70.7%
No	41	29.3%
Total	140	100%

Source: Primary data (2015)

It is has been found that defilement victims were offered assistance from different authorities at 70.7% of the contacted respondents while 29.3% did not get any assistance.

From Researcher’s discussions held with respondents, victims benefited from some health care services, legal aid and counseling services and it has been noted that there are gaps in providing assistance to the victims of defilement in terms of legal assistance, security, medical care, counseling and other facilities.

4.6.3. The victims’ satisfactory level of services /assistance offered

Defilement victims need full assistance from the incidence of defilement up to the reparation and the objective of the complainant shall be to get adequate, equal and neutral complaint handling with objectivity and within a reasonable timeframe.

During this survey, parents and victims were asked their perception on the services rendered by different stakeholders to assist them after defilement whether on sentencing perpetrators or reparation.

Table 13: Satisfaction of the victims for services offered to them

Do you think that the assistance was enough?	Frequency	Percentage
Yes	75	53.5%
No	65	46.5%
Total	140	100%

Source: Primary data (2015)

The findings showed that 53.5% of persons who reported their cases to the competent authorities, declared that perpetrators were punished and that the assistance was enough. However, the provided assistances are only legal assistance and medical services but there has no counseling and rehabilitation services.

Table 14: Information of the case processes from the investigation to the judgment

As the case is mostly followed by judiciary services, do you access the information of your case?	Frequency	Percentage
Yes	62	51.6%
No	58	48.4%
Total	120	100%

Source: Primary data (2015)

It is indicated in the above table that 51.6% have access to the information on what is happening to their cases while 48.4% of the victims from defilement are not informed. The poor access to information by the victims can be judged based on these findings. This leads to recommend the court to enable the mechanism of sharing the information to of every process of the case to the defiled person or his/her from the investigation up to the judgment.

The article 191 of the penal code of Rwanda stipulates any person who commits child defilement, shall be liable to life imprisonment with special provisions, it is clear that the penal code on defilement is strict in Rwanda. The law indicates that if

child defilement is committed by his/her parent or guardian, a representative of the administrative authority, a representative of the religious authority, a security officer, a medical professional, a teacher, a trainee or any person who have abused his/her position or authority over a child, the offender shall be liable to life imprisonment with special provisions and a fine of one hundred thousand (100,000) to five hundred thousand (500,000) Rwandan francs²³.

Given the law against defilement, the survey wanted to know people's perception on severity of this law against defilement and the findings are below in table 15.

Table 15: Victims and general public perception on penal code on defilement

Perception penal code on GBV particularly on minors	Frequency	Percentage
Liberal	28	23.3%
Strict	47	39.2%
Right	38	31.7%
I do not know	7	5.8%
Total	120	100%

Source: Primary data (2015)

4.6.4. Defilement handling by Prosecution and Courts

The target of Rwanda is to ensure that all citizens enjoy their rights in all aspects of the life. That is why National Commission for Human Rights, the appointed government institution to promote and protect human rights, is striving to make sure that all children are free from defilement considering the high prevalence in this regard. This can be reached through protection of right to justice for defilement victims. It is against this background that it has been for great importance to know how the cases are handled in the courts.

²³ Organic law n° 01/2012/ol of 02/05/2012 instituting the penal code

Table 16: Prosecution of defilement cases in July to December 2014

Cases	Number	Percentage
Received cases	1,013	100%
Transmitted cases to courts	599	59.1%
Closed cases	368	36.3%
Total cases handled	967	95.45%
Pending cases	46	5.45%

Source: Rwanda Public Prosecution Authority (2015), Semester report (July to December 2014)

Pursuant to the results from the above table 16, prosecution and courts are doing well in terms of handling defilement related cases; 95.45% of all received cases are handled.

4.6.5. Timeframe for handling defilement cases

William Gladstone said a “justice delayed is a justice denied”²⁴. Defilement cases need the quick response and the delay may negatively affect the victims and can negatively impact on the evidences.

This means that defilement cases need urgent actions from Prosecution and Courts and that is why it has been for great importance to know how much time it take courts to handle defilement cases.

It takes up to five days the RNP to investigate defilement cases. A case file is made and handed over to prosecution within those five days, but this does not mean that investigations are complete. Whenever there is new information on a case, they endeavor to include it until a criminal case is fully exhausted²⁵.

²⁴ [Www.quotationspage.com/quotes/William_Gladstone](http://www.quotationspage.com/quotes/William_Gladstone) July 2014, [William Gladstone](#), American Politicians ‘statement (1809-1898)

²⁵[http://www.police.gov.rw/news-detail/?tx_ttnews\[tt_news\]=4179&cHash=a873515f78a2282ed5d8b1bb1d74476d](http://www.police.gov.rw/news-detail/?tx_ttnews[tt_news]=4179&cHash=a873515f78a2282ed5d8b1bb1d74476d)

Considering the timeframe of the courts in handling these cases, the judgment is supposed to be done in 15 days when the perpetrator confess to have committed the crime while when this requires investigation and other evidences, the judgment cannot exceed two months. Based on the information collected from the courts, the delays are not observed in the courts for the cases of defilement nature. This leads to confirm that courts are doing well in speeding up defilement related judgments.

4.6.6. Challenges of defilement handling in courts

In all courts, evidences are very crucial as available body of facts confirming the validity of accusations to the alleged perpetrator. To judge a perpetrator of defilement, many evidences including confessing that crime, eyewitnesses, medical report and other available evidences are needed.

However, the prosecution does not easily find evidences. This is confirmed by the situation where some of cases are closed due to lack of facts. Considering the information from the courts and prosecution, some defilement facts are not tangible evidences to facilitate the judgment.

Challenges include Medical Report (expertise medical) where there is insufficient number of Doctors specialized in the field, witness who in most cases are not free to witness what they have seen, mutual arrangement and ignorance of witness. Based on the views of Doctors, the victims are not aware of keeping evidences because the majority of them have to wash before coming to undergo medical examination. This reduces the likelihood of finding the confirmatory evidences. Above all, Doctors are not protected as other witnesses in courts.

Pursuant to the information from different stakeholders (Courts, RPPA, police, victims and others), many cases are not reported and those which are reported have not enough evidences. This constitutes a challenge to the prosecution of defilement cases and victims continue their vulnerability to further aggression as the perpetrators remain free.

In addition, when the defilement cases are brought to trial, other challenges (difficulties) related to procedural hurdles to surmount in providing concrete facts and evidence related to defilement are observed including challenges related to oral evidence provided by a minor. The study investigated and confirmed that prosecutors are not well trained to conduct such investigation.

4.6.7. Reparation of defilement victims

The term 'reparation' encompasses three different concepts: restitution, compensation and rehabilitation²⁶. The standardization of these terms relies on the definition initially provided by the Van Boven/ Bassiouni Principles, on which the reparation systems of the ICC, and that of both the ICTY and ICTR are based.

Along with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), the Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Violation of International Human Rights and Humanitarian Law (2000), the Van Boven/Bassiouni Principles are the underlying legislative rulings upon which international reparation laws rest.

The United Nations basic principles and guidelines on the right to remedy and reparation for victims of gross violations of Human Rights law and serious violations of humanitarian law set forth the obligations of states to provide an effective remedy, including reparations to victims, which may include: equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and, access to relevant information concerning violations and reparation mechanisms.²⁷

²⁶ Article 75(1) of the ICC Statute.

²⁷ UN Basic Principles and Guidelines (n 5 above).

Forms of reparations may include: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, or any combination of the four.²⁸ In the event that the liable parties are unwilling or unable to meet their obligations, the state should establish national reparation programs and other forms of assistance for victims.²⁹

It is a general principle of public international law that any wrongful act i.e. any violation of an obligation under international law gives rise to an obligation to make reparation³⁰. The aim of reparation is to eliminate, as far as possible, the consequences of the illegal act and to restore the situation that would have existed if the act had not been committed.

Reparation can take various forms, including restitution, compensation or satisfaction. These remedies can be applied either singly or in combination in response to a particular violation³¹. Rwandan law recommends reparation for defilement including sentence and civil reparation (material). The survey tested the defilement victims' level of satisfaction by courts decisions on their cases.

²⁸ *Idem*

²⁹ See sec IX (16) OF THEICTR Statute (n 28 above).

³⁰ Permanent Court of International Justice (1928), *Factory at Chorzow (Claim for Indemnity) case, (Germany v.Poland), (Merits), PCIJ (ser. A)*

³¹ See Articles 31 to 34 ILC Articles on State Responsibility, *op. cit.* (note 1). See also the 2000 draft of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law, UN Doc.

Table 17: Whether perpetrator has been judged and victim was satisfied

Views	Frequency	Percentage
Yes	132	94%
No	18	6%
Total	150	100

Source: Primary data (2015)

From the above table 17, the level of reparation is high in terms of judging perpetrators as confirmed by 94% of respondents while only 6% were not satisfied by courts decisions. This means that the courts of Rwanda are very effective in punishing defilement perpetrators.

A part from sentencing perpetrators, the court is supposed to consider making a compensation order for the cases which affected victims in different aspects of the life including injury and others. That is why during this survey it has very important to know if victims have benefited from material compensation.

Table 18: Whether victim has received civil reparation

Responses	Frequency	Percentage
Yes	8	4%
No	192	96%
Total	200	100

Source: Primary data (2015)

From the above table18, the level of reparation (material compensation) is very low as confirmed by 96% of respondents, only 4% have received reparation. However, the victims need to be compensated materially and benefit from rehabilitation services. It has been revealed that people are not aware of reparation rights and the kinds of reparation that is why sensitization and awareness creation are so much needed.

Table 19: Percentage of civil cases (reparation) from defilement

Year	Sample of defilement cases	Proceeding for reparation (Civil cases)
2014	50	3 (6%)
2013	50	2 (4%)
2012	50	2 (4%)
Total	150	7 (4.66%)

Source: Court reports (2012-2014)

Considering the information from the courts, proceeding for reparation is critically low. This is confirmed by the situation whereby in sample of 150 cases drawn randomly in the defilement cases database of the court of Rwanda, only 7 (4.66%) of victims have introduced civil cases for compensation.

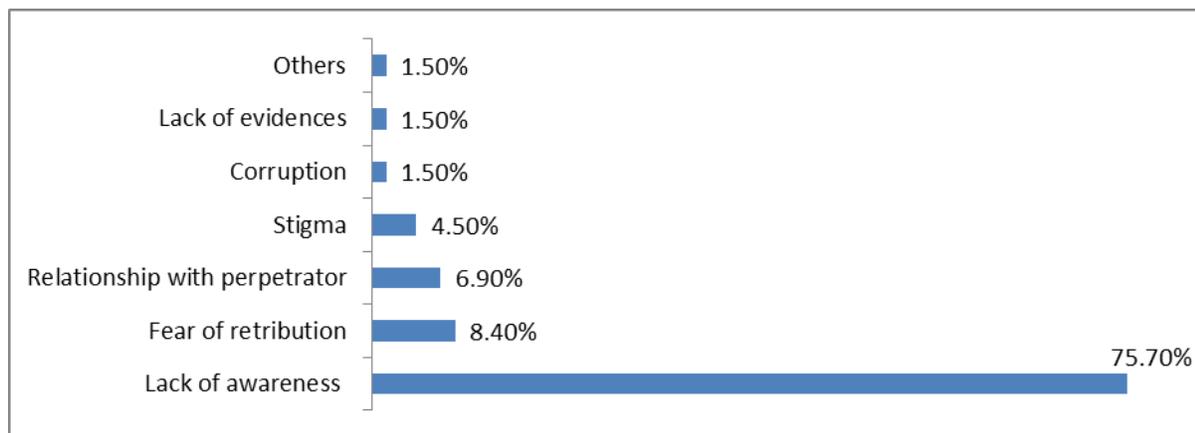
It is the responsibility of the courts to inform victims on the civil reparation after the closure criminal cases because it has been seen that victims are not aware on their rights to reparation. In a bid to search for causes underpinning the noticed poor reparation for defilement cases, the survey asked respondents their reasons of not asking for reparation.

Table 20: Why have you not been repaired (why no reparation)

Why no reparation	Frequency	Percentage
Lack of awareness	100	75.7%
Fear of retribution	11	8.4%
Relationship with perpetrator	9	6.9%
Stigma	6	4.5%
Corruption	2	1.5%
Lack of evidences	2	1.5%
Others	2	1.5%
Total	132	100%

Source: Primary data (2015)

Figure 14: Why no reparation



Source: Primary data (2015)

Being not aware of GBV laws is directly related to not benefiting from reparation presents 75.7% of all causes underpinning the poor reparation of defilement cases. This implies that the high level of sensitization related to the victim's rights to reparation is needed.

Fear of retribution/revenge which stands at 8.4% scares to request for reparation while other reasons are stigma, having a relationship with perpetrator, etc as mentioned in table 20.

4.6.8. Gaps in reparation

The human rights based approach is on empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions responsible for respecting, protecting and fulfilling rights³².

Minor victims of defilement need special reparation based on the effects of that crime committed against them. Material or/and monetary compensations are also needed for reparation even though it is not possible to palliate the pain suffered and the dignity lost during defilement. It is the rehabilitation that serves as an act of restoring someone to his/her original state. In this regard, rehabilitation of the dignity and life is very important to a defiled person.

The noun rehabilitation comes from the Latin prefix re-meaning “again” and habitare, meaning “make fit.” When something falls in to disrepair and needs to be restored to a better condition, it needs rehabilitation. This means that a victim from defilement needs a special rehabilitation to recover normal life. As reparation means compensation, restitution and rehabilitation, reparation needs to be done by different people including perpetrators for the case of compensation and the Government through counseling, integration and material compensation in case the perpetrator is insolvent.

Defilement victims need also psychological reparation which is rehabilitation that can be provided by perpetrators, instead the Government must play a key role in the reparation in forms of rehabilitation.

Among other causes of poor reparation includes victim’s non-participation in the whole process of the court because it happens that perpetrators released and the victim is not informed, or he/she needs to be up dated from the first up to the last step. This is not a full and proper justice; the victim has the rights to participate in

³² Scottish Human Rights Commission (SHRC):
<http://www.scottishhumanrights.com/eqhria/eqhriaaddvalpolicy>

whole process of the court and to provide additional information if necessary; he has also the rights to information including the decision of the court.

It has been revealed that fewer cases are filed with no further action without communicating the reason to the victim while the victim is in the better position to provide other evidences to allow the court to sentence perpetrator. Other weakness of the court is to not separate defilement with other crimes while this needs special attention during investigation and judgment.

A part from that, the other identified issues affecting the fighting against defilement are many including low level of reporting, lack of some evidences in the courts, big number cases in the courts, fear of some doctors in producing Medical Report (expertise medical), lack of necessary skills in conducting medical expertise to the victim, lack of experts in counseling, prosecutors, in charge of gender based violence cases are very busy with many cases, etc. This means that several identified gaps in reparation need to be addressed in order to reach full reparation.

4.7. Policy on defilement and rape

A policy is the base for effective accountability of human rights standards as well as effective remedies for human rights breaches. To be successful, appropriate policies, procedures and mechanisms need to be in place.

Rwanda has ratified intentional protocols and enacted laws on gender based violence including defilement and in Rwanda, sexual abuse against children is intolerable.

According to Rwanda National Integrated Child Rights Policy, all forms of sexual abuse of children, including pornography and prostitution are prohibited and penalized by law. Any sexual offense against a child will be treated in accordance

with laws related to rape of children and will be severely punished³³. Considering the organic law n° 01/2012/ol of 02/05/2012 instituting the penal code, the Government of Rwanda put in place serious measures to punish defilement perpetrators. By this penal code, any person who commits child defilement is liable to life imprisonment.

The government has taken measures for prevention of sexual abuse through community based support mechanisms. Parents, guardians and caregivers have the obligation of protecting their children against all forms of abuse³⁴ . However, the survey found that most of perpetrators are persons who have close relationship to them and include parents, guardians, and caretakers.

The Law n°59/2008 of 10/09/2008 on prevention and punishment of gender-based violence in its article 13 stipulates that production of evidences and testimonies notwithstanding other legal provisions, evidences or testimonies related to gender based violence shall be produced in the courts by any person holding them; Testimonies given by children and other people living in the household as well as those produced by neighbors shall be taken into account³⁵.

Article 16 of the same law confirms that any person who is guilty with rape shall be liable to imprisonment of ten (10) years to fifteen (15) years. Where rape has resulted in a bodily or a mental illness, the person guilty with rape shall be liable to imprisonment of fifteen (15) years to twenty (20) years and medical care fees for the person raped shall be borne by him/her. Where rape has resulted in a terminal illness or death, the guilty person shall be liable to life imprisonment. According to article 38 of the law n°59/2008 of 10/09/2008 on prevention and punishment of

³³ MIGEPROF (2011), Rwanda National Integrated Child Rights Policy

³⁴ Idem

³⁵ Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence

gender- based violence, any victim of gender based violence or any other person affected by such violence shall have the right to claim for damages³⁶.

The law indicates that if child defilement is committed by his/her parent or guardian, a representative of the administrative authority, a representative of the religious authority, a security officer, a medical professional, a teacher, a trainee or any person who have abused his/her position or authority over a child, the offender shall be liable to life imprisonment with special provisions and a fine of one hundred thousand (100,000) to five hundred thousand (500,000) Rwandan francs³⁷.

The laws on defilement are clear, but the issue is on awareness whereby people need to be informed on the existing policies including reparation process in Rwanda. The survey findings showed that many defilement cases are not reported but instead they are settled in mutual agreements between families (perpetrators' family and victims' family).

4.8. SWOT Analysis for defilement in Rwanda

This survey noticed that Rwanda's society is experiencing defilement at high prevalence with many barriers in reporting, prosecution, in courts and reparation. Defilement cases are not reported to the concerned authorities; and girls are more exposed due to cultural, social and economic constraints than boys. Cultural norms against reporting defilement abuses make it even more difficult to assess accurately these abuses³⁸. The SWOT analysis was then conducted to evaluate the strengths, weaknesses, opportunities and threats of the Commission in relation to the defilement. The internal strengths and weaknesses were analyzed while the

³⁶Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence

³⁷ Organic law n° 01/2012/01 of 02/05/2012 instituting the penal code

³⁸ MIGEPROF (2008), Country Assessment on Violence against Women, Kigali

opportunities and the threats were identified at the end, the recommendations were formulated.

Table 21: SWOT Analysis

<p>STRENGTHS</p> <ul style="list-style-type: none"> • The government willingness to eradicate defilement; • Legal framework in place; • Institutional framework and participation of many institutions in the field of child protection (MIGEPROF, MINIJUST, NCHR, RNP, GMO, NCC, NWC, etc); • One Stop Centers; • Structure in place (NWC which reaches grassroots level) and anti-GBV Clubs. 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> • Poor coordination of the organs and institutions dealing with defilement and child protection; • Insufficient specialized staff (medical and legal) in the field; • Lack of effective communication strategies to increase the level of awareness on reparation; • Insufficiency of rehabilitation centers for victims and perpetrators • Low Level of awareness on defilement.
<p>OPPORTUNITY</p> <ul style="list-style-type: none"> • Different CSOs involvement in GBV and child protection; • National and international tendencies in preventing and fighting defilement. 	<p>THREATS</p> <ul style="list-style-type: none"> • Drugs and alcohol consumption in Rwanda; • Culture of silence that favors the underreporting of defilement cases in Rwanda; • Perception and believe of some Rwandans on defilement in sense of Wickedness; • Limited resources in preventing and fighting against defilement; • Challenges in getting evidences.

Source: Primary data (2015)

PART V: GENERAL CONCLUSION

5.1. Conclusion

This survey focused on gender based violence with focus on defilement. The desk review collected high prevalence of defilement cases and were noted among top crimes committed in Rwanda. The findings from the field revealed that the causes of defilement are many despite available measures in preventing and fighting against it.

The identified causes of defilement include alcoholism as confirmed by 20.3% of respondents; cohabitation comes at second position with 14.5% while 11.6% are due to sex addiction and bad character. Other causes are that people engage in such acts with a presumption of getting cured from HIV AIDS at 8.7%, prostitution represents 8.5%, provocation with 2.9%, sexual perversion is rated to 7.2%, victim's poverty due defilement occurs at 5.8%, vengeance related defilement are 7.2%, wickedness (believes and human sacrifices) have 4.3% and other factors count 8.7%.

The survey identified a diverse number of effects that result from defilement: 38.8% of people are affected emotionally, health effects affect 11.4% of victims and victims also experience physical effects at 8%. The results show that 5.3% of victims said defilement affected their studies and 22.8% of defilement victims were complicated by reintegration in the society and 4% of victims also suffered sexual wellbeing effects. This means that defilement is affecting victims in all aspects of the life.

It has found that defilement is predominantly perpetrated against girls than men. The findings showed that 97.5% of defilements were committed against girls. What surprised in this survey was that most of perpetrators were persons who have close familial relationship with victims including at top caretakers or teachers who count 33.5% of all defilement perpetrators, Cousins and neighbors come second both with 15%.

The most surprising of finding is that even parents are not excluded to defile their children; as was surveyed, 4.5% of perpetrators are parents of victims.

Regarding reparation, it has found that reparation is very low. The findings showed that only 4% of defilement victims have received reparation. However, the victims need to be repaired in many angles. The identified cause of poor reparation was that people are not aware of rights to reparation and the forms of reparation to be provided. This suggests sensitization of rights to reparation for defilement victims.

5.2. Recommendations

According to the results from the survey on gender based violence with focus on defilement and after a deep analysis of the context, taking into account the identified challenges in its prevention and protection of victims, the following are the formulated recommendations:

Gap	Recommendation	Implementing institution
Poor reparation of defilement victims	Sensitization of defilement victims on the rights to reparation	NCHR, NCC, COURTS, MIGEPROF, GMO, CSOs,
	Avail legal assistance to defilement victims as they proceed with reparation cases.	MINIJUST
Poor knowledge of legal procedures for defilement cases	Sensitization of laws and legal procedures that are followed in handling defilement cases	NCHR, NCC, COURTS, MIGEPROF, GMO, CSOs, RNP, NPPA
Insufficient number of specialized medical staff in the field of defilement	Increase the number of medical experts in defilement and ensure nationwide coverage	MINISANTE
Insufficient number of specialized prosecutors of defilement cases	Increase the number of specialized prosecutors of defilement and ensure nationwide coverage	NPPA
Loss of confirmatory evidences of defilement	Sensitization of people to keep evidences until the victim meet a doctor and sensitize them to	NCHR, NCC, MIGEPROF, GMO, CSOs, POLICE, MINISANTE, NPPA

	report immediately defilement cases as soon as possible	
Defilement is not an issue discussed at grassroots level	Local leaders need to be involved in preventing and fighting against defilement through different initiatives including Umugoroba w'Ababyeyi, Inshuti z'Umuryango, Umuganda, etc;	MINALOC and MIGEPROF
Many institutions receive complaints of defilement and this may lead to delay and loss of evidences	Sensitization of people that RNP is the immediate competent institution to report to defilement issues	NCHR, GMO, NCC, NWC, RNP and MIGEPROF
Provocation and poverty due defilement	Sensitization of children especially girls not to expose themselves to dangers through positive masculinity and positive parenting	MINEDU, NCC, Parents and Guardians
Underreporting of defilement	Sensitize people the effects associated to silence on defilement	NCHR, NCC,, MIGEPROF, RNP, NWC, GMO, CSOs
Defilement victims poorly access information regarding the process of their cases in courts	Elaboration of communication mechanisms to facilitate information sharing to victims from investigation phase up to judgment level.	NPPA, COURT
Limited forms of reparation only material compensation is considered	Psychological rehabilitation services should be part of reparation to defilement victims	MINIJUST

BIBLIOGRAPHY

1. Article 75(1) of the ICC Statute.
2. Cieply, Michael (2009). "In Polanski Case, '70s Culture Collides With Today", New York Times
3. Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989
4. Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990
5. http://nppa.gov.rw/fileadmin/templates/images/For_news/GMO_PRESENTATION.pdf
6. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0794/Sections/0794.011.html
7. [http://www.police.gov.rw/news-detail/?tx_ttnews\[tt_news\]=4179&cHash=a873515f78a2282ed5d8b1bb1d74476d](http://www.police.gov.rw/news-detail/?tx_ttnews[tt_news]=4179&cHash=a873515f78a2282ed5d8b1bb1d74476d)
8. <https://www.vocabulary.com/dictionary/perpetrator>
9. International Law Commission (2001), Annual Report
10. Law n° 19/2013 of 25/03/2013 determining mission, organization and functioning of the National Commission for Human Rights
11. Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence
12. Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence
13. Law No. 59/2008 of 10/9/2008 on prevention and punishment of Gender based violence
14. MIGEPROF (2008), Country Assessment on Violence against Women, Kigali
15. MIGEPROF (2008), Country Assessment on Violence against Women, Kigali

16. MIGEPROF (2011), Rwanda National Integrated Child Rights Policy
17. Organic law n° 01/2012/ol of 02/05/2012 instituting the penal code
18. Organic law n° 01/2012/ol of 02/05/2012 instituting the penal code
19. Permanent Court of Arbitration, Chorzow Factory Case (Ger. V. Pol.), (1928) & all
20. Permanent Court of International Justice (1928), Factory at Chorzow (Claim for Indemnity) case, (Germany v. Poland), (Merits), PCIJ (ser. A)
21. RNP (2014), Annual report
22. Ruling of the Inter-American Court of Human Rights in the Velásquez Rodríguez Case, Serial C, No 4 (1989), and Papamichalopoulos vs. Greece (Art. 50) E.C.H.R. Serial A, No 330-B (1995)
23. Scottish Human Rights Commission (SHRC):
<http://www.scottishhumanrights.com/eqhria/eqhriaaddvalpolicy>
24. See Articles 31 to 34 ILC Articles on State Responsibility, op. cit. (note 1). See also the 2000 draft of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law, UN Doc.
25. See sec IX (16) OF THE ICTR Statute (n 28 above).
26. Statistics Canada (2010). Survey Methods and Practices
27. U.S Department of Justice - Office for Victims of Crime, "State Legislators' Handbook for Statutory Rape. Issues" (PDF).
<http://ojp.gov/ovc/publications/infores/statutoryrape/handbook/statrape.pdf>
28. U.S. Department of Justice - Office of Juvenile Justice and Delinquency Prevention, "Statutory Rape Known to Law Enforcement"
29. UN Basic Principles and Guidelines (n 5 above).
30. UNHCR (1995), Guidelines on Prevention and Response to Sexual Violence Against Refugees, Geneva
31. UNHCR (1995), Guidelines on Prevention and Response to Sexual Violence Against Refugees, Geneva

32. Universal Declaration of Human Rights (Art. 8) & all
33. www.nppa.gov.rw/fileadmin/templates/images/For_news/GMO_PRESENTATION.pdf
34. [Www.quotationspage.com/quotes/William_Gladstone](http://www.quotationspage.com/quotes/William_Gladstone) July 2014, William Gladstone, American Politicians 'statement (1809-1898)
35. www.unfpa.org/gender-based-violence

ANNEXES

ANNEX I. Questionnaire administrated to Victims

I	Enumerator identification	
a.	Names of Enumerator	
b.	Code	
c.	Date	
d.	Signature	
e.	Starting time	
f.	Ending time	
II	Identification of the respondent and Location of the survey	
1.	Names (Optional)	
2.	E-mail address (Optional)	
3.	Telephone number (Optional)	
4.	Sex	Male or Female
5.	Age of the respondent
6.	Location	Province
a.		District
b.		Sector
c.		Cell
d.		Village
7.	Education background	Bachelors' degree or above
a.		Secondary school
b.		Vocational training
c.		Primary school
d.		No formal school
8.	Relationship with perpetrators	
a.		Parent
b.		Sister/brother
c.		Cousin
d.		Care taker/teacher
e.		Neighbor
f.		Others

III	Questions		
1	Do you know the meaning of Gender Based Violence for minors	Yes	No
2	Do you know specific services available for victims of GBV specifically for minors?	Yes	No
3	What are them:		
4	Have you faced sexual harassment?	Yes	No
7	Sex of perpetrator	Male	Female
8	Age of perpetrator		
9	Have you reported the case?	Yes	No
10	If yes to : <ul style="list-style-type: none"> - Police; - NCHR; - Lawyer - NGOs - Others 		
11	If not why: <ul style="list-style-type: none"> - Lack of awareness on where to take cases - Fear of retribution - Stigma - Mutual arrangement - Shame - Relationship with perpetrator - Corruption - Lack of evidences - Others 		
12	a. What do you think were the causes for defilement: <ul style="list-style-type: none"> - Alcohol and other drugs - Cure HIV AIDS - Sex addiction and bad character - Cohabitation - Prostitution - Provocation - Sexual perversion - Poverty - Vengeance - Wickedness (believes and human sacrifices) - Others 		

	<p>b. Place where defilement occurs</p> <ul style="list-style-type: none"> - At home - At school - On the way - Others 		
13	Have you been assisted	Yes	No
14	If yes which kind of assistance		
15	If yes, by who		
16	Do you think that the assistance was enough	Yes	No
17	As these cases are mostly followed by judiciary services, do you access the information of your case?	Yes	No
18	Have you received any kind of reparation	Yes	No
19	If yes, have you been satisfied by the reparation	Yes	No
20	If yes, which kind of reparation have you received.....		
21	<p>If not, why:</p> <ul style="list-style-type: none"> - Lack of awareness - Fear of retribution - Stigma - Relationship with perpetrator - Corruption - Lack of evidences - Others 		
22	<p>Who was the perpetrator</p> <ul style="list-style-type: none"> - Domestic workers - Parent - Adoptive parent - Neighbor - Educator/teacher - Relative - Friends - Visitors - Others 		
23	<p>In which way have you been affected by defilement?</p> <ul style="list-style-type: none"> - Emotional - Health 		

	<ul style="list-style-type: none"> - Education - Physical - Integration in the society - Sexual wellbeing - Others 		
24	Do you know any laws that address defilement?	Yes	No
25	Perception penal code on GBV particularly defilement: (a), too liberal, (b) strict, (c) right, (d) I do not know		
26	Justify your answer		
27	In terms of reparation, what do you think is the gap at policy level?		
29	In terms of reparation, what do you think is the gap at implementation level?		
30	What do you think are the challenges to handle cases of defilement		
31	What do you think can be done to overcome the issue of defilement?		

ANNEX II. Questionnaire administrated to the victims' representatives

I.	Enumerator identification	
a.	Names of Enumerator	
b.	Code	
c.	Date	
d.	Signature	
e.	Starting time	
f.	Ending time	
II	Identification of the respondent and Location of the survey	
1.	Names (Optional)	
2.	E-mail address (Optional)	
3.	Telephone number (Optional)	
4.	Sex	Male or Female
5.	Age of the respondent
6.	Location	Province
a.		District
b.		Sector
c.		Cell
d.		Village
7.	Education background	Bachelors' degree or above
a.		Secondary school
b.		Vocational training
c.		Primary school
d.		No formal school
8.	Relationship with perpetrators	
a.		Parent
b.		Sister/brother
c.		Cousin
d.		Care taker/teacher
e.		Neighbor
f.		Others

III	Questions		
1	Do you know the meaning of Gender Based Violence for minors	Yes	No
2	Do you know specific services available for victims of GBV specifically for minors?	Yes	No
3	What are them:		
4	Do you have any minor in your family or household who faced sexual harassment?	Yes	No
5	Sex of the victim	Male	Female
6	Age of the victim		
7	Sex of perpetrator	Male	Female
8	Age of perpetrator		
9	Have you reported the case	Yes	No
10	If yes to : <ul style="list-style-type: none"> - Police; - NCHR; - Lawyer - NGOs - Others 		
11	If not why: <ul style="list-style-type: none"> - Lack of awareness on where to take cases - Fear of retribution - Stigma - Mutual arrangement - Shame - Relationship with perpetrator - Corruption - Lack of evidences - Others 		
12	a. What do you think are the causes of defilement: <ul style="list-style-type: none"> - Alcohol and other drugs - Cure HIV AIDS - Sex addiction and bad character - Cohabitation - Prostitution - Sexual perversion - Poverty - Vengeance - Wickedness (believes and human sacrifices) - Others b. Place where defilement occurs <ul style="list-style-type: none"> - At home - At school - On the way Others		

13	Have the victim been assisted	Yes	No
14	If yes which kind of assistance		
15	If yes, by who		
16	As these cases are mostly followed by judiciary services, do you access the information of your case?	Yes	No
17	Has he/she received any kind of reparation	Yes	No
18	If yes, have you been satisfied by the reparation	Yes	No
19	If yes, which kind of reparation has he/she received.....		
20	If not, why: <ul style="list-style-type: none"> - Lack of awareness - Fear of retribution - Stigma - Relationship with perpetrator - Corruption - Lack of evidences - Others 		
21	Who was the perpetrator <ul style="list-style-type: none"> - Domestic workers - Parent - Adoptive parent - Neighbor - Educator/teacher - Relative - Friends - Visitors - Others 		
22	What do you think that defilement has effected to victim? <ul style="list-style-type: none"> - Emotionally - Health - Education - Physically - Integration in the society - Sexual wellbeing - Others 		
23	Do you know any laws that address defilement?	Yes	No
24	Perception of penal code on GBV particularly : (a), too liberal, (b) strict, (c) right, (d) I do not know		
25	Justify your answer.....		
26	In terms of reparation, what do you think is the gap at policy level?		

27	In terms of reparation, what do you think is the gap at implementation level?
28	What do you think are the challenges for the handling of cases of defilement
29	What do you think can be done to overcome the issue of defilement?

ANNEX III. Questionnaire administrated to Perpetrators

I	Enumerator identification	
a.	Names of Enumerator	
b.	Code	
c.	Date	
d.	Signature	
e.	Starting time	
f.	Ending time	
II	Identification of the respondent and Location of the survey	
1.	Names (Optional)	
2.	E-mail address (Optional)	
3.	Telephone number (Optional)	
4.	Sex	Male/Female
5.	Age of the respondent	
a.		Below 18
b.		18-30 years old
c.		31-40 years old
d.		41-60 years old
e.		Above 60 years old
6.	Prison name:	Province
a.		District
b.		Sector
c.		Cell
d.		Village
7.	Education background	Bachelors' degree or above
a.		Secondary school
b.		Vocational training
c.		Primary school
d.		No formal school
8.	Relationship with victim	
a.		Parent
b.		Sister/brother
c.		Cousin
d.		Care taker
e.		Neighbor
f.		Others

III	Questions		
1	Sex of the victim	Male	Female
2	Age of the victim		
3	a. The causes of defilement: <ul style="list-style-type: none"> - Alcohol and other drugs - Cure HIV AIDS - Sex addiction and bad character - Cohabitation - Prostitution - Provocation - Sexual perversion - Poverty - Vengeance - Wickedness - Others 		
4.	Place where defilement occurs <ul style="list-style-type: none"> - At home - At school - On the way - Others 		
5	Have you been judged?	Yes	No
6	Have you provided any other kind of reparation to victims	Yes	No
7	If yes, which kind of reparation have provided		
8	If not, why		
9	What is your relationship with victim?: <ul style="list-style-type: none"> - Domestic workers - Child - Pupil/learner - Neighbor - Relative - Friends - Visitors - Others 		
10	Perception of penal code on GBV particularly defilement: Too liberal, strict, right, don't know		
11	In terms of reparation, what do you think is the gap at policy level?		

	<p>.....</p> <p>.....</p>
12	<p>In terms of reparation, what do you think is the gap at implementation level?</p> <p>.....</p> <p>.....</p> <p>.....</p>
13	<p>What are the other challenges for the cases of defilement?</p> <p>.....</p> <p>.....</p> <p>.....</p>
14	<p>What can be done to overcome the issue of defilement?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

ANNEX IV: Interview guide administrated to NHRC, RNP, NCC, RNP, Courts, MIGEPROF, GMO, NWC, Pro-femmes Twese Hamwe, victims and perpetrators

Themes of the interview:

1. Causes of defilement
2. Effects of defilement
3. Reparation for victims of gender based violence (defilement)
4. Gaps at policy level of gender based violence especially for defilement
5. Gaps at implementation levels of gender based violence especially for defilement
6. How to increase awareness of gender based violence especially defilement
7. Strategies to overcome the gender based violence facing minors in Rwanda
8. Perception on the penal code and on GBV particularly defilement in Rwanda